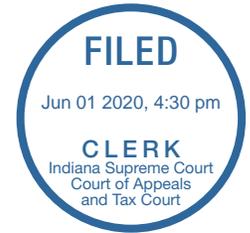


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-154



## Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an expansion of operations plan (“Plan”) on May 29, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/1/2020 , **effective May 29, 2020.**

A handwritten signature in black ink that reads "Steve David". The signature is written over a horizontal line.

Steve David

Acting Chief Justice of Indiana

**In the  
Indiana Supreme Court**

**Transition Plan**

Whereas the Indiana Supreme Court has directed the State Trial Courts to submit a Transition Plan (“Plan”) for the restoration of normal judicial operations for their respective counties.

Whereas to aid in the formulation of the Plan the Cass County Trial Courts (“CCTC’s”) have sought input from the Cass County Health Department, the Cass County Sheriff, the Cass County Clerk, the Cass County Welfare Department, the Cass County Prosecutor, the Cass County Chief Public Defender and the Cass County Bar Association as directed by the Supreme Court.

Whereas the CCTC’s have also relied upon the Cass County Health Department’s guidance as well as the template and report prepared by the Resuming Operations Task Force.

Whereas Cass County is one of three counties in the State of Indiana whose progression to Stage 3 of Governor Holcomb’s 5-stage transition plan to reopen the Hoosier economy has been delayed until June 1, 2020.

Accordingly, the CCTC’s propose that beginning June 1, 2020, the CCTC’s transition from Phase I to Phase II and implement the following procedures for restoration of normal judicial operations:

**STAFF**

1. Supervisors shall identify all employees who are considered more vulnerable to Covid-19 and, to the extent possible, make provision for the vulnerable employee to work remotely.
2. All employees shall conduct a daily health self-assessment which will include taking their temperature. If an employee has a temperature greater than 100.4 degrees or exhibits other Covid-19 symptoms the employee shall self-report to their supervisor, remain at home and call their physician.
3. All individuals shall maximize physical distance from others and attempt to maintain a distance of no less than 6 feet in the Courthouse, Courtrooms, and offices. Tape or other visible markers will be used to mark 6-foot distances where practical.
4. Face coverings will be required for all face-to-face meetings in the event social distancing cannot be maintained.
5. An employee infected with Covid-19 or presumptively infected with Covid-19 shall self-quarantine at home and not return to work until they are 2 weeks symptom free.
6. Probation officers shall continue remote and/or telephonic visitation when possible but may begin face-to-face meetings when reasonable and necessary in the event appropriate social distancing can be maintained. Probationers are to be screened for Covid-19 symptoms before a face-to-face meeting is conducted.
7. Probation and Community Corrections Officers and Probationers will be required to wear face masks for all face-to-face meetings.

8. Gloves and face masks will be provided to staff responsible for opening mail, meeting the public and attending public hearings.

### **PUBLIC INTERACTION**

1. The Courts will expand non-emergency hearings, including both family and civil matters. However, hearings will continue to be held remotely whenever possible.
2. Each Court will determine the priority of hearings giving high priority to hearings that may be held remotely.
3. Hearings will be scheduled in such a manner as to minimize contact between persons. Both attorneys and parties will be encouraged to arrive and depart promptly for hearings. Hearing attendance shall be limited to essential persons.
4. Attorneys and their clients are the only persons who may be present for the entire hearing. Witnesses will testify remotely when possible. Otherwise, witnesses are to remain in their vehicle in the courthouse parking lot. They will be given a pager by security and will be paged when called to testify.
5. Security will not allow parties admission into the Courthouse until 5 minutes before their scheduled hearings or until their Court-assigned pager alerts them to enter the Courthouse. Each Court will provide security the schedule for hearings in its court the day before the scheduled hearings. Witnesses will not be allowed into the Courthouse until they are called to testify.
6. For high volume days the docket will be staggered to allow for no more than 10 hearings per hour. Cattle call hearings are either eliminated with all hearings being scheduled for specific times, or litigants will be assigned a pager upon

arrival at the Courthouse, and will wait outside within a ½ mile from the Courthouse until their pager alerts them to return to the Courthouse for their hearing.

7. Hearings for individuals at the Department of Corrections or incarcerated in the Cass County Jail will be conducted remotely if possible. In addition, the CCTC's will continue to work with Pretrial Services and the Cass County Sheriff to maintain the jail population at a level that reduces the risk of Covid-19 transmission.
8. Remote hearings will be scheduled with Senior Judges where possible to relieve the backlog of cases.

#### **FACILITY**

1. Each week Maintenance will apply a Covid-19 disinfectant throughout the Courthouse, Community Corrections, and Probation Offices which has sustained disinfectant properties.
2. Security will screen all persons for Covid-19 symptoms before allowing admittance into the Courthouse.
3. No persons will be allowed into the Courthouse, Courtroom, and Court offices without a mask. Masks will be provided by security for persons not having a mask.
4. Contact surfaces will be regularly disinfected by Maintenance and Court staff.
5. Hand sanitizer will be provided in the Courtroom, Jury Room, and Court offices.
6. Since Community Corrections and Probation share the same building, they shall maintain appropriate distance between their offices to prevent interaction between Community

Corrections and Probation employees. When personal interaction is necessary CDC social distance guidelines will be observed.

**TRANSITION TO PHASE III  
BEGINNING JULY 1, 2020:**

**FACILITY AND JURY**

1. Vulnerable employees may continue to work remotely provided their absence does not hinder the work of the Court. However, if their absence hinders the work of the Court they will be permitted to return to work provided they observe the guidelines established by the CDC, the State Department of Health, and the Cass County Health Department.
2. Employees shall continue to monitor their personal health each morning before leaving their home for work and shall continue to do so until the Cass County Health Department advises it is no longer necessary to do so.
3. Any employee testing positive for Covid-19 symptoms or evidencing Covid-19 symptoms shall self-quarantine and shall not return to work until they are 14 days symptom free.
4. All other practices outlined in Stage II to protect employees shall continue.
5. All persons entering the Courthouse shall continue to be screened and not allowed to enter the Courthouse if exhibiting Covid-19 symptoms.
6. All recommendations of the CDC, the State Department of Health, and the Cass County Department of Health will continue to be observed, including recommendations concerning social distancing and wearing masks.

7. Jury trials will resume after July 1, 2020. Each prospective juror will be sent the supplemental juror questionnaire attached as Exhibit A.

8. The following prospective jurors will be granted automatic deferrals:

- Essential workers including without limitation healthcare workers and long-term care employees.
- Individuals who have tested positive for Covid-19 or have displayed Covid-19 symptoms in the preceding two weeks.
- Persons exposed to individuals with Covid-19 including a member of the same household as the prospective juror.
- Expectant mothers.
- Persons recently returning to work after furlough.
- Persons manifesting Covid-19 symptoms at any time during the jury selection process or after being seated as a juror.
- Jurors with vulnerable health conditions or residing in the same household with persons who have vulnerable health conditions.

9. The Court will either stagger jury pools to minimize the number of prospective jurors present or select the jury remotely in accordance with the recommendations of the Appendix attached to the report prepared by the Resuming Operations Task Force.

10. All recommendations of the CDC, State Department of Health and Cass County Department of Health will be observed throughout the trial process.
11. The Court will provide prospective jurors the Supreme Court's Jury Duty video link and will send a letter with the supplemental questionnaire explaining the procedures that have been put in place to minimize the risk of Covid-19 transmission.
12. Prior to each Jury Trial the Court will schedule:
  - Times for bench decisions to minimize the time jurors are together.
  - Establish where sidebars will occur.
  - Determine the safest manner to handle food for jurors.
  - Consult with counsel on the best way to handle exhibits so as to minimize contact while allowing the jurors sufficient opportunity to examine the exhibits.
  - Provide gloves to jurors for handling exhibits.

**TRANSITION TO PHASE IV  
WHEN THE PANDEMIC IS OVER**

Pre-Covid-19 levels of courthouse operation shall resume, and all employee restrictions will be lifted at the conclusion of the Pandemic, however, employees shall continue proper hygiene practices such as handwashing and use of hand sanitizer.

Respectfully Submitted,

/s/James K. Muehlhausen

Judge, Cass Superior Court 1

/s/ Stephen R. Kitts, II

Judge, Cass Circuit Court

/s/ Lisa K. Swaim

Judge, Cass Superior Court 2

Juror Name: \_\_\_\_\_

Juror #: \_\_\_\_\_

ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19  
3<sup>rd</sup> Quarter – July through September 2020

1. Are you an essential healthcare worker? \_\_\_\_\_ YES \_\_\_\_\_ NO

2. If yes, where are you employed and in what capacity?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you been exposed to COVID-19? \_\_\_\_\_ YES \_\_\_\_\_ NO

4. If yes, approximate date of exposure: \_\_\_\_\_

5. Have you tested positive for COVID-19? \_\_\_\_\_ YES \_\_\_\_\_ NO

6. If yes, approximate date of positive test: \_\_\_\_\_

7. Are you currently experiencing any symptoms of COVID-19 and been told to quarantine?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

8. If yes, on what date were you told to quarantine? \_\_\_\_\_

9. Are you an employee who has been laid off due to COVID-19 and have recently been returned to work? \_\_\_\_\_ YES \_\_\_\_\_ NO

10. If yes, where are you employed, how long were you laid off, and when did you return to work?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are you considered an individual in a vulnerable population due to age or health conditions?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

12. Any other concerns related to COVID-19 you have regarding your jury service?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS, AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
SIGNATURE OF JUROR