

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-188



## Order Approving Expansion of Operations Plan In Part

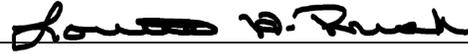
By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended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

The Court finds that the Plan was made in coordination with appropriate local officials 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 **in part**, subject to the following exceptions:
  - (a) The petitioning court(s) shall permit the public to observe courtroom proceedings, either in person or virtually, subject to public health recommendations and applicable Constitutional limitations; and
  - (b) The petitioning court(s) shall require employees to report if they have had contact with a person who has contracted COVID-19, and to not report to work until they have received instructions from their department head.

The petitioning court(s) shall comply with the terms of the Plan as **modified above** through its stated duration, subject to further order of this Court.  
Done at Indianapolis, Indiana, on 6/4/2020, **effective May 29, 2020.**



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Loretta H. Rush  
Chief Justice of Indiana

**IN THE INDIANA SUPREME COURT**

IN THE MATTER OF THE PETITION  
OF THE KOSCIUSKO COUNTY COURTS  
FOR ADMINISTRATIVE RULE 17  
EMERGENCY RELIEF

CASE NO.: 20S-CB-188

**KOSCIUSKO COUNTY COURT TRANSITION PLAN**

Come now the Courts of Kosciusko County (Kosciusko Circuit Court, Kosciusko Superior Court No. 1, Kosciusko Superior Court No.2, Kosciusko Superior Court No. 3, and Kosciusko Superior Court No. 4, hereinafter "Courts") and as provided in the Supreme Court Order dated April 24, 2020, in 20S-CB-123 submit this plan for expanded operations of the Courts.

The Supreme Court granted Ind. Administrative Rule 17 relief to the Courts on March 19, 2020, in this case. The Courts have operated under this order since it was entered.

The Kosciusko County Justice Building, in which the Courts operate, was never closed completely to the public by the Kosciusko County Commissioners. Although all jury trials were continued beginning March 18, 2020, all other necessary court hearings have been held, either in person or via video or teleconferencing, as determined by the presiding judge of the Court in which the case is pending, and with input from the parties during this period. The in-person hearings have been held with the Courts observing appropriate social distancing, sanitation, and other guidelines issued by the Governor, the State and Kosciusko County Departments of Health, and/or the Center for Disease Control (CDC). Limits have been placed on those allowed in the courtroom at any one time, including the limits on the number of spectators and/or other non-parties, excluding attorneys, and/or witnesses, when necessary to meet social distancing guidelines.

Between March 24, 2020 and May 8, 2020, staffing of the Courts was at approximately 50% of normal levels, with staff members rotating so that time off was shared approximately equally. Staffing returned to normal levels on May 18, 2020, with social distancing and other recommended safeguards being observed by all staff and other court personnel. At this time all nonessential Kosciusko County employees also returned to work full-time. All Kosciusko County offices opened to the general public on May 18, 2020.

Beginning May 18, 2020 the Courts began transitioning to a more normal calendar with more in person hearings being held. The Courts anticipate continuing to follow all

appropriate guidelines as to social distancing, sanitation, and the like as modified from time to time by the Governor, the State and Kosciusko County Health Departments, and/or the CDC. These considerations will be addressed individually as required by the presiding judge in each court. Restrictions as to social distancing, spectators and other non-essential persons will be relaxed to the extent possible after June 1, 2020. Additionally, remote proceedings and/or hearings will continue to be utilized to the greatest extent possible as might be appropriate under the circumstances and consistent with Ind. A.R. 14.

The Courts wish to commence jury trials as soon as possible with these same considerations in mind. Arrangements to conduct jury assembly and orientation in the sanctuary of a former church owned by Kosciusko County located directly across the street from the Kosciusko County Justice Building have been made [this area has been used successfully for these purposes in the past when very large profile jury trials have been held and additional space has been needed.] For a twelve (12) person jury the two jury assembly rooms in the Kosciusko County Justice Building will be utilized for jury deliberations and the like. For a six (6) person jury two of the normal jury rooms are large enough to accommodate this size group while social distancing and other considerations can still be followed.

Information will be sent to all prospective jurors as well, informing them in advance as to the procedures and safeguards the Courts will utilize to reduce their chances of exposure to COVID-19. This information will include steps taken by the Courts to sanitize and clean spaces, to utilize temperature screenings, the extent to which the Courts are able to accomplish social distancing, emphasizing the key importance of jury service and the like. Additionally, the Courts intend to summon more potential jurors, staggering the times the jurors are called, and calling them in smaller groups at those times. Necessary and appropriate PPE has been acquired and is on hand. Arrangements have also been made to utilize alternative spaces for jury assembly areas and deliberation areas as discussed above. The Courts will also utilize "forgiving" FTA policies. Social distancing practices will be followed in the courtroom to the extent practicable.

Once the Supreme Court allows Kosciusko County to resume holding jury trials the Courts see no reason for Kosciusko County's Administrative Rule 17 relief to continue and the current Order should be allowed to expire.

It should also be noted that the Courts consulted with Kosciusko County Emergency and Public Health Authorities, the Kosciusko County Commissioners, the Kosciusko County

Clerk, and the Kosciusko County Administrator in formulating the foregoing transition plan, all in accordance with the Supreme Court's April 24, 2020 Order.

Attached hereto and made a part of this Petition are the Kosciusko County Pandemic Protection measures plan adopted by the Kosciusko County Commissioners, the Kosciusko County Health Department recommendations on minimizing COVID-19 Risk in Courtroom Settings, a letter from the Kosciusko County Health Officer, the COVID-19 update which will be sent to all prospective jurors, all of which will be followed by the Courts.

It should also be noted that activities related to community supervision, pre-trial services, probation services, and problem solving courts have been in constant operation, although at reduced levels. This includes in person office visits and home visits. Basically all of these services returned to approximately normal levels of operation on May 18, 2020. (All subject to social distancing and other appropriate recommendations.)

DONE at Warsaw, Indiana, this 29th of May, 2020.



Michael W. Reed, Judge  
Kosciusko Circuit Court



Torrey J. Bauer, Judge  
Kosciusko Superior Court No 2.



David C. Cates, Judge  
Kosciusko Superior Court No. 1



Joe V. Sutton, Judge  
Kosciusko Superior Court No. 3



Christopher D. Kehler, Judge  
Kosciusko Superior Court No. 4

KOSCIUSKO COUNTY HEALTH DEPARTMENT  
100 W. CENTER ST.  
WARSAW, IN 46580  
(574) 372-2349  
Fax: (574) 269-2023



May 20, 2020

Honorable Judge Mike Reed  
Kosciusko County Circuit Court

Dear Mike,

Kosciusko County, Indiana is fortunate to have experienced -- thus far - a very light footprint from the COVID-19 pandemic. To date, we have confirmed only 62 cases, and an unfortunate solitary death.

I have been following the trend-lines carefully, and despite a growing number of cases - likely secondary to a much different paradigm of testing now as compared to 6-8 weeks ago -- the percentage of tests positive remains low. More importantly, the syndromic "pressure" on our local hospital emergency rooms and hospital beds remains light, and seems to be easing-off from the bit of pressure felt a few weeks ago. We never experienced, a "swamped" local ICU scenario during this pandemic.

I fully support the notion of an incremental "opening up" of this county -- with a careful finger remaining on the pulse of the community's health. Your proposed COVID-19 mitigation steps in the Kosciusko County courtrooms are very appropriate and carefully crafted. I feel very comfortable with your desire to "open up" the courtrooms of our county.

Please let me know if I may be of further service.

Best regards,

William L. Remington Jr, M.D.  
Health Officer  
Kosciusko County Health Department



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## Kosciusko County Health Department Recommendations on Minimizing COVID-19 Risk in Courtroom Settings

The following recommendations are intended to minimize the risk of spreading the COVID-19 virus in a courtroom setting where court personnel, attorneys, litigants, spectators etc. would gather together in a defined area.

- **Court personnel and spectators entering the courtroom should be strongly encouraged to wear a face covering or mask.**
- Body temperatures should be determined for all spectators entering the courtroom using a temporal thermometer. People at or below 100.3° may enter the courtroom.
- Spectators should be strongly encouraged to sanitize hands before entering the courtroom.
- Spectators should sit in a pattern where their nearest neighbor is at least one seat away. Social distancing should be observed.
- Jurors should have their temperature determined following the above guidelines.
- Jurors should be seated so as to leave one empty seat between them. This will usually require extra seating placed outside of the jurors' box. Social distancing should be observed.
- A tape line in front of the presiding judge might serve to remind those approaching the bench to observe social distancing guidelines. An option could be a plexiglass barrier used to separate the judge from those approaching.
- At the end of the court session all seating surfaces and arm rests should be wiped down with sanitizer. All desk surfaces should be sanitized as well.

Robert C. Weaver  
Administrator



## **COVID-19 UPDATE**

You have been called as a perspective member of a petit jury for an upcoming jury trial. Jury service is a civic responsibility and the patriotic duty of every American citizen. The right to a trial by jury is a bedrock principle of our system of juris prudence.

The Court recognizes that even in normal times jury service requires personal sacrifices, interruptions in normal routines, and inconveniences for everyone. In these unusual times other issues have arisen. Although people are understandably concerned now about their health, it remains necessary to continue to provide jury trials so that the administration of law in our courts in Kosciusko County remains possible.

The Court takes public health and safety seriously, however, and has implemented aggressive safeguards and policies to help prevent the spread of COVID-19 and to prevent the risk of infection for jurors and other court users. Kosciusko County and the Court have implemented safeguards and adopted policies and procedures to keep all court facilities clean and disinfected. The Court follows all social distancing guidelines, sanitation recommendations and the like, as modified from time-to-time by the Governor, the State and Kosciusko County Health Departments, and/or the CDC. Hand sanitizer and face masks for those who need them, will also be provided.

Additional instructions and information in this regard will be given to you when you actually report for jury service from the Bailiff and/or other court personnel.

The Court does want to thank you in advance for your cooperation in these matters and looks forward to working with you in the upcoming trial.

Sincerely,

Michael W. Reed, Judge  
Kosciusko Circuit Court

# Kosciusko County Pandemic Protective Measures Plan

## **Purpose**

This plan outlines how Kosciusko County Government has implemented measures and instituted safeguards to ensure a safe environment for their employees, taxpayers, and visitors during our recovery from a pandemic.

## **Employee self- health screening**

Employees must conduct a self-assessment each day before reporting to work in order to check if they have any COVID-19 type symptoms (fever, cough or shortness of breath). If an employee is presenting any of these symptoms they must not report to work, but call their Department Head to discuss protocol for returning to work.

If an employee begins to show signs of COVID-19 type symptoms, that employee should remove themselves from the work environment and inform the Department Head.

Employees and visitors are encouraged to use cough and sneeze etiquette.

## **Cleaning/disinfecting protocols**

Each office has been provided with disinfectant spray. Disinfect all high contact surfaces in your work area (printers, desks, phones, counters, door handles, coffee pots and hand rails) at least twice each day.

Additional housekeeping staff and equipment has been added to disinfect public areas on an ongoing basis.

## **Hand wash/sanitize**

Offices have been provided with hand sanitizer. Sanitize hands after each contact with the public.

Wash hands with soap and water for at least twenty seconds as often as possible.

## **Social distancing**

Work spaces have been evaluated to create as much social distancing as possible. If you have suggestions to improve the spacing or separation please talk with your Department Head. In some offices, barriers have been installed in an attempt to shield or separate employees from direct contact with the public.

Reduce sharing of work materials to greatest extent possible

## **Safety and health standards**

All employers must comply with safety and health standards established and enforced by OSHA.

Employers are subject to specific standards to prevent the exposure or spread of a disease. Additionally, the General Duty Clause of OSHA requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

Every attempt has been made to follow the OSHA, Health Department and CDC guides, and this requires that Kosciusko County government employees conform to the same guides.

Signs have been posted on exterior doors of government buildings to inform the public of our new operating guidelines.