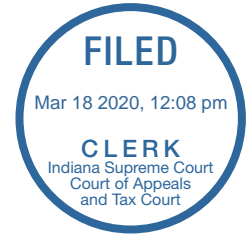


# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-139

Trial Court Case No.  
06C01-2003-CB-375

## Order

The Boone Circuit and Superior Courts (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states the Governor of Indiana has declared a public health emergency because the 2019 novel coronavirus (COVID-19, “the virus”); the President of the United States of America has declared the virus a National Emergency; all school districts in Boone County have suspended in-person learning and extra-curricular activities until further notice; the Center for Disease Control has advised that “social distancing” is an effective strategy for the prevention of the further spread of the virus; the Boone County Circuit and Superior Courts hold hearings and proceedings wherein numerous people enter the county courthouse through a central entrance point and congregate in the public areas of the courthouse; mitigation of the spread of contagions is of utmost importance to protect the citizens of Boone County. Further, the petition asks the Supreme Court to declare that an emergency exists in Boone County and to make appropriate emergency orders for Boone County directing and allowing the courts of Boone County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. Lori Schein has been appointed as the presiding Judge for this emergency.

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

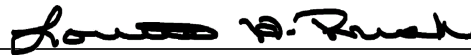
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Boone County, and APPROVES IN PART the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this 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, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Boone 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 Boone County are directed to review **no later than April 16, 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 Boone 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 protective orders proceedings, emergency CHINS proceedings and time sensitive CHINS fact-finding hearings, emergency juvenile detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed “urgent” in the courts’ discretion.
4. **Through May 4, 2020**, the courts of Boone 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.
5. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Boone 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. Attorneys may be required to coordinate the call to the court if more than one attorney is appearing remotely on a matter.
6. **Through May 4, 2020**, the courts of Boone 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.
7. **Through May 4, 2020**, this Court authorizes immediate suspension of all proceedings before the Boone County Family Recovery Court and all other matters except emergencies or matters deemed “urgent” in the courts’ discretion to the extent possible without violating statutory or constitutional rights.
8. The courts of Boone 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.



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Loretta H. Rush  
Chief Justice of Indiana