



STATE OF INDIANA STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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EXTENDED STATUTES OF LIMITATIONS DURING THIS TIME OF COVID-19

The following information explains information that has been put forth regarding Indiana's tolling period.

On March 6, 2020, Governor Eric Holcomb declared a public health emergency in Indiana due to COVID-19. Holcomb subsequently issued Executive Order 20-08, placing statewide restrictions on travel and business operations; followed by Executive Order 20-09, which closed State government offices, including the Indiana Statehouse and Government Center campuses, to the public.

On March 16, 2020, following these Executive Orders, the Indiana Supreme Court issued an Order acknowledging that COVID-19 would likely impact litigants and courts ability to comply with statutory deadlines. The Order further states that all trial courts "should consider whether local needs warrant petition for any of the following emergency measures under Indiana Administrative Rule 17," including "[t]olling for a limited time 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 all State of Indiana trial courts."

On March 23, 2020, the Indiana Supreme Court, on its own motion, declared an emergency of the Indiana Supreme Court and Clerk of Courts and ordered the tolling and suspension of several deadlines through April 6, 2020. These deadlines include: (1) tolling of all laws, rules and procedures setting time limits for appellate filings; (2) suspension of Appellate Rule 23(A)(1), regarding filing by personal delivery to the Clerk; (3) to the extent not provided by emergency relief under Administrative Rule 17, tolling 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, supports and other orders, **statute of limitations**; and in all other civil and criminal matters before the Indiana Tax Court and all trial courts. The statute of limitations relief was extended through May 30, 2020. While the Supreme Court chose to extend some civil deadlines through August 14, 2020, it expressly left out any mention of statute of limitations.

More recently, on November 10, 2020, the Indiana Supreme Court issued an Order On Continued Emergency Actions, again noting that judges have broad authority in accessing the needs of their locale and to adjust court operations, as necessary. The November 10 Order further states “...if local needs require broad emergency action.....trial courts may petition the Supreme Court....for authority to take more extensive measures, including: (1) tolling rules and procedures setting time limits in (a) civil matters and; (b) criminal matters other than trials...” To date, no trial court has petitioned the Indiana Supreme Court since November 10, requesting the authority to toll procedures setting time limits.

Currently, there are no explicit orders extending the statute of limitations. While it is possible that a trial court could petition the Indiana Supreme Court for authority to toll the statute of limitations, none have done so yet

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