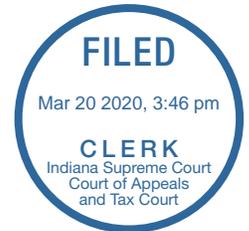


In the Indiana Supreme Court

In the Matter of the Petition of the
Avon Town Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-201



Order

The Avon Town Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that there have been four confirmed cases of 2019 novel coronavirus (COVID-19) in Hendricks County, with one of the cases being an Avon elementary school student; and the Court takes judicial notice that federal and state emergencies have been declared regarding the COVID-19 outbreak. It appears this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

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 Avon Town, 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 May 4, 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 Avon Town Court. 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 **May 4, 2020**. The Avon Town Court is directed to review **no later than April 17, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the Avon Town Court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **Through May 4, 2020**, Avon Town Court is authorized to suspend new juror orientations, existing jury panels, and or postpone jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category.

4. **Through May 4, 2020**, Avon Town Court is authorized to continue and/or reschedule non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases).
5. **Through May 4, 2020**, the Court authorizes Avon Town Court to use telephonic or video technology in lieu of in-person appearances, unless a party's constitutional rights would be violated.
6. **Through May 4, 2020**, Avon Town Court is authorized to issue summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.
7. **Through May 4, 2020**, Avon Town Court is authorized to consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
8. **Through May 4, 2020**, the Court authorizes Avon Town Court to allow any attorney to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
9. **Through May 4, 2020**, subject to applicable Constitutional limitations, Avon Town Court is authorized 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.
10. **Through May 4, 2020**, Avon Town Court is authorized to make clerk drop boxes available for conventionally filed documents and receipt of payments. The Court will maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
11. **Through May 4, 2020**, Avon Town Court shall allow individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
12. The Avon Town Court is 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 to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

13. The Avon Town Court shall file a status update **no later than April 24, 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