

In the  
**Indiana Supreme Court**



In the Matter of the Petition of the Orange  
Circuit and Superior Court for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-204

**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 10, 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 6/11/2020 , **effective May 29, 2020.**

Loretta H. Rush  
Chief Justice of Indiana

In the  
Indiana Supreme Court

In the Matter of the Petition of the  
Orange Circuit and Superior Court for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-204  
20S-CB-123

Petition for Approval of Transition Plan

Comes now the Orange Circuit and Superior Courts (“the courts”) *en banc* and respectfully request that the Indiana Supreme Court approve their Transition Plan for resuming court operations as provided herein and effective on June 1, 2020:

1. Administrative Rule 17 Components

The Order issued by the Indiana Supreme Court in regard to the courts on March 20, 2020 under Supreme Court Case Number 20S-CB-204 and last extended by the Indiana Supreme Court on May 13, 2020 under Indiana Supreme Court Case Number 20S-CB-123 should be allowed to expire on June 1, 2020 except the provision not allowing Jury Trials to resume until July 1, 2020. The courts do plan to resume Jury Trials on and after July 1, 2020 pursuant to procedures identified herein.

2. Planning

The courts have consulted the Orange County Health Department, Orange County Commissioners, Orange County Auditor, Orange County Prosecutor, Orange County Bar, Orange County Sheriff’s Department, and Orange County Clerk’s Office in developing this Transition Plan. The courts are further mindful of the directives and recommendations of the CDC, the Indiana Governor, the Indiana State Department of Health, the Indiana Resuming Court Operations Task Force, and the Indiana Office of Judicial Administration.

### 3. Employment Procedures

All employees of the courts shall self-monitor for indicative symptoms of COVID-19 and stay home if they exhibit symptoms or feel ill. Employees who have had COVID-19 or its symptoms should return to work only after consulting with and getting clearance from a medical provider. Following any employee's positive COVID-19 test, the positive employee, and all other employees shall cooperate with the Orange County Health Department and the Indiana State Department of Health, and any other agency as directed by those agencies, in workforce contact tracing.

All employees shall practice good hygiene including, but not limited to proper washing and sanitizing of their hands, avoiding touching their faces, sneezing or coughing into a tissue or the inside of their elbows, frequent disinfecting of used items and surfaces, maintaining six feet of separation and other appropriate social distancing, and wearing face coverings or masks when appropriate social distancing cannot be maintained.

Employees who are particularly vulnerable and at a high risk of severe illness if infected with COVID-19 shall be allowed to work remotely to as great an extent as is practical and possible provided that their work for the court can be accomplished effectively and in a timely manner.

### 4. Courthouse Facility Plan

The Orange County Commissioners are reopening the Orange County Courthouse (which houses the Orange Circuit Court) and the Orange County Office Complex (which houses the Orange Superior Court) to the public on June 1, 2020. Only one entrance will be accessible to the public at each building, and the commissioners are requiring that members of the public wear face coverings or masks and sanitize their hands upon entering the buildings. The commissioners will be posting signage in regard to these requirements and will be providing face coverings or masks and sanitizer at a self-help station directly inside each public entrance.

The commissioners will be ensuring that the courtrooms and all common areas and workplace areas within the court facilities are cleaned and sanitized each evening, and each court will have access to an ultraviolet sanitation light which will be used in each courtroom during longer breaks in court proceedings during the work day. Court staff will also be cleaning and sanitizing counsel tables to as great an extent as is practical between hearings.

When members of the public are present in court facilities, court staff will be responsible for ensuring that six feet of separation and other appropriate social distancing is maintained between all persons present, both in the courtrooms and also in all common areas. Members of the public will not be allowed in court offices other than the offices of the Orange County Probation Department and office of the Orange Superior Court Alcohol and Drug Program, if public presence is deemed necessary by those offices. Court staff will also be responsible for ensuring that limitations on public gatherings as established by the Governor of Indiana are enforced in both courtrooms and in all common areas. To the extent necessary to maintain appropriate social distancing and enforce gathering limitations, the courts reserve the right to limit public access to the courtroom and common areas to the extent allowable by Indiana and Federal law.

#### 5. Screening Procedures for the Public

In addition to the self-help procedures being put into place by the Orange County Commissioners, members of the public including litigants, attorneys, witnesses, jurors, and any other persons destined for the court facilities shall be met at the entrances of the facilities by court staff for in-person screening. Court staff will check body temperatures with a touchless thermometer though the results will not be recorded, and will not be released to anyone other than the individual checked, in compliance with the Americans With Disabilities Act. Anyone with a body temperature greater than 100.4 degrees Fahrenheit will not be allowed to enter.

Court staff will also ask screening questions including whether or not the person has a cough or worsening cough (excluding chronic cough due to known medical reason), and whether the person has shortness of breath, or any two of the following symptoms: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell. Court staff will also ask whether or not the person has had close contact in the last 14 days with someone who was diagnosed with COVID-19, and whether or not the person has traveled internationally or outside of Indiana in the last 14 days. Anyone with a cough or worsening cough (excluding chronic cough due to known medical reason), or anyone with shortness of breath, or any two of the additional symptoms listed above, or anyone who has had close contact in the last 14 days with someone who was diagnosed with COVID-19, or anyone who has traveled internationally within the last 14 days shall not be allowed to enter the court facilities. Those who have traveled outside of Indiana in the last 14 days but have not travelled internationally and exhibit no symptoms, may be allowed in at the discretion of each court.

Court staff will also be providing face coverings or masks for any persons who do not have them, and all persons will be required to wear the face coverings or masks while in the court facilities, excepting court staff and attorneys who will wear face coverings or masks when not able to maintain appropriate social distancing, but will not be required to wear them when they can maintain appropriate social distancing. Witnesses other than prospective jurors will also not wear face coverings or masks when testifying, however every effort will be made to maintain appropriate social distancing. Court staff will also have hand sanitizer available and require that all persons sanitize their hands upon entering court facilities.

#### 6. Resuming Non-Emergency Hearings

Non-emergency hearings shall be resumed as of June 1, 2020. To the extent that is practical and allowable under Indiana and Federal law, remote proceedings will continue and be encouraged. The courts will also attempt to stagger hearings and avoid large cattle-call hearings in order to maintain appropriate social distancing and enforce gathering limitations. Criminal matters, protective order hearings, and hearings involving the wellbeing of children and adults will be prioritized on the courts' dockets.

The Orange County Sheriff's Department will be responsible for screening, masking, and sanitizing prisoners before they enter court facilities.

Public access to hearings and trials shall be in accordance with the previously listed procedures of this Transition Plan.

#### 7. Jury Trials

Jury Trials shall resume as of July 1, 2020 with criminal trials prioritized over civil. In addition to the screening and safety procedures outlined herein for any members of the public, we will be using an Additional Juror Questionnaire Regarding COVID-19 to screen potential jurors. We will also stagger potential juror appearance times as is practical to maintain appropriate social distancing and enforce gathering limitations. We will also be providing prospective jurors with a letter that outlines our procedures in regard to COVID-19 at the time they are summoned for a particular trial.

The jury rooms in both courts are of adequate size to maintain appropriate social distancing, and jurors will not be required to wear face coverings or masks during recesses or deliberations when they are in the jury rooms. Meals will be provided to jurors in the jury rooms and they will not be taken to restaurants.

#### 8. Court Supervised Services

We will be resuming court supervised services including community corrections, probation, CASA, and court alcohol and drug program on June 1, 2020. Meetings with clients in the offices of these agencies will be by appointment only, and staff will wear face coverings or masks. Clients will have been screened and wear face coverings or masks in accordance with the other provisions of this Transition Plan. Home visits will also resume on June 1, 2020. During home visits staff will wear face coverings or masks when appropriate social distancing cannot be maintained.

#### 9. Duration of Transition Plan

We anticipate that the provisions of this Transition Plan will remain in effect for the foreseeable future. We respectfully request however that we be granted the authority to alter our procedures and safeguards depending upon current conditions in regard to COVID-19, and without further approval of the Indiana Supreme Court. No alterations will be made without consulting with our various stakeholders, nor without serious consideration of the directives and recommendations of local, state, and federal health authorities.

#### 10. Providing Information to the Public

Upon approval of this Transition Plan by the Indiana Supreme Court, we will be providing it directly to local media outlets.

Wherefore the Orange Circuit and Superior Courts *en banc* respectfully request that the Indiana Supreme Court approve this Transition Plan for resuming court operations effective June 1, 2020.

Respectfully submitted this 29<sup>th</sup> day of May, 2020.

/s/ Steven L. Owen  
Steven L. Owen, Judge  
Orange Circuit Court

/s/ R. Michael Cloud  
R. Michael Cloud, Judge  
Orange Superior Court