

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-216



Order

The Jay Circuit and Superior Courts and the Portland City Court (“the courts”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17 and this Court’s March 16, 2020 order in Case No. 20S-CB-123. The petition states that the Governor of the State of Indiana has declared a public health emergency due to outbreak of the 2019 novel coronavirus (COVID-19); that the CDC has advised that “social distancing” and other drastic steps are required to prevent of the further spread of the virus; and that, due to a shortage of cleaning and sanitation products at all local stores, Jay County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning required when large groups visit the courthouse. The petition states that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Brian D. Hutchison has been appointed as 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 Jay County, and APPROVES IN PART the plan. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 20, 2020**:

1. This 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 and in all other civil and criminal matters before the Jay 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 **May 4, 2020**. The Jay County courts are directed to review **no later than April 20, 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 Jay County courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. The Court authorizes the Jay County courts in **criminal** cases, subject to Constitutional limitations, to suspend all criminal proceedings except emergency

motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, and any other criminal proceeding deemed urgent by the court; to allow defendants to appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials; and to continue trials for non-incarcerated individuals.

4. The Court authorizes the Jay County courts in **civil** cases, in their discretion and subject to Constitutional limitations, to suspend all civil proceedings except protective orders, emergency child in need of services (CHINS) proceedings, juvenile detention and juvenile CHINS detention hearings, emergency custody and visitation motions, and other matters deemed urgent in the courts' discretion.
5. **Through May 4, 2020**, the Jay County courts 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.
6. **Through May 4, 2020**, any attorney who desires to appear remotely before any of the courts of Jay County for a status conference or non-evidentiary hearing may do so upon filing a "Notice of Remote Appearance" in the court in which the hearing is scheduled.
7. **Through May 4, 2020**, the Jay County courts 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. The Jay County courts 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 3/23/2020.



Loretta H. Rush
Chief Justice of Indiana