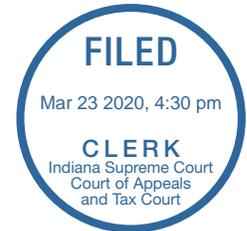


In the Indiana Supreme Court

In the Matter of the Petition of the
Union Circuit Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-212

Trial Court Case No.
81C01-2003-CB-2



Order

The Union Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states, in part, that federal and state officials have declared emergencies due to the 2019 novel coronavirus (“COVID-19”) and determined “drastic steps” including “social distancing” are required to halt the spread of the disease, and Union County has adopted a protocol that includes restricting access to the Union County Courthouse. The petition states the emergency will inhibit the litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Matthew R. Cox is the only presiding judge in Union County.

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 Union County, and APPROVES IN PART the plan as submitted. The Court 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 Union Circuit 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 Union Circuit 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 Union Circuit Court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes the Union Circuit Court in all criminal cases, subject to applicable Constitutional limitations, to immediately suspend pre-trial conferences and all non-essential hearings that will not result in resolution of the case; conduct any pre-trial and discovery hearings by counsel only; conduct attorney-only

conferences whenever reasonable without the need for a motion; allow attorneys to appear remotely by filing a “Notice of Remote Appearance” at least twenty-four hours prior to the hearing, and without the need to comply with Administrative Rule 14, subject to statutory or Constitutional limitations; require incarcerated defendants to appear via teleconference from jail for any hearings except contested sentencing hearings and jury trials; and continue all trials for non-incarcerated individuals.

4. **Through May 4, 2020**, this Court authorizes the Union Circuit Court in all civil cases, subject to applicable Constitutional limitations, to continue all bench trials and non-essential matters; use CourtCall or conference call to conduct hearings involving agreed issues; allow parties to appear remotely unless the party’s due process rights would be violated; allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearing by filing a “Notice of Remote Appearance” at least twenty-four hours prior to the hearing; allow attorney-only conferences whenever possible without the requirement of a motion; and suspend issuing body attachments and Title IV-D attachments.
5. **Through May 4, 2020**, this Court authorizes the Union Circuit Court in all juvenile cases, including CHINS, delinquency, and termination of parental rights, to continue all hearings except detention hearings, which may be held by audio or video conference, unless to do so would violate a litigant’s due process rights; and use video conferencing for all hearings, including factfinding hearings, when a parent is incarcerated, subject to applicable Constitutional limitations.
6. **Through May 4, 2020**, the Union Circuit Court is authorized, in its 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.
7. **Through May 4, 2020**, the Union Circuit Court 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.
8. The Union Circuit Court shall file a status update **no later than April 20, 2020**, to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/23/2020.



Loretta H. Rush
Chief Justice of Indiana