

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-215



Order

The Benton Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana and the Department of Health and Human Services have declared a public health emergency due to the 2019 novel coronavirus (COVID-19); the World Health Organization has declared COVID-19 a pandemic; and the Benton County health departments have advised that limiting unnecessary social contact will assist in preventing the spread of COVID-19. The petition appears to show that 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 Benton 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 20, 2020 and continuing through **May 4, 2020**:

1. This Court authorizes the tolling, from March 20, 2020 **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 Benton Circuit Court. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes the suspension or rescheduling of criminal and civil jury trials in the Benton Circuit Court, to the extent possible without violating Constitutional rights. The Benton 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 Benton Circuit Court believes continued suspension is necessary, it may petition this Court to extend the suspension. The Benton Circuit Court further is authorized to suspend new juror orientations, extend existing jury panels, and/or postpone jury service to a later date for jurors who are ill, caring for someone who is ill, or is in a high-risk category.
3. **Through May 4, 2020**, the Benton Circuit Court is authorized to continue and/or reschedule non-essential hearings, excluding emergency matters, domestic violence

hearings, and evidentiary hearings in criminal cases, to the extent possible without violating Constitutional rights.

4. **Through May 4, 2020**, the Benton Circuit Court is authorized to use telephonic or video technology in lieu of in-person appearances, to the extent possible without violating Constitutional rights.
5. **Through May 4, 2020**, in the event a presiding judge in Benton County is unable to serve due to COVID-19, and in the further event there is no senior judge available to serve, the Benton Circuit Court shall have the authority to allow the presiding judge in any Indiana County to exercise temporary special judge authority without the necessity of formal appointment by the presiding judge in each case and to allow any Indiana judge in active and good standing to exercise general jurisdiction over cases in Benton Circuit Court.
6. **Through May 4, 2020**, in the event a presiding judge in Benton County is unable to serve due to COVID-19 and no judge or senior judge is available upon attempted inquiry by one or both court reporters of the Benton Circuit Court, one of the two court reporters shall immediately contact the Chief Administrative Officer of the Indiana Supreme Court or his designee.
7. **Through May 4, 2020**, the Benton Circuit Court is authorized to issue summonses in lieu of bench warrants or notices of failure to appear.
8. **Through May 4, 2020**, the Benton Circuit Court is authorized to conduct via video CHINS and termination hearings where the parent is incarcerated.
9. **Through May 4, 2020**, the Benton Circuit Court is authorized to consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness; (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.
10. **Through May 4, 2020**, the Benton Circuit Court is authorized to allow any attorney wishing to appear remotely for any status conference or non-evidentiary hearing to do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard. The Benton Circuit Court further is authorized to allow individuals with court business to stay home and request a continuance telephonically if they are ill, caring for someone who is ill, or is in a high-risk category.
11. **Through May 4, 2020**, the Benton Circuit Court is authorized, subject to applicable Constitutional limitations, to limit spectators (other than parties, their attorneys, and any other statutorily-contemplated attendees) in courtrooms to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
12. **Through May 4, 2020**, the court clerks are authorized to make drop boxes available for conventionally-filed documents.

13. **Through May 4, 2020**, the Benton Circuit Court is authorized to post signage at public entry points to judicial facilities advising persons 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 and court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
14. The Benton 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