

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-161

Order

The courts of Tippecanoe County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states, in part, that the President and Governor have declared health emergencies related to the 2019 novel coronavirus (“COVID-19”); the Centers for Disease Control (“CDC”) and the Tippecanoe Health Department have determined “social distancing” is necessary to minimize the spread of the virus; and the CDC has recommended events involving 50 or more persons be postponed. The petition indicates that this emergency may inhibit the litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Michael Morrissey and Honorable Steven Meyer have been appointed as the co-presiding Judges for this emergency.

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 Tippecanoe County, and APPROVES IN PART the plan as submitted. The Court 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 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 of Tippecanoe County. 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 of Tippecanoe County are directed to review **no later than April 20, 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 of Tippecanoe County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes immediate suspension of all non-essential hearings in civil and criminal cases, excluding hearings related to: quarantine/

isolation; protection orders; emergency custody or guardianship; emergency injunctive relief; civil commitments; firearm seizures; juvenile detentions; criminal initial hearings if the defendant is in custody; criminal bail review; criminal pretrial, guilty plea, or sentencing hearings that might resolve the case or result in release from custody; and other emergency matters as determined in the discretion of the presiding judge.

4. **Though May 4, 2020**, the courts of Tippecanoe County 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; to prohibit tour groups, student groups, or other large groups of persons (including large wedding groups) from entering the Tippecanoe County Courthouse to the extent necessary to provide adequate social distancing; and to exclude spectators from the jail courtroom and gallery area inside the Tippecanoe County Jail to reduce the risk of exposure inside the jail.
5. **Though May 4, 2020**, the courts of Tippecanoe County are authorized to use telephonic or video technology in lieu of in person appearances when necessary to avoid transporting a defendant from another county jail or the Indiana Department of Correction to the Tippecanoe County jail, to the extent this is possible without violating statutory or Constitutional rights.
6. **Though May 4, 2020**, the courts of Tippecanoe County are authorized to use telephonic or video technology in lieu of in person appearances, including in Child in Need of Services and termination fact-finding hearings when either parent is in jail, unless a litigant's constitutional rights would be violated.
7. **Through May 4, 2020**, the courts of Tippecanoe County 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.
8. **Through May 4, 2020**, the judges of the courts of Tippecanoe County, excluding the West Lafayette City Court judge, are authorized to exercise general jurisdiction over any and all cases in each other's courts.
9. **Through May 4, 2020**, the courts of Tippecanoe County are authorized to conduct case management hearings and pre-trial conferences by counsel only, unless otherwise ordered by the presiding judge.
10. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the courts of Tippecanoe County 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 courts of Tippecanoe County are authorized to issue summons in lieu of bench warrants or notices of failure to appear; and to suspend issuing civil body attachments and Title IV-D attachments.
 12. **Through May 4, 2020**, the courts of Tippecanoe County are authorized to extend the initial hearing dates given to persons cited or released.
 13. **Through May 4, 2020**, the courts of Tippecanoe County are authorized to develop, in conjunction with the Tippecanoe County Health Department, a reasonable screening protocol for all persons (including staff) entering the Courthouse and to direct courthouse bailiffs in accordance with that protocol to deny entrance to individuals who present a health danger to others.
 14. **Through May 4, 2020**, the courts of Tippecanoe County and the Tippecanoe County Clerk are authorized to utilize drop boxes for conventionally filed documents.
 15. The courts of Tippecanoe County 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 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana