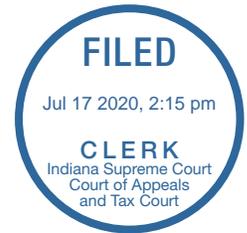


In the Indiana Supreme Court

In the Matter of the Petition of the
Randolph Circuit and Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-217



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 amended expansion of operations plan (“Plan”) on July 17, 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 7/17/2020 , effective **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

IN THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA

CASE NO.: 20S-CB-217

AMENDED PETITION FOR EXTENSION OF ADMINISTRATIVE ORDERS
FOR THE RANDOLPH COUNTY CIRCUIT AND SUPERIOR COURTS,
AND COURT TRANSITION PLAN

Come now the Randolph County Circuit and Superior Courts and Petition the Supreme Court for an extension of the relief previously Ordered pursuant to Administrative Rule 17, and also submit their Court Transition Plan, as follows:

1. Administrative Rule 17

1. Randolph County Courts have continued to operate during the COVID-19 pandemic. Both Courts have utilized modifications to normal procedures, so that as many hearings as practical could be held. Modifications have included parties and counsel appearing by telephone and video (Zoom). The Courts will continue to use such practices when necessary, and will attempt to use such practices when requested and where matters before the Courts allow for such appearances.

The Courts do not currently anticipate a need for extension of the prior Supreme Court Order currently in place. In the event of a significant change in local conditions, the Court would make application for a new Order.

2. That the named courts require an extension of the Orders as follows:
 - a. Extend from May 4, 2020 through July 13, 2020, the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters and in all other civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.
 - b. Extend the authorization to continue, upon motion of a party or *sua sponte*, all criminal and civil jury trials, including those in which a "fast and speedy" trial has been requested, through July 13, 2020.
 - c. Extend to June 8, 2020, subject to Constitutional limitations, the Order to limit all criminal proceedings except emergency motions

and petitions, bond hearings, initial hearings, emergency hearings, sentencing hearings, hearings where the defendant is incarcerated, and any other criminal proceeding deemed urgent by the court, except by agreement of the parties and with consent of the individual Judge of that Court.

- d. Extend to June 8, 2020, the authorization, subject to Constitutional limitations, to provide that incarcerated defendants will be transported to court only for criminal trials, criminal evidentiary hearings, change-of-plea hearings, and sentencing hearings, with incarcerated defendants appearing for all other types of hearings by video conferencing or by telephone unless the defendant's Constitutional rights would be violated; and to provide further that if any attorney wishes to have a defendant transported based in the latter circumstances, the attorney shall file a motion to transport at least 24 hours prior to the hearing, with the court reviewing these motions on a case-by-case basis.
- e. Extend to June 8, 2020, the authorization, subject to Constitutional limitations, to limit civil proceedings to those that, in the court's discretion, are deemed emergencies or urgent in nature, with those emergency or urgent cases including at a minimum case involving protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.
- f. Extend to July 13, 2020, the authorization, subject to Constitutional limitations, to allow any attorney who desires to appear remotely for any status conference or non-evidentiary hearing in a criminal or civil case may do so upon proper notification to the court, without the need for a formal motion, by the attorney filing a Notice of Remote Appearance at least 24 hours prior to the hearing and coordinating through the court's staff.
- g. Extend to July 13, 2020, the authorization, with respect to hearings and trials, to find (i) the existence of flu or flu-like symptoms in any attorney, party, or necessary witness; or (ii) exposure of such individuals to anyone who has or may have the virus; or (iii) an attorney, party, or necessary witness is at high risk due to physical condition, to be good cause for any motion to appear remotely or continue a court setting; and accommodating, to the extent possible, and without violating statutory or Constitutional rights, those requests/motions.
- h. Through July 13, 2020, the authorization, subject to Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide

adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.

- i. Extend the authority to review county-jail and direct placement community correction sentences of non-violent inmates and juveniles, to determine whether it is appropriate to release certain non-violent offenders, or to modify community correction placements until July 13, 2020.
- j. Extend the authority to prohibit issuing new writs of attachment, civil bench warrants, or body attachments, and staying any such writs or warrants not yet served until July 13, 2020.

2. Planning

Initially, in making this Plan, the Courts received input from the following County agencies: President of the Board of Commissioners, the County Health Doctor, the Director of Emergency Management, the Randolph County Auditor, the Randolph County Sheriff, the Randolph County Prosecutor, the Randolph County Clerk, the Randolph County Probation Department and Randolph County Community Corrections.

On June 11, 2020, the Circuit and Superior Court Judges held a Special Meeting with the following Community Partners: a County Commissioner, the County Auditor, the County Attorney, the County Health Nurse (by telephone), the County Director of Emergency Management, the County Sheriff, the Chief Deputy Prosecuting Attorney, a Public Defender, the Chief Probation Officer, the Community Corrections Director, the County Clerk and the Head of Maintenance. Prior to the meeting, a copy of the first draft of the Plan was given to each community partner and the partners were requested to present any recommendations they might have. Their recommendations were presented at the meeting and have been included in this revised Plan. The Director of Emergency Management has agreed to provide the Courts with weekly updates on COVID-19 information in Randolph County – the number of positive cases, the number of persons hospitalized due to COVID-19 and the number of COVID-19 deaths in the County. This will provide the Courts with the ability to monitor COVID-19 in the County and increase the volume of Court cases being handled or decrease that volume as may be applicable.

Additionally, the Courts will maintain regular contact with the Randolph County Health Department for further recommendations on addressing the COVID-19 situation. Also, communications will be had with other stakeholders to make certain that we remain on a solid path in providing safe services during this pandemic.

3. Employment Procedures

The safety of Court staff is one of the highest priorities of the Courts. The following procedures are designed to protect the staff during the coronavirus pandemic as the Courts transition to expanded operations.

A. Vulnerable Employees. Vulnerable employees are defined as those who are 65 years of age or older and any employee who has any of the following underlying health conditions:

- Chronic lung disease or moderate to severe asthma
- Serious heart conditions
- Immunocompromised from any disease such as cancer, AIDS, or medications that compromise immunity
- Severe obesity (BMI of 40 or higher)
- Chronic kidney disease requiring dialysis
- Any other medical condition they have that makes them particularly vulnerable to COVID-19.

Employees will be given a written explanation of who is at risk and asked to identify if they are at risk or not. This information will be kept confidential by the Judge.

Increased risk employees will be permitted to work remotely, if at all possible, until the pandemic has ended. If not possible, then vulnerable employees shall work in a segregated area that allows little, if no, contact with the public and little direct contact with co-workers.

B. Social Distancing. All employees shall maintain social distancing of at least six feet from each other and the public. When not possible, then the employee shall wear a face covering (mask, bandanna, scarf, etc.) or shall speak with another person from behind a plexiglass screen. All employees are provided with masks.

C. Face Coverings. As indicated above, when not able to maintain social distancing, then the employee shall wear a mask or other appropriate face covering or shall be behind a plexiglass screen.

D. Hand Safety. There shall be no handshaking or other touching of other persons. Employees shall also frequently wash their hands with disinfectant soap and clean their hands with hand sanitizer. Disinfectant soap and hand sanitizer are provided. If an employee has to handle materials which might contain COVID-19, the employee shall wear gloves, which are provided.

E. Face Safety. As much as possible, employees shall refrain from touching their face, eyes, noses and mouth. Employees shall cough or sneeze into their arm or into a facial tissue and discard the tissue in the trash. Tissue is provided.

F. Temperature Check. An employee may be required to submit to a temperature check with a non-contact thermometer at direction of the Judge.

G. When Employee Should Not Be At Work. An employee shall report to the Judge and shall stay home if they are experiencing any symptoms of COVID-19 in the preceding three days, including:

- Fever of 100.4 that day or in the preceding 3 days
- Chills
- Muscle and body aches
- Headaches
- Sore throat
- Cough, chest tightness or shortness of breath
- New loss of taste or smell
- Such other symptoms as medical experts may indicate are indicative of coronavirus.

If any employee has any of the symptoms during the work day, then the employee should report the same to the Judge and go home.

If an employee feels feverish prior to coming to work, the employee shall take their temperature at home.

An employee shall promptly report to the Judge if they have COVID-19 or have had recent contact with someone who has COVID-19. An employee with COVID-19 shall not return to work until medically cleared. An employee who lives with someone or has been in contact with someone in the last 14 days who has tested positive for COVID-19 shall not report to work until the employee has been self-quarantined and symptom free for 14 days. The Judge, at his or her discretion, may require the employee to be tested, including but not limited to, after the employee has traveled outside of the local area for business or personal reasons.

The Randolph County Circuit and Superior Courts, with some exceptions, have adopted, as the Courts' Employee Handbook, the Randolph County Employee Handbook. The Handbook contains disciplinary procedures for employee violations.

Should an employee violate any of the provisions of this Court Transition Plan, then the Judge, at his or her discretion, may take reasonable disciplinary action in accordance with the Handbook procedures.

H. Mental Health Resources. An employee may seek mental health services from a provider covered under the Randolph County Health Insurance Plan. Additionally, Centerstone and Meridian Services are available in the County for any employees suffering from stress and depression.

I. Employees Use of Equipment. Each employee shall sanitize their work area at the beginning of the work day and as needed during the day. Employees shall not work at another employees work area. Shared use equipment such as the copy machine and the fax machine shall be sanitized by the employee using the equipment immediately after use of the equipment. If an employee has to answer another employee's phone, that phone shall be immediately sanitized after use.

J. Written Notice. Written notice of the above policies shall be provided to each employee.

K. Notice to Health Department. The local health department shall be notified of any employee who has COVID-19 or has had contact with a person who has COVID-19 for contact tracing purposes.

4. Courthouse Facility Plan

Having a safe facility for employees, participants and the public is of utmost importance for the Courts. To that end, the following procedures will be employed:

A. Deep Cleaning. Courthouse maintenance has already deep cleaned court facilities prior to opening. Courthouse maintenance shall continue to deep clean court facilities on an as needed basis. This deep cleaning includes the courtrooms, the hallway, hallway benches, the elevator, the stairwell railings, the conference rooms, court offices, other offices in the Courthouse, and in particular any surface which might be touched by the public.

B. Routine Cleaning. The above areas shall also be regularly cleaned by Courthouse maintenance, especially those touched by the public, using disinfectant.

C. Sanitizing. After each hearing, court staff shall sanitize areas in the courtroom where participants were located using disinfectant cleaners. This will normally be done by the court reporter who recorded the proceeding. Participants in the next hearing will not be permitted into the courtroom until sanitizing has been completed.

D. Mail. The employee getting the mail shall use disposable gloves. Each piece of mail shall be sanitized before opening. Special care will be taken regarding any mail received from an inmate at the Indiana Department of Corrections.

E. Social Distancing. The Bailiffs shall be responsible for maintaining social distancing in the hallway and in the courtroom.

F. Potential Alternate Venues. The County Commissioners have a large public meeting room on the same floor as the Courts. It has a recording system similar to the Court's recording system. This room is not frequently in use. It may be used by the Courts when more space is needed to insure social distancing. Also, available in the community is a large conference room at the Community Center and school gymnasiums which might be utilized.

G. Other Procedures. The Courts will follow other safety procedures as recommended by local health officials.

H. Partner Recommendations. See No. 2 above. Partner recommendations have been incorporated herein and further recommendations will be considered and appropriate action taken as may be required.

5. Screening Procedures for the Public

The Randolph County Courthouse does not have security at any of its three entrances. Therefore, screening will have to be conducted by the Court Bailiffs.

A. Who Will Not Be Permitted Into Court Facilities. Any persons showing signs of COVID-19, as listed in Section 3(G), shall not be permitted into court facilities. Any persons who have been in contact within the last 14 days of a person who has COVID-19 shall not be permitted in the court facilities. Any participants who meet these conditions shall depart the Courthouse and telephone the Court and, unless objection is made or constitutional rights affected, may participate by telephone or zoom.

B. Who Will Be Permitted Into Court Facilities. Participants and their lawyers will be permitted into the Courtroom. Witnesses will be permitted into the Courtroom. Until such time as streaming to the public is available, a limited number of spectators will be permitted. All parties in the Courtroom must exercise social distancing.

C. Screening and Personal Protective Equipment. The Bailiffs may take the temperatures of individuals using a non-contact thermometer. A list of conditions may be read to the individual and the Bailiffs may inquire whether or not the individuals have any of the conditions. The public shall be requested to use a face covering (mask, bandanna, scarf, etc.) and hand sanitizer and tissue. The Bailiffs may instruct an individual to keep social distancing. Signs citing the safety procedures shall be posted in the hallway.

Any persons not willing to comply with the foregoing shall be requested to leave the Courthouse. If the person is a party to a proceeding, after they have left the Courthouse, they may contact the Court by telephone to participate in the hearing.

D. Persons Who Are Ill Or Showing Signs of COVID-19. Any person who is required to come to Court shall notify the Court in advance by telephone if they are ill or when showing symptoms of Coronavirus as listed above. As permitted by Administrative Rule 14, hearing may be conducted by telephone, audio visual conferencing or hearing may be reset.

E. Partner Recommendations. See No. 2 above. Partner recommendations have been incorporated herein and further recommendations will be considered and appropriate action taken as may be required.

6. Resuming Non-Emergency Hearings

The Court shall continue to use telephone and audiovisual hearings, pursuant to Administrative Rule 14.

Hearings will occur as scheduled by the Court. The Court shall give priority to emergency matters such as Protective Orders, juvenile and parenting time proceedings, and matters involving incarcerated individuals. Normal scheduling of non-emergency matters will begin as conditions permit.

No spectators in the courtroom until July 13, 2020.

The Courts shall provide area for witnesses with room for social distancing; if room is not available, obtain phone numbers from witnesses, having them return to their cars, and telephone them when they are needed.

Senior Judges may participate remotely where appropriate for the type of hearing involved; otherwise, they should appear in person.

Criminal pre-trial conferences and other matters where a Defendant's attendance is not required shall be conducted by telephone or audio/visual means until at least July 13, 2020.

The Court would plan to provide public access of hearings to the public by working with Court Technology to provide live stream video hearings in lieu of YouTube.

7. Jury Trials

Jury Trials shall not be held prior to July 27, 2020, or such later date as may be set by the Indiana Supreme Court. Preference shall be given to criminal trials over civil trials. The older the criminal case the more priority unless bumped by a speedy trial.

A. When Start: Jury Trials shall not convene prior to July 27, 2020, or such later date as may be set by the Indiana Supreme Court.

B. Prioritization. Preference shall be given to criminal trials over civil trials. More priority will be given to the older criminal cases.

C. Safety Messaging to Potential Jurors. Public article shall be placed in the local newspaper. Additionally, individual letters will be sent to each potential juror (similar to the letter used by the President of Indiana Judges Association).

D. Deferral Eligibility for Jurors. The letter will identify which potential jurors may be eligible for deferral based on COVID-19 such as the factors listed under Section 3(A) and (G) above. A COVID-19 questionnaire shall be sent to each potential juror.

E. How Jury Selection Will be Safely Conducted. Examination of each potential juror's response to the COVID-19 questionnaire will be conducted in advance. Those potential jurors not eligible due to COVID-19 conditions will be excused in advance. Jurors and venire persons will be instructed to bring an appropriate face covering and will be encouraged to wear it while present at the Courthouse. A face mask will be provided to those not having a mask. Jurors and venire persons shall be instructed to maintain social distancing. Hand sanitizer and tissue shall be available to jurors and venire persons. Potential jurors may be directed to report to the Courthouse at different times to reduce the number of potential jurors present. The Bailiff may take the temperature of potential jurors and ask COVID-19 questions of potential jurors. Jurors shall be subject to screening on each succeeding day of trial.

F. Space for Selection, Trial and Deliberations. The Randolph County Commissioner's Meeting Room is located on the same floor in the Courthouse as the Courtrooms. The Commissioner's Room is nearly twice as large as the Circuit Courtroom and could adequately provide safe distancing from Jury selection and, if necessary, trial. The Commissioner's Room has the same recording equipment as the Courtrooms. The Randolph Circuit Courtroom and Jury Room are larger than those of the Superior Court and may be used by the Superior Court to select a Jury and conduct deliberations in cases consisting of 6 jurors and one or two alternate jurors. If need be, the Commissioner's Room may be used to swear potential jurors and be examined by the court for qualifications. Thereafter, smaller blocks of jurors may be taken to the Court for further examination and selection/striking. Jurors selected for service will be seated so as to allow at least one chair between them during trial. Jurors shall be at safe distancing during deliberations, which may include closing off the Courtroom and allowing the jurors to deliberate in the Courtroom in private. During breaks, Jurors will be permitted to separate or may be kept together in the Commissioners' Room or the Court Jury Room, safe space permitting.

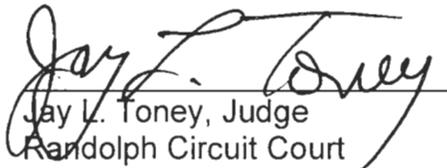
G. Food for the Jurors. Meals will only be served during deliberations and will be delivered by local restaurants with jurors having the option to select individual meals. Small individual drink bottles may be provided to jurors.

H. Partner Recommendations. See No. 2 above. Partner recommendations have been incorporated herein and further recommendations will be considered and appropriate action taken as may be required.

8. Court Supervised Services

Attached hereto as an Exhibit is Randolph County's plan to resume court-supervised services.

DONE at Winchester, Indiana, this 15th day of July, 2020.


Jay L. Toney, Judge
Randolph Circuit Court


Peter D. Haviza, Judge
Randolph Superior Court

Randolph County Community Corrections Plan to Resume Services

1. The front door to the Randolph County Court Services Building will remain unlocked during regular office hours. Clients will be seen by scheduled appointment. Case managers and other staff working with clients are encouraged to meet with their moderate/high risk clients. Continue monitoring low risk clients by phone unless there is a reason that they need to be seen in person by the case manager.
2. All former signs placed on the door announcing office closed have been removed and a new sign is in place that provides Community Correction and Probation office phone numbers to contact before entering the building. Clients may be asked to wait in their car until an officer can meet with the client. Requirements of the clients include a face mask, use hand sanitizer provided when entering the building and only 1 person per visit. (Juveniles may be accompanied by parent).
3. All staff will have their temperature taken upon arriving at work. Any staff member that shows a temperature of 100 degrees or higher will be sent home. Any staff that believes they may be experiencing COVID-19 or other flu-like symptoms should be tested within 48 hours.
4. All staff will practice social distancing, maintaining a distance of at least 6 feet from each other.
5. Staff will continue to utilize the screening tool for restricted access due to COVID-19 with clients by phone prior to their scheduled appointment or at the door upon entering the building.
6. Face masks must be worn by all staff members when meeting with, assisting, or coming within close proximity (6 feet) of clients. Clients must put on face masks before entering building and remain masked while in building.

7. The Response to COVID-19 will be re-evaluated each week during Monday morning staff meeting to determine if and when changes need to be updated.

Randolph County Probation Plan to Resume Services

1. Appointments will be scheduled on the hour, alternate between probation officers or use alternate day schedule as appropriate, in or order to avoid congestion of people.
2. Juvenile appointments/Adult Transfers scheduling on the hour.
3. Continue to use phone checks through June as appropriate.
4. Appointments/Location and procedure—Use one room to meet with probationers avoiding common areas as much as possible. Use conference room, cleaning after each appointment (wiping chairs, table and door handles).
5. Probationers should call before entering the building. PO should escort probationer, use COVID-19 screener, take temperature before probationer enters. Both parties should wear mask/face covering. Clean common areas, door handles and banister.
6. Per Health Department, if social distancing can be followed during appointments in closed room, masks could be removed as appropriate.
7. A parent may attend appointment with their juvenile if needed. Consideration will be given to age, safety, and specific issues of the case.
8. Office/environment changes—Plexi glass barrier has been placed on main entry half door. More have been ordered for desk tops if needed.
9. Marks have been made to show designated areas for social distancing in the office common area. More can be added.
10. Efforts are being made to order/purchase equipment needed to allow for virtual meetings without use of personal cell phones.

**CHILDREN'S ADVOCATES OF RANDOLPH COUNTY (CASA) PROGRAM
PLAN TO RESUME SERVICES**

1. For all in-person contact for the foreseeable future, volunteers and Director shall maintain social distancing and wear masks.
2. Where in-person contact is not appropriate or not permitted, volunteers shall maintain contact with child(ren) through telephone, Facetime, Zoom or other appropriate manner.
3. Beginning June 8, 2020, volunteers may choose to begin face-to-face contacts with child(ren), with adherence to directives of Paragraph 1 above.
4. Court and Children's Advocates of Randolph County Director will continue to evaluate the situation to determine any restrictions on contacts between volunteers and child(ren).