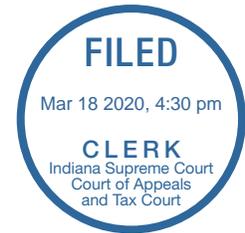


# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-134

## Order

The Tipton Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of Indiana has declared an emergency due to the novel coronavirus (COVID-19); that the World Health Organization has declared COVID-19 a pandemic; and that the Tipton County Health Department has declared a local health emergency. It appears from the petition that this emergency is likely to inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Thomas R. Lett is 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 Tipton 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 May 1, 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 Tipton 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 or bench trials, including those with a "fast and speedy" setting requested, through **May 1, 2020**. The Tipton Circuit Court is 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 1, 2020** to allow adequate notification of the jury pool. If the Tipton Circuit Court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **Through May 1, 2020**, this Court authorizes immediate suspension of criminal hearings deemed non-essential in the Tipton Circuit Court's discretion.
4. **Through May 1, 2020**, the Tipton Circuit Court is authorized to allow criminal defendants to appear via teleconference from the Tipton County Jail for any hearings

except contested sentencing hearings and jury trials and to the extent a party's constitutional rights will not be violated.

5. **Through May 1, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective orders, emergency child in need of services (CHINS) proceedings, juvenile CHINS and juvenile delinquency detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed "urgent" in the court's discretion.
6. **Through May 1, 2020**, the Tipton Circuit Court is authorized in all civil matters to allow parties to appear remotely by conference call to the extent no party's constitutional rights will be violated; to continue pre-trial conferences and non-essential hearings that will not result in a resolution of a case; and to continue all non-essential civil matters in the court's discretion.
7. **Through May 1, 2020**, the Tipton Circuit Court is authorized in all matters to conduct hearings involving agreed issues by conference call; to exercise flexibility on continuance requests, and to allow attorney-only conferences whenever possible without the requirement of a motion.
8. **Through May 1, 2020**, the Tipton Circuit Court is authorized to allow any attorney wishing to appear remotely for any criminal pre-trial or discovery status hearing, or for any civil status conference or non-evidentiary hearing to do so without further leave of court upon filing a "Notice of Remote Appearance."
9. **Through May 1, 2020**, the Tipton Circuit Court is authorized to utilize video conferencing in Juvenile Court for all fact-finding hearings and termination hearings in CHINS cases where either parent is in the Tipton County Jail.
10. **Through May 1, 2020**, the Tipton Circuit Court is authorized to suspend issuing all body attachments and Title IV-D attachments.
11. **Through May 1, 2020**, the Tipton 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.
12. **Through May 1, 2020**, the Tipton 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.
13. The Tipton Circuit Court is authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to process emergency matters.

14. The Tipton 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 3/18/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana