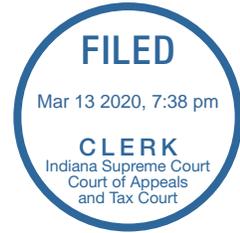


In the
Indiana Supreme Court



In the Matter of the Petition of the
Delaware Circuit Courts and Muncie City
Court for Administrative Rule 17
Emergency Relief.

Supreme Court Case No.
20S-CB-114

Order

The Delaware Circuit Courts and Muncie City Court have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that a state of emergency has been declared in Indiana concerning the 2019 novel coronavirus (COVID-19), and that the Delaware County Health Department has declared a local health emergency. The petition states that the Honorable Marianne Vorhees has been appointed as the presiding judge for this emergency, and it requests that emergency relief be granted until June 12, 2020.

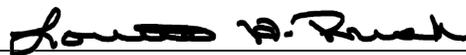
It appears from the petition that compliance with appropriate public-health practices will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Court therefore finds that good cause exists for granting emergency relief. However, the Court finds the requested duration of the emergency plan to be unwarranted based on information known at this time.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in the Delaware Circuit Courts and Muncie City Court ("Delaware Courts"), 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, beginning March 16, 2020 and **through April 17, 2020**:

1. The Court authorizes the tolling 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 Delaware Courts. Further, no interest shall be due or charged during this tolled period.
2. The Court authorizes the Delaware Courts in **criminal** cases to:
 - a. continue all pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
 - b. hold pre-trial and discovery status hearings by counsel only;
 - c. allow attorney-only conferences whenever possible without the requirement of a motion;
 - d. allow counsel to appear remotely by CourtCall or conference call by filing a "Notice of Remote Appearance" at least 24 hours prior to the scheduled hearing;

- e. have defendants appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials;
 - f. continue trials for non-incarcerated individuals; and
 - g. continue all jury trials until **no later than May 4, 2020** to allow adequate notification of the jury pool.
3. The Court authorizes the Delaware Courts in **civil** cases, in their discretion, to:
- a. continue all jury trials until **no later than May 4, 2020** to allow adequate notification of the jury pool;
 - b. continue all bench trials;
 - c. continue all non-essential matters;
 - d. use CourtCall or conference call to:
 - i. conduct hearings that involve agreed issues;
 - ii. allow parties to appear remotely, unless a litigant's due process rights would be violated; and
 - iii. 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 24 hours prior to the scheduled hearing;
 - e. allow attorney-only conferences whenever possible without the requirement of a motion;
 - f. suspend issuing civil body attachments and Title IV-D attachments; and
 - g. utilize video conferencing in Juvenile Court for all fact-finding and termination hearings in Child in Need of Services (CHINS) cases where either parent is in the Delaware County Jail.
4. The Court authorizes the Delaware Courts, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Delaware County Justice Center, Title IV-D Court, Juvenile Court, and Muncie City Court, **to the extent necessary to provide adequate social distancing.**
5. The Delaware Courts shall file a status update **no later than April 16, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/13/2020.



Loretta H. Rush
Chief Justice of Indiana