

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-248

Order

The Butler 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 implemented a city-wide access plan, suspending all public non-emergency access to public facilities. 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 Butler, 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 **April 7, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, of all laws, rules, judgments, support, and other orders; and in all other civil matters before the Butler City Court. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension civil jury and bench trials, through **May 4, 2020**. The Butler City Court is directed to review the need for ongoing suspension at an early enough date that, if continued suspension is not necessary, will allow adequate notification of the jury pool to resume jury trials no later than **May 4, 2020**, or no later than three weeks after the expiration of the public emergency as declared by the Governor, whichever is later. If the Butler City Court believes continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Butler City Court is authorized to continue, extend, or reschedule all non-essential hearings and deadlines, except emergency matters or matters deemed "urgent" in the court's discretion.
4. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Butler City Court is authorized to utilize video or

telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated.

5. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Butler 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 and also to exercise flexibility in deciding whether to issue failure to appear or failure to pay license suspensions.
6. **Through May 4, 2020**, or the expiration of the public emergency as declared by the Governor, whichever is later, the Butler City Court Clerk is authorized **to make a drop box available** instead of in-person receipt of conventionally filed documents and payments, **in addition to** receiving documents and payments electronically or by mail. The court shall maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
7. The Butler City Court may petition this Court **no later than April 27, 2020** to extend the suspension. Such petition should include all relevant factors that make an extension necessary.

Done at Indianapolis, Indiana, on 4/8/2020.



Loretta H. Rush
Chief Justice of Indiana