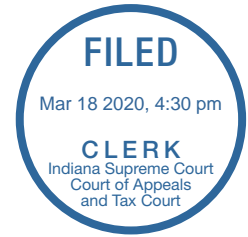


In the Indiana Supreme Court



In the Matter of the Petition of the
Vanderburgh 17 Emergency Relief

Supreme Court Case No.
20S-CB-136

Trial Court Case Nos.
82C01-2003-CB-100
82D01-2003-CB-99

Order

The Circuit and Superior Courts of Vanderburgh County (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the United States and the State of Indiana have declared emergencies regarding the 2019 novel coronavirus (COVID-19) outbreak and instituted additional steps to reduce the spread of the virus, and the Vanderburgh County Health Department has recommended the closure of schools within Vanderburgh County. The courts anticipate that precautionary measures will be implemented and necessary through April 20, 2020. The courts have appointed the Hon. David D. Kiely and the Hon. Leslie C. Shively as the presiding Judges for this emergency.

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 Vanderburgh County, and APPROVES IN PART the plan as set out below. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020:**

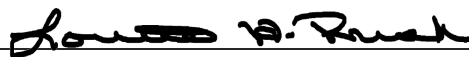
1. The Court authorizes the tolling, from the effective date of this order **through April 20, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all jury trials **until April 20, 2020**. The courts are directed to review **no later than April 13, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 20, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

Further, the courts may require that attorneys and any pro se parties are to contact the involved court before the trial date to reschedule the jury trial.

3. **Through April 20, 2020**, the courts may allow any attorney wishing to appear remotely for any status conference, pre-trial conference, or non-evidentiary hearing to do so without moving for permission to do so, with the condition that an attorney choosing to appear remotely as a result of the emergency procedures shall notify opposing counsel prior to the appearance date and coordinate with individual courts where the hearing is to be held by emailing or phoning the court's bailiff.
4. **Through April 20, 2020**, the courts may consider the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify, or exposure of such individuals to anyone who has or is suspected of having COVID-19, to be "good cause" for any motion made to continue a court setting and endeavor to accommodate such continuance requests, to the extent possible and without violating statutory or Constitutional rights.
5. **Through April 20, 2020**, the courts 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.
6. **Through April 20, 2020**, the courts may provide that defendants in criminal felony and misdemeanor cases, who are in custody and scheduled to appear for non-evidentiary hearings, will appear only by video and will not be transported. Further, the courts may determine that the appearance of in-custody defendants in courtrooms for evidentiary hearings is detrimental to the health and well-being of parties, attorneys, witnesses, and court staff and continue the hearings as necessary.
7. **Through April 20, 2020**, the courts may provide that defendants in criminal felony cases who are not in custody should not appear in person in the courthouse and they should communicate with their attorneys (or telephonically with the court if they are not represented) to obtain information regarding when to appear after April 19, 2020.
8. **Through April 20, 2020**, the courts may provide that defendants in misdemeanor cases who are not in custody and defendants in traffic infraction cases should not appear in person in the courthouse, as their cases will be rescheduled with their attorney (or in the case of unrepresented defendants, through either a notice to appear for a date after April 19, 2020, or by telephoning court staff).
9. **Through April 20, 2020**, the courts may suspend probate and juvenile court matters, with the exception of detention hearings, until April 20, 2020 and reset all matters as soon as the court's calendar allows, with a party or counsel being allowed to contact the court to make special arrangements to be heard in the case of an emergency.
10. **Through April 20, 2020**, the courts may suspend all family court matters until April 20, 2020, though the court will accept pleadings and entries in family court matters and process them.

11. The courts may suspend small claims court cases **until April 20, 2020** and accept and process any agreed entries.
12. **Through April 20, 2020**, the Vanderburgh County Clerk's Office shall remain open to process filing of **emergency matters** and protective orders (with hearings on permanent orders to be scheduled after April 19, 2020), to collect payments for bonds, child support, restitution, fines, fees, and similar financial obligations, and for other functions the Clerk determines are necessary.
13. **Through April 20, 2020**, the courts may require that any defendant who is serving a sentence on probation (including the Alcohol Abuse Probation Services, Drug Abuse Probation Services, and Misdemeanor Probation) will appear for appointments by telephone.
14. **Through April 20, 2020**, the courts are authorized to direct the county sheriff's department to:
 - a. require all persons seeking to enter the Courts Building and Administration Building of the Civil Center Complex to answer the following questions:
 - i. Are you experiencing fever, cough, or shortness of breath?
 - ii. Have you been in close contact with someone positive or being evaluated for COVID-19?
 - iii. Have you recently visited an area subject to quarantine as a result of COVID-19? and
 - b. deny entrance to individuals who answer "yes" to any of those questions, or who exhibit signs of illness potentially indicating COVID-19.Anyone denied access under this policy shall be provided information regarding the appropriate entity to contact, **including telephone numbers to request continuance by of any matter they cannot attend in-person because of their exclusion.**
15. The courts shall file a status update **no later than April 13, 2020**, to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



Loretta H. Rush
Chief Justice of Indiana