

# In the Indiana Supreme Court

In the Matter of the Petition of the  
Daviess County Circuit and Superior Court  
for Administrative Rule 17 Emergency  
Relief.

Supreme Court Case No.  
20S-CB-218

Trial Court Case No.  
14C01-2003-CB-190



## Order

The Daviess County Circuit and Superior Court have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of Indiana has declared a statewide public health emergency due to the spread of the novel coronavirus (COVID-19); that the U.S. Center for Disease Control has recommended “social distancing” to limit the spread of this virus; and that, pursuant to this recommendation, the judges of the Daviess County courts have conferred with local stakeholders and public officials concerning steps being taken to enforce social distancing with respect to the threats the virus poses. It appears from the petition that this emergency is likely to inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure.

The Court finds that good cause exists for granting this emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Daviess 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 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; all judgments, support, and other orders; and in all other civil and criminal matters before the Daviess Circuit and Superior Court. 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 **May 4, 2020**. The Daviess Circuit and Superior Court are directed to review **no later than April 16, 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 of Daviess County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective orders regarding family or domestic violence, stalking, or a sex offense; civil commitments for mental health; emergency guardianships; detention hearings in juvenile delinquency and juvenile child in need of services (CHINS) proceedings; emergency custody and parenting time motions; and other emergencies or matters deemed “urgent” in the courts’ discretion.
4. **Through May 4, 2020**, any attorney or party wishing to appear remotely for any status conference or non-evidentiary hearing in the Daviess Circuit or Superior Court may do so, subject to Constitutional limitations, without further leave of court upon notifying the Court of his or her desire to appear remotely.
5. **Through May 4, 2020**, the Daviess Circuit and Superior Court 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**, to the extent it is reasonable, orders to show cause shall be issued in lieu of body attachments in civil cases.
7. **Through May 4, 2020**, to the extent it is reasonable, certified mail service will be employed instead of sheriff service.
8. **Through May 4, 2020**, the Daviess Circuit and Superior Court may post signage at all entry points to judicial, clerk, and probation 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 fourteen (14) days;
  - b. Resided with or been in close contact with someone who has been in any of those countries within the previous fourteen (14) days;
  - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
  - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
  - e. Been diagnosed with or had close contact with anyone who has been diagnosed with COVID-19; or
  - f. A fever, cough, or shortness of breath.

The Daviess Circuit and Superior Court may direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

9. **Through May 4, 2020**, the courts of Daviess County 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.
10. The Court authorizes each of the judges of the courts of Daviess County to exercise general jurisdiction over any and all cases in each other’s courts.

11. The Daviess Circuit and Superior Court shall file a status update **no later than April 17, 2020** to inform this Court of whether there is an ongoing need for emergency relief. Done at Indianapolis, Indiana, on 3/24/2020.



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Loretta H. Rush  
Chief Justice of Indiana