

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-206



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 12, 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 6/15/2020 , effective **June 12, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

IN THE MATTER OF THE PETITION OF) **Supreme Court Case No.**
THE NEW CASTLE CITY COURT FOR)
ADMINISTRATIVE RULE 17 EMERGENCY RELIEF) **20S-CB-206**

**EXPANDED OPERATION PLAN PURSUANT
INDIANA ADMINISTRATIVE RULE 17**

The following components of the preexisting Administrative Rule 17 Order in this cause should be extended:

1. That the New Castle City Court be authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated;
2. That the New Castle City Court may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expect to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights
3. That any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the New Castle City Court may do so without further leave of court upon filing a "notice of Remote Appearance" in the Court;
4. That the Court is authorized in its discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the courtroom or to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
5. That the New Castle City Court may allow individuals with legitimate court business who are ill, caring for someone who is ill, or in a high-risk category for COVID-19 to request a continuance by telephone to the court clerk.

The following components of the preexisting Administrative Rule 17 Order in this cause should be modified:

1. Regarding the authority to reduce the number of court staff working and/or permit working remotely, that such reduction shall be limited to good cause shown regarding a specific employee, including (a) that the employee has tested positive for the COVID-19 virus, (b) is displaying symptoms identified by the CDC as being consistent with the COVID-19 virus, (c) an employee's immediate family member has tested positive for the COVID-19 virus, (d) an employee's immediate family member is displaying symptoms identified by the CDC as consistent with the COVID-19 virus, (d) an employee is required to care for a

family member afflicted with the COVID-19 virus, (e) employees in high risk categories, or (f) employees that must care for children who are out of school and day care as a result of COVID-19 related closures;

2. That the Court be permitted to change or adjust the time of hearings in order to reduce the number of hearings at a particular time and/or to avoid "cattle call" hearings;

The following components of the preexisting Administrative 17 Order in this cause should be allowed to expire:

1. That the Court be authorized to toll all laws, rules, and procedures setting time limits in all matters within the New Castle City Court's jurisdiction, and that no interest be charged;
2. That the Court be authorized to suspend all non-essential hearings and proceedings;
3. That the New Castle City Court be authorized to issue summonses in lieu of bench warrants, writs of attachment, notice of failure to appear, or notice of failure to pay;
4. That the New Castle City Court be authorized to utilize a drop box at the New Castle City Hall for conventional paper filed documents and receipt of payments.

The Court has consulted with the City of New Castle Health Department, the New Castle Police Department, the City Administration (Mayor, City Attorney, and City Services Building Coordinator) as well as the City Public Works Facilities Maintenance Staff in the development of this Plan;

The Court has in place the following procedures for the protection of employees:

1. The work spaces of the employees of the New Castle City Court, consisting of the Judge, Bailiff are all in physically separate offices;
2. Court staff shall be tested by the New Castle Health Department if they display a fever or any other COVID-19 symptoms, and shall be sent home in the event of such symptoms;
3. Court staff shall report exposure to another individual who is COVID-19 positive to their supervisor;
4. The bailiff shall wear a mask and medical gloves while dealing with parties, their counsel or interpreters;
5. The City of New Castle has in place, and notifies all employees of, an Employee Assistance **Plan**, which provides for mental health counseling for stress and depression;

The City Services Building, which houses the Court, has in place the following facility plan:

1. City Services staff will wipe down/spray the front desk counters at the City Services Building regularly throughout the day.
2. Public Works Facility Maintenance Staff will clean and sanitize all interior work spaces and touchable surfaces, including the Courtroom, nightly.

In regard to the conduct of in person hearings:

1. A request that an initial hearing be conducted remotely will be granted;
2. Signage will be posted, and notice made on the City web page, that telephonic or video initial hearings will be conducted upon request;
3. Attorneys will be encouraged to submit all agreements in writing prior to hearings and to conduct non-contested hearings remotely where feasible;

The following screening procedures will be in place for public access:

1. Signage has been placed at the entrance of the building advising that persons who have a fever or COVID-19 symptoms should not enter the building;
2. Signage has been placed at the entrance of the building encouraging public to use remote access to City Services;
3. Public access to the building is limited to a public lobby area, where the front desk counters are located and persons can make payments for violations;
4. The public cannot access employee work areas or areas beyond the public lobby;
5. Court staff, and City staff, are physically separated from public contact by a plexiglass barrier which completely encloses the staff work area;

Non Emergency Hearings will resume as follows:

1. In person initial hearings will commence per the above guidelines on June 5, 2020;
2. In person bench trials will resume per the above guidelines on June 5, 2020;
3. The Court does not intend to use Senior Judges;
4. As the Court does not exercise criminal jurisdiction, the Court does not require any procedures for dealing with incarcerated persons. If a person is incarcerated but has a matter before this Court, this Court will continue the hearing until such time as the pandemic is declared over or the person has been released from incarceration;
5. All persons with business before the Court will be screened in the public lobby by the bailiff or New Castle Police Department staff. In addition to standard security

screening, persons will have their temperature taken and will be asked if they have been diagnosed with COVID-19, show any symptoms, or to their knowledge have been exposed to anyone with symptoms within the previous 14 days;

6. Access to the Courtroom will be denied to anyone who does not adequately answer the questions in Paragraph 4, and if necessary their case will be continued;
7. Entrance to the Courtroom shall be limited to Parties, counsel and witnesses to the proceeding, except in the case of Parties who are minors, where a parent, guardian or custodian is required to be present;
8. Space is reserved in the courtroom for members of the public to attend court hearings while adhering to social distancing requirements;
9. During Initial Hearings, no more than three Parties will be permitted in the Courtroom at any time;
10. During Bench Trials, no more than one Party will be permitted in the Courtroom at any time;
11. If the Courtroom is at capacity, the bailiff will instruct Parties to wait outside of the City Services Building, and will call them when they are to re-enter the building;
12. All persons in the Courtroom shall wear a mask or other appropriate protective facial covering, which shall be of a type that does not impede verbal communication. If necessary, a person speaking may remove a mask. Face masks will be provided at no charge to persons who do not have one;
13. All persons in the Courtroom who are not family members residing in the same household shall maintain physical distancing of at least 6 feet within the courtroom;
14. Hand sanitizer and other antiseptic materials shall be available for use;
15. Seating in the Courtroom will be wiped down before and after use by parties.

The Court does not conduct jury trials, or utilize court supervised services. However, any court services provided will be performed in a manner consistent with the procedures set forth in this Expanded Operations Plan.

When the pandemic is declared over, the Court will look to resume normal operations. The Court will review with Court staff, City Administration and with the New Castle Health Department the operations of the City during the public health emergency, what steps need to remain in place as permanent changes to court practices, and what steps need to be taken in the event of a recurrence of the emergency.

Respectfully submitted:

/s/ Joe Lansinger

Joe Lansinger
Judge, New Castle City Court