

In the Indiana Supreme Court

In the Matter of the Petition of the Courts
of Noble County for Administrative Rule 17
Emergency Relief.

Supreme Court Case No.
20S-CB-196



Order

The courts of Noble County (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that federal and state emergencies have been declared regarding the 2019 novel coronavirus (COVID-19, “the virus”), and that the Noble County Health Department has declared a local health emergency. The petition asks the Supreme Court to declare that an emergency exists in Noble County and to make appropriate emergency orders allowing the courts of Noble County to alter, modify, and suspend necessary procedures so as to appropriately address this emergency. The Hon. Michael J. Kramer has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Noble County, and APPROVES IN PART the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 19, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through April 20, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Noble County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through **April 20, 2020**. The courts of Noble County are directed to review **no later than April 13, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than through April 20, 2020** to allow adequate notification of the jury pool. If the courts of Noble County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 20, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective order proceedings, emergency CHINS proceedings and time sensitive CHINS fact-finding hearings, emergency juvenile detention hearings,

emergency custody and parenting-time motions, and other emergencies or matters deemed “urgent” in the courts’ discretion, to the extent consistent with the parties’ constitutional rights.

4. **Through April 20, 2020**, the courts of Noble County may, to the extent possible and without violating constitutional rights, utilize video conferencing.
5. **Through April 20, 2020**, the courts of Noble County may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
6. **Through April 20, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Noble County may do so without further leave of court upon filing “Notice of Remote Appearance” in the court in which the matter will be heard.
7. **Through April 20, 2020**, the courts of Noble County are authorized, in their discretion and subject to applicable constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
8. **Through April 20, 2020**, the courts of Noble County are authorized to post signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath;and directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols. However, the courts must allow individuals with legitimate court business to stay home and request a continuance by phone to the court or county clerk if they are ill, caring for someone who is ill, or in a high-risk category.
9. **Through April 20, 2020**, the Court authorizes conventionally filed pleadings in Noble County to be filed by mail or by depositing the filings in a drop box near the clerk’s office.

10. The courts of Noble County shall file a status update no later than **April 13, 2020** to inform this Court of whether there is an ongoing need for emergency relief.
Done at Indianapolis, Indiana, on 3/20/2020.



Loretta H. Rush
Chief Justice of Indiana