

In the Indiana Supreme Court

In the Matter of the Petition of the
Starke Circuit Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-169



Order

The Starke Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that:

1. The novel coronavirus 2019 (COVID-19) is a severe respiratory illness. It is a rapidly spreading virus that is transmitted from human-to-human and results in symptoms ranging from fever, cough, acute respiratory distress, pneumonia, and even death. A vaccine or drug is currently not available for the virus.
2. The World Health Organization ("WHO") declared the virus outbreak a "Public Health Emergency of International Concern" and a worldwide pandemic.
3. The Center for Disease Control and Prevention (CDC) determined the virus presents a serious health threat and currently recommends community preparedness and everyday prevention measures be taken.
4. The CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being inundated.
5. The Governor of Indiana has declared a Public Health Emergency.
6. In the State of Indiana, the two largest public universities, Indiana University and Purdue University, have cancelled all in person classes for the remainder of the 2019-20 school year.

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 Starke 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 Starke Circuit Court. Further, no interest shall be due or charged during this tolled period.

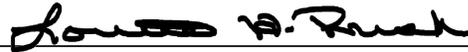
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through **May 4, 2020**. The Starke Circuit Court is directed to review **no later than April 17, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the Starke Circuit Court believes continued suspension is necessary, it may petition this Court to extend the suspension.
3. **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. The Starke Circuit Court will remain open to process emergency issues, protective orders, mental health, and other necessary criminal and juvenile hearings and other emergency matters.
4. **Through May 4, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective order 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 “essential” in the courts’ discretion.
5. **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.
6. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in Starke Circuit Court 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.
7. **Through May 4, 2020**, the Starke Circuit Court is 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.
8. **Through May 4, 2020**, the Starke Circuit Court 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.
9. **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.
10. **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.

11. The Starke Circuit Court shall file a status update **no later than April 24, 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