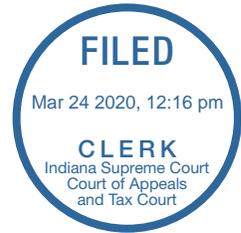


In the Indiana Supreme Court

In the Matter of the Petition of the
Merrillville Town Court for Administrative
Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-221



Order

The Merrillville Town Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Town Court has reviewed the CDC recommendations in response to the 2019 novel coronavirus (COVID-19) outbreak, the emergency order issued by this Court applicable to the courts of Lake County, orders issued by the Governor of the State of Indiana, and the recommendations and instructions of the Merrillville Town Council. 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 Merrillville Town Court, and APPROVES IN PART the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 21, 2020 and continuing through May 4, 2020**:

1. This Court authorizes the tolling, from March 21, 2020 through May 4, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings; all judgments, support, and other orders; and in all other civil and criminal matters before the Merrillville Town Court. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes the Merrillville Town Court to suspend and/or reschedule all civil and criminal jury trials through May 4, 2020, to the extent possible without violating statutory or constitutional rights. The Merrillville Town Court is directed to review no later than April 17, 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 Merrillville Town Court believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. The Merrillville Town Court is further authorized to suspend new juror orientation, extend existing jury panels, and/or postpone jury service for jurors who are ill, caring for someone who is ill, or are in a high-risk category.
4. This Court authorizes the Merrillville Town Court to continue and/or reschedule all non-essential hearings and proceedings, excluding emergency matters, domestic violence hearings and evidentiary hearings in criminal cases.

5. This Court authorizes the Merrillville Town Court to utilize telephonic or videoconferencing technology in lieu of in-person appearances, subject to Constitutional limitations.
6. The Merrillville Town Court is authorized to issue summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.
7. The Merrillville Town Court is authorized to consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness; (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.
8. The Merrillville Town Court is authorized, subject to applicable Constitutional limitations, to limit spectators (other than parties, their attorneys, and any other statutorily contemplated attendees) in courtrooms to the extent necessary to provide adequate social distancing.
9. The Merrillville Town Court is authorized to allow any individual with court business to remain home and request a continuance telephonically if the individual is ill, caring for someone who is ill, or is in a high-risk category.
10. The Merrillville Town Court is authorized to post signage at public entry points to judicial facilities advising persons not to enter the building if they have:
 - a. Visited China, South Korea, any European countries, the Middle East, or any country identified as high-risk by the CDC, or upon which a travel ban has been imposed by the President of the United States, in the previous 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days or who has sustained or shown any signs of COVID-19;
 - c. Been asked to self-quarantine by any doctor, hospital, or health agency, or self-identified as a potentially-exposed individual; or
 - d. A fever, cough or shortness of breathand to direct bailiffs and court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
11. The Merrillville Town Court 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 3/24/2020.



Loretta H. Rush
Chief Justice of Indiana