

2020 WL 1649746

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Supreme Court of Indiana.

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-123

|
FILED April 3, 2020

Order

*1 On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); on March 13, President Trump declared a national emergency relating to the virus; and on March 25, 2020, Governor Holcomb issued Executive Order 20-08 which ordered Hoosiers to remain in their homes except when at work or for permitted activities, such as taking care of others, obtaining necessary supplies, and for health and safety. 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.

Due to the ongoing public health emergency, all circuit, superior, and probate courts, some small claims courts, and several city and town courts (“trial courts”), have petitioned for, and been granted emergency relief pursuant to Administrative Rule 17.

Having previously declared an emergency under Administrative Rule 17 for all counties, and because the public health emergency is ongoing, the Court, *sua sponte*, hereby extends all Administrative Rule 17 relief previously granted under the case numbers listed in Exhibit A attached to this order and incorporated by

reference.

The Court accordingly ORDERS as follows:

1. The effective date of all orders granting emergency relief to trial courts under Administrative Rule 17, including but not limited to tolling of time limits and authority to continue jury trials (if such authority was previously granted), is extended **through May 4, 2020** (or the date initially granted, whichever is later), or the expiration of the public emergency as declared by the Governor, whichever is later.

2. All courts that were granted authority to continue jury trials are directed to review the need for ongoing suspension at an early enough date that, if continued suspension is not necessary, will allow adequate notification of the jury pool to resume jury trials no later than **May 4, 2020**, or no later than three weeks after the expiration of the public emergency as declared by the Governor, whichever is later. If such courts believe continued suspension is necessary, they may individually petition this Court to extend the suspension further.

3. Courts are authorized to review county-jail and direct placement community correction sentences of non-violent inmates and juveniles and, after consultation with a team comprising local prosecutors, a public defender, community corrections, the county sheriff, and local health authorities, to modify sentences to probation, home detention, or order temporary release from the jail, with service of executed sentences to resume as thereafter ordered.

4. Absent an emergency basis to be determined by the court, courts shall issue **no new writs of attachment, civil bench warrants, or body attachments pursuant to Trial Rule 64** until the expiration of the public health emergency. Any writs of attachment, civil bench warrants, or body attachments issued and not yet served prior to the date of this order shall be **stayed** until the expiration of the public health emergency as declared by the Governor.

*2 5. Courts are relieved from the requirement under previous Administrative Rule 17 orders to file status reports unless they believe continued suspension is

necessary, in which case they may petition this Court **no later than April 27, 2020** to extend the suspension. Such petition should include all relevant factors that make an extension necessary.

6. This order does **not** extend the tolling of appellate or Tax Court deadlines as ordered under Case Nos. 20S-CB-123 or 20S-CB-231.

7. In all other respects except as set forth above, existing orders granting emergency relief under Administrative Rule 17 remain in full force and effect.

Exhibit A

Court	Case #	Court	Case #
Adams Circuit & Superior	20S-CB-142	Henry / New Castle City	20S-CB-206
Allen Circuit & Superior	20S-CB-127	Henry Circuit & Superior	20S-CB-153
Bartholomew Circuit & Superior	20S-CB-178	Howard Circuit & Superior	20S-CB-171
Benton Circuit & Superior	20S-CB-215	Huntington Circuit & Superior	20S-CB-124
Blackford Circuit & Superior	20S-CB-189	Jackson Circuit & Superior	20S-CB-187
Boone Circuit & Superior	20S-CB-139	Jasper Circuit & Superior	20S-CB-140
Boone / Zionsville Town	20S-CB-220	Jay Circuit & Superior	20S-CB-216
Brown Circuit	20S-CB-170	Jefferson Circuit & Superior	20S-CB-131
Carroll Circuit & Superior	20S-CB-155	Jennings Circuit & Superior	20S-CB-186
Cass Circuit & Superior	20S-CB-154	Johnson Circuit & Superior and Franklin, Greenwood City/Town	20S-CB-158
Clark Circuit	20S-CB-111	Knox Circuit & Superior	20S-CB-213
Clay Circuit & Superior	20S-CB-176	Kosciusko Circuit & Superior	20S-CB-188
Clinton Circuit & Superior	20S-CB-175	LaGrange Circuit & Superior	20S-CB-148
Crawford Circuit	20S-CB-200	Lake Circuit & Superior	20S-CB-110
Daviess Circuit & Superior	20S-CB-218	Lake / Crown Point City	20S-CB-207
Dearborn Circuit & Superior	20S-CB-156	Lake / East Chicago City	20S-CB-195
Dearborn / Lawrenceburg City	20S-CB-190	Lake / Gary City	20S-CB-243
Decatur Circuit & Superior	20S-CB-162	Lake / Merrillville Town	20S-CB-221
DeKalb Circuit & Superior	20S-CB-119	Lake / Schererville Town	20S-CB-211
Delaware Circuit & Superior and Muncie City	20S-CB-114	Lake / Hobart City	20S-CB-205
Dubois Circuit & Superior	20S-CB-149	LaPorte Circuit & Superior	20S-CB-128
Elkhart Circuit & Superior and Elkhart, Goshen, Nappanee City/Town	20S-CB-177	Lawrence Circuit & Superior	20S-CB-117
Fayette Circuit & Superior	20S-CB-194	Madison Circuit and Anderson, Edgewood and Elwood City/Town	20S-CB-141
Floyd Circuit & Superior	20S-CB-122	Marion Circuit & Superior	20S-CB-113
Fountain, Parke, Warren & Vermillion	20S-CB-147	Marion County Small Claims	20S-CB-144
Franklin Circuit	20S-CB-152	Marshall Circuit & Superior	20S-CB-146
Fulton Circuit & Superior	20S-CB-179	Martin Circuit	20S-CB-164
Gibson Circuit & Superior	20S-CB-167	Miami Circuit & Superior	20S-CB-157
Grant Circuit & Superior	20S-CB-193	Monroe Circuit	20S-CB-138
Grant / Gas City	20S-CB-224	Montgomery Circuit & Superior	20S-CB-219
Greene Circuit & Superior	20S-CB-145	Morgan Circuit & Superior	20S-CB-150
Hamilton Circuit & Superior	20S-CB-133	Morgan / Martinsville City	20S-CB-225
Hamilton / Carmel City	20S-CB-199	Newton Circuit & Superior	20S-CB-174
Hamilton / Fishers City	20S-CB-202	Noble Circuit & Superior	20S-CB-196
Hancock Circuit & Superior	20S-CB-183	Ohio Circuit	20S-CB-166
Harrison Circuit & Superior	20S-CB-121	Orange Circuit & Superior	20S-CB-204
Hendricks Circuit & Superior	20S-CB-137	Owen Circuit	20S-CB-120
Hendricks / Avon Town	20S-CB-201	Perry Circuit	20S-CB-181
Hendricks / Brownsburg Town	20S-CB-210	Pike Circuit	20S-CB-209
Hendricks / Plainfield	20S-CB-245	Porter Circuit & Superior	20S-CB-198

Court	Case #
Posey Circuit & Superior	20S-CB-184
Pulaski Circuit & Superior	20S-CB-160
Putnam Circuit & Superior	20S-CB-191
Randolph Circuit & Superior	20S-CB-217
Randolph / Union City	20S-CB-242
Randolph / Winchester City	20S-CB-229
Ripley Circuit & Superior	20S-CB-214
Rush Circuit & Superior	20S-CB-203
Scott Circuit & Superior	20S-CB-126
Shelby Circuit & Superior	20S-CB-143
Spencer Circuit	20S-CB-180
St. Joseph Circuit & Superior	20S-CB-130
Starke Circuit	20S-CB-169
Starke / Knox City	20S-CB-226
Steuben Circuit & Superior	20S-CB-192
Sullivan Circuit & Superior	20S-CB-168
Switzerland Circuit	20S-CB-118
Tippecanoe Circuit & Superior and West Lafayette City	20S-CB-161
Tipton Circuit	20S-CB-134
Union Circuit	20S-CB-212
Vanderburgh Circuit & Superior	20S-CB-136
Vigo Circuit & Superior and Terre Haute City	20S-CB-132
Wabash Circuit & Superior	20S-CB-125
Warrick Circuit & Superior	20S-CB-135
Washington Circuit & Superior	20S-CB-159
Wayne Circuit & Superior	20S-CB-129
Wells / Bluffton City	20S-CB-223
Wells Circuit & Superior	20S-CB-163
White Circuit & Superior	20S-CB-173
Whitley Circuit & Superior	20S-CB-185

All Citations

--- N.E.3d ----, 2020 WL 1649746 (Mem)

