

In the
Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-174

Order

The Courts of Newton 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 State emergency has been declared, the World Health Organization has declared the virus is a pandemic, the Newton County school corporations have closed through April 6, 2020, and the Newton County Commissioners have instituted measures to protect county employees and the public while ensuring the essential government functions are conducted. It appears 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 the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Newton 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 1, 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 Newton 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 1, 2020**. The Courts of Newton County are 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 1, 2020** to allow adequate notification of the jury pool. If the Courts of Newton County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 1, 2020**, the courts of Newton County are authorized to suspend new juror orientation, extend existing jury panels, and/or 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 May 1, 2020**, the courts of Newton County are authorized to continue all hearings they deem in their discretion to be non-essential, excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases.
5. **Through May 1, 2020**, the courts of Newton County are authorized in juvenile and family law proceedings to:
 - a. Use videoconferencing for fact-finding and termination hearings in CHINS cases, where either parent is in the Newton County Jail, the proceeding will be held by videoconference, unless a litigant's due process rights would be violated.
 - b. Set or re-set non-adjudicatory, non-detention CHINS, termination of parental rights, and juvenile delinquency proceedings outside of statutory timeframes pursuant to Paragraph 1 above.
 - c. Require the parties in any family law matter, including Title IV-D cases, to first conduct a settlement conference by telephone, internet, or in person if feasible.
6. **Through May 1, 2020**, the courts of Newton County are authorized to use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
7. **Through May 1, 2020**, the courts of Newton County are authorized to issue summonses in lieu of bench warrants or notices of failure to appear, and to suspend issuing all civil body attachments and Title IV-D attachments.
8. **Through May 1, 2020**, allow the courts of Newton County to consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; 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 1, 2020**, the courts of Newton 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. If an attorney appears on behalf of a client, the courts shall excuse the client being present for a pre-trial conference, pre-factfinding hearing, or omnibus hearings.
10. **Through May 1, 2020**, the courts of Newton 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 and the Newton County Courthouse to the extent necessary to provide adequate social distancing.
11. **Through May 1, 2020**, the courts of Newton County 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 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. 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.
12. **Through May 1, 2020**, the courts of Newton County are authorized to allow individuals with legitimate court business to stay home and request a continuance by phone if they are ill, caring for someone who is ill, or in a high-risk category.
13. **Through May 1, 2020**, the Court authorizes each of the judges of Newton County to exercise general jurisdiction over any and all cases in each other's courts.
14. The courts of Newton County may provide sanitation materials, such as hand sanitizer or bleach, at all courtroom entrances and counsel tables.
15. The Courts of Newton County shall file a status update **no later than April 29, 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