

In the Indiana Supreme Court

In the Matter of the Petition of the
Lawrenceburg City Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-190



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 11, 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 6/12/2020 , effective **June 11, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

May 27, 2020

Lawrenceburg City Court Plan to Resume Court Operations

This plan is as follows: All persons entering the Lawrenceburg City Court shall be limited to interested parties with scheduled hearings. These procedures will be reviewed weekly with the health department and adjusted as circumstances dictate.

1. Planning

Consistent with a previous order of the Indiana Supreme Court, the Lawrenceburg City Court has convened the requisite group of local stakeholders, including the following: City of Lawrenceburg Mayor, Kelly Mollaun; City Safety Coordinator, Mike Abdon, City Attorney, Delmar D. Weldon; Dearborn County Prosecutor, Lynn Deddens; Office of the Dearborn County Attorney, Andrew Baudendistel; City of Lawrenceburg City Court Clerk, Kristen Kaffenberger; and the City of Lawrenceburg's Chief of Police, Officer David Schneider. Considerations were made with the following in mind: Dearborn County and the City of Lawrenceburg has had a relatively low number of confirmed cases of COVID-19, with confirmed cases decreasing daily. The City of Lawrenceburg has a population of approximately 5,000 citizens and is in Dearborn County, Indiana, which has a population of approximately 50,000 residents. The City of Lawrenceburg and Dearborn County are in Southeast Indiana and is situated adjacent to Hamilton, Ohio, and the City of Cincinnati, Ohio.

The Court has been provided Personal Protective Equipment for both Court Staff and interested parties. The Court has been provided hand sanitizing solution, which will be available to both staff and interest parties. Court staff have been provided cleaning disinfectants for the Court facilities. Additionally, working with the City of Lawrenceburg, alterations have been made to the Court facilities to maintain social distancing practices while conducting court operations. The Court shall provide weekly updates to the City's Safety Coordinator, the City's Mayor, and City Council. The safety of the staff and the public is of the utmost importance, modifications to the Re-Opening Plan, may be considered if necessary, to ensure their safety.

2. Employment Procedures

- a) Consistent with a directive of the Lawrenceburg City Council and the Mayor's Office, effective May 4, 2020, City employees and City Court Staff returned to work on site each day and will continue to do so unless the Judge authorizes the staff member to work remotely due to health concerns or exposure issues.
- b) That Judge Joseph R. Johns shall work with staff, the Safety Coordinator, and the Human Resources Director to monitor and identify any staff members who are classified as at risk. At risk is defined by CDC and IDH guidelines as anyone suffering from the following:
 - Chronic Lung Disease or Severe Asthma
 - Serious heart conditions

- Immunocompromised from any disease such as Cancer, AIDS, or medications that compromise immunity
 - Severe Obesity (BMI of 40 or higher)
 - Chronic Kidney Disease requiring dialysis
 - The Court will follow the CDC
- c) At risk employees shall be approached confidentially and protections shall be established for any at risk staff member. At risk employees will be encouraged to work from home when possible. Those at-risk staff members who do not feel comfortable returning to work shall be referred to the City's Human Resources Director. All employees are screened each day prior to entering the City Court by having their temperature taken by security personnel. Anyone with a fever above 100 degrees is not permitted access to the Court facilities and instructed to consult their physician.
- d) Because employees may suffer stress and anxiety without exhibiting it, all employees have been advised of the mental health resource available to them at Be Well Indiana (bewellindiana.com).
- e) Personal protective equipment (face masks, gloves, and hand sanitizer) is readily available for the employees to use. All staff shall wear PPE while engaging the public or conducting court business. Court staff not interfacing with the public, are recommended to wear PPE while engaging in administrative duties.
- f) The City of Lawrenceburg has sufficient stockpiles of PPE and disinfectant supplies and can restock the Court's supplies for the foreseeable future.
- g) Court facilities shall be regularly cleaned and sterilized with disinfectant solutions.
- h) Court Staff workstations have the requisite six (6) foot buffer to maintain social distancing, with enclosures in place to prevent access by the public or interested parties.
- i) Court staff workstations that are public facing have a plexiglass "spit shield" protecting them from exposure.
- j) Anyone exposed to COVID-19 or any other contagious disease will be instructed consult with their own physician regarding if and when they should return to work. Consultation with the Dearborn County health department and City Safety Coordinator will be sought as needed.

3. Court Facility Plan

- a) Phase 1 (effective May 18, 2020)
1. All City Court employees will work on site each day unless the Judge authorizes the staff member to work remotely due to health concerns or exposure issues.
 2. The Court will continue to use telephonic hearings for Civil Infractions and Ordinance Violations.
 3. The Court will allow attorneys, self-represented litigants, and witnesses to appear telephonically or continue the hearing when there is a risk of exposure by the individual to COVID-19 and/or other health concerns.
 4. PPE available (face masks and hand sanitizer) to all Court staff.
 5. Continue processing all payments of costs and fines by standard mail and electronically.

6. Housekeeping/maintenance staff to thoroughly disinfect/clean all benches, door handles, knobs, bathrooms, chairs, courtroom tables each day
 7. The Court shall continue to issue summons in lieu of body attachments and resume sending notices for failure to appear suspensions.
- b) Phase 2 (June 11, 2020)
1. The Court will resume in person payments of costs and fines and will be available to assist members of public or interested parties appearing in person.
 2. The Court will 'continue telephonic hearings for all pre-trials, motion hearings, and review hearings.
 3. The Court will schedule and hear contested civil infractions and ordinance violations in bench trials.
 4. All members of the public entering the Court shall be screened with their temperatures taken prior to their admittance into the Court. Any member of public tested with a temperature of 100 degrees or more shall not be permitted into the Court. Those interested parties tested with elevated temperatures shall have their hearings continued to a later date and shall be recommended to see their medical provider.
 5. The Court shall restrict courtroom access to interested parties and their counsel, prohibiting all non-interested parties from entering the Courtroom. The exception to this policy shall include the parent or guardian of a minor or an adult under guardianship.
 6. The Court will continue to issue summons in lieu of body attachments.
 7. The Court will resume sending notices for failure to appear.
 8. 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.
 9. Witnesses appearing for in person testimony shall wait in the hallways with social distancing measures in place. All chairs shall be placed at 6' intervals.
 10. PPE shall be required for all those entering the courtroom and will be available for those who do not have their own face masks.
 11. Social distancing shall be maintained in the courtroom by removing chairs in jury box and taping seating areas with 6' intervals.
 12. Hearings shall be on the record and accessible to the public upon request.
 8. Cleaning of counsel tables and recording equipment and arms of chairs at counsel table to be completed by court staff in between hearings.
 9. Housekeeping/maintenance staff to thoroughly disinfect/clean all benches, door handles, knobs, bathrooms, chairs, courtroom tables each day.

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