

In the Indiana Supreme Court

In the Matter of the Petition of the
Jackson County Circuit and Superior
Courts for Administrative Rule 17
Emergency Relief.

Supreme Court Case No.
20S-CB-187



Order

The Jackson County Circuit and Superior Courts *en banc* (“the courts”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that federal and state emergencies have been declared regarding to the 2019 novel coronavirus (COVID-19); the CDC has determined that social distancing and other drastic steps are immediately required to combat further spread of COVID-19; and that the physical design and seating in the courts, when at or near capacity, prevent social distancing. The petition appears to show that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Bruce A. MacTavish 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 Jackson 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 18, 2020**:

1. This Court authorizes the tolling, from the effective date of this order **through April 15, 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 Jackson County Courts. 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 **through April 15, 2020**. The courts are directed to review **no later than April 8, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 15, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 15, 2020**, this Court authorizes immediate suspension of all civil proceedings in the Jackson County Courts except for petitions for protective orders,

delinquency proceedings, mental health commitment proceedings, and emergency CHINS proceedings, to the extent possible without violating Constitutional rights.

4. **Through April 15, 2020**, this Court authorizes suspension of all criminal proceedings in the Jackson County Courts except emergency motions and petitions, bond hearings, and initial hearings for persons held in custody, to the extent possible without violating Constitutional rights.
5. **Through April 15, 2020**, the Jackson County Courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties, their attorneys, and any other statutorily-contemplated attendees) in courtrooms to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
6. **Through April 15, 2020**, the Jackson County Courts may exercise general jurisdiction over cases in each other's courts upon request and agreement with each other.
7. The Jackson County Courts shall file a status update **no later than April 8, 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