

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-00125



Order

The courts of Wabash County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that states of emergency have been declared in Indiana and nationwide concerning the 2019 novel coronavirus (COVID-19); that the Centers for Disease Control and Prevention (CDC) and Wabash County leaders recommend “social distancing” and other drastic preventive measures to protect public health systems; and that all K–12 schools in the county have closed (and in-person classes at Manchester University are suspended) until various dates in April. The petition further states that the county lacks adequate hygiene stations or sanitation supplies to control spread of the virus among the ordinary volume of visitors to the Wabash County Courthouse. The Honorable Benjamin Vanderpool has been appointed as the presiding Judge for this emergency.

It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court therefore finds that good cause exists for granting emergency relief.

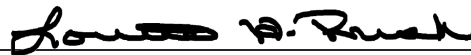
Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Wabash County, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020**:

1. This Court authorizes the tolling, beginning the effective date of this order and **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 Wabash County. Further, no interest shall be due or charged during this tolled period.
2. **Through May 4, 2020**, this Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, beginning March 13, 2020 through May 4, 2020. The courts of Wabash 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 Wabash County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, the courts of Wabash County are authorized to suspend all criminal proceedings except emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, and any other criminal proceeding deemed “urgent” in the courts’ discretion.
4. **Through May 4, 2020**, the courts of Wabash County are authorized to suspend all civil proceedings except protective orders, emergency CHINS proceedings, JD and JC detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed “urgent” in the courts’ discretion.
5. **Through May 4, 2020**, the courts of Wabash County are authorized to utilize video conferencing for incarcerated individuals whenever reasonably possible.
6. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing may do so upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard, without further leave of court. Remote appearances may be coordinated through the staff of either the Wabash Superior or Wabash Circuit Courts.
7. **Through May 4, 2020**, the courts of Wabash 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 Wabash 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.
9. The courts of Wabash County shall file a status update **no later than April 17, 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