

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-243

Order

The Gary City Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that that federal and state governing authorities have declared a public health emergency due to the 2019 novel coronavirus (COVID-19) and local officials have closed the Gary Public Safety building to the public. It appears from the petition that this emergency inhibits 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 the city of Gary, 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 31, 2020**:

1. The 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 proceedings; all judgments, support, and other orders; and in all other civil and criminal matters before the Gary City 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 Gary City Court is 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 Gary City Court believes continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, the Gary City Court is authorized to continue or reschedule all non-essential hearings, except emergency matters or matters deemed "urgent" in the courts' discretion.
4. **Through May 4, 2020**, the Gary City Court is authorized to use telephonic or video technology in lieu of in-person appearances, unless a litigant's Constitutional rights would be violated.

5. **Through May 4, 2020**, the Gary City 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.
6. **Through May 4, 2020**, the Gary City Court is 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.
7. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in Gary City Court may do so without further leave of court upon filing a “Notice of Remote Appearance” with the court.
8. **Through May 4, 2020**, the Gary City Court 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.
9. **Through May 4, 2020**, the Gary 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 Centers for Disease Control and Prevention (“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 the virus 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 the virus, or
 - f. Has 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.
10. **Through May 4, 2020**, the Gary City Court authorizes allowing individuals with legitimate court business to stay home and request a continuance by telephone to the respective court if they are ill, caring for someone who is ill, or in a high-risk category.
11. **Through May 4, 2020**, the Gary City Court Clerk is authorized to make drop box 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.

12. The Gary City Court shall file a status update **no later than May 1, 2020** to inform this Court of whether there is an ongoing need for emergency relief.
Done at Indianapolis, Indiana, on 4/2/2020.



Loretta H. Rush
Chief Justice of Indiana