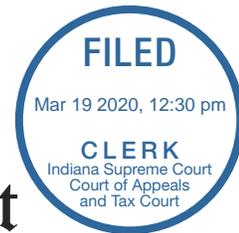


In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-156

Order

The Circuit and Superior Courts of Dearborn County (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that Governor Holcomb has declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19, “the virus”), the President has declared an emergency relating to the virus, all schools in Dearborn County have been closed with undetermined reopening dates in response to the virus, and the Dearborn County Commissioners have issued a public notice strongly urging citizens to refrain from visiting the Dearborn County Government Center where the courts are located unless citizens have urgent business that cannot wait until this pandemic is under control. The Hon. Sally A. McLaughlin has been appointed presiding judge for this emergency.

It appears from the petition that this emergency will inhibit the 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 Dearborn County, and APPROVES IN PART the plan as set out below. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 18, 2020 through April 17, 2020**. This Court authorizes:

1. Tolling, from March 18, 2020 through April 17, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts.
2. Continuing all civil and criminal trials scheduled from March 18, 2020 through April 17, 2020, and extending existing jury panels through June 30, 2020 unless the courts find need to call a new panel. The courts are directed to review **no later than April 6, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 17, 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.

3. Continuing and/or rescheduling non-essential hearings as determined in each Court's discretion, with urgent and emergency matters being held in, including but not limited to, criminal hearings of defendants in custody, domestic violence proceedings, detained juveniles, emergency CHINS hearings, and such other hearings and/or proceedings as determined by each court.
4. Allowing the courts to share staff and the Judge and Magistrate of the Circuit Court and the Judge of Superior Court 1 and Judge of Superior Court 2 to exercise general jurisdiction in the other's court.
5. Using telephonic or video technology in lieu of in-person appearances unless a litigant's constitutional rights would be violated. This may include guilty pleas and sentencing when agreed by all parties and the Court determines meaningful consultation can occur with counsel and there are findings of an emergent public health concern.
6. Allowing the courts in their discretion to issue summons in lieu of bench warrants or notices of failure to appear.
7. Allowing attorneys, self-represented litigants, and witnesses to appear remotely, where consistent with Constitutional rights; allowing the courts to continue hearings when there is a risk of exposure of an individual to the virus; and allowing the courts, in their discretion, to permit non-evidentiary hearings through teleconferencing as requested by any attorney or self-represented litigant on request without a formal motion and order.
8. Allowing the courts, 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.
9. Allowing the clerk of courts to provide deposit boxes for conventionally filed documents.
10. Allowing the posting of signage 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 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 COVID-19 has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath;and directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
11. Permitting persons with legitimate court business to request a continuance by phone to the court staff or clerk if they are ill, caring for someone who is ill, or in a high-risk category.

12. Allowing courts to hold all status and pre-trial hearings telephonically unless the court determines an in-person hearing is required, subject to applicable Constitutional limitations.
13. Allowing Problem Solving Courts, Court A&D Programs, Probation, Southeastern Community Corrections, and Jail Chemical Addiction Program (JCAP) to provide services through videoconferencing and/or telephonically and requiring them to modify, as appropriate, practices to promote the health and safety of the community and participants to mitigate exposure to the virus as reviewed and/or requested by the courts, subject to the parties' applicable Constitutional rights.
14. Allowing courts to permit their staff to work off-site, where can be accommodated, and to require that staff who are at high risk or have been exposed to the virus will not work on-site.
15. The courts 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 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana