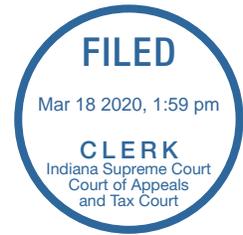


In the
Indiana Supreme Court



In the Matter of the Petition of the
LaPorte Circuit and Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-00128

Order

The LaPorte Circuit and Superior Courts (“the courts”) 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); that COVID-19 has been declared a pandemic; that the Center for Disease Control and Prevention (CDC) recommends that gatherings of over 50 people not take place; and that the LaPorte County courthouses do not have adequate sanitizing or hygiene stations or supplies for the dozens of jurors that would be needed for jury selection or other social distancing. 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 Honorable Michael Bergerson has been appointed as the presiding Judge for this emergency.

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 LaPorte County, and APPROVES IN PART the plan as submitted, **with the date modifications indicated below**. 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 May 4, 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 LaPorte Circuit and Superior Courts. Further, no interest shall be due or charged during this tolled period.
2. The courts are authorized to hold pretrial and other status hearings by telephone and counsel only. Defendants may appear via telephone or remote video for any necessary hearings to the extent such appearance will not violate a party’s constitutional rights.
3. Effective the date the petition was filed and through **May 4, 2020**, this Court authorizes immediate suspension of all criminal and civil jury trials. The courts are 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 courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

4. **Through May 4, 2020**, the courts are authorized to allow parties to appear remotely via CourtCall or conference call for all civil matters, including mental health hearings, to the extent consistent with the parties' constitutional rights. All non-essential civil hearings may be continued or may be conducted by telephone or video conference.
5. **Through May 4, 2020**, the courts are authorized to enter *ex parte* orders extending any order of protection under the Indiana Civil Protection Order Act that expires during this emergency. The scope of such *ex parte* extensions, however, must be limited to relief that would be authorized under Indiana Code § 34-26-5-9.
6. **Through May 4, 2020**, the courts are authorized to utilize video or teleconferencing for all juvenile court factfinding or CHINS termination hearings where the parents are incarcerated. All non-adjudicatory, non-detention CHINS, termination, and delinquency proceedings may be set or reset outside statutory timeframes pursuant to Paragraph 1 of this order, as deemed necessary by the Juvenile Court.
7. **Through May 4, 2020**, the courts are authorized to suspend further issuance of civil body attachments and Title IV-D attachments.
8. **Through May 4, 2020**, with respect to any essential evidentiary hearings or trials, the courts are authorized to consider the existence of flu-like symptoms in any attorney, self-represented litigant, or witness, or exposure to such individuals by anyone who has or may have had COVID-19, to be good cause for continuance to the extent possible without violating statutory or constitutional rights.
9. The LaPorte Circuit and Superior Courts shall file a status update **no later than April 27, 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