

In the  
**Indiana Supreme Court**



In the Matter of the Petition of the Spencer  
Circuit Court for Administrative Rule 17  
Emergency Relief.

Supreme Court Case No.  
20S-CB-180

**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 expansion of operations plan (“Plan”) on May 30, 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**, with the exception that the petitioning court(s) shall resume jury trials, subject to the health precautions proposed in the Plan, **no later than the week of August 17, 2020**. The petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires suspending jury trials beyond that date. 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 6/5/2020 , **effective May 30, 2020**.

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

Loretta H. Rush  
Chief Justice of Indiana

IN THE MATTER OF THE PETITION )  
 OF THE SPENCER CIRCUIT COURT )  
 FOR ADMINISTRATIVE RULE 17 )  
 EMERGENCY RELIEF DUE TO THE )  
 NOVEL CORONAVIRUS (COVID-19) )

## Order

### SPENCER CIRCUIT COURT TRANSITION PLAN FOR EXPANDED COURT OPERATIONS

As a result of the public health emergency relating to the 2019 novel coronavirus (COVID-19) the Indiana Supreme Court on March 16, 2020 ordered trial courts statewide to implement appropriate continuity-of-operations plans for providing essential judicial services consistent with public health, and to submit those plans for this Court's approval. This Court also issued orders that, among other things, temporarily authorized remote administration of oaths for depositions and other legal testimony, modified procedures for witnessing wills, expanded use of remote proceedings where Constitutionally permissible, and limited attachment and garnishment of stimulus payments received under the CARES Act. Most recently, this Court directed trial courts to develop plans for transitioning towards expanded operations while continuing to protect public health, and to submit those plans for this Court's approval.

The Supreme Court found that although Indiana trial courts are beginning to expand operations as public-health conditions permit, the courts will face a backlog of cases. Prioritizing those cases will require trial courts to have continued authority to toll some cases while advancing others for hearing or trial. The Supreme Court ordered trial courts to present their plan for court operations by May 30, 2020.

The Spencer Circuit Court now presents its transition plan for expanded court operations.

1. Administrative Rule 17 Components: Pursuant to the Indiana Supreme Court's May 29, 2020 Order, the Spencer Circuit Court requests authorization to expand its prior authority under Indiana Administrative Rule 17 to allow the following:

1. The Court authorizes the tolling, **through August 14, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings; public health and mental health matters; all judgments, support, and other orders, and in all other civil and criminal matters before Indiana trial courts. Further, no interest shall be due or charged during this tolled period.
2. For purposes of
  - a. Indiana Criminal Rule 4(A) and 4(C), and
  - b. early-trial demands filed under Indiana Criminal Rule 4(B) **before April 3, 2020**,  
the tolled period shall be calculated **from April 3, 2020 through August 14, 2020** and shall be **further subject to** congestion of the court calendar or locally existing emergency conditions for good cause shown.
3. For purposes of Indiana Criminal Rule 4(B) early-trial motions filed **after April 2, 2020 and before August 15, 2020**, the motion shall be deemed to have been made **on August 14, 2020** and shall be **further subject to** congestion of the court calendar or locally existing emergency conditions for good cause shown.
4. Unless further extended by order of this Court, the prohibition on issuing or serving writs of attachment, civil bench warrants, or body attachments pursuant to Trial Rule 64 shall expire at **12:01 a.m. on August 15, 2020**.
5. Unless further extended by order of this Court, the orders issued in:
  - a. this case, regarding attachment and garnishment of CARES Act stimulus funds;
  - b. Case No. 20S-MS-236, regarding remote administration of oaths for depositions and other legal testimony;
  - c. Case No. 20S-MS-237, regarding modified procedures for witnessing wills; and
  - d. Case No. 20S-MS-258 and this case, expanding use of remote proceedings; shall expire at **12:01 a.m. on January 1, 2021**.

2. Planning: The Court contacted and/or met with many local stakeholders in developing

this plan including members of the defense bar, the Prosecuting Attorney, Department of Child Services, CASA, Health Department, County Commissioners, Sheriff, and others.

3. Courthouse Facility Plan/Employment and Screening Procedures: Since March 18, 2020, the Spencer County Courthouse has been closed to the public except for business by appointment pursuant to the March 17, 2020 Emergency Proclamation of the Spencer County Commissioners. The Proclamation has been extended several times and continues to be in effect. Each office is authorized to limit the number of employees that report to the courthouse each day and work from 8:00 A.M. to 4:00 P.M. to oversee county operations. Department heads have been authorized to stagger their staffing and employees not required in the office or who are in at-risk populations are authorized to work remotely from home. All courthouse employees and individuals who appear for appointments must sign in at one location and are screened each day for temperature which must be below 99.5 degrees. They are also required to fill out a questionnaire on whether they have been exposed to someone with COVID-19, have had cough, muscle aches, shortness of breath, sore throat, or chills, have had vomiting or diarrhea in the last 24 hours, have had a temperature over 99.5 degrees in the last 48 hours, or have had a new loss of taste or smell. If they answer any of the questions in the affirmative, they are denied entry at that time. All courthouse staff must wear face masks or face coverings when they are in the common areas of the courthouse or in confined areas where they cannot social distance. Courthouse staff may unmask in their offices if they can maintain 6 foot social distancing inside their offices. All individuals appearing for business or court must wear face coverings at all times during their stay at the courthouse. There will be daily cleaning and sanitizing of the courthouse facilities with extra cleaning between hearings in court. The Court is also installing

plexiglass/tempered glass partitions between certain employees who are stationed close together as well as on the counters where our staff assist and serve the public.

4. Resuming Non-Emergency Hearings: The Court will begin a phase-in and resumption of non-emergency hearings effective the week of June 1, 2020. However, whenever possible, the Court will continue using remote/virtual proceedings such as video-conferencing with individuals incarcerated at the Law Enforcement Center instead of bringing them to Court in person. The Court will also allow, whenever possible, individuals (including those in high-risk groups) to appear telephonically. Only parties and their counsel will be allowed in the courtroom and spectators/family members will be excluded except for jury trials which will be limited to immediate family members of defendant and alleged victims. The Court is developing a remote procedure to allow spectators to observe future Court proceedings without physically being present in the courtroom.

5. Jury Trials: Civil jury trials will resume no earlier than January 1, 2021. Criminal jury trials will resume after July 1, 2020. Criminal jury trials will be prioritized based on the oldest cases with individuals who have been incarcerated for the longest time on the most serious charges. Speedy trial requests will also be given priority. The Court will send potential jurors a letter to describe the jury selection process and the steps that will be taken to assure their safety as potential jurors. The Court will allow deferrals for those in high-risk categories if requested. The Court will bring in potential jurors for voir dire in smaller groups (maximum 12) at a time and maintain social distancing (6 feet) and face-coverings during the selection process. We have measured our courtroom and jury room and are fortunate that they are large enough to allow us to space potential jurors 6 feet apart during selection and after their selection during trial by spacing them outside the normal jury box and around the parties and witness stand in the courtroom, as well as inside

the jury room. The Court can accommodate up to 12 jurors and 2 alternates (14 total) in its jury room and main courtroom. Meals will be provided to those selected to serve as jurors to avoid additional contact with the public. Potential jurors will undergo the same initial screening that all individuals who enter the courtroom undergo and that screening will continue daily throughout the trial process. All jurors will be provided with gloves, hand sanitizer, and face masks during their service. The Court is also installing plexiglass/tempered glass shields throughout the courtroom for the Judge's bench, court reporter, attorneys, witness stand, and in front of the jury box to add extra protection in the courtroom. Deep sanitizing of the courtroom will occur nightly during the trials and light sanitizing will occur between witnesses and at breaks for public health purposes.

6. Court Supervised Services: Community Corrections, Probation, and CASA are all resuming modified/normal operations starting June 1, 2020. Many remote contacts will still be used but the offices will be open by appointment for in-person meetings as long as all parties agree it is safe for the particular individual and screening occurs before the meetings. Home visits by our field officers also resume after June 1, 2020. PPE will be provided to all individuals involved in said meetings/visits. Each office is authorized to continue to stagger the workdays or hours of staff as needed to both cover needed services and allow some staff to continue to work remotely.

7. The Court understands this is an inconvenience for those involved in the Court system, but it is necessary at this time to keep litigants, courthouse employees, potential jurors, and the public safe and to help reduce the spread of the Coronavirus.

So ORDERED this 30<sup>th</sup> day of May, 2020.

*/s/ Jon A. Dartt*  
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Judge, Spencer Circuit Court