

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-140



Order

The Jasper Circuit and Superior Court *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a Public Health Emergency due to the COVID-19 virus (“the virus”) and restricted all non-essential public gatherings of more than 50 individuals; the World Health Organization had declared the virus to be a pandemic; the Jasper County Health Department has declared a local health emergency; the school corporations located in Jasper County have closed beginning March 16, 2020 to April 6, 2020; and the Jasper County Commissioners are planning to institute measures to protect county employees and the public which includes limiting access to the courthouse during the public health emergency while ensuring the essential governmental functions are conducted.

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 Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in the Jasper County, and APPROVES 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 Jasper Circuit and Jasper Superior Courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension and or rescheduling of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through **May 1, 2020**, subject to applicable Constitutional limitations. The Jasper Circuit and Jasper Superior Courts 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 1, 2020** to allow adequate notification of the jury pool. If the Jasper Circuit and

Jasper Superior Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 1, 2020**, this Court authorizes suspension of new juror orientations, extension of existing jury panels, and or postponement of jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category.
4. **Through May 1, 2020**, this Court authorizes continuing and or rescheduling non-essential hearings, excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases. The Jasper Circuit and Jasper Superior Courts will remain open to process emergency issues, protective orders, mental health, and other necessary criminal and juvenile hearings and other emergency matters.
5. **Through May 1, 2020**, this Court authorizes the use of telephonic or video technology in lieu of in-person appearance, unless a litigant's due process rights would be violated.
6. **Through May 1, 2020**, this Court authorizes the issuance of summonses in lieu of bench warrants or notices of failure to appear.
7. **Through May 1, 2020**, this Court authorizes the Jasper Circuit and Jasper Superior Courts to consider:
 - a. the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify;
 - b. exposure of such individuals to anyone who has or may have the virus; 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.
8. **Through May 1, 2020**, this Court authorizes allowing any attorney wishing to appear remotely (e.g. through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard. If an attorney appears on behalf of a client, then the court would excuse the client being present for a pre-trial conference or pre-Fact-Finding hearing or omnibus hearings.
9. **Through May 1, 2020**, this Court authorizes the Jasper Circuit and Jasper Superior Courts, subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Jasper County Courthouse and its courtrooms to the extent necessary to provide adequate social distancing.
10. **Through May 1, 2020**, this Court authorizes signage to be posted at all public entry points to judicial facilities advising individuals 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 Centers for Disease Control and Prevention ("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 the virus 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 the virus, or
 - f. Has a fever, cough, or shortness of breath;
- and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
11. **Through May 1, 2020**, this Court authorizes allowing individuals with legitimate court business to stay home and request a continuance by telephone to the respective court if they are ill, caring for someone who is ill, or in a high-risk category.
 12. **Through May 1, 2020**, this Court authorizes providing sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables.
 13. **Through May 1, 2020**, this Court authorizes suspending the issuance of all civil body attachments and the Title IV-D attachments.
 14. **Through May 1, 2020**, this Court authorizes the use of video or telephone conferencing in Juvenile Court for all fact-finding and termination hearings in CHINS cases where either parent is in the Jasper County Jail.
 15. **Through May 1, 2020**, this Court authorizes setting or re-setting of non-adjudicatory, non-detention Juvenile CHINS and Delinquency Proceedings outside the statutory timeframe as deemed necessary by the Juvenile Court.
 16. **Through May 1, 2020**, this Court authorizes setting or re-setting Juvenile Termination hearings outside the statutory timeframes as deemed necessary by the Court.
 17. **Through May 1, 2020**, this Court authorizes the Jasper Circuit and Jasper Superior Courts to require a settlement conference be conducted between the parties and their attorneys by telephone, internet, or in person, if feasible, in any Family law matter, prior to requesting any court time for a necessary hearing.
 18. **Through May 1, 2020**, this Court authorizes the Jasper Circuit and Jasper Superior Courts to require witnesses, especially professional witness service providers, to appear by telephone pursuant to administrative rules unless good cause is shown why they should appear and testify in person.
 19. The Jasper Circuit and Jasper Superior Court shall file a status update **no later than April 29, 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