

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-194

Trial Court Case No.
21C01-2003-CB-156



Order

The courts of Fayette County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that federal and state emergencies have been declared in response to the 2019 novel coronavirus (COVID-19); all area public schools have been closed; and other local, state, and federal government agencies have implemented measures to reduce the spread of the virus. It appears that 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 Fayette 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 April 30, 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 Fayette 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 30, 2020**. The courts of Fayette 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 30, 2020** to allow adequate notification of the jury pool. If the courts of Fayette County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 30, 2020**, this Court authorizes immediate suspension of all non-essential hearings and proceedings, except domestic violence hearings and other emergencies matters, subject to applicable Constitutional limitations.
4. **Through April 30, 2020**, the courts of Fayette County are authorized to set or reset non-adjudicatory, non-detention Juvenile, Child in Need of Services (CHINS), Termination

of Parental Rights, and Delinquency proceedings outside of the statutory timeframe pursuant to Paragraph 1 above, subject to applicable Constitutional limitations.

5. **Through April 30, 2020**, the courts of Fayette County are authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. **Through April 30, 2020**, the courts of Fayette County may 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.
7. **Through April 30, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Fayette County 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.
8. **Through April 30, 2020**, the courts of Fayette 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 and to limit the size of the gathering consistent with public-health recommendations.
9. **Through April 30, 2020**, the Court authorizes each of the judges of the courts of Fayette County to exercise general jurisdiction over any and all cases in each other's courts.
10. **Through April 30, 2020**, the courts of Fayette County 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.
11. The courts of Fayette County shall file a status update **no later than April 16, 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