

# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-171

Trial Court Case No.  
34C01-2003-CB-00638

## Order

The courts of Howard County *en banc* (“the courts”), after discussions with local stakeholders, have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that national and State emergencies have been declared regarding outbreak of the 2019 novel coronavirus (COVID-19) and public health authorities have recommended “social distancing” as an effective strategy for the prevention of the further spread of the virus; that all school districts in Howard County, including Indiana University-Kokomo, have been closed for at least one month; and the courts hold hearings and proceedings wherein numerous people enter the county courthouse through a central entrance point and congregate in public areas of the courthouse. The petition asks the Supreme Court to declare that an emergency exists in Howard County and to make appropriate emergency orders for Howard County directing and allowing the courts of Howard County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. Lynn Murray has been appointed as the presiding Judge for this emergency.

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 Howard County, and APPROVES IN PART 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 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 Howard 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 **April 20, 2020**. The courts of Howard 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 April 20, 2020** to allow adequate notification of the jury pool. If the courts of Howard County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 20, 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 “urgent” in the courts’ discretion.
4. **Through April 20, 2020**, the courts of Howard 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.
5. **Through April 20, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Howard County may do so without further leave of court. No formal motion shall be required and notice of remote appearance shall suffice.
6. **Through April 20, 2020**, the courts of Howard 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.
7. **Through April 20, 2020**, this Court authorizes the courts of Howard County, subject to applicable constitutional limitations, to utilize video conferencing to conduct hearings for individuals incarcerated at the Howard County Criminal Justice Center and Kinsey Youth Center.
8. The courts of Howard County 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.



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Loretta H. Rush

Chief Justice of Indiana