

In the Indiana Supreme Court



In the Matter of the Petition of the
Courts of Owen County for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-120

Order

The courts of Owen County *en banc* 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 relating to the 2019 novel coronavirus (COVID-19), with many school closures statewide to prevent transmission of the virus; that the Owen County Health Department has advised against unnecessary social contact. It appears from the petition that this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

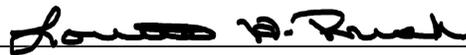
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Owen 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 16, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 16, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Owen County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal jury trials (including those with a "fast and speedy" setting requested), and civil jury and bench trials, through **May 4, 2020**. The courts of Owen County are directed to review **no later than April 16, 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 courts of Owen County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 16, 2020**, the courts of Owen County are authorized, in their discretion, to continue all criminal and civil hearings they deem in their discretion to be non-essential, and to consider a party's bona fide wish to avoid unnecessary social contact to be good cause for continuances by the court under Indiana Trial Rule 53.5.

4. **Through April 16, 2020**, the courts of Owen County are authorized in criminal cases to have defendants appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials, or if the appearance would violate a party's constitutional rights.
5. **Through April 16, 2020**, the courts of Owen County are authorized in all civil matters to allow parties to appear and to conduct hearings that involve agreed issues via CourtCall or conference call to the extent possible without violating a party's constitutional rights.
6. **Through April 16, 2020**, the courts of Owen County are authorized in all cases, without requiring a motion, to allow attorney-only conferences (including pre-trial and discovery status hearings in criminal cases; and status conferences, pre-trial conferences, and non-evidentiary hearings in civil cases); and to allow attorneys to appear remotely without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard at least 24 hours prior to the scheduled hearing.
7. Pursuant to paragraph 1 above, the courts of Owen County **through April 16, 2020** are authorized in their discretion to set or reset non-adjudicatory and non-detention CHINS and delinquency proceedings, and juvenile termination hearings, outside statutory timeframes that would otherwise apply.
8. **Through April 16, 2020**, the courts of Owen County are authorized to suspend all civil body attachments and Title IV-D attachments.
9. **Through April 16, 2020**, the courts of Owen County are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation, their attorneys, and statutorily contemplated witnesses, *e.g.*, domestic violence advocates, foster parents, and victims) in courtrooms to the extent necessary to provide adequate social distancing.
10. The courts of Owen County shall file a status update **no later than April 14, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



Loretta H. Rush

Chief Justice of Indiana