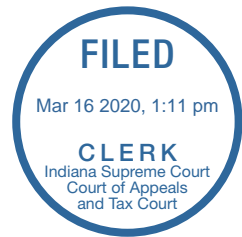


In the Indiana Supreme Court

In the Matter of Administrative Rule 17
Emergency Relief for Indiana Trial Courts
Relating to the 2019 Novel Coronavirus
(COVID-19).

Supreme Court Case No.
20S-CB-00123



Order

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, President Trump declared a national emergency relating to the virus. The Centers for Disease Control and Prevention (CDC) has determined that “social distancing” is necessary to minimize further spread of the virus, and the Indiana State Department of Health has issued and will continue to issue recommendations.

Appropriate public health responses to the COVID-19 outbreak will likely require limiting trial court operations and inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure applicable in courts of this state.

The Indiana Supreme Court therefore ORDERS each trial court statewide to implement all relevant and necessary portions of its continuity of operations plan (COOP) in conjunction with county emergency and public health authorities.

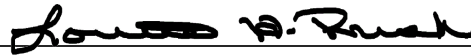
The Indiana Supreme Court further DIRECTS trial courts to utilize Indiana Office of Court Services (IOCS) assistance to prepare appropriate emergency local plans to protect the health of court personnel, court users, and the public through enhanced social distancing. Trial courts should consider whether local needs warrant petitioning for any of the following emergency measures under Indiana Administrative Rule 17:

1. Tolling for a limited time 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 all State of Indiana trial courts.
2. Suspending and/or rescheduling criminal and civil jury trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
3. Suspending new juror orientations, extending existing jury panels, and/or postponing jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category.

4. Continuing and/or rescheduling non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases).
5. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. Flexibility allowing the county's judges to exercise general jurisdiction over cases in each other's courts.
7. Issuing summonses in lieu of bench warrants or notices of failure to appear.
8. Considering (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.
9. Allowing any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
10. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
11. For trial court clerks, making drop boxes available, for conventionally filed documents.
12. Posting 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 directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

13. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the county Clerk if they are ill, caring for someone who is ill, or in a high-risk category.
14. Providing sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables.

Done at Indianapolis, Indiana, on 3/16/2020, on behalf of the Indiana Supreme Court.



Loretta H. Rush
Chief Justice of Indiana