

# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-00119

## Order

The courts of DeKalb 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 Governor Holcomb has issued directives concerning large gatherings and non-essential travel for state employees; that confirmed cases of the virus have been reported in an adjoining county; and that at least one attorney who practices in DeKalb County has been ordered into self-quarantine because of symptoms consistent with the virus. It appears from the petition that county-level conditions related to the virus will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Kurt B. Grimm has been appointed as the presiding Judge for this emergency.

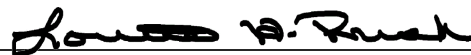
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in DeKalb 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 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 DeKalb County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension (including *sua sponte*) of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through **May 4, 2020**. The courts of DeKalb 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 DeKalb County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes the courts of DeKalb County, in their discretion (including *sua sponte*), to continue all criminal and civil hearings they deem non-essential, to the extent doing so will not violate a party's constitutional rights.
4. **Through May 4, 2020**, the Court authorizes the courts of DeKalb County to allow remote appearances without compliance with Indiana Administrative Rule 14, to the extent such appearances would not violate any party's constitutional rights.
5. **Through May 4, 2020**, the Court authorizes the courts of DeKalb County to direct the Clerk of DeKalb County to allocate cases without regard to the existing case allocation plan.
6. The courts of DeKalb County are authorized to issue a single order modifying reporting terms of probation to allow for telephonic reporting **through May 4, 2020**.
7. **Through May 4, 2020**, the courts of DeKalb County are authorized to order immediate release upon recognizance any arrested person without compliance with Indiana Criminal Rule 26; and to immediately and *ex parte* stay the reporting date previously established for incarceration, either *sua sponte* or on any party's motion.
8. **Through May 4, 2020**, the courts of DeKalb County are authorized to:
  - a. reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to remain open; and
  - b. reallocate court reporters and bailiffs, regardless of original assignment, among the courts as necessary to alleviate staffing shortages.
9. The courts of DeKalb County are authorized to adopt emergency temporary local rules (without notice, public comment, or Supreme Court approval) regarding quarantine petitions under Indiana Code § 16-41-9-1.5 to the extent not inconsistent with that statute or any party's constitutional rights, which rules may be effective **through May 4, 2020**.
10. The courts of DeKalb 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