

In the Indiana Supreme Court



In the Matter of Matter of the Petition of
the Monroe Circuit Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-138

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 6/4/2020 , effective **May 29, 2020**.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

MONROE CIRCUIT COURT TRANSITION PLAN

Exhibit A

Administrative Rule 17 Components

1. The Courts request that the Supreme Court permit the 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, support, and other orders; and in all other civil and criminal matters before Monroe Circuit Courts through August 14, 2020 subject to the Supreme Court's Order entered on May 29, 2020 under Supreme Court Cause No. 20S-CB-123.
2. The Courts are requesting that the Courts, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Monroe Circuit Courts, Title IV-D, Youth Service Bureau, Community Corrections, and Probation, to the extent necessary to provide adequate social distancing.
3. Request that the Supreme Court continue to authorize signage to be posted at all public entry points to judicial facilities advising individuals not to enter the building if they:
 - a. Visited China, Iran, South Korea, and European countries, or any other high-risk countries identified by the Centers for Disease Control and Prevention ("CDC") in the prior 14 days;
 - b. Resided with or been in close contact with someone who has been in any of those countries within the prior 14 days;
 - c. Traveled domestically within the United States where the virus has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with the COVID-19 virus within the prior 14 days; or
 - f. Has COVID-19 symptoms, as identified by the CDC, in the prior 14 days;

The goal of the Monroe County Court System is to provide guidelines and best practices to transition the functioning of the justice system back to a more normalized, but expanded and improved operation, with appropriate and safe social interaction

The Monroe County Courts after consultation with the County Commissioners and the County Health Department to determine when it is appropriate to advance to different phases. Factors to be considered as we move between phases:

- 1) Sustained control of the rate of new infections and hospitalizations.
- 2) Enhanced ability to test and trace
- 3) Sufficient health care capacity to handle resurgence.
- 4) Best practices for preventing the spread of COVID-19 in the workplace.

These guidelines are intended to strongly support actions and behavior prioritizing safety and health of citizens, residents, court and county employees and partners, health care providers, and first responders. Phased-in steps are recommended to help mitigate the risk of the virus re-emerging.

Note: These guidelines are subject to change at any time.

All Phases shall include the following measures to minimize COVID-19 contamination and exposure:

1. All Employees will be provided masks as well as cleaning cloths and disinfectants for work surface and technology.
2. Barriers will be set up between work spaces and in public areas (where requested).
3. Hand sanitizer will be available for employees and the public.
4. Buildings and high contact surfaces will have daily cleaning.
5. High efficiency air filters have been installed in county buildings.
6. Employees shall refrain from using other employee's phones, desks, offices, or other work tools and equipment.
7. Employees shall report all possible/potential COVID-19-like symptoms to their supervisor. Employee shall follow the current CDC guidelines and local health provider guidance through the Monroe County Health Department.
8. Anyone (employees or the public) exhibiting symptoms of COVID-19 (example: excessive coughing) may be asked to leave the county buildings or sit separately with appropriate precautions.

9. Special accommodations for personnel who are members of a vulnerable population will be strongly considered and/or implemented. The employee shall work closely with their supervisor.
10. If people do not, or refuse, to abide by the social distancing guidelines set forth within this Plan, they may be asked to leave the county building and may be subject to Contempt of Court.

**PHASE I: UNTIL CRITERIA WITHIN MONROE COUNTY
IS MET TO ADVANCE TO PHASE II**

The anticipated duration of each Continuity of Operations Infectious Disease LEVEL beyond Level 1, will be at least 2 weeks in durations for forward movement. Data will be monitored daily, which impacts the duration of each level and the direction of progress. Depending on the data collected, the COOP-ID level may be moved from a less restrictive level for a more restrictive level. The emergency declaration and the COOP-ID levels are based on recommendations from the County Health Officer.

For Health of All Court Employees, County Employees, and Public:

1. The Courts will continue to operate under **Administrative Rule 17 guidelines** as approved or extended by the Indiana Supreme Court.
2. **Employee Safety:**
 - a) Employees shall wash their hands regularly and wear a mask or face covering if within 6 feet of other employees, when walking within the Zietlow Building, Probation, Community Corrections, or Youth Services Bureau and outside their specified office, and when walking into or out of any facility in a group.
 - b) Employees may work in alternating shifts if there is a concern of the ability within an office to keep employees 6 feet apart, and/or have a face covering available to wear, and/or have concerns of underlying medical conditions.
 - c) Employees are not to report to work IF presenting with COVID 19 symptoms.
 - d) Employees are required to clean their work area and technology with the disinfectant provided continuously throughout the day.
 - e) Employees are required to remain in their office and communicate via email or phone as much as possible.
 - f) Request maintenance to mark the floors with 6' spacing or mark tabletops with 6' spacing if not already communicated.
 - g) Request maintenance to mark off chairs in courtrooms and waiting area to adhere to social distancing.

3. **Public Safety:**
 - a) All non-employee persons entering county buildings shall wear a mask or face covering.
 - b) Notice of the face covering requirement shall be included in court hearing notices and summonses, on the Monroe County website, posted at the entrance to county buildings and sent through the Monroe County Attorney Bar list.
 - c) If a person does not bring a mask or face covering with them, one will be provided. The County shall make all efforts to have face coverings available. Otherwise, a person will be refused access to the county buildings and their hearing may be rescheduled if a remote appearance cannot be arranged and/or is not agreed upon
4. **Court Staff** shall sanitize public high volume, high touch, common areas (door knobs, handrails, etc.) several times during the day.
5. **Maintenance** shall thoroughly clean county buildings at night and provide necessary hand sanitizer, sanitizing wipes, and disinfectant spray as needed.
6. **Signage shall be placed at every public entrance** to the county buildings notifying people that if they have symptoms consistent with COVID-19, they may not enter the premises. Those who do enter shall:
 - a) Have an appointment or scheduled hearing; and
 - b) Wear a mask or face covering; and
 - c) Practice social distancing (six feet between individuals or family units); and
 - d) Keep the visit short and stay only for the specific purpose.
7. **Meetings:** Meetings shall take place by Zoom unless necessary to meet in person. If in person, social distancing guidelines shall be followed and masks worn.
8. **Communication** between employees of different offices and buildings shall be by phone and or Zoom. Employees shall not go to other offices to “visit”.
9. **County Buildings** shall remain closed to the general public unless entry is authorized by one of the Courts, the Clerk, or the Prosecutor. Each Court is to provide front door security with an updated list of court appearances for the day.
10. Upon Entry to the Zietlow Building, Curry Building and Community Corrections:
 - a) Security Officers/Bailiffs will be present at the entrance. Each officer shall wear a mask and gloves when interacting with employees and the public.
 - b) Security Officers will assure persons entering and/or waiting in line to enter, are maintaining a distance of six (6) feet.
 - c) Security Offices will make sure each person is wearing a mask. If the public does not have one, the officer will provide them with a mask. If the person refuses to wear a mask, the officer will deny access to the building.
 - d) If the public admits they do not feel well or they appear to be sick, they will be denied access to the building.

11. If a person is denied entry and has a scheduled court appearance, security shall obtain and confirm the person's name and then immediately advise the designated court of the denial of entry. The designated Court shall reschedule the hearing.
12. The Security Officers and Maintenance Department Head shall work together to ensure backup masks are available as needed, with the understanding that masks may be difficult to obtain given ongoing circumstances and availability.

Court Offices and Courtrooms:

1. No jury trials will be scheduled.
2. The Courts will schedule as many hearings remotely as possible given AR14, AR17, technological capabilities, and/or agreement of the parties.
3. Courts will continue to utilize video conferencing for incarcerated individuals and as agreed upon by all parties and attorneys. Courts will continue to work with the IT Department Head to analyze, upgrade, install and implement applications designed to provide remote hearings and live streaming as deemed necessary or as agreed upon by parties.
4. Judges may choose to conduct only emergency/essential hearings by Zoom. Hearings may only be held in the Courtroom if parties are unable to appear by Zoom.
5. Court staff will work with maintenance to assure the courts continue to have all cleaning/disinfecting supplies and are apprised of procedures necessary to clean and/or disinfect the offices and courtrooms during ongoing daytime court operations.
6. Courtroom and hallway furniture shall be moved/roped off so that they are six (6) feet apart, or tape shall be used to mark an "X" 6 feet apart on the floors to assist in persons keeping 6 feet apart.
7. Attorneys desiring to enter the Court Offices will not be allowed to do so unless they are wearing a mask.
8. All persons in the building shall:
 - a. Exercise social distancing practices on the stairway, in the hallways, and in the courtroom. Those who refuse to abide by the guidelines will either:
 - i. Be asked to leave or
 - ii. Be asked to leave and wait outdoors until their case is called; or
 - iii. Be warned and subject to Contempt of Court.
9. Parties and attorneys will be asked to sit in different areas of the gallery or in the hallway, with a six-foot distance, while awaiting their hearing.

10. Court staff, attorneys, public defenders, and prosecutors will utilize sanitizer wipes and disinfecting spray in the courtroom to clean up their table and area used upon conclusion of the hearings.
11. Judges will continue to work with the Sheriff, Chief of Police, Prosecutor, Jail Commander, Public Defenders and Local Attorneys to assess warrant issues and jail population.

**PHASE II. IN EFFECT UNTIL CRITERIA
WITHIN MONROE COUNTY IS MET TO ADVANCE TO PHASE III**

1. The Courts will continue to operate under **Administrative Rule 17 guidelines** as approved or extended by the Indiana Supreme Court.
2. **Employee Safety:**
 - a. Employees shall wash their hands regularly and wear a mask or face covering if within 6 feet of other employees, when walking within the Zietlow Building, Probation, Community Corrections, or Youth Services Bureau and outside their specified office, and when walking into or out of any facility in a group.
 - b. Alternate the number of employees working in the office and the number of employees working from home. Employees may complete work at home as directed by their supervisor.
 - c. Employees are not to report to work IF presenting with COVID 19 symptoms.
 - d. Employees are required to clean their work area and technology with the disinfectant provided continuously throughout the day.
3. **Public Safety:**
 - a. All non-employee persons entering county buildings shall wear a mask or face covering.
 - b. Notice of such requirement shall be included in court hearing notices and summonses, on the Monroe County website, posted at the entrance to the buildings and sent through the Monroe County Attorney Bar list.
 - c. If a person does not bring a mask or face covering with them, one will be provided. The county shall make all efforts to have face coverings available. Otherwise, the person will be refused access to the County buildings and their hearing may be rescheduled if a remote appearance cannot be arranged and/or is not agreed upon.
4. **Court Staff** shall continue to sanitize public high volume, high touch, common areas (door knobs, handrails, etc.) several times during the day.
5. **Maintenance** shall continue to thoroughly clean county buildings at night and provide necessary hand sanitizer, sanitizing wipes, and disinfectant spray as needed.

6. **Signage shall remain at every public entrance** to the county buildings notifying people that if they have symptoms consistent with COVID-19, they may not enter the premises. Those who do enter shall:
 - a. Have an appointment or scheduled hearings; and
 - b. Wear a mask or face covering; and
 - c. Practice social distancing (six feet between individuals or family units); and
 - d. Keep the visit short and stay only for the specific purpose.
7. **Meetings:** Meetings shall continue to take place by Zoom unless necessary to meet in person. If in person, social distancing guidelines shall be followed and masks worn.
8. **Communication** between employees of different offices and buildings shall be by phone and or Zoom. Employees shall not go to other offices to “visit”.
9. County Buildings shall remain closed to the general public unless entry is authorized by one of the Courts, the Clerk, or the Prosecutor. Each Court is to provide front door security with an updated list of court appearances for the day.
10. The Court will avoid any hearing, trial, or proceeding that may attract more people than Court capacity will allow, by increasing the use of remote hearings for all or most parties; inquiring of parties as to expected witnesses to appear; waiving initial hearings on infractions and misdemeanors; holding video guilty pleas and encouraging consent to remote felony sentencing, especially where limited or no testimony will be heard (agreed sentences); use of queuing or text notification practices; enforcing prompt arrival and departure by litigants and attorneys; prohibiting courtroom negotiations and conferencing; and limiting courtroom seating to essential individuals, by excluding appearance of personal supports, spectators, media and others, when necessary.
11. Upon entry to Zietlow Building, Curry Building and Community Corrections:
 - a. Security Officers/Bailiffs will be present at the entrance. Each officer shall wear a mask and gloves when interacting with employees and the public.
 - b. Security Officers will assure persons entering and/or waiting in line to enter, are maintaining a distance of six (6) feet.
 - c. Security Officers will make sure each person is wearing a mask. If the public does not have one, the officer will provide them with a mask. If the person refuses to wear a mask, the officer will deny access to the building.
 - d. If the public admits they do not feel well or they appear to be sick, they will be denied access to the building.
11. If a person is denied entry and has a scheduled court appearance, security shall obtain and confirm the person’s name and then immediately advise the designated court of the denial of entry. The designated Court shall reschedule the hearings.
12. Probation and Problem-Solving Court and home visits can return to regular frequency, while persons in waiting areas adhere to social distancing practices, by promoting: timely

meetings; prompt arrival/departure by clients; discouraging of guests and children with probationers; and encouraging remote reporting for low-risk or compliant clients.

13. Conventional UA drug testing may resume with greater regularity, while still following section above for best practices, with high-risk on OIRAS and Problem-Solving Court participants prioritized.
14. The Court can resume normal staffing operations through Phase IV.
15. Conventional UA drug testing may resume at pre-pandemic levels with both probationers and Problem-solving Court participants. Clients shall be screened, but the use of medical-grade PPE will be at the discretion of the Probation Officer, with clients encouraged to wear face coverings.
16. The Security Officers and Maintenance Department Head shall work together to ensure backup masks are available as needed, with the understanding that masks may be difficult to obtain given ongoing circumstances and availability.

Court Offices and Courtrooms:

1. The Courts will continue to schedule as many hearings remotely as possible given AR14, AR17, technological capabilities, and/or agreement of the parties.
2. Courts will continue to utilize video conferencing for incarcerated individuals and as agreed upon by all parties and attorneys. Courts will continue to work with the IT Department Head to analyze, upgrade, install and implement applications designed to provide remote hearings and live streaming as deemed necessary or as agreed upon by parties.
3. All problem-solving courts may be held in Court if it is believed social distancing may be accomplished.
4. Courts will continue to work together to stagger hearings to avoid back up in the buildings. Each individual Court shall also stagger the timing of their hearings to allow additional time for any necessary cleaning and disinfection in between hearings.
5. Courts will:
 - a. Work together to stagger hearings to minimize the public in the buildings.
 - b. Assist in ensuring persons within courtrooms are abiding by the social distancing requirements.
 - c. Work with maintenance to assure the courts continue to have all cleaning supplies and are apprised of procedures necessary to clean and/or disinfect the offices and courtrooms during daytime court operations.
 - d. Court staff to wear a mask when helping the public if unable to maintain a six (6) foot distance.

6. Attorneys desiring to enter the **Court Offices** will not be allowed to do so unless they are wearing a mask.
7. Court staff, attorneys, public defenders, and prosecutors shall continue to utilize sanitizer wipes and disinfecting spray in the courtroom to clean up their table and area used upon conclusion of the hearings.
8. Jury trials will be rescheduled to resume after August 1, 2020 unless otherwise directed by Supreme Court Executive Order:
9. Judges will continue to work with the Sheriff, Chief of Police, Prosecutor, Jail Commander, Public Defenders and Local Attorneys to assess warrant issues and jail population.

<p>PHASE III. IN EFFECT UNTIL CRITERIA WITHING MONROE COUNTY IS MET TO ADVANCE TO PHASE IV</p>

1. **Employee Safety:**
 - a. Employees shall wash their hands regularly and practice responsible social distancing.
 - b. All employees shall report back to work unless otherwise directed by their Judge or supervisor.
 - c. Employees will not be required to wear masks in their office but may if they desire.
 - d. Employees are required to clean their work area and technology with the disinfectant provided continuously throughout the day.
2. **Signage shall remain at every public entrance** to the Courthouse, Court Services, Community Corrections and Youth Services Center, notifying people that if they have symptoms consistent with COVID-19, they may not enter the premises.
3. **Public Safety:**
 - a. All non-employee persons entering county buildings shall wear a mask or face covering.
 - b. Notice of such requirement shall be included in court hearing notices and summonses, on the Monroe County website, posted at the entrance to county buildings and sent through the Monroe County Attorney Bar list.
 - c. If a person does not bring a mask or face covering with them, one will be provided. The county shall make all efforts to have face coverings available. Otherwise, the person will be refused access to the County buildings and their hearing may be rescheduled if a remote appearance cannot be arranged and/or is not agreed upon
4. **Meetings:** Meetings shall take place by Zoom unless necessary to meet in person. If in person, social distancing guidelines shall be followed and masks worn.
5. County buildings shall be open to the public

6. Upon entry to Zietlow Building, Curry Building and Community Corrections:
 - e. Security Officers/Bailiffs will be present at the entrance. Each officer shall wear a mask and gloves when interacting with employees and the public.
 - f. Security Officers will assure persons entering and/or waiting in line to enter, are maintaining a distance of six (6) feet.
 - g. Security Officers will make sure each person is wearing a mask. If the public does not have one, the officer will provide them with a mask. If the person refuses to wear a mask, the officer will deny access to the building.
 - h. If the public admits they do not feel well or they appear to be sick, they will be denied access to the building.
7. The Security Officers and Maintenance Department Head shall work together to ensure backup masks are available as needed, with the understanding that masks may be difficult to obtain given ongoing circumstances and availability.

Court Offices and Courtrooms:

1. Courts shall return to calendaring and scheduling their docket as deemed necessary:
 - a. Courts may continue to schedule ongoing remote hearings within Administrative Rule 14 authorization.
 - b. Courts will prioritize cases to be heard, with incarcerated defendants, CHINS/TPR Initial and Detention Hearings, Protective Orders, and emergency provisional family law matters continuing to have priority. Low priority cases, such as final hearings on divorces without children, proceedings supplemental, civil jury trials, and estate matters may not be heard until Phase IV, and at the very least will be given low priority. Within similar priority cases, the Court will address a first-in-first out basis, hearing those cases which were first to be stayed/continued at the start of the pandemic, being the first to come out of the stay and set for proceedings.
 - c. Courts shall continue to be aware of and encourage social distancing.
2. Court staff, attorneys, public defenders, and prosecutors shall continue to utilize sanitizer wipes and disinfectant spray in the courtroom to clean up their table and areas used upon conclusion of the hearings.
3. Jury trials will be set after August 14, 2020.
4. Judges will continue to work with the Sheriff, Chief of Police, Prosecutor, Jail Commander, Public Defenders and Local Attorneys to assess warrant issues and jail population.
5. CASAs may resume home visits as needed, adhering to social distancing and masking recommendations. Vulnerable CASAs should still avoid performing home visits. Visits may be alternated between virtual and face-to-face; with non-vulnerable CASAs. Remote appearances in court will continue to be allowed for high-risk CASAs so long as all parties are in agreement with CASA's remote appearance

6. Pretrial services resume with more liberal face-to-face visits of moderate to high-risk offenders for compliance, but less frequent than pre-pandemic levels, using remote access as a substitute.

PHASE IV. – THE FINAL PHASE

1. Employees are expected to report to work
2. Face coverings for both employees and the public are recommended if unable to adhere to a minimum of 6 feet of personal distancing.
3. Signage shall remain at every public entrance to the county buildings notifying people that they may not enter the premises if they have symptoms consistent with COVID-19.
4. Courts shall return to calendaring and scheduling their docket as deemed necessary.
5. Courts may continue to schedule ongoing remote hearings within Administrative Rule 14 authorization.
6. The Courts shall continue to be aware of and encourage social distancing.
7. Jury Trials
 - a. Criminal trials will take precedence over and civil trials due to COVID-19 court backlog.
 - b. Jury Trials will after August 14, 2020 unless local conditions do not permit the same.
 - c. The Court will review future Jury Trial settings to identify whether additional panel members should be summonsed. The Court will revise its current jury questionnaire to include appropriate COVID-19 questions and prepare literature for prospective jurors on the new selection process and the Court's practices. The Court will communicate information to prospective jurors who may develop symptoms of COVID-19 in the 14 days before reporting for jury duty, of the best practices for high-risk individuals and manner in which to notify the Jury Coordinator.
 - d. The court is exploring web-based jury questionnaire submission, to minimize document handling and allow for more rapid and increased responses, as a supplement to traditional mail-in processes.
 - e. Revised jury questionnaires will be reviewed to determine best estimates for jury appearance rates, to make final adjustments to panel size.

- f. Juror deferrals will be granted liberally to: vulnerable jurors; high-risk jurors; front line and essential workers; previously furloughed workers just returning to work; employees of long term care facilities; those without childcare due to COVID-19; and others most impacted by COVID-19.
 - g. Final review of Administrative Rule 17 concerns should occur to confirm all local data and best practices support the safe and practical commencement of Jury Trials on August 1, 2020, as expected without further extensions or Criminal Rule 4 concerns.
 - h. The Courts will determine which cases will be tried first and in which order, taking into consideration certain factors, including, but not limited to the following:
 - i. Whether a request for early trial was made pre-COVID-19 or during Phase 1
 - ii. Whether the defendant is incarcerated.
 - iii. The level felony of the case
 - iv. The age of the case
 - v. The seriousness of the offense(s)
 - vi. Whether victim(s) are involved
 - vii. Readiness of counsel for trial
 - viii. The number of jurors required for the trial. (The Court may consider the use or remote jury selection where appropriate and by agreement.)
8. Court supervised services shall be conducted remotely when possible. If remote access is not available, then an appointment will be scheduled to minimize the number of people in the building.
 9. Court staff will rotate their work schedules to minimize the public from having to gather in public places.
 10. CASA resumes pre-pandemic best practices for visits and CASA operations.
 11. Pretrial Services resumes best practices and court's pretrial matrix guidelines for moderate to high-risk defendants and non-compliant defendants, of face-to-face meetings.
 12. Court, CASA Director and pretrial services administrator will address those best practices and technology from pandemic to continue.