

In the Indiana Supreme Court

In the Matter of the Petition of the
Fountain Circuit Court, Parke Circuit
Court, Vermillion Circuit Court, and
Warren Circuit Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-147



Order

The Fountain, Parke, Vermillion, and Warren Circuit Courts, as courts comprising a portion of Administrative District 11, have jointly petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Secretary of the Department of Health and Human Services has declared a national public health emergency, and the State of Indiana has also declared an emergency, due to 2019 novel coronavirus (COVID-19). The County Health Departments have advised that limiting unnecessary social contact will assist in preventing the transmission of the virus, and the County Commissioners have implemented or are reviewing the appropriate steps to limit public access to each County Courthouse to prevent the transmission of the virus. Because of the petitioning counties' limited judicial resources, it is critical that precautions be taken so that essential operations can continue without interruption. It appears from the petition that this emergency inhibits litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

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

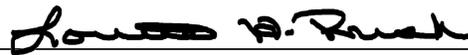
Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Fountain, Parke, Vermillion, and Warren Counties, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 17, 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 Fountain, Parke, Vermillion, and Warren Circuit Courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through **May 4, 2020**. The Fountain, Parke, Vermillion, and Warren Circuit 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 4, 2020** to allow adequate notification of the jury pool. If the Fountain, Parke, Vermillion, and Warren Circuit Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 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 4, 2020**, this Court authorizes continuing and or rescheduling non-essential hearings, excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases. These Circuit 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 4, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective orders proceedings, emergency CHINS proceedings and time sensitive CHINS fact-finding hearings, emergency juvenile detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed “urgent” in the courts’ discretion.
6. **Through May 4, 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.
7. **Through May 4, 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 these county jails.
8. **Through May 4, 2020**, this Court authorizes the issuance of summonses in lieu of bench warrants or notices of failure to appear.
9. **Through May 4, 2020**, the Fountain, Parke, Vermillion, and Warren Circuit Courts are authorized, in their 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.
10. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in Fountain, Parke, Vermillion, and Warren Circuit Courts may do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard.
11. **Through May 4, 2020**, the Fountain, Parke, Vermillion, and Warren Circuit Courts 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 the virus; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
12. **Through May 4, 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.
13. **Through May 4, 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.
 14. The Fountain, Parke, Vermillion, and Warren Circuit Courts are 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. Each county is authorized to accept filing by a drop box located in their courthouse.
 15. In the event a presiding judge of one of the four petitioning counties is unable to serve due to COVID-19 related health issues, including quarantine or mandatory self-isolation, the Court authorizes the judges of the other petitioning courts to exercise general jurisdiction over any and all cases in each other’s courts.
 16. The Fountain, Parke, Vermillion, and Warren Circuit Courts shall jointly 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 3/18/2020.



Loretta H. Rush
Chief Justice of Indiana