

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-188



## Order

The Kosciusko Circuit and Superior Courts (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17 and submitted a plan. The petition states that World Health Organization has determined the outbreak of the 2019 novel coronavirus (COVID-19, “the virus”) is a worldwide pandemic; the President has declared the virus a national emergency; Governor Eric Holcomb has declared an emergency related to the virus; the Centers for Disease Control and Prevention (“CDC”) has determined that “social distancing” among other preventative measures is necessary for the prevention of further spreading of the virus; and that schools in the area have closed. It appears from the petition that this emergency will inhibit the litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Michael W. Reed 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 the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Kosciusko 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 18, 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; omnibus deadlines; all judgments, support, and other orders; and in all other civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.
2. The Court authorizes the immediate continuance of all jury trials, civil and criminal, including those involving a request for a fast and speedy trial, until **May 4, 2020**, to eliminate gatherings of large groups of people and to try to limit the spread of the virus. The courts 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 4, 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 May 4, 2020**, the courts may limit proceedings in all civil cases to those that the courts, in their discretion, determine are necessary, emergencies, or urgent in nature, to the extent consistent with the parties' constitutional rights. Urgent matters shall include protective order cases, emergency CHINS proceedings, detention hearings in "JD" and "JC" cases, and emergency custody and visitation motions.
4. **Through May 4, 2020**, the courts may limit criminal proceedings except emergency motions and petitions, bond hearings, initial hearings, emergency hearings, change-of-plea hearings, sentencing hearings, and any other criminal proceeding deemed necessary or urgent by the courts, to the extent consistent with the parties' constitutional rights.
5. **Through May 4, 2020**, the courts may authorize any attorney who desires to appear remotely for any status conference or non-evidentiary hearing to do so upon filing a notice of remote appearance to the court through its staff, without further leave of court.
6. **Through May 4, 2020**, the courts may consider (a) the existence of flu or flu-like symptoms in any party or witness or (b) exposure of such persons to anyone who has or may have the virus to be good cause for a motion to appear remotely or to continue the court setting. The courts may accommodate those requests to the extent they do not violate statutory or Constitutional rights. The courts may also allow persons with legitimate court business to stay home and request a continuance by phone call to the county clerk if they are ill, caring for someone who is ill, or is in a high-risk category.
7. **Through May 4, 2020**, the courts may, in their discretion and subject to applicable Constitutional limitations, limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
8. **Through May 4, 2020**, the courts may 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 have had contact with anyone who has been diagnosed with the virus; or
  - f. A fever, cough or shortness of breath;and may direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

9. The courts shall file a status update **no later than April 20, 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