

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-213

Trial Court Case Nos.
42C01-2003-CB-25
42D01-2003-CB-26
42D02-2003-CB-27



Order

The Knox Circuit and Superior Courts (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a public health emergency due to the 2019 novel coronavirus (COVID-19), the Knox County Commissioners have declared a state of emergency due to the virus outbreak, and the Indiana Department of Health has recommended that public facilities and organizations should implement preventive measures to help contain the spread of the virus, including social distancing and avoidance of non-essential gatherings.

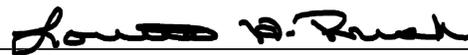
It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Knox County, and APPROVES IN PART the plan as set out below. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 20, 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. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes continuing criminal and civil jury trials on a case-by-case basis, including those with a “fast and speedy” setting requested, through **April 30, 2020**. The Knox Circuit and Superior Court is 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 believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 30, 2020**, the courts are authorized, subject to Constitutional limitations, to conduct non-evidentiary hearings and pretrial conferences by telephone if possible.
4. **Through April 30, 2020**, the courts are authorized to permit remote appearances by counsel by using telephone services whenever possible.
5. **Through April 30, 2020**, the courts are authorized, subject to Constitutional limitations, to utilize the courts' videoconferencing ability to hold hearings between the courts and incarcerated individuals.
6. **Through April 30, 2020**, the courts are authorized, notwithstanding Paragraph 1 above, to make all reasonable attempts to adhere to all statutory deadlines unless doing so would endanger court personnel, members of the bar, litigants, or the public; and to make all reasonable efforts to reschedule-time sensitive hearings as quickly as possible.
7. **Through April 30, 2020**, the courts are authorized pursuant to Paragraph 1 above to set or reset non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory time periods when deemed necessary by the court.
8. **Through April 30, 2020**, the courts are authorized to require that, to the extent possible, plea agreement negotiations in criminal cases should take place and be completed prior to court hearings and not take place in open court; and to provide that same-day plea agreements will not be entertained except in urgent situations (e.g., the defendant will be released the same day).
9. **Through April 30, 2020**, the courts are authorized to exercise flexibility in ruling on requests for continuances, including treating a party's good-faith wish to avoid unnecessary social contact as good cause for a continuance.
10. **Through April 30, 2020**, the courts are authorized, 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.
11. 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 3/23/2020.



Loretta H. Rush
Chief Justice of Indiana