

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-133

Order

The courts of Hamilton County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the President of the United States has declared a national emergency, and the Governor of the State of Indiana has declared a public health emergency; the Hamilton County Health Department has recommended the closure of all county schools beginning Monday, March 16, 2020, and lasting until April 13, 2020; Hamilton County government officials and mayors of cities in Hamilton County have issued directives aimed at preventing the spread of the 2019 novel coronavirus (“COVID 19”); the U.S. Center for Disease Control is encouraging “social distancing” as a means of limiting the spread of COVID 19; and the courts of Hamilton County “hold hearings and proceedings which result in hundreds of people entering the Hamilton County Government and Judicial Center each week[.]” It appears from the petition that this emergency is likely to inhibit the courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable David J. Najjar has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief.

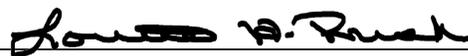
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Hamilton County, and APPROVES IN PART the plan as submitted **subject to the dates and procedures established in this Order**. The Court further ORDERS as follows 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 Hamilton 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 Hamilton are directed to review **no later than April 20, 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 Hamilton County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2010**, this Court authorizes the immediate suspension and continuance of all non-essential criminal proceedings, with the following deemed essential: bond hearings, arraignment of inmates, and other emergencies or matters deemed essential in the courts' discretion.
4. **Through May 4, 2020**, this Court authorizes immediate suspension and continuance of all non-essential civil proceedings, with the following proceedings deemed essential: emergency health quarantine orders; protective orders regarding family or domestic violence, stalking, or a sex offense; juvenile detention; emergency Child in Need of Services proceedings; and other emergencies or matters deemed essential in the courts' discretion.
5. **Through May 4, 2020**, all night court proceedings shall be suspended and rescheduled to a date thereafter.
6. **Through May 4, 2020**, the courts of Hamilton 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.
7. The Court authorizes each of the judges of the courts of Hamilton County to exercise general jurisdiction over any and all cases in each other's courts.
8. The courts of Hamilton 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