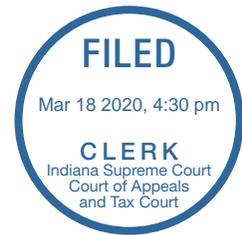


# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-138

## Order

The Monroe County Circuit Courts *en banc* (“the courts”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a public health emergency due to the 2019 novel coronavirus (COVID-19); the Monroe County Health Department and Emergency Management Office have issued similar declarations; and that the World Health Organization has declared COVID-19 a pandemic. It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Mary Ellen Diekhoff is acting as the presiding Judge for this emergency.

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 Monroe 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. This Court authorizes the tolling, from the effective date of this order **through April 10, 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 Monroe County Circuit Courts. 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 through May 4, 2020. The courts are directed to review **no later than April 10, 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 believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 17, 2020**, the courts are authorized in **criminal** cases to:
  - a. continue non-essential hearings;
  - b. hold criminal pre-trial and discovery status hearings by counsel only; to allow counsel to appear remotely by CourtCall or conference call by filing a “Notice of Remote Appearance” at least 24 hours prior to the scheduled hearing; and

- c. allow defendants to appear via teleconference from the jail for any hearing except jury trials or contested sentencing hearings, to the extent a party's constitutional rights would not be violated.
  4. The courts are authorized in **civil** cases, in their discretion, to:
    - a. allow parties to appear remotely via CourtCall or conference call to the extent a party's constitutional rights would not be violated, and to allow attorneys to appear remotely by filing a "Notice of Remote Appearance" at least 24 hours prior to the scheduled hearing;
    - b. continue all matters deemed non-essential;
    - c. use CourtCall or conference call for hearings that involve agreed issues;
    - d. allow attorney-only conferences where possible without the need for a motion;
    - e. suspend issuing civil body attachments and Title IV-D attachments; and
    - f. specific to juvenile cases, including Child in Need of Services (CHINS), delinquency, and termination of parental rights:
      - i. set or reset hearings outside of statutory timeframes as deemed necessary pursuant to Paragraph 1 above; and
      - ii. utilize videoconferencing for all fact-finding and termination hearings where either parent is in jail.
  5. **Through April 10, 2020**, the courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation, their attorneys, and statutorily contemplated attendees such as domestic violence advocates, foster parents, victims, etc.) in courtrooms to the extent necessary to provide adequate social distancing.
  6. The Monroe County Circuit Courts shall file a status update **no later than April 10, 2020** to inform this Court of whether there is an ongoing need for emergency relief.
- Done at Indianapolis, Indiana, on 3/18/2020.



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Loretta H. Rush  
Chief Justice of Indiana