In the
Indiana Supreme Court

In the Matter of Emergency Procedures for the Administering of Oaths Via Remote Audio-Video Communication Equipment Relating to the 2019 Novel Coronavirus (COVID-19).

Supreme Court Case No. 20S-MS-236

Order

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, President Trump declared a national emergency relating to the virus. 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.

Appropriate public health responses to the COVID-19 outbreak will require limiting trial court operations and trial related activities, including the taking of depositions in preparation for trial. It is a high priority for the Indiana Judiciary to mitigate the effects of COVID-19.

It is the intent of this order to suspend any actual or implied requirement that notaries, court reporters, and other persons qualified to administer an oath in the State of Indiana, must be in the presence of a witness for purposes of administering an oath for depositions and other legal testimony, so long as the notary or other qualified person can both see and hear the witness via audio-video communications equipment for purposes of readily identifying the witness.

WHEREAS a public health emergency currently exists in Indiana requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19,

NOW THEREFORE, IT IS ORDERED that:

1. Notaries and other persons qualified to administer an oath in the State of Indiana may swear a witness remotely by audio-video communication technology, provided they can positively identify the witness.
2. All rules of procedure, court orders, and opinions applicable to remote testimony, depositions, and other legal testimony, that can be read to limit or prohibit the use of audio-video communications equipment to administer oaths remotely, are hereby suspended, and will remain suspended until removed by further order of this Court.

Done at Indianapolis, Indiana, on 3/31/2020.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.