

In the
Indiana Supreme Court



In the Matter of the Petition of the
Bluffton City Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-223

Order

The Bluffton City Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states, in part, that the President of the United States and Governor of Indiana have declared states of emergency due to the 2019 novel coronavirus (“COVID-19”); the Centers for Disease Control has recommended “social distancing” as a means of limiting the spread of COVID-19; and Wells County has one confirmed case of COVID-19. It appears 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 the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Bluffton City, 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 23, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 10, 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 Bluffton City Court. Further, no interest shall be due or charged during this tolled period.
2. **Through April 10, 2020**, Bluffton City Court is authorized to continue and/or reschedule non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases), subject to Constitutional limitations.
3. **Through April 10, 2020**, Bluffton City Court is authorized to consider: (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (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.

4. **Through April 10, 2020**, subject to applicable Constitutional limitations, Bluffton City Court is authorized 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.
5. **Through April 10, 2020**, Bluffton City Court is authorized to make clerk drop boxes available for conventionally filed documents and receipt of payments. The Court will maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
6. **Through April 10, 2020**, Bluffton City Court shall allow individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
7. **Through April 10, 2020**, Bluffton City Court is authorized to post signage at all public entry points to judicial 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 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;
 - 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 contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath;and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
8. Bluffton City Court shall file a status update **no later than April 7, 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