

In the
Indiana Supreme Court



In the Matter of the Petition of the
Vigo County Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-132

Trial Court Case No.
84C01-2003-CB-001743

Order

The Vigo County Circuit and Superior Courts and Terre Haute City Court (collectively, “courts of Vigo County”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the World Health Organization has determined the outbreak of the novel coronavirus a worldwide pandemic; states of emergency have been declared in 20 states, including Indiana; and the Center for Disease Control has determined that social distancing is necessary to prevent further spread of the virus. It appears from the petition that this emergency is likely to inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Sarah K. Mullican has been appointed as the presiding Judge for this emergency.

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 Vigo County, 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 16, 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 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 of Vigo County. 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 courts of Vigo County are directed to review **no later than April 17, 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 courts of Vigo County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes immediate suspension of all civil proceedings, except juvenile detention hearings, juvenile child in need of services (CHINS) detention hearings, and other civil court and domestic relations matters deemed “essential” in the courts’ discretion, balancing public health risks with the urgency of the matters in dispute; or to convert in-person proceedings to telephonic or video-conference proceedings at the discretion of each judge and subject to constitutional limitations.
4. **Through May 4, 2020**, the Juvenile Court is authorized in its discretion to hear only JD and JC detention hearings and other hearings it deems essential and to require only essential staff to work, consistent with Paragraph 8 below.
5. **Through May 4, 2020**, the courts of Vigo County 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 May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Vigo County may do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard. Remote appearances shall be coordinated through the court in which the hearing is to be held.
7. **Through May 4, 2020**, the courts of Vigo County 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.
8. **Through May 4, 2020**, the courts of Vigo County are authorized to direct bailiffs or court security/law enforcement officers, to:
 - a. require all persons seeking to enter Vigo County judicial facilities 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.**
9. **Through May 4, 2020**, the courts and Clerk of Vigo County are authorized to reduce the number of court staff members working and/or to permit working remotely if

feasible; provided, however, that the courts and Clerk shall maintain sufficient operations to remain open.

10. The courts of Vigo County shall file a status update **no later than April 20, 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