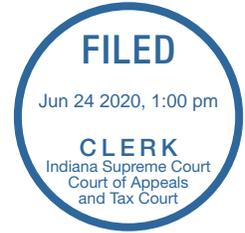


In the
Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-118

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 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 6/24/2020 , effective **June 10, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

20S-CB-118

SWITZERLAND CIRCUIT COURT
TRANSITION PLAN FOR EXPANDED OPERATIONS
PURSUANT TO ADMINISTRATIVE RULE 17

Comes now the Switzerland Circuit Court and petitions the Indiana Supreme Court for approval of the transition plan for expanded operations as set forth below and as required under Ind. Admin. Rule 17. In support of this petition, the Switzerland Circuit Court has formulated the following plan.

TRANSITION PLAN

First and foremost the Switzerland Circuit Court is committed to ensuring the health and safety of staff and citizens of Switzerland County. The court acknowledges its obligation under the Indiana Constitution and the Indiana Rules of Court to remain open.

Guided by the “Resuming Court Operations Task Force”, and after consultation with local stakeholders, the Switzerland Circuit Court submits the following plan:

1. The Judge of the Switzerland Circuit Court has spoken with several local stakeholders, including Prosecuting Attorney Monica Hensley, Sheriff Brian Morton, Chief James Richards, Commissioner Josh South, Chief Probation Officer Jeff Theetge, Juvenile Probation Officer Natalie Williams, Jury Administrator Darlene Morton defense counsel including but not limited to Lisa K. Rosenberger, Devon Sharpe, and others; DCS Attorney Kristen Hamilton; due to scheduling issues the Judge spoke with some of the stakeholders simultaneously and some individually.
2. Because Switzerland County is one of the smaller Indiana counties in terms of population, the number of individuals working in the courthouse and specifically

in the Court is limited. The Judge is directly overseeing the health and safety of court staff; court staff resumed regular attendance beginning Monday, June 1, 2020, following safety procedures further outlined below. Previously staff were working remotely and/or on rotating shifts, but due to the small number of staff (Court Reporter, Jury Administrator, Chief Probation Officer and Juvenile Probation Officer), all staff agreed that we could safely work together within the office while maintaining social distancing and other safety measures.

3. All parties and attorneys appearing for live hearings are required to enter the courthouse through the north entrance; take their temperature, sign a sheet attesting that they are not symptomatic, and wear a protective mask at all times while inside the courthouse. Masks, sanitary wipes and hand sanitizer are available at the sign in station. No one may enter for hearing earlier than fifteen minutes prior to the start of a hearing. Live hearings will only be held in the event of emergency; at all other times hearings will be held virtually via zoom or in the event of lack of technology to attend by zoom, telephonically.
4. Face to face probation meetings will be held only at the discretion of the Chief Probation Officer and the Juvenile Probation Officer; the Judge is not requiring face to face meetings at this time. Due to an increased number of positive COVID-19 tests in Switzerland County, and the prevalence of high risk individuals on probation, the Chief Probation Officer shall exercise discretion in determining whether to meet with probationers; and shall only do so where social distancing measures can be met.
5. Chairs, tables, desks or any other common surfaces used by members of the

- public or attorneys shall be sanitized after each use and before anyone else uses the chair, table or desk. Court staff are limited to using their own computers, phones and the like and shall sanitize said equipment at the close of business each day.
6. All staff are required to report illness to the judge, and if COVID-19 symptoms are present said staff member(s) shall remain home until such time as they test negative for the virus.
 7. The courthouse cleaning and safety plan as set by the County Commissioners is adequate and appropriate. The Courthouse is open to the public, who must enter through a common entrance, sanitize and attest that they are virus-free. All members of the public entering the courthouse must wear a mask.
 8. The courtroom is large and easily accommodates attorneys and members of the public with sufficient allowance for social distancing. The court is working with the Prosecuting Attorney and members of the defense bar to establish a timetable for resumption of jury trials and overcoming the logistical issues present in the courthouse. Alternative sites are being considered. The Switzerland County Courthouse was constructed in 1864; the acoustics of the courtroom, which has a 25-foot high ceiling and is nearly 70 feet from front to back do not allow for a 12-person jury trial to be held in such a manner that the jurors could sufficiently hear witness testimony while being spread all over the courtroom. Again, alternatives are being considered.
 9. As for live hearings, only attorneys and/or parties are allowed to enter the courthouse. If any witness testimony is anticipated, one witness at a time will be

allowed in the courthouse for testimony; at the conclusion of that witness' testimony, the witness will be dismissed, required to leave the building, and the next witness allowed to enter. All witnesses are required to undergo the screening procedures referenced hereinabove and must wear a mask at all times. The court strongly urges all attorneys and parties to forego appearing live for the foreseeable future and to appear for hearing virtually.

10. The court acknowledges that criminal defendants have the right to be present for a jury trial or for any motions hearing and will allow the presence of a criminal defendant unless said defendant acknowledges in writing a willingness to appear virtually. Public trials, once commenced, may be attended by members of the public so long as social distancing and screening measures are adhered to.
11. Remote hearings by zoom and telephonic hearings in civil matters shall be held as long as the parties do not object to such a procedure. If a party has a compelling reason to appear live in the courtroom they shall submit said reasoning to the Judge in advance of said hearing, who shall determine if a virtual hearing is possible.
12. Inmates in the Switzerland County Jail shall continue to appear virtually via zoom for initial hearings; they may appear virtually for guilty pleas with the consent of all parties. In any other matters the Prosecuting Attorney and Defense counsel may consult with the judge regarding the possibility of a virtual hearing. Presumptively, all other hearings will require the attendance of the defendant in the courtroom.
13. During any live hearings in criminal matters, social distancing shall be

- maintained; counsel may sit next to their client(s) at the discretion of counsel and the defendant.
14. Once live hearings resume regularly, the court will schedule hearings in such a way that a large number of people will not need to enter the courthouse/courtroom at the same time.
 15. Pre trial conferences, whenever possible, will be held by telephone with the court initiating the call to defense counsel. Defense counsel may attend pre trials live if so desired but are encouraged to attend telephonically if no evidentiary hearing is scheduled to occur.
 16. As for conducting jury trials, the court anticipates that jury selection will occur over a period of days. That is, about one-fourth of all jurors summonsed will be called in on the morning of the first day of trial; one fourth in the afternoon; one-fourth in the morning of the second day; and so on until a sufficient number of jurors is seated. The Jury Administrator will meet the jurors at the entrance to the courthouse, will ensure that each potential juror undergoes the screening procedures, will ensure that each potential juror is not exhibiting symptoms of COVID-19, and will then allow each individual to enter the courtroom. Each potential juror will be led to an assigned seat which allows for sufficient distance between potential jurors. There will be no remote jury selection.
 17. Until the COVID-19 health emergency is completely eliminated, only trials in those criminal cases where the defendant's constitutional rights necessitate a trial will be held.
 18. The Switzerland County Guardian Ad Litem Director, Carol Ann Sublett, has

been advised that no in home visits should be occurring at this time (the court notes that the Switzerland County GAL program is headed by a retired individual with an extensive background in the medical field). The GAL Director may consider the risk factors involved in determining whether to hold a face to face meeting with a child either in the child's home or at some other place.

19. The undersigned judge sees the COVID-19 virus situation as fluid; Governor Holcomb has acknowledged that the State will continually evaluate the safety of keeping the State "open" and if the situation merits, the Governor may implement more restrictive safety measures again if medical expertise demands it. To that end, the Switzerland Circuit Court will continue to adhere to the guidelines established by the Governor for the State of Indiana and by Chief Justice Rush for Indiana Trial Courts.

Dated: June 10, 2020

/s/ W. Gregory Coy, Judge
Switzerland Circuit Court