

20S-CB-113
Marion Superior Court
Indianapolis, Indiana

IN RE: THE MATTER OF REQUESTING
RELIEF UNDER INDIANA
ADMINISTRATIVE RULE 17

Cause No. 49D01-2001-CB-000039
Executive Committee

PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17

Come now the Courts of Marion County and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition, the Courts inform the Supreme Court as follows:

1. The Marion Superior Court Executive Committee in conjunction with the Marion Circuit Court Judge has determined:
 - A. The Governor of the State of Indiana has declared a public health emergency;
 - B. The Marion County Health Department has closed all local schools through Monday, April 6, 2020 and implemented local restrictions on all non-essential gatherings of more than 250 individuals in Indianapolis;
 - C. The Mayor has implemented operational changes designed to protect employees and the public while maintaining basic city services by a transition to work from home for all non-essential employees who are able to do so. The Mayor has also banned all non-essential employee travel for City employees;
 - D. The Mayor has instructed the Indianapolis Metropolitan Police Department to summons non-violent misdemeanor offenses in lieu of arrest;
 - E. The City of Indianapolis has suspended all programming for elderly and at-risk individuals throughout Marion County to limit their exposure and risk;
 - F. The United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19 and other potentially fatal viruses;
 - G. The Marion Circuit and Superior Courts hold hearings and proceedings which result in thousands of people entering the City-County Building, Juvenile Court Complex and Traffic Court each week;
 - H. The Marion Superior Court has held numerous meetings and phone calls with justice stakeholders and City-County government leaders regarding this situation and received their input on its proposed operational changes;
 - I. The Marion Superior Court attempted to hold a jury trial on March 12, 2020, in which a prospective juror in the pool notified the Court that his employer had informed him that a colleague with which he has had contact has tested positive for COVID-19;

- J. The Court has received numerous complaints and concerns about the health and safety of prospective jurors and the public based on incidents like the one that occurred on March 12, 2020;
- K. That mitigation of the spread of contagions is of utmost importance to protect the citizens of Marion County;
- L. That the local courts have appointed Judge Heather Welch, Presiding Judge of the Marion Superior Court, as the presiding judge of this emergency.

The judges of Marion County request that the Supreme Court declare that an emergency exists in Marion County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Marion County directing and allowing the courts and clerk of Marion County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency for the period of Monday, March 16 through Friday, April 3, 2020, including a toll on the timeframes set forth in Ind. Crim. R. 4.

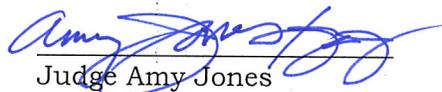
Done at Indianapolis, Indiana, this 13 day of March, 2020.



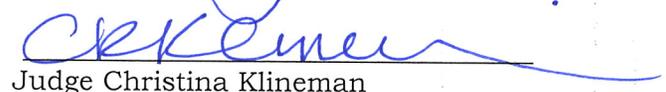
Judge Heather Welch
Presiding Judge



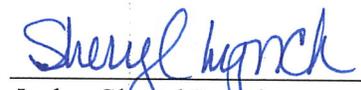
Judge Alicia Gooden
Associate Presiding Judge



Judge Amy Jones
Associate Presiding Judge



Judge Christina Klineman
Associate Presiding Judge



Judge Sheryl Lynch
Marion Circuit Court

From: "Welch, Heather A." <Heather.Welch@indy.gov>
Date: March 13, 2020 at 1:32:04 PM EDT
To: MSC Judicial Officers <MSCJudicialOfficers@indy.gov>
Subject: Updated Coronavirus Outbreak PLEASE READ

Colleagues

As you know the COVID-19 crisis is ever evolving and we would like to update on new measures. We are now declaring an emergency. All non-essential hearings must be continued by the individual courts for at least the next three weeks (3/16-4/3). All essential hearings as outlined in the attached will now be heard in a limited number of courts beginning MONDAY MARCH 16:

- 1) Criminal Court 8 location will now hear ALL essential hearings from Criminal Courts 7,8,9, 10,12,14,15,16,17,18,24 and 25.
- 2) Criminal Court 21 location will now hear ALL essential hearings from Criminal Courts 1-6, 20 and 21.
- 3) Probate Court location will hear ALL essential hearings for Probate Court and if necessary any other civil court
- 4) Juvenile Court will determine how many courts they will run for Juvenile essential hearings and the locations for that.
- 5) Initial Hearing Court will continue to operate on a limited basis.

We are asking that Judges and Magistrates sign up to cover a shift in the 2 criminal court locations. Paige has a spreadsheet for that purpose which is attached. Please sign up!! If you have a hearing that you specifically want to preside over...you obviously may come in and do that at your discretion in one of those two locations. If we do not receive enough responses for the criminal court locations, we will be assigning a Judge or Magistrate to assist.

Coverage for probate and juvenile will be left to those individual judges and magistrates.

Paige Bova will be asking staff to cover the criminal courts that will be open. We will be asking for 2 staff per shift. They will be paid for this work. She will reach out to staff directly. They will keep time through Kronos. Probate and Juvenile Court Judges will determine what staffing is necessary, and they will keep time thru Kronos.

Each Judge may cover their queue work from home as they feel appropriate. If they would like to appoint a single staff member to come in to update they may do so by having them come to the court's training room, T-1242 at any time 8:30am-4:00pm Monday through Friday for the next 3 weeks. We ask that each judge ask no more than one staff member and only as needed (1-2 days per week). Please utilize the training room only. We are attempting to reduce our footprint as much as possible and want to ensure building authority thoroughly cleans all areas being used. The staff will keep time through Kronos.

All other court staff will be asked to stay home for the next three weeks (3/16-4/3). Paige will notify directly all staff but you may also update them. They will be paid. Staff that comes in will receive additional compensation.

We will bring signs to place on the criminal and civil court doors and hope to have a sign in the lobby as well.

Please read thoroughly the attached and reach out if you have any questions,

Your EC

**Essential Functions for Court Operations
Marion Superior Court
3/13/2020**

As determined by the Executive Committee:

Staff:

Court Administrator
Chief Operations Officer
IT (all remote except AT, potentially)
Payroll (remote)
RSR juvenile
Direct care staff at juvenile

Hearings:

Initials for in-custody defendants
Bond reviews
Initials for CHINS and continued initials
Factfinding hearings for CHINS that are time sensitive
JD initials
JD in-custody trials
Civil commitments
Mental health hearings for probate
Limited Guardianships
Detention hearings for CHINS and JDs
Any other essential emergency hearing at discretion of Judge

Structure During Reduced Staffing/Operations:

- Juror Services work from home with a rotating schedule to answer juror emails;
- Payroll/Benefits work from home to process payroll;
- 2 fully trained employees (FTR and Updating) to cover all essential Major Felony matters, working in Criminal 21;
- 2 fully trained employees (FTR and Updating) to cover all essential Level Six and Misdemeanor matters, working in Criminal 8;
- 2 fully trained employees (FTR and Updating) to cover all essential Probate matters, working in Probate Court;
- 1-2 staff to cover IHC essential functions;

Operations:

- Each Judge will remotely monitor their own queue;
- If a Judge wants one of their employees to work on their respective queues (with the exception of Courts 21 or 8, Probate court or Juvenile court) as they will be conducting all in-person hearings), that employee must come in to work in the Court Administration Training Room (T1242) and utilize the computers in that room;
- If a hearing must be set, it should be set in one of the designated courtrooms in the above outlined section– Civil cases will be held in Probate court;
- Juvenile Court - proceed with what is needed to staff essential hearings and continue other matters until after declared emergency.

Building Authority will clean daily the following during this period: Criminal Court 8, Criminal Court 21, Probate Court, Court Administration and the Court Administration Training Room. Other Courts not designated for use will be cleaned on the final night of operations before this specified time period so they are clean when employees return to work, tentatively scheduled for April 6, 2020.

TO: Marion Superior Court Judges
FROM: Marion Superior Court Executive Committee
DATE: March 12, 2020
RE: COVID-19 – Interim Request effective March 12, 2020 – April 10, 2020

Dear Colleagues,

On March 11, 2020 at 2:00 pm, a stakeholder forum was held to discuss the Marion County public safety plan in response to a potential local outbreak of COVID-19. The purpose of this meeting was to discuss the appropriate reaction and restrictions, so that our local government can continue to operate and provide services in a safe manner.

The Marion Superior Court will utilize its Business Continuity Plan in the event of a declared public health emergency in Marion County-City of Indianapolis, such as the widespread outbreak of an infectious disease within the community.

Currently, stakeholders are implementing precautionary measures to ensure the health and safety of the public and staff who work for city and county. Some of you may have received a copy of two (2) Orders of the Lake Circuit Court where one encourages “social distancing” and the other consideration for continuing court dates as well as allowing for attorneys to appear by phone. Attached you will find Orders for Marion County. The Court’s Executive Committee will be issuing these Orders on March 12, 2020 by noon.

The Executive Committee is strongly requesting that each judge consider the following steps effective immediately for the next 30 days:

- If you are a criminal court and have an IN-CUSTODY pre-trial conference that will ONLY result in the setting of a new court date, please consider advising your line deputy NOT TO BRING THIS INDIVIDUAL TO COURT. The Public Defender’s office has been asked to provide a list no less than one day prior to the hearing as to any individuals they will not need to appear in court. In addition to notifying your line deputy, please also send an email to MSC2JAIL@indy.gov and title the subject line “**DO NOT BRING INDIVIDUALS TO COURT**” so that the MCSO can set a priority. **This information will be sent in a separate email to all Court staff.** This will reduce the inmate traffic into the building for non-essential hearings. Please provide notice by the end of business the day prior to the scheduled hearing.
- Consider allowing parties to appear by phone or video conference.
- Exercise flexibility during the next thirty (30) days on requests for continuances.
- Consider reducing the numbers of cases on dockets.
- Instruct your staff that if an individual presents themselves to the court with cold symptoms to immediately assist so they can leave the building and not stay any longer than necessary.

- Consider the continuance of pre-trial conferences and non-essential hearings that will not result in a resolution of a case.
- Consider the continuance of ALL CIVIL JURY TRIALS over the next 30 days if it is feasible to do so. This will reduce the number of people entering into the building for jury service as well as unnecessary parties and witnesses.
- Consider the continuance of ALL OUT-OF CUSTODY CRIMINAL JURY TRIALS over the next 30 days if it feasible to do so. This will reduce the number of people entering into the building for jury service as well as unnecessary parties and witnesses.
- Consider the continuance of IN-CUSTODY JURY TRIALS over the next 30 days if the rights of the defendant will not be violated. This will reduce the number of people entering into the building for jury service as well as unnecessary parties and witnesses.
- Consider allowing Attorneys Only Conferences whenever possible over the next 30 days without the requirement of a Motion (per The Executive Committee Order filed 3/12/20)

Additionally, the Executive Committee has requested IMPD issue summons' for non-violent misdemeanor cases. These will be set on the initial hearing calendar Wednesdays in May. This only applies to potential MISDEMEANOR outright arrests who would normally be released on an O.R. pending a future initial hearing date. This is simply a request and no officer is obligated to follow, if in their discretion they believe arrest is the only appropriate avenue.

Since the situation is ever-evolving, we will continue to provide you necessary information which we receive to assist you in addressing the tough decisions that must be made to implement social distancing in light of COVID-19. We appreciate your quick action.

Marion Superior Court
Indianapolis, Indiana

IN RE: THE MATTER OF PERMITTING
TELEPHONIC APPEARANCE AND
CONTINUANCE MOTIONS FOR
CERTAIN COURT DATES

Cause No. 49D01-2001-CB-000039
Executive Committee

ORDER

WHEREAS the United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19 and other potentially fatal viruses; and

WHEREAS the court finds that mitigation of the spread of contagions outweighs the benefit of having in-person appearances on non-evidentiary court settings; and

WHEREAS continuing certain court dates may help mitigate the exposure of individuals appearing in court, the Marion Superior Court, by and through its Executive Committee, now FINDS and ORDERS as follows:

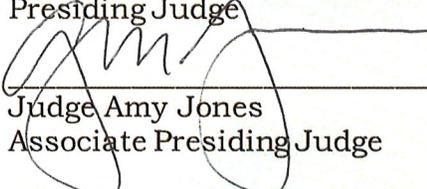
- (1) Effective immediately and extending through April 10, 2020, any attorney wishing to appear remotely for any status conference, pre-trial conference or non-evidentiary hearing is hereby given permission to do so.
- (2) During this time period and for these types of court dates, no motion to appear telephonically is necessary. However, an attorney choosing to appear remotely as a result of this order shall file a simple "Notice of Remote Appearance" so that the court staff and court are informed.
- (3) Remote appearances shall be coordinated through the individual court in which the hearing is to be held, by emailing or phoning the bailiff(s) in those courts.
- (4) With respect to evidentiary hearings and trials, the court now hereby finds that (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19, shall be considered "good cause" for any motion made to either appear remotely or continue a court setting. To the extent possible without violating statutory or constitutional rights, the court will endeavor to accommodate requests made pursuant to this order.

This foregoing order shall expire on April 10, 2020, unless terminated or extended by further order of this court. Clerk: T.R. 72 Notice.

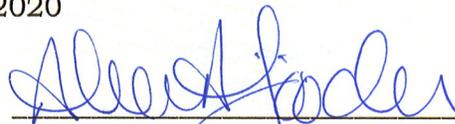
SO ORDERED this 12th day of March, 2020



Judge Heather Welch
Presiding Judge



Judge Amy Jones
Associate Presiding Judge



Judge Alicia Gooden
Associate Presiding Judge



Judge Christina Klineman
Associate Presiding Judge

Marion Superior Court
Indianapolis, Indiana

IN RE: THE MATTER OF MITIGATING
SPREAD OF CONTAGIONS

Cause No. 49D01-2001-CB-000039
Marion Superior Court Executive Committee

ORDER

WHEREAS the United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19 and other potentially fatal viruses, the Marion Superior Court, by and through its Executive Committee, now FINDS and ORDERS as follows:

Any person coming to Marion Superior Court courtrooms and offices who

(1) is experiencing flu or flu-like symptoms, and/or

(2) who has had exposure to anyone who has or may have the COVID-19 virus (also called "novel coronavirus"), is to immediately report that to the court staff.

Such person(s) shall then follow any instruction(s) given to them by the court or court staff which may include steps to limit exposure to other individuals.

Such person(s) are asked not to come to the Marion Superior Court unless required by order of the court.

This foregoing order shall expire on April 10, 2020, unless terminated or extended by further order of this court.

Clerk: T.R. 72 Notice.

SO ORDERED this 12th day of March, 2020



Judge Heather Welch
Presiding Judge



Judge Alicia Gooden
Associate Presiding Judge



Judge Amy Jones
Associate Presiding Judge



Judge Christina Klineman
Associate Presiding Judge



MARION SUPERIOR COURT BUSINESS CONTINUITY PLAN

Status:	Under Executive Committee Review
Custodian:	Court Administrator's Office
Date approved:	
Decision number:	
Implementation date:	
Due for review:	
File number:	

1 INTRODUCTION

In the event of a declared public health emergency in Marion County-City of Indianapolis, such as the widespread outbreak of an infectious disease within a community, the challenges facing the courts will be greater. Court personnel, including judges and court staff, probation officers, juvenile detention center staff, may themselves become ill. The court may be forced to relocate to safer and more sanitary premises. Hundreds (if not thousands) of hearings may be required to determine the validity of isolation and quarantine orders. Each of these scenarios will strain the resources of the courts and require innovative solutions that ensure the continued operation of the judicial system while respecting constitutional due process guarantees.

Neither Indiana law nor the rules of court specifically address these challenges in the context of public health emergencies. However, several generalized provisions may be invoked in such situations.

The conduct of judicial proceedings involving persons infected or suspected of being infected with a dangerous communicable disease will require the court to alter many of its standard procedures in order to assure the safety of court personnel and parties participating in the proceedings. For example, the court must consider whether an individual suspected of being infected with an unknown, highly contagious disease should be permitted to physically appear in the court room and, if not, how the proceedings will be conducted to ensure the individual adequate participation. Additional issues, including the adequacy of the individual's access to and consultation with counsel, will also challenge the court in such situations.

This document outlines a list of areas that the Marion Superior Court's Executive Committee and General Body has reviewed for implementation after the declaration of public health emergency in the county or court, and steps to undertake by designated areas and individuals for the continuity of court operations.

2 GOALS AND OBJECTIVES

The goal of the plan is to prevent loss of life, reduce property damage and minimize impact on the overall business i.e.:

- Minimize and support the number of decisions that must be made during a crisis;
- Minimize the dependence on any specific person during the crisis;
- Minimize the need to perform crisis actions by trial-and-error when a crisis occurs; and
- Minimize the need to develop new procedures, programs or systems during a crisis so that all components necessary to assist the site during a crisis are documented and stored off-site, ready for use.

The overall objective of the plan is to provide the information and procedures necessary to: -

- Rapidly respond to a disaster or emergency situation;
- Notify necessary trained personnel;
- Assemble business recovery teams;
- Rapidly recover services to clients and other agencies; and
- Rapidly resume normal business functions.

3 CORPORATE RESPONSIBILITIES

3.1 CRISIS CONTROL UNIT

3.1.1 CONCEPT

The concept of a Crisis Control Unit requires careful explanation. The unit should not exist as a day-to-day ongoing business entity, but the members come together as a team, to orchestrate all matters relating to an actual or potential disaster and the ongoing task of Disaster Recovery Planning, including the implementation of disaster prevention activities. The unit members include some of the most senior members in the organization and are ultimately responsible for all aspects of disaster prevention and disaster recovery, relating to the Marion Superior Court (MSC).

Any team, even at this level, requires an internal orchestrator to ensure that the team operates effectively despite ongoing day-to-day responsibilities that are not disaster related. With this in mind a senior management group has been created in the group viz. Crisis Control Group (CCG). The CCG will consist of the following –

- Executive Committee
 - Heather Welch
 - Christina Klineman
 - Amy Jones
 - Alicia Gooden

- Court Administration
 - Emily VanOsdol
 - Paige Bova
 - Amitav Thamba

The CCG will be responsible for the development, ongoing maintenance and testing of an effective Disaster Recovery Plan and disaster prevention measures. The CCG must ensure that all members of the Crisis Control Unit understand all aspects of the Business Continuity Plan and are fully aware of their respective responsibilities in this area.

Whilst the Crisis Control Unit carries ultimate responsibility for all facets of disaster recovery, specific responsibility lies in the “across all business units” disaster related activities. The Crisis Control Unit, through the Crisis Control Group will also be responsible for ensuring that each Strategic Business Unit (SBU) has developed a business specific Business Continuity Plan which clearly states and covers the key business processes of the unit and is in line with the corporate Business Continuity Plan, as determined by the Crisis Control Unit.

3.1.2 CRISIS CONTROL UNIT MEMBERS

Title	Name	Major DR Function
Court Administrator	Emily VanOsdol	Leadership and group PR, Communication
COO	Paige Bova	Staff matters, Communication, PR,
CTO	Amitav Thamba	Court Operational, and Information Technology

3.1.3 DISASTER DECLARATION AUTHORITY

A major disaster (evacuation of site) will take place as per MSC’s Procedures on Emergency Evacuation.

3.2 BUSINESS SUPPORT UNITS (BSUs)

Along with the Crisis Control Unit, the Business Support Units also have “across all business units” functionality. In all major disaster situations, the specific business units will be reliant on the performance of the BSUs. Each BSU has defined areas of responsibilities in the event of a disaster. However, in the event of any unplanned circumstances, the BSU's will fall directly under the control of the Crisis Control Unit in terms of rearranged priorities or other changes to the plan.

The Business Support Units are shown below, together with senior management.

BSU	Manager/Supervisor
Court Administration	Emily VanOsdol
Information Technology	Amitav Thamba
Finance	Monica Ferguson
Human Resources & Payroll	Paige Bova Kervan
Probation Department	Christine Kerl
Juvenile Detention Center	Hon. Clark Rogers, Paige Bova Kervan
Jury Pool	Hon. James Osborn, Paige Bova Kervan

3.3 STRATEGIC BUSINESS UNITS

Whilst the Office of the Court Administrator is responsible for the maintenance of the MSC Business Continuity Plan, each Strategic Business Unit needs to be thoroughly familiar with the BCP strategy and have their specific unit recovery teams and Business Continuity Plans in place.

4 COUNTER DISASTER STRATEGY

4.1 KEY PERSONNEL

This is an area that is very difficult to define in a BCP strategy, in spite of the fact that the simultaneous loss of several key personnel, would certainly constitute a major disaster.

If Marion Superior Court is operationally restricted in response to a public health emergency, natural disaster or other event that restricts the business of the Court, the following are considered essential personnel to continue the critical operations of the Court:

4.2 Juvenile Detention Center Staff:

- One Administrator (who can assist with working on the floor);
- Direct Care Staff (per PREA ratio);
- RSR Probation Staff- 1 male, 1 female;
- Medical Staff (on-site contract vendor);
- Kitchen Staff (contract vendor).

These employees must work on-site given the nature of their work and the youth in our care. Program, counseling and mental health staff are not essential staff in a critical situation that results in an essential staff only model. However, they are fully trained to work direct care and could be utilized to assist with rotating in direct care. Every employee of the Detention Center, regardless of position, is fully trained in SCM, first aid and direct care work. Therefore, rotations could be utilized if needed in a critical staffing situation, particularly if numbers of our direct care staffs' own personal health are affected. The facility has

appropriate occupiable space for staff to utilize if they are required to stay (overnight or off-shift) at the facility for a legitimate health or weather emergency.

4.3 Marion Superior Court Staff:

- Court Administrator;
- Chief Operations Officer;
- Chief Technology Officer;
- Chief Probation Officer;
- Payroll/Benefits Coordinator (working remotely several hours each week to ensure the payroll is processed);
- IT Trainer (on-call to assist remotely with appropriate court-related technology issues);
- Quest Administrator;
- Refer to document titled “Essential functions of the court” for details of additional court staff required to handle essential queue work and other essential tasks;
- Judges, Magistrates and Commissioners of the Marion Superior Court.

The Court Administrator, Chief Operations Officer, Chief Technology Officer, Chief Probation Officer and Judges can work remotely. All are exempt level employees, and will work to maintain essential court operations.

The Payroll/Benefits Coordinator, IT Trainer(s) and Chief Bailiff and/or other Court designee are non-exempt positions. They shall work remotely to process essential work during the designated time, and shall diligently record all hours worked in the Court’s timekeeping system.

Employees will still require pay, technology issues will arise, information will be sent to the queues that require addressing as we handle work remotely, or on-site.

5 Court Proceedings

MSC upon declaration of the public health emergency will avail of the provisions under Administrative Rule 17, that allows county courts to petition the Indiana Supreme Court for an order that stops the clock on time limits like the criminal speedy trial rule.

With that in mind, we recommend during this time to also limit and allow for activities in a different format on the following –

- A. *Telephonic Proceedings for court hearings.*** It is within the discretion of any Indiana judge to issue reasonable orders regarding the manner in which hearings are conducted, and hearings by telephone conference call, or similar means of communication, are permissible. IND. R. TRIAL PROC. 73(A).

With that in mind, Court Administration will be setting up telephonic proceedings lines by court and session (AM & PM) for each court. These proceedings will be recorded and at a later date brought into the official court recording software (FTR

/BISDCR). The proceedings will allow for a Judicial Officer, a designated court staff member, and up to 4 other parties to participate on the call in.

B. Access to Court Systems for court hearings.

Refer to document titled “Essential functions of the court” for details of additional court staff required to handle essential queue work and other essential tasks.

C. Access for Non-English Speaking Persons. The court will need to provide access to language line, along with contacting its contracted interpreter service provider to have interpreters available for court proceedings.

D. Civil Court Proceedings. During the declared emergency time frame, all civil division court proceedings and hearings will be continued to post declaration and removal of all emergency setting dates. This will allow the court to focus on only cases that have immediacy purposes. If a Judge feels or is presented with facts that require proceeding with hearing the case, then the hearing would be conducted using a telephone conference call and followed up with the appropriate orders.

a. Jury Trials – these would be continued to a future date setting.

b. The following case types are contemplated across all the Civil Division courts to fall within this –

- (1) **OV** - Local Ordinance Violations
- (2) **OE** – Exempted Ordinance Violations
- (3) **CT** – Civil Tort
- (4) **CP/PL** – Civil Plenary
- (5) **CC** – Civil Collections
- (6) **MF** – Mortgage Foreclosure
- (7) **MI** – Civil Miscellaneous
- (8) **DR** – Domestic Relations
- (9) **DC** – Domestic Relations with Children
- (10) **DN** – Domestic Relations without Children
- (11) **ES** – Estate Supervised
- (12) **EU** – Estate Unsupervised
- (13) **EM** – Estate, Miscellaneous
- (14) **GU** – Guardianship
- (15) **TR** – Trust

E. Criminal Court Proceedings.

a. **Speedy Trials & Jury Trials** - these would be continued to a future date setting.

b. **Initial Hearings** - these would be continued to be processed in the following format shown below -

(1) Felony Level 6 and Lower Processing

1. **IHC Staff** – the staff and Judges of the Initial Hearing Court (IHC) would be able to remotely access the court’s systems (BARS, INCITE, Odyssey) and will process the bookings. For next court dates, the court will place a hearing date 8-9 weeks out depending on the declared emergency date.

(2) Felony Level 5 and Higher Processing

- 1. Major Felony Judges & Staff** – the staff and Judges in the Major Felony section would be on a rotation to handle the cases within that division. They would be able to remotely access the court’s systems (BARS, INCITE, Odyssey) and will process the bookings. For in-custody defendants, initial hearings will be heard by rotating judges. For out-of-custody defendants, the court will set a hearing date approximately 4 weeks out depending on the declared emergency date.
- c. Warrants** – the standard existing IHC warrant serving procedures will be in place. For warrants that require the defendant to be produced in front of the Judge, we will set essential hearings as determined by the rotating judges.
- d. Probation Violations and Community Corrections Violations** – we will set essential hearings as determined by the rotating judges.

F. Juror Management Considerations. During the declared emergency, all jury trials will be postponed and rescheduled. Priority will be given to defendants in-custody and with pending speedy trial requests.

G. Juvenile Court Proceedings.

a. Case Proceedings for Juvenile Delinquency cases

1. Initial Hearings:

- a. If the child is released and not detained based on the DRAI score**
 - i. the initial hearing should be scheduled 3-4 weeks out (currently those are set within 2 weeks) – this is dependent on how long the declared emergency is.**
 - ii. The Deputy Prosecutor should still screen the case for filing remotely.**
 - iii. If released on conditions from RSR those will be reviewed by a Judicial Officer.**
 - 1. If the conditions are to be changed the Judicial Officer will request a court order be completed by the court reporter. This can be done remotely through working “Queue’s”.**
- b. If the child is detained or released with conditions based on the DRAI score or Detention Order**
 - i. A Prosecutor should review the probable cause remotely and determine the filing of the case.**
 - ii. If rejected by Prosecutor the child should be released.**
 - iii. If filed, the Public Defender Agency should be appointed and arrangements for the child to speak with Public Defender by phone.**
 - iv. If filed by Prosecutor a Judicial Officer should review the probable cause and hold a Detention Hearing by phone with parties.**
 - v. The Detention Hearing should include a Judicial Officer, Deputy Prosecutor, Public Defender, child, parent and court reporter.**
 - vi. The Court reporter should complete a court order and any release conditions if appropriate and assigned to the Judicial Officer “Queue”.**
 - vii. The next hearing should be scheduled 3-4 weeks out. Statutory timelines will be held due to the emergency protocols.**

2. Detained Youth pending fact finding hearing or disposition:
 - a. All statutory timelines will be held due to emergency protocols so cases should be continued 3-4 weeks out (we can always advance on the calendar if staff return early).
 - b. A plan for attorneys to have phone contact with client should be determined.
 - c. If a child is detained pending a placement and that placement becomes available should we have a plan to proceed or should that be stayed until the emergency has passed?
 - d. If proceeding then a phone hearing should be scheduled with all parties and disposition proceed. A court reporter will need to complete the order releasing the youth to the placement.

3. Detention Orders:
 - a. Courts should consider allowing the youth arrested on a Detention Order to be scored by the DRAI for release or detention instead of every Detention Order showing the selection must be detained. This is an option on the Detention Order issued by the court.

4. Emergency Motions:
 - a. Magistrates will check their Queue's daily and rule on motions and complete orders.
 - b. Emergency motions that need a hearing – the level of emergency will need to be decided by the Judges but if the child is in danger to himself or the community then the Judicial Officer can arrange a phone hearing if this cannot be solved with ruling orders This needs to be the extreme and not the norm.

5. To keep the numbers lower from coming in the door to RSR with minimal staff please consider reaching out and forcing law enforcement to call in with the youth information to be scored over the phone. Many jurisdictions do this now and it would keep the traffic down coming into the building.

6. RSR staff will call and contact parents of continuances for cases.

7. Dockets scheduled during the emergency time frame will need to be continued. Court reporters can do this remotely and should be done immediately. It will take time to reset the dockets so the sooner this can be done will allow better notice to people.

8. File Stamping by Clerk – file stamping in Quest is a push of the button. The Clerk file stamps at intervals of 15-30 minutes daily. This can be reduced to a few times a day and this can be done remotely by one person.

Both D09 and D15 should designate who is on call for initial hearings and review of detention or release for delinquency cases. A plan for rotating or determining who is on call will be determined by each Judge. The above protocols often mention court orders by court reporters. This should also be determined by each Judge as to who the person is to work with the Judicial Officer. These folks will work remotely so laptops will need to be provided to essential staff.

Judicial Officers and Court Reporters should monitor and work their “Queue’s” remotely daily.

b. Case Proceedings for Juvenile CHINS cases

1. Currently Scheduled Dockets
 - a. Statutory timelines are stayed during the emergency protocol duration.
 - b. Court Reporters will need to continued dockets setting cases out 6-8 weeks keeping the cases on the same days to keep the assigned staff on a regular schedule.
 - c. Mediations that are currently scheduled should be continued and reset by the mediators. If the court reporters are working on dockets they could potentially double, triple or more book mediation calendars. It is recommended the Mediator find the same day and time in the future to keep conflicts to a minimum.
 - d. Settlement Conferences will be cancelled or not available during the emergency period.
 - e. Magistrates and Court Reporters will work their “Queue’s” daily.
2. Initial Hearings:
 - a. Option 1 - DCS will continue to schedule initials as they currently schedule but advise parties this will be a phone held hearing. The Judicial Officer will review the cases on the docket and review the probable cause and determine if a telephone hearing should occur. At this time, the order authorizing the filing of the petition should be done and parties should be advised to call in or advised the case is reset.
 - i. Should a Detention Hearing over the phone be held or a full initial hearing?
 - ii. If just a Detention Hearing should the case be reset in 3-4 weeks for initial hearing.
 - iii. Judicial Officers designated by the Judges assigned to review the probable cause, preliminary inquiry and placements can decide if the case could be set out for 3-4 weeks or if the detention hearing/initial hearing should be heard. If not the initial then at least a Detention Hearing to determine placement.
 - b. Option 2 – Only removals are set on the docket and all non-removals set out 3-4 weeks on the court 15 docket following the D09 and D15 filing schedule.
3. Motions/Emergency Motions/Petitions should be filed as deemed appropriate by the parties. The documents will be file stamped and assigned to the Judicial Officer’s “Que” for ruling. Judicial Officers will monitor and work their “Queue’s” daily and issue orders.
 - a. Emergency placement changes or modifications filed can be treated like an emergency detention hearing and scheduled for a telephonic hearing but these

need to be reserved for the emergency placements that require findings for change of placement.

4. Clerk Duties – the designated staff person for the Clerk’s Office should sign on and file stamp at least 5 times daily. Currently, the Clerk stamps 15-30 minutes. This should be reduced with recommendation of 9:00 am, 10:00 am, 11:30 am, 1:00 pm and 4 pm.
5. Parties will need to prepare documents (specifically initials for CHINS) and file based on the set schedule of the Clerk’s Office file stamping times.

Both D09 and D15 should designate who is on call and/or who will review the documents for the initials. That person then would decide if the case should have a telephonic hearing or it can be set out for 3-4 weeks. D09 and D15 would continue to alternate the weekly initial hearing dockets at the current alternating schedule.

H. Marion Superior Court Probation Department

1. For Juvenile Probation –

- a. RSR will remain open 24/7 with reduced staffing
- b. All placement visits will be suspended
- c. In person appointments for youth will be suspended and field visits will occur as needed with officers maintaining 6 feet distance from door. No officer is to enter the home.

2. For Adult Probation –

- a. All casework officers will take home department issued laptops and cell phones and be authorized to work from home
- b. PSI officers will complete all issued PSI reports with availability of Court Call and can work from home or in the office with no in person contact with defendant. No out of custody interviews will be scheduled.
- c. Client in person reporting requirements for 3/13-4/13 will be suspended – activities to be done via phone/computer
- d. Court team will be on site for court hearings as needed with limited staff
- e. Pretrial operations will be suspended through 4/6

I. Juvenile Detention Center.

The goal would be to reduce public traffic in the building/detention center during a specified period of time thus reducing risk of exposure.

a. Recommendations on Visitation

As of Monday, 3/16/2020, the following will be in place through 4/30/2020:

- Volunteers and the programs they present/facilitate will be suspended;
- Visitation of approved family members will be suspended (Any emergency requests will be evaluated at the discretion of the superintendent);

Parents will be contacted by the Counseling staff to explain why this is occurring. We will be talking to the youth as well- explaining to them the situation carefully so they understand. The youth will receive extra phone time and some other rewards for good behavior in response to these restrictions- i.e. possibly a pizza and movie night for each unit on a weekend.

Additionally, we are working with medical staff to evaluate youth who are ordered detained while in Court in RSR before bringing them into the Detention Center, conducting visual assessment for any visible signs of illness and a temperature reading. That would negate a youth who is ill going directly into the detention center and potentially exposing other youth or staff to a potentially contagious illness.

**FOR IMMEDIATE
RELEASE**

March 12, 2020



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Mayor Joe Hogsett, Marion County Public Health Department Announce School Closures, New Policies in Response to COVID-19

INDIANAPOLIS -- Following Governor Eric Holcomb's announcement this afternoon, Dr. Virginia Caine of the Marion County Health Department joined Mayor Joe Hogsett for a press conference announcing the closure of all Marion County public schools and the suspension of non-essential large gatherings in the city.

"Since last Friday we have remained in constant communication with the CDC and the Indiana State Department of Health anticipating that guidance could change as to how we can best protect the residents of Marion County from this emerging and evolving public threat," Mayor Hogsett said. "Today we have received new guidance and we are prepared to act with immediate effect."

Mayor Hogsett announced that he has directed the Marion County Public Health Department to close all public schools within Marion County. The Health Department will work with all thirteen school systems within Marion County -- as well as mayoral-sponsored charter schools -- to close public schools effective next Monday, March 16. This closure, coupled with previously-planned Spring Break periods, will allow all Marion County schools to remain closed through April 5th.

"This decision is made in conversation with all public-school superintendents in Marion County, who agree it's time to take this necessary step out of an abundance of caution," said Virginia A. Caine, M.D. director and chief medical officer of the Marion County Public Health Department. "We must take every opportunity to protect our children from any potential exposure to COVID-19 and reduce the possibility of further spread in our community."

In addition, Mayor Hogsett announced that, in keeping with today's announcement by the Indiana State Department of Health, he has directed the Marion County Public Health Department to implement local restrictions on all non-essential gatherings of more than 250 individuals in Indianapolis. This restriction will be in effect for 30 days, although the situation will continue to be monitored daily.

"I want to be clear that these restrictions will have serious impacts on commerce, social events, and functions planned long in advance or held every year," added Mayor Hogsett. "To those who argue these policies will be disruptive, my answer is simple: they better be. This virus and the threat it poses to our city, state, and country is massive. Left unchecked, it has the potential to wreak untold damage on our families and the very social safety net that protects our most vulnerable residents."



Today's announcement also included the following updates from City of Indianapolis leadership and the Marion County Health Department:

- City-County Government will work with service providers and school districts to help ensure that meals continue to be available throughout this school closure period.
- After conversations with the Marion County courts, Mayor Hogsett has directed IMPD to issue summonses in lieu of outright arrests for non-violent misdemeanors, subject to officer discretion if they believe an arrest is the only appropriate avenue to protect public safety.
- City-County Government will begin implementing operational changes designed to protect employees and the public while maintaining basic service. These changes include a ban on non-essential travel by city employees, the transition to work-from-home for employees able to take advantage of city technology, and a push for residents to use online services when possible.
- The Parks Department has suspended all senior programming and is evaluating other Parks programming.
- The City-County Council will be developing new tools for online engagement to ensure continued access and engagement for public meetings.

As a reminder, human coronaviruses most commonly spread from an infected person to others through:

- Respiratory droplets released into the air by coughing and sneezing;
- Close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands; and
- Rarely, fecal contamination.

The best way to protect yourself from any respiratory illness, including the flu, is to:

- Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use a 60% OR HIGHER alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.

The CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory illnesses, including COVID-19. You should wear a mask only if a healthcare professional recommends it. A facemask should be used by people who have COVID-19 and are showing symptoms to protect others from the risk of infection.

This is an ongoing situation and is evolving rapidly. For more information, including a list of frequently asked questions, visit <https://on.in.gov/COVID19>.

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[Indiana Governor Eric J. Holcomb](#)[Sign In](#)[Print](#)[<< Back to Events](#)

Gov. Holcomb Announces New Steps to Protect Public from COVID-19

INDIANAPOLIS — Governor Eric J. Holcomb today announced additional steps to protect the public from the spread of coronavirus (COVID-19) in Indiana. As of noon today, the state has 12 confirmed cases of COVID-19.

“This is a time when we must do all we can to reduce the spread of COVID-19 and limit their potential to acquire or spread this virus,” said Gov. Holcomb. “While we continue to act.”

Here are the actions Gov. Holcomb is initiating today.

- Non-essential gatherings must be limited to no more than 250 people in one room or a single space at the same time, such as cafeterias, classrooms, auditoriums and the like. This guidance applies to professional, social and religious gatherings. Additional guidance will be posted on the Indiana State Department of Health website.
- Effective immediately, school corporations will be provided with a 20% waiver of the use of school facilities as needed for the remainder of the academic year. The waived district will be leveraged as needed.



Marion Circuit and Superior Courts respond to COVID-19

March 13, 2020 - For Immediate Release

In response to concerns about COVID-19, the Marion Circuit and Superior Courts have declared an emergency and enacted a continuity of operations plan which will change the way in which we operate.

The Indiana State Department of Health, which is Indiana's lead agency on COVID-19, has the latest information about the virus. The best approach is fundamental healthy practices, such as washing your hands, covering your mouth when sneezing, and staying home when you are ill.

The Marion Circuit and Superior Courts are working with local emergency management and health departments to ensure we are taking the necessary steps in response to the virus.

Maintaining required court operations is important. The health and safety of our employees and community are equally important. Therefore, Marion Circuit and Superior Courts are adjusting the way we operate and changing procedures in the following ways:

Only essential and emergency hearings will be held during this time. This includes the following hearing types:

- Initial hearings for in-custody defendants
- Bond reviews
- Initial hearings for CHINS and continued initials
- Fact findings for CHINS that are time sensitive
- Juvenile Delinquency initial hearings
- Juvenile Delinquency in-custody trials
- Civil commitments
- Probate Mental health hearings
- Limited Guardianships
- Detention hearings for CHINS and Juvenile Delinquencies
- Any other emergency hearing at discretion of Judge

During this time, the Marion Circuit and Superior Court will be operating on a reduced staffing and operational model. Additionally, we are reducing the number of hearing rooms that hearings will be held as follows:

- Any essential and emergency major felony cases will be held in Criminal Court 21's physical location
- Any essential and emergency Level 6 and Misdemeanor cases will be held in Criminal Court 8's physical location
- Any essential and emergency Probate matters will be heard in Probate Court's physical location
- All Traffic Court cases will be continued
- Any essential and emergency matters heard at the Juvenile Court location at 25th and Keystone in the Main Building. Directions of precise hearing rooms will be posted.

In Marion County, we are faced with a recommendation from the State Health Department and a growing number of COVID-19 cases in our county, prompting the Marion Circuit and Superior Courts to

implement the aforementioned practices starting Monday, March 16, 2020 through Friday, April 3, 2020. The Courts continue to work tirelessly to make the best decisions for the health and safety of its employees and the citizens who utilize our Courts daily based on the information available from public health officials and City-County partners. We will continue to update the public as decisions are made.

Jury Duty

Individuals who have received a jury summons for March 16, 2020 through April 3, 2020 should not report for jury service.

Attorneys/Litigants/Parties to a Case

Individuals who are scheduled to come to court for a hearing in a criminal matter from March 16, 2020 through April 3, 2020 should consult mycase.in.gov or contact your attorney to receive advice of counsel to verify your court date.

Ordinance Violation and Proceeding Supplemental Cases

All ordinance violations and proceeding supplemental cases have been postponed for at least thirty (30) days. Parties should check mycase.in.gov for more information.

E-filing and Odyssey

Indiana's e-filing system is working. Cases and documents can continue to be filed through the statewide system.

The statewide case management system (Odyssey) is working. Litigants, attorneys, press, and public can continue to view case information on mycase.in.gov.

Jail

The Marion Circuit and Superior Courts are working with the Marion County Sheriff to ensure public safety. The Courts will continue to review bonds; however, all other hearings and trials will be rescheduled during this time. Any questions should be directed to your attorney.

All questions regarding jail operations and visitation should be directed to the Marion County Sheriff's Office.

Juvenile Detention Facility

Marion Superior Court runs the Marion County Juvenile Detention Facility. At this time, we are limiting unnecessary and non-essential public traffic into the Detention Center. As of Monday, March 16, 2020, the following will be in place through April 30, 2020:

- Volunteers and the programs they present/facilitate will be suspended
- Visitation of approved family members will be suspended
- Parents will be contacted by the Counseling staff to explain why this is occurring and the youth will receive extra phone time.
- Additionally, we are working with medical staff to evaluate youth who are ordered detained while in Court and RSR before bringing them into the Detention Center, conducting visual assessment for any visible signs of illness and a temperature reading.

Probation and Court Ordered Services

The Marion Superior Court runs the Marion County Probation Department. Client in-person reporting requirements for March 13, 2020 through April 13, 2020 will be suspended. These activities will be done via phone/computer. All pre-trial operations will be suspended through April 6, 2020.

See 1 More



Valerie Frye Dennis ▸ **Women Reshaping Indiana**



39 mins · 

My coronavirus story.

Today I had jury duty. I was selected. I was held in a tiny room.

Finally, all 13 jurors were chosen. We were told we were going to be sworn in.

Instead, the judge told us that one of us worked for Eli Lilly and had been exposed to someone who tested positive for covid-19. The case was continued and we were told to go home and call our doctors.

Waited on my doctors office for 28 minutes.

Was told their office wasn't handling it, and that I would need to go through a covid-19 screener. Waited on hold for 2 1/2 hours.

I was told that there weren't tests. Best thing to do would be to self quarantine for 14 days, or at least wash my hands often.

I had no direct contact, but my whole life could be turned upside down simply because we can't test people unless there are "extreme symptoms."

It's not coming; it's already here. And our own government has compounded the problem by denying the risk and refusing the supports offered from outside of our borders.



Valerie Frye Dennis

8 hrs · 

