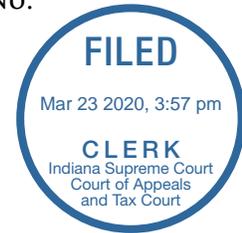


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-217



Order

The Randolph 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 2019 novel coronavirus (COVID-19, “the virus”) has been declared a national emergency by the President of the United States, an emergency by Indiana’s Governor, and a pandemic by the World Health Organization; and that 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.

It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Jay L. Toney 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 Randolph County, and APPROVES the plan as submitted. 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 courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes continuance, upon motion of a party or *sua sponte*, all criminal and civil jury trials, including those in which a “fast and speedy” trial has been requested. **through May 4, 2020**. The 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 courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, the courts are authorized, subject to Constitutional limitations, to limit all criminal proceedings except emergency motions and petitions, bond hearings,

initial hearings, emergency hearings, sentencing hearings, hearings where the defendant is incarcerated, and any other criminal proceeding deemed urgent by the court.

4. **Through May 4, 2020**, the courts are authorized, subject to Constitutional limitations, to provide that incarcerated defendants will be transported to court only for criminal trials, criminal evidentiary hearings, change-of-plea hearings, and sentencing hearings, with incarcerated defendants appearing for all other types of hearings by video conferencing or by telephone unless the defendant's Constitutional rights would be violated; and to provide further that if any attorney wishes to have a defendant transported based in the latter circumstances, the attorney shall file a motion to transport at least 24 hours prior to the hearing, with the court reviewing these motions on a case-by-case basis.
5. **Through May 4, 2020**, the courts are authorized, subject to Constitutional limitations, to limit civil proceedings to those that, in the court's discretion, are deemed emergencies or urgent in nature, with those emergency or urgent cases including at a minimum cases involving protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.
6. **Through May 4, 2020**, the courts are authorized, subject to Constitutional limitations, to allow any attorney who desires to appear remotely for any status conference or non-evidentiary hearing in a criminal or civil case may do so upon proper notification to the court, without the need for a formal motion, by the attorney filing a Notice of Remote Appearance at least 24 hours prior to the hearing and coordinating through the court's staff.
7. **Through May 4, 2020**, the courts are authorized, with respect to hearings and trials, to find (i) the existence of flu or flu-like symptoms in any attorney, party, or necessary witness; or (ii) exposure of such individuals to anyone who has or may have the virus; or (iii) an attorney, party, or necessary witness is at high risk due to physical condition, to be good cause for any motion to appear remotely or continue a court setting; and accommodating, to the extent possible, and without violating statutory or Constitutional rights, those requests/motions.
8. **Through May 4, 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.
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 3/23/2020.



Loretta H. Rush
Chief Justice of Indiana