

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-210



Order

The Brownsburg Town Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that because of the 2019 novel coronavirus (COVID-19), federal and state emergencies have been declared regarding the COVID-19 outbreak, the World Health Organization has characterized COVID-19 as a pandemic, the Center for Disease Control has called for the cancellation of all in-person events over fifty (50) people for the next eight weeks, and the Town of Brownsburg has implemented suspension of all non-emergency access to public facilities. 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 the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Brownsburg Town Court, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 20, 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 Brownsburg 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 Brownsburg 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 Brownsburg Town Court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **Through May 4, 2020**, Brownsburg Town Court is authorized to continue and/or reschedule non-essential hearings (excluding emergency matters, domestic violence

hearings, and evidentiary hearings in criminal cases), subject to applicable Constitutional limitations.

4. **Through May 4, 2020**, Brownsburg 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.
5. **Through May 4, 2020**, Brownsburg 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.
6. **Through May 4, 2020**, subject to applicable Constitutional limitations, Brownsburg 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.
7. **Through May 4, 2020**, Brownsburg Town Court is authorized to receive payments for fines and judgments electronically or by mail. The Court will maintain sufficient operations to process emergency matters and mail received.
8. **Through May 4, 2020**, Brownsburg 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.
9. **Through May 4, 2020**, Brownsburg 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.

10. The Brownsburg 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 3/23/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana