

In the  
**Indiana Supreme Court**



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

Supreme Court Case No.  
20S-CB-168

**Order**

The Courts of Sullivan County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that because of 2019 novel coronavirus (COVID-19), a federal and State emergency has been declared, the World Health Organization has declared the virus a pandemic, the Center for Disease Control has determined social distancing is a necessary to further spread the virus, and Indiana University and Purdue University have canceled the remainder of the spring semester. The petition states that this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

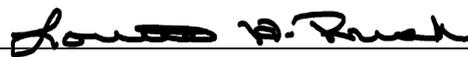
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Sullivan 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 17, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 20, 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 Sullivan County. The courts of Sullivan County are allowed to set or re-set non-adjudicatory, non-detention CHINS and juvenile delinquency proceedings outside the statutory timeframe. 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 Sullivan County 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 of Sullivan County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 20, 2020**, this Court authorizes the courts of Sullivan County, in their discretion, to continue all civil and criminal hearings they deem non-essential (including non-adjudicatory and non-detention CHINS and juvenile delinquency proceedings, pursuant to Paragraph 1 above). The courts may also exercise flexibility on requests for continuances and consider a party's bona fide wish to avoid unnecessary social contact to be good cause for continuances by the court under Indiana Trial Rule 53.5.
4. **Through April 20, 2020**, this Court authorizes the courts of Sullivan County to hold civil and criminal pre-trial and discovery status hearings by counsel only when the parties are represented by counsel and, in the courts' discretion, to have defendants appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials and unless a party's constitutional rights would be violated.
5. **Through April 20, 2020**, the courts of Sullivan County are authorized in all civil matters to use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. **Through April 20, 2020**, the courts of Sullivan County are authorized to allow 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 at least 24 hours prior to the scheduled hearing.
7. **Through April 20, 2020**, subject to applicable constitutional limitations, the courts of Sullivan County are authorized to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing. Persons who exhibit symptoms of illness potentially indicating the virus will be denied entrance or asked to leave.
8. The Courts of Sullivan County shall file a status update **no later than April 17, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/19/2020.



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Loretta H. Rush

Chief Justice of Indiana