

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-179



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 June 9, 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 6/10/2020 , effective **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

FULTON COUNTY TRANSITION PLAN

1. Administrative Rule 17 Components: These are included in the Petition to which this transition plan is attached.
2. Planning: On May 26, 2020, the Fulton County trial courts convened a meeting in accordance with the Indiana Supreme Court's order dated April 24, 2020. The meeting was held telephonically and the following were present:

Gregory L. Heller, Judge Fulton Superior Court; A. Christopher Lee, Judge Fulton Circuit Court; Teri Furnivall, Fulton County Clerk; MacKenzie J. Breitenstein, Chief Public Defender and private practitioner; T. Andrew Perkins, Fulton County Bar President and private practitioner; Christopher D. Sailors, Fulton County Sheriff; Michael T. Marrs, Prosecuting Attorney; Rachel A. Arndt, Chief Deputy Prosecuting Attorney; Andrew Holland, Chief Probation Officer; Bryan Lewis, County Commissioner; Marty Ehlinger, Fulton County Jailer; Dennis Price, Courthouse Security Officer. A copy of this plan was also forwarded to Rhonda Barnett, Fulton County Health Nurse for review and comment.

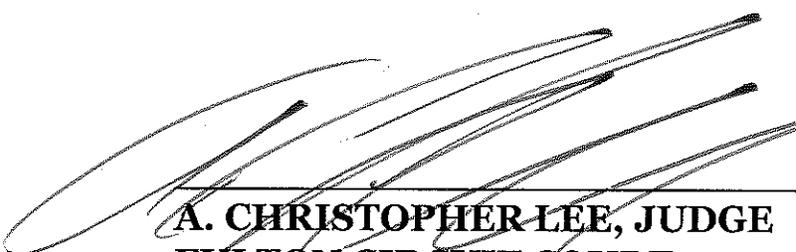
3. Employment Procedures: Measures have been taken throughout the courthouse to assure employee safety. All employees have returned to the courthouse with safety measures in place as described in this plan. Employees shall stay at home or leave if experiencing COVID-19 symptoms. Measures will be taken to protect any vulnerable employees including enhanced distancing within the office or consideration of remote work. Employees shall be advised of local mental health resources as may be needed.
4. Courthouse Facility Plan:
 - a. **Present through July 3, 2020:**
 - i. Members of the public shall continue to have their temperatures taken at the door and shall be required to wear a mask in the common areas of the courthouse and the respective office areas.

- ii. Masks will be provided to the public if the individual does not have a mask.
 - iii. If a person's temperature is over 100.4 they will be asked to leave and contact the court / office they need by telephone for further instruction.
 - iv. The Courts will determine whether masks are required in the courtroom on a case by case basis. In any event, social distancing will be required unless the same interferes in the attorney/client relationship.
 - v. The Court will leave this decision to the individual attorneys and their respective client(s).
 - vi. Employees will not be required to wear masks generally as long as they are 6 feet or more socially distanced from their fellow employees.
 - vii. Employees are not required to wear masks when dealing with the public if there is a plexiglass shield between the employee and the public.
 - viii. Employees shall wear a mask in common areas if social distancing cannot be maintained or if assisting the public in the absence of the plexiglass shield.
 - ix. Social distancing measures are established throughout the courthouse, including the courtrooms.
 - x. Enhanced hygiene measures are in place.
 1. Anti-virus / bacteria dispensers are placed throughout the courthouse and various offices;
 2. The courthouse, courtrooms, and offices are cleaned thoroughly at the end of each work day;
 3. Counters, counsel tables, and other services are cleaned with an anti-virus / bacterial agent regularly during work hours.
 4. Plexiglass shields separating employees from the public are placed throughout the courthouse offices.
 - xi. The courts of Fulton County, in conjunction with local health officials, courthouse department heads, and other stakeholders may accelerate opening as set forth in 4(b) "July 4, 2020 and beyond" found immediately below.
- b. July 4, 2020 and beyond:**

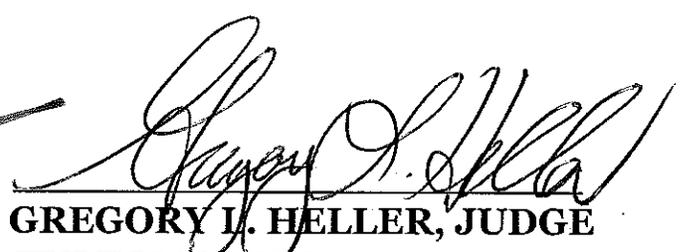
- i. Masks will be encouraged but not required in the courthouse.
 - ii. The Courts may require masks and other enhanced protection on a case by case basis and depending on changes in local coronavirus dynamics.
 - iii. Social distancing measures will remain throughout the courthouse, including the courtrooms as long as the threat of COVID 19 remains.
 - iv. Enhanced hygiene measures will remain in place.
 1. Anti-virus / bacteria dispensers are placed throughout the courthouse and various offices;
 2. The courthouse, courtrooms, and offices are cleaned thoroughly at the end of each work day;
 3. Counters, counsel tables, and other services are cleaned with an anti-virus / bacterial agent regularly during work hours.
 4. Plexiglass shields separating employees from the public are placed throughout the courthouse offices.
5. Screening Procedures for the Public: The screening procedure is set forth above in paragraph 4 and will remain until July 4, 2020.
6. Resuming Non-Emergency Hearings: Both Courts have conducted telephonically and Zoom hearings during this entire process. Both Courts intend to continue using these tools for conducting hearings moving forward where practical, and especially for hearings where many persons are required to attend. The Courts will begin some live hearings in June with the protective measures remaining in place as set forth in this plan. The Courts will continue to be sensitive to COVID19 concerns of all parties recognizing risk and apprehension levels vary across the population. The Courts will make arrangements for public viewing of proceedings on request.
7. Jury Trials: There will be no jury trial until after July 1, 2020. We are exploring options for safely conducting jury trials including:
 - a. Conducting jury selection off site at a bigger venue;
 - b. Conducting jury selection and the jury trial off site at a bigger venue;
 - c. Conducting jury selection in smaller groups with social distancing but in the courthouse;

- d. Conducting the jury trial in the courtroom with social distancing so that some of the jury is in the jury box and with the balance of the jury in the gallery;
 - e. Jury deliberations to occur in a larger secure location which allows for social distancing;
 - f. Utilizing the COVID19 questionnaire suggested by the Indiana Judges Association.
8. Court Supervised Services: The Fulton County Probation Department and Fulton County Community Corrections are located in the Fulton County Courthouse and will be subject to the same safety measures set forth in this plan. Fulton County CASA is offsite and has established safety measures including social distancing and utilization of phone and video for conferencing with children & families.

Respectfully submitted this 9th day of June, 2020.



**A. CHRISTOPHER LEE, JUDGE
FULTON CIRCUIT COURT**



**GREGORY I. HELLER, JUDGE
FULTON SUPERIOR COURT**