

In the Indiana Supreme Court

In the Matter of the Petition of the
Washington County Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-159



Order

The Washington Superior and Circuit Courts (“the courts”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17 and this Court’s March 16, 2020 order under Case No. 20S-CB-123. The petition states that the courts are working with county officials to develop a plan consistent with state and federal objective to facilitate social distancing to prevent the spread of the 2019 novel coronavirus (COVID-19). This Court takes judicial notice of the declaration of a public health emergency in Indiana and nationwide relating to COVID-19. 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 Washington 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 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, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the 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 courts are directed to review **no later than April 13, 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.
3. **Through April 16, 2020**, the courts are authorized to suspend new juror orientations, extend existing jury panels, and postpone 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 April 16, 2020**, the courts are authorized to immediately suspend all proceedings they deem in their discretion to be non-essential. “Essential” proceedings

shall include matters involving violence, threat of violence, and other emergencies that require expedited judicial attention.

5. **Through April 16, 2020**, the courts are authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. **Through April 16, 2020**, the 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 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.
7. **Through April 16, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the 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.
8. **Through April 16, 2020**, the 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.
9. **Through April 16, 2020**, the courts may allow litigants that are ill, caring for someone who is ill, or in a high-risk category for COVID-19 to request a continuance by telephone.
10. **Through April 16, 2020**, the courts and the Washington County Clerk are authorized to utilize a drop box for conventional paper filed documents.
11. **Through April 16, 2020**, the courts are authorized to post 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 had contact with anyone who has been diagnosed with COVID-19; or
 - f. 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 the protocols described above.
12. **Through April 16, 2020**, the Court authorizes each of the judges of the Washington County Courts to exercise general jurisdiction over any and all cases in each other's courts.

13. The Washington County Courts shall file a status update **no later than April 13, 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