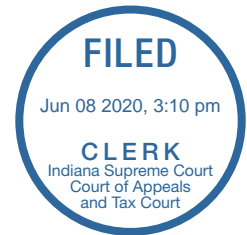


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-166



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 filed an expansion of operations plan (“Plan”) on June 5, 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 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 temperature screening protocols for any person, including employees, shall adhere to CDC guidelines’ threshold of 100.4 degrees or greater. The petitioning court 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 6/8/2020 , **effective June 5, 2020.**

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style and is positioned above a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

Plan to Resume Court Operations

The plan is as follows: All persons entering the Ohio County Courthouse will be screened for COVID 19 symptoms as outlined by the CDC and based upon the Ohio County Health Department recommendations. If the person has a temperature of 102 degrees, or new cough /shortness of breath or has had recent contact with anyone with COVID 19, they will not be permitted entrance into the courthouse. These procedures will be reviewed weekly with the health department and adjusted as circumstances dictate.

1. Administrative Rule 17 Components

Effective upon approval of this request, the Court is seeking to allow expiration of the Ohio Circuit Court Emergency Plan for Continuity of Operations Plan in Conjunction with County Emergency and public Health Authorities that was originally approved by the Indiana Supreme Court on March 19, 2020 and subsequently extended through May 30, 2020. The Ohio Circuit Court requests that after May 30, 2020 that Court operations be conducted as set forth in this petition and seeks further tolling of time limitations for all laws, rules and procedures setting time limits for speedy trials in criminal proceedings through June 30, 2020. Speedy trial time is tolled from March 18, 2020 through June 30, 2020 and shall not count towards Criminal Rule 4 time limitation computations.

2. Planning

Consistent with a previous order of the Indiana Supreme Court, on April 30, 2020, the Ohio Circuit Court convened the requisite group of local justice system partners, including the following: Hon. Judge James D. Humphrey, Judge; Magistrate Kimberly Schmalz; Prosecuting Attorney Lynn Deddens; Commissioner Tom Baxter; County Council President Tamara Elbright; Private Practitioner Lane Siekman; Public Defender Gary Sorge; Dr. Christopher Walcott from the Ohio County Health Department; Clerk of Court Jamie Stegemiller; James Willyard, DCS attorney; and Sheriff Glenn Potts ("Team"). The Team considered that to date, Ohio County has had a limited number of confirmed cases of COVID-19. Ohio County is the smallest county in the State of Indiana and has approximately 6,000 citizens. Ohio County is located in a very rural party of Southeast Indiana and has limited industrial /business enterprises.

3. Employment Procedures

- A. Consistent with a directive of the Ohio County Board of Commissioners, effective May 11, 2020 all Ohio County Court employees returned to work on site each day and will continue to do so unless the Judge or Magistrate authorizes the staff member to work remotely due to health concerns or exposure issues.

- B. All employees are screened each day prior to entering the Courthouse by having their temperature taken by security personnel. Anyone with a fever above 102 degrees is not permitted access to the Courthouse.
 - C. Personal protective equipment (face masks, gloves and hand sanitizer) is readily available for the employees to use. Based upon recommendations from the Team, face masks are encouraged but not required.
 - D. Employee work stations have the requisite six (6) foot buffer to maintain social distancing.
 - E. Anyone exposed to COVID-19 or any other contagious disease will consult with their own physician regarding if and when they should return to work. Consultation with the Ohio County health department will be sought as needed.
 - F. Provision shall continue to be made for at-risk staff members as circumstances dictate.
4. Courthouse Facility Plan
- A. Phase 1 (effective May 18, 2020)-
 - 1). All Ohio County Court employees will work on site each day unless the Judge or Magistrate authorizes the staff member to work remotely due to health concerns or exposure issues.
 - 2) The Court will continue to use audiovisual hearings for criminal cases for those incarcerated (initial hearings, misdemeanor guilty plea and sentencing, bond reduction)
 - 3) "In person" hearings shall be held for criminal cases for major felonies (final pretrial, guilty plea and sentencing)
 - 4) "In person" hearings shall be held for criminal, juvenile and CHINs fact-finding hearings.
 - 5) The Court will allow attorneys, self-represented litigants and witnesses to appear remotely or continue the hearing when there is a risk of exposure by the individual to COVID-19 and/or other health concerns.
 - 6) Witnesses shall be seated in hallway with social distancing measures in place. Seats shall be placed at least 6' apart.
 - 7) PPE available (face masks and hand sanitizer) if people wish to use
 - 8) Social distancing maintained in courtroom by removing chairs in jury box and taping areas on benches (with painter's tape) at 6' intervals.
 - 9) Spectators are permitted as consistent with social distancing limitations.
 - 10) Resume allowing people to enter through main entrance subject to safety screening
 - 11) Cleaning of counsel tables and recording equipment and arms of chairs at counsel table to be completed by court staff in between hearings.
 - 12) Housekeeping/maintenance staff to thoroughly disinfect/clean all benches, door handles, knobs, bathrooms, chairs, courtroom tables each day
 - B. Phase 2 (Effective May 29, 2020)
 - 1) Due to the joint circuit, the Magistrate and Judge alternate their presence in Dearborn and Ohio Counties as scheduled.
 - 2) The Court will continue audiovisual hearings for criminal cases for those incarcerated (initial hearings, misdemeanor guilty plea and sentencing, bond reduction)

- 3) The Court will hear schedule and hear contested civil matters. Priority will be given to CHINS hearings to meet statutory deadlines.
- 4) The Court will continue to issue summons in lieu of bench warrants or notices of failure to appear unless there is a high risk to community safety involved as determined by the Judge or Magistrate.
- 5) The Court will allow attorneys, self-represented litigants and witnesses to appear remotely or continue the hearing when there is a risk of exposure by the individual to COVID-19 and/or other health concerns.
- 6) Witnesses appearing in person testimony shall wait in the hallways with social distancing measures in place. Benches will be marked with painter's tape at 6' intervals. Extra chairs shall be provided 6' apart.
- 7) The Court may allow non-evidentiary hearings be conducted through teleconferencing as requested by any attorney or self-represented litigant as deemed appropriate by the Court.
- 8) PPE available (face masks and hand sanitizer) if people wish to use
- 9) Social distancing shall be maintained in the courtroom by removing chairs in jury box and taping areas on benches (with painter's tape) with 6' intervals.
- 10) Spectators are permitted consistent with social distancing limitations. Spectators are permitted for audiovisual as well as remote hearings.
- 13) Cleaning of counsel tables and recording equipment and arms of chairs at counsel table to be completed by court staff in between hearings.
- 14) Housekeeping/maintenance staff to thoroughly disinfect/clean all benches, door handles, knobs, bathrooms, chairs, courtroom tables each day.

5. Jury Trials

Criminal and civil jury trials will resume effective July 1, 2020 with the following additional conditions:

- A. Approximately double the number of jury questionnaires will be sent to prospective jurors to allow for increased numbers of expected deferrals due to health issues and/or coronavirus. An additional Juror Questionnaire regarding COVID-19 will be sent to jurors concurrent with a summons to appear for jury service.
- B. Social distancing measures will be in place.
- C. The commissioner's room will be converted to the jury room to maintain social distancing requirements. Tables and chairs will be configured to meet social distancing guidelines of 6' intervals.
- D. Jury trial *voire dire*: To ensure social distancing measures are maintained in the courtroom, a maximum of thirty (30) potential jurors will be called for a separate morning session and afternoon session until a sufficient number of jurors and alternates are chosen.
- E. Attorneys will be given reasonable time limitations for *voire dire* for each morning and afternoon session while a jury is being chosen.
- F. Jurors and witnesses will be provided with PPE (face masks and hand sanitizer) if desired.
- G. During the evidentiary portion of the trial, jurors may eat their meals at restaurants only if social distancing measures can be maintained. If social distancing cannot be maintained at local restaurants, staff will order food and have it brought to the jury room.

- H. Housekeeping/maintenance shall thoroughly clean and sanitize courtroom, jury room, public areas of building, and restrooms each day.
 - I. During jury trials, the number of spectators in the courtroom are permitted consistent with social distancing limitations. For each morning and afternoon session, the number of potential spectators will be chosen by random draw. If necessary, six spectators will be chosen for each session.
 - J. Cleaning of witness stand chair, table and recording equipment to be completed by court staff in between each witness.
6. Court Supervised Services
- A. Ohio County is a joint circuit with Dearborn Circuit Court and all Court Supervised Services are coordinated through Dearborn County. The main offices for Court Supervised Services are maintained in Dearborn County. The Court Supervised Services for Ohio County will be in accordance with the plan approved by Dearborn County.
 - B. Any Court supervised personnel appearing before the Ohio Circuit Court shall be subject to the same screening measures as other Court employees outlined herein.

These measures will remain in place until there are no new COVID 19 cases in Ohio County for 60 days. At that time, normal court operations will resume.