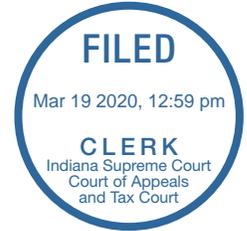


In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-180

Order

The Spencer Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that national and state emergencies have been declared regarding the 2019 novel coronavirus (COVID-19) outbreak, with county officials closing schools and the county commissioners ordering restricted access to the county courthouses to comply with public health recommendations. 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 Spencer County, and APPROVES 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 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 Spencer 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 Spencer Circuit Court are directed to review **no later than April 16, 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 Spencer Circuit Court believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes continuing and or rescheduling non-essential hearings, excluding: initial hearings in criminal cases, initial hearings or continued initial hearings in CHINS cases, initial hearings in juvenile delinquency cases; emergency bond or other hearings for juveniles and adults in detention or custody, civil commitments or mental health orders, emergency guardianship proceedings, emergency domestic violence cases, and other emergency/evidentiary

hearings in the court's discretion. The court will continue receiving and processing search warrant orders, probable cause findings, detention orders, arrest warrants, and other necessary criminal and juvenile hearings and other emergency matters.

4. **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. This shall include most regularly scheduled probation appointments and most hearings for individuals incarcerated at the Spencer County Law Enforcement Center.
5. **Through May 4, 2020**, this Court authorizes the issuance of summonses in lieu of bench warrants or notices of failure to appear.
6. **Through May 4, 2020**, the Spencer Circuit Court is authorized, in its 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, including by restricting court hearings to 10 people or fewer (not including court staff).
7. **Through May 4, 2020**, the Spencer 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.
8. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in Spencer 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.
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 Spencer Circuit Court are authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to process emergency matters.

12. The Spencer 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