

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-150



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) tendered an amended expansion of operations plan (“Plan”) on June 4, 2020 and a motion for leave to file it.

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. The “Motion for Leave to File Morgan County’s Amended Transition Plan” is granted. The Clerk is directed to file “Morgan County’s First Amended Transition Plan for Expanded Operations Under Indiana Administrative Rule 17,” received June 4, as of the date of this order.
2. 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.

3. 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 6/8/2020 , **effective May 29, 2020.**



Loretta H. Rush
Chief Justice of Indiana

MORGAN COUNTY’S FIRST AMENDED TRANSITION PLAN FOR EXPANDED OPERATIONS UNDER INDIANA ADMINISTRATIVE RULE 17

The Circuit and Superior Court of Morgan County (“Morgan Courts”) have adopted the following Transition Plan for Expanded Operations Under Indiana Administrative Rule 17 (“Transition Plan”). The Transition Plan begins on June 2, 2020, and will continue so long as the pandemic continues and conditions warrant. The Transition Plan has been submitted for approval to the Indiana Supreme Court and shall be effective on the date of filing with the Indiana Supreme Court.

The Morgan Courts have worked cooperatively with and have consulted with the Morgan County Health Department; Dr. Paul Broderick, the Morgan County Health Officer; the Morgan County Sheriff and Morgan County Jail; Steve Sonnega, Morgan County Prosecutor; Stephanie Elliott, Morgan County Clerk; public defenders; and the Morgan County Bar Association in order to formulate this Transition Plan.

All Phases: The following policies and procedures shall apply during all phases of this Transition Plan.

- Ongoing Consultation and Coordination with Local Public Health and Governmental Authorities. During all phases of the Transition Plan, and prior to moving to the next phase, the Morgan Courts will consult with the local Health Department, public health officials, the Morgan County Prosecutor, the Morgan County Clerk, the Morgan County Sheriff, the Board of Commissioners, and the County Council to determine the need to reevaluate this Plan. The Morgan Courts will also continue to monitor conditions with the local public health and governmental authorities to determine whether facts and circumstances dictate moving back to a prior phase. The Morgan Courts will work with local public health and governmental authorities to implement appropriate policies and procedures in the event there is an outbreak or exposure of COVID-19 within the community, the courthouse buildings, or within the Morgan County Jail.
- Employment Procedures. During all phases the Morgan Courts will continue to work with local officials to ensure that all employees may return to work safely and that all applicable federal, state, and local employment and workplace laws, rules, and policies are enforced and followed.

Self-Monitoring. All employees shall self-monitor for any indicative symptoms of COVID-19 and if the employee exhibits symptoms, the employee must report their symptoms to their supervisor, stay at home, and consult with a health care provider.

Duty to Report. Employees shall report to their supervisor if they have experienced any symptoms of COVID-19 within the last three (3) days. Employees shall report to their supervisor if someone they live with, or have been in contact with' in the last fourteen (14) days has tested positive for COVID-19. Employees shall then follow the appropriate protocols as directed by the local health department. Employees may face disciplinary consequences for failing to comply with their obligations under this Plan.

Vulnerable Employees. Employees who may be at increased risk or are vulnerable to COVID-19 and its effects (as outlined by the CDC, ISHD, or their physician), may work remotely or be provided other reasonable accommodations for the duration of the pandemic.

Contact Tracing. The Morgan Courts will work with local public health officials to implement policies and procedures for contact tracing for employees and if there is an exposure from the public within the Courthouse.

Employee Mental Health. A mental health resource is provided to all Morgan Courts and/or county employees through the Morgan County Insurance trust/provider.

- Workplace Safety. Employees shall be provided with cloth masks and shall follow the direction of the local health department for the proper use and cleaning of their masks and proper hand sanitizing. All employees shall assist with maintaining a clean and sanitized workplace and shall be responsible for cleaning and sanitizing their workstation during working hours. Employees may also be directed to assist with cleaning and sanitizing the courtrooms, offices, jury rooms, or any public areas of their court or department. Appropriate social distancing (6-foot distance from others) and personal hygiene shall be maintained at all times.
- Courthouse Facility Plan. The following steps shall be taken with respect to the Courthouse and the Courthouse Annex (Probation and Community Corrections building).

Screening. Security personnel shall screen all persons who enter the building (Courthouse and/or Courthouse Annex) for symptoms of, or exposure to, COVID-19. Security personnel may deny entry to any person exhibiting symptoms of, or exposure to, COVID-19. If that person is a party to a case, an essential witness, or interested party, then the security personnel shall alert the relevant court and that person's case shall be continued and reset.

Social Distancing. All chairs, seats, benches, or public areas of the buildings where members of the public may gather or congregate shall be modified, to the extent possible, to ensure social distancing. Seats or chairs may be removed or blocked from use. Offices and departments may utilize tape, signs, plastic barriers, or other means to enforce social distancing.

Cleaning and Sanitization. Maintenance staff has deep cleaned all buildings and shall routinely clean and sanitize all public and non-public areas of the buildings to ensure that both the public and employees are in a safe and sanitized environment.

- Remote Proceedings. The Morgan Courts will continue to conduct hearings by remote means whenever possible. This will consist primarily of the use of Zoom video conferencing but may also include participation by telephone and other similar means. The Morgan Courts will follow the provisions of the Supreme Court's Emergency Order Permitting Expanded Remote Proceedings (20S-CB-123), issued on May 13, 2020.
- Jail Population. The Morgan Courts will continue to monitor the conditions at the Morgan County Jail and will work with the Morgan County Sheriff, Prosecutor, Public Defenders, and all other stakeholders in the event there is an outbreak of COVID-19 at the jail or other action is necessary to ensure the health and safety of those who are incarcerated without jeopardizing the safety of the community.
- Public Access to Courtrooms. During Phase 1 and 2 of this Plan, the public will not have access to courtrooms. Any court hearings, proceedings, or trials will be made publicly accessible by providing any member of the public access to view the hearing by video conferencing (Zoom) upon request. If that is not sufficient, then the Morgan Courts shall utilize other means to provide public access as provided by the Indiana Supreme Court.
- Masks/Face coverings. The use of masks/face coverings by staff is encouraged, but not mandated. All staff have been provided cloth masks and a supply of gloves. The public is encouraged to use masks/face coverings when entering the Courthouse and Courthouse Annex, but masks/face coverings are not mandated. Masks/face coverings may be supplied to the public as supplies are available.

Phase 1: June 1 – June 14: The following policies and procedures shall apply beginning June 1, 2020, through June 14, 2020.

- Public Hours. The Courthouse will open to the public for hearings only; otherwise, limited public hours of 11:00 a.m. to 2:00 p.m. on Mondays, Wednesdays and Fridays will remain in place.
- Resumption of Non-Emergency Proceedings. Courts may expand their dockets on a case-by-case basis to include non-essential and non-emergency hearings, with the consent of the parties. All hearings shall be conducted remotely or by video conferencing, unless a personal appearance is necessary and unavoidable. Parties, witnesses, attorneys, and/or participants may be required to wait outside the building until their scheduled court appearance.

- Court Staff/Hours. The individual courts may expand in-office hours for staff, with the option for working remotely to continue
- Probation/Community Corrections. Morgan County Court Services (consisting of Probation, Community Corrections, and CASA) will remain operating under limited public hours, limited interaction with clients, and with limited programming, as follows:
 - Office Hours. Court Services will resume regular public hours. Staff may work remotely to comply with social distancing requirements or due to illness, symptoms, exposure to COVID-19, or vulnerability to COVID-19.
 - Self-Monitoring. All employees shall self-monitor for symptoms and/or exposure to COVID-19 prior to reporting to their assigned shift and follow all policies and procedures as outlined in the “All Phases” section of this Plan.
 - Office Appointments. Office appointments shall be limited and prioritized based upon on high/moderate risk clients and client need. Telephone and Skype (video) appointment calls shall be utilized when possible. Court referrals/intakes may report in person.
 - Home Visits. Home visits shall be limited may only occur with supervisor approval and as needed for 24/7 Home Detention supervision/equipment needs. CASA child visitations/home visits will resume subject to limitations applicable to the “All Phases” section of this Plan. CASA visitations/home visits shall follow all DCS COVID-19 visitation (face to face) guidelines.
 - Personal Protective Equipment (PPE). Staff shall wear masks/face coverings during Court Services or CASA home visits. Court Services staff shall wear masks when conducting office appointments and drug screens with clients. Clients are encouraged to wear masks in the Court Services building and will be provided with a mask if needed. Gloves are available for staff as needed.
- AR 17 Provisions. Except as may be altered above, all other provisions of the Order approving Morgan County’s AR 17 Plan issued on March 18, 2020 (20S-CB-150), shall remain in full force and effect through June 14, 2020.

Phase 2: June 15 – July 5: The following policies and procedures shall apply beginning June 15, 2020, through July 5, 2020.

- Public Hours. Courts and the courthouse will resume regular public business hours, subject to the limitations applicable to all phases of this Plan. Court staff will resume regular hours but may continue to work remotely to comply with social distancing requirements or due to illness, symptoms, or exposure to COVID-19, or vulnerability to COVID-19.

- Resumption of Non-Emergency Proceedings. Courts will resume regular dockets, including essential and non-essential hearings and matters. Courts shall utilize remote hearings and video/teleconferencing whenever possible. In order to maintain social distancing, the Courts may limit the number of members of the public within the courtroom.
- AR 17 Provisions. Except as may be altered above, all other provisions of the Order approving Morgan County's AR 17 Plan issued on March 18, 2020 (20S-CB-150), shall remain in full force and effect through July 5, 2020.

Phase 3: July 6 and Thereafter: The following policies and procedures shall apply beginning July 6, 2020, and thereafter.

- Public Hours. Regular public hours for the courts and courthouse shall continue. The public shall have access to courtrooms to view all non-confidential hearings, trials, or proceedings. Court staff will resume regular hours but may continue to work remotely to comply with social distancing requirements or due to illness, symptoms, or exposure to COVID-19, or vulnerability to COVID-19.
- All Phases Provisions. The provisions set forth in the "All Phases" section of this Plan shall continue so long as the pandemic continues and conditions warrant.
- AR 17 Provisions. All provisions of the Administrative Rule 17 emergency plan and orders shall terminate, provided that the time provisions of Criminal Rule 4 shall remain tolled as in the section on Jury Trials.
- Senior Judge Court. All provisions related to the Senior Judge Court (as set forth below) shall continue so long as it remains necessary to utilize the Senior Judge Court to relieve case backlogs and the conditions warrant. The Morgan Courts shall notify the Supreme Court in writing once the Senior Judge Court is no longer necessary.

Jury Trials: The following policies and procedures shall apply to all civil and criminal jury trials during all phases of this Plan.

- Suspension of Jury Trials. All civil and criminal jury trials shall remain suspended, including those with a "fast and speedy" request, through July 31, 2020. Jury trials shall resume no sooner than August 1, 2020. Criminal Rule 4 provisions shall remain tolled to and including July 31, 2020.
- COVID-19 Jury Questionnaire. The Morgan Courts shall develop, after consultation with the Prosecutor, Public Defenders, and local public health officials, a jury questionnaire specifically directed to issues related to COVID-19. The Morgan Courts shall also develop a uniform policy for the granting of deferrals for jury panel members who may have issues related to COVID-19, including but not limited to symptoms,

- exposure to COVID-19 positive persons, vulnerabilities, child care issues, or essential employment responsibilities.
- Jury Selection/Remote Facilities. The Morgan Courts may utilize remote facilities, including the main meeting room (Lucille Sadler Room) at the Morgan County Administration Building, in order to adhere to social distancing protocols for jury selection. All parties shall be notified in advance of the need to use an alternate facility.

Senior Judge Court: The following policies and proceeds shall apply to the use of a Senior Judge Court.

- Senior Judge Court. The Morgan Courts may utilize a senior judge or judges to conduct hearings in a separate courtroom in the Courthouse to eliminate docket congestion and the backlog of cases. The Senior Judge Court will operate concurrently with the other Morgan Courts and may hear cases from each of the Morgan Circuit and Superior Courts. The judges of the Morgan Courts may request additional Senior Judge days to accommodate the hearings. The Senior Judge Court will be staffed by the current staff of the Morgan Courts on a rotating basis and proceedings may be conducted remotely or by use of a designated Senior Courtroom. The senior judge may also perform other tasks assigned to the senior judge, including the review of motions, pleadings, and issuance of orders for that court.
- Claims. Claims for Senior Judges will be made by the Court that is assigning the cases to the Senior Judge for that day's hearings, on a daily or half-day basis. The claim/order authorizing the Senior Judge shall identify which court is utilizing the Senior Judge for the purposes of this Plan and need not identify each individual case.
- Senior Court Judge Calendar. A separate Senior Judge Court calendar shall be designated in Odyssey.
- Other Provisions Apply. All other provisions of this Plan shall apply to the Senior Judge Court, including the use of remote and/or videoconferencing, maintaining social distancing protocols, and limiting the public access to the courtroom.