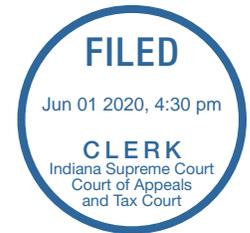


In the Indiana Supreme Court

In the Matter of the Petition of the Courts
of Marion County for Administrative Rule
17 Emergency Relief.

Supreme Court Case No.
20S-CB-113



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 May 22, 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 6/1/2020 , **effective May 22, 2020.**



Steve David
Acting Chief Justice of Indiana

EXHIBIT A

Marion County COVID-19 Response Protocol and Return to Operations Plan

Additional Relief Request

The Marion Superior Court Executive Committee, in conjunction with the Marion Circuit Court Judge, filed a petition for additional relief under AR 17 which outlined the additional relief the courts are requesting. Specifically, the courts are seeking an extension of tolling on all legal deadlines, including but not limited to those set forth in Ind. Crim. R. 4 and permission to postpone in-custody speedy trials required by Ind. Crim. R. 4 until Monday, July 6, 2020 and for all other jury trials to be postponed until at least Monday, August 31, 2020.

Planning Process

The Marion Superior Court Executive Committee, in conjunction with the Marion Circuit Court Judge, have convened various stakeholder meetings to address issues related to the health, safety and welfare of the staff, parties, and public who frequent its court facilities throughout the County. The primary working group includes: Dr. Virginia Caine, Director of the Marion County Health Department; Paul Babcock, Director of the Office of Public Health and Safety for the City of Indianapolis; Ken Clark, City Controller, who heads the Office of Finance and Management for the City of Indianapolis; representatives from the Marion County Clerk's Office; representatives from the Marion County Sheriff's Office (MCSO), which is responsible for the safety of all court facilities; representatives from the Indianapolis-Marion County Building Authority (Building Authority), which is responsible for the maintenance and upkeep of all court facilities; as well as judges and key Court Administration staff from the Marion Circuit and Superior Courts. Additional stakeholder groups have been convened to discuss specific details related to criminal, civil, family and jury operations.

All plans set forth in this return to work plan will continue to be evaluated with the primary working group as well as key stakeholders throughout the COVID-19 pandemic. The Marion Circuit and Superior Courts (the "Court") will continue to seek guidance and advice from public health and government officials to ensure it is operating responsibly and in the best interests of staff, parties and the public.

Employment Procedures

The Court has effectively transitioned almost its entire staff to remote working. Based on the recommendations from public health and government officials, the Court intends to keep most of its court staff working remotely to encourage social distancing, limit the footprint in the court facilities and reduce the risk of transmission of COVID-19. As outlined in additional detail under the Court Operations section, the Court will have limited hearings based on a rotational schedule. For each

respective court operating on this schedule, only two staff will be permitted to work on-site. All other staff work will be completed remotely with the use of laptops and cellular phones.

All staff and judicial officers working in court facilities will be required to wear masks when traveling in all public spaces of court facilities and when interacting with anyone from the public. Masks have been purchased for all staff and judicial officers.

Employees who may be at greater risk of the COVID-19 virus are encouraged to work with the Court's Chief Operations Officer/HR Director ("COO") on proper accommodations for their health and safety.

Employees who exhibit symptoms of COVID-19 must report them to the COO and will be required to remain at home until the appropriate CDC criteria for ending home isolation are met. Employees who live with an individual who exhibits symptoms of COVID-19 must disclose this information to the COO and remain at home until the appropriate CDC criteria for ending home isolation are met.

If an employee or an individual with whom an employee resides is diagnosed with COVID-19 and is placed on isolation as a result, the COO will inform anyone with whom the employee has had contact that they may have been exposed but the identity of the individual will not be disclosed. The COO will also make the appropriate referral to the Public Health Department to assist with contact tracing. All employees potentially exposed will be encouraged to get tested and be permitted to work remotely for the CDC recommended two-week period.

The Court has worked with the Marion County Public Health Department to establish a protocol for court employees to be tested at an essential worker testing site in the County.

The Court has provided all employees with information related to the mental health support being offered by the County's Employee Assistance Program ("EAP").

Courthouse Facility Plan

As outlined in additional detail under the Court Operations section, the Court will continue to work remotely as much as possible to have the smallest in-person footprint necessary during this health pandemic. The rotation plan set forth below will allow for the City Janitorial Service (CJS), the County's cleaning service, to have the opportunity to thoroughly clean and disinfect court offices and public spaces by switching off which rooms are used each day. CJS utilizes sanitizing solutions or wipes treated with Centers for Disease Control and Prevention (CDC) approved disinfectants. The Marion Superior Court- Traffic Court has a separate cleaning company that will follow the same protocols.

The mail will continue to be sent to the Office of the Court Administrator. From there, Court Administration staff will sort mail utilizing gloves and deliver it to the respective court offices to limit the number of people who visit the Court's mailroom.

Screening Procedures

MCSO was responsible for all security screening in all court facilities in Marion County, prior to COVID-19. Building Authority manages the building and is governed by a board. Thus, the Courts are working with Building Authority, the City, and MCSO, to provide additional screening measures in light of COVID-19. Due to the large size of the City-County Building, the Courts are continuing to work through all the necessary screening measures that will be put in place to protect the health and safety of individuals who either enter this building or work in the building.

MCSO has agreed to open an additional entrance into the City-County Building to allow the public with less congested routes into the building. MCSO, in conjunction with the Building Authority, will work to provide adequate signage and direction related to social distancing recommendations set forth by the CDC and the Marion County Health Department. Masks or facial coverings will be required for all individuals entering the City-County Building and all other court facilities. For individuals who arrive without a mask, they will be provided with one. For those who cannot wear a mask due to ADA requirements, accommodations will be made for remote access. The Court will provide MCSO a weekly list of courts holding in-person sessions each day that week. MCSO will only allow individuals scheduled to appear in those courts on their specified day to enter the building.

Court Operations

General

All cases that can be held remotely will continue to be held remotely indefinitely, as the Marion Superior and Circuit Courts have done since March 23, 2020; however, from June 15, 2020 forward, the courts will evaluate this practice on a weekly basis based on guidance and advice from public health and government officials.

Based on guidance from public health officials, the size of the courtroom will dictate the capacity of individuals. The Court will mark off public seating to ensure compliance with the six-foot social distancing recommendations set forth by the CDC. Attorneys, parties, staff and judicial officers will also be expected to comply with the six-foot social distancing requirements.

The Court's website has a listing with the contact information for the essential court staff member of each judge. Additionally, court facilities will have signage which will encourage the public to utilize mycase.in.gov and other available resources to address their questions. The Court will also continue to update its website with relevant information related to its operations.

The Court and its Chief Technology Officer will continue to work with the staff from the Office of Trial Court Technology to work towards broadcasting of all remote court proceedings, but given the volume of hearings heard daily by the County, it will take some additional time. In the interim, if a member of the public has an interest in viewing to a specific remote hearing, he or she should contact the essential staff member to request an invitation to the hearing. Information related to this process is listed on the Court's website. The Court has worked with its provider, TheRecordXChange, to pull the

audio files and make it available to both court reporters who need it for transcript production or those requesting a copy of the recording.

Circuit Court

The Marion Circuit Court Civil and Paternity Division have worked with both the Marion County Prosecutors Office Criminal/Child Support Division and the City of Indianapolis Office of Corporation Counsel, and both entities have confirmed they can attend hearings remotely. We have created a plan to minimize the large cattle call dockets with these partners to make the remote hearings efficient until we can be safely operational based on the guidance and advice from public health and government officials. This will help to comply with six-foot social distancing and to reduce the in-person foot print necessary during this public health pandemic.

Therefore, the Marion Circuit Civil and Paternity Division will be handling all non-emergency/essential hearings along with emergency hearings remotely. The priority of remote hearings will follow the dates of the hearings already scheduled and emergency hearings will be scheduled with priority as they are filed. This plan will minimize the need for in person hearings until the Marion Circuit and Marion Superior Courts can be safely operational in the City County Building.

The Marion Circuit Court Civil Division will be uniform with the Marion Superior Court Civil Division regarding jury trials and evidentiary proceedings in courtrooms, only when deemed necessary.

The Specialized Driving Privilege dockets start hearings remotely June 1, 2020. The Tax Sale dockets start hearings remotely May 27, 2020. The Proceeding Supplemental dockets start remote hearings September 13, 2020 in the order they were continued to be consistent with Marion Superior Court continuing Proceeding Supplemental cases through the end of August 2020. The Name/Gender Change docket resumed by remote hearings on May 19, 2020. All other civil cases resumed remotely May 7, 2020 as they were requested.

The Marion County Prosecutor's Office IV-D Circuit Court Paternity Establishment and Child Support Enforcement dockets start remote hearings June 15, 2020. All other Paternity dockets have been remote on a limited basis since March 23, 2020 and started full dockets May 18, 2020. The Protective Orders have been ruled on in Odyssey/Incite since the AR 17 relief began and continue to be ruled on as they are received. The Protective Order docket is ready start remote hearings once they are requested or the Court on its own finds a hearing needs to be set.

Civil

The Civil Division will continue to hold as many hearings remotely as possible. Beginning July 6, 2020, the civil courts may resume evidentiary proceedings in the courtrooms, only when deemed necessary. In person hearings will be held on a limited basis with a rotating schedule to limit the number of court rooms open in the building to 50% at any one time.

The Civil Division is working towards moving its Proceedings Supplemental, IV-D and Ordinance Violation dockets remotely. For those hearings that must occur in person, those dockets will resume no sooner than August 3, 2020. These cases will no longer be set in a traditional cattle-call docket and will be assigned a specific court time and location.

Petitioners seeking Orders for Protection are currently being encouraged to electronically file emergency ex parte petitions. Most petitioners are e-filing those cases and the Marion County Clerk electronically places those petition in the queues of Courts 16 and 17. If there is a dissolution or paternity case pending, then the Judges in Courts 16 and 17 place the request for an Order of Protection in the proper Court's queue. In addition, the Marion County Clerk is accepting requests for Orders of Protection via email and they have a mail drop slot in the City-County Building.

All Civil Division jury trials presently scheduled through August 31, 2020 are postponed until after that date. The Civil Division will suggest that parties in all postponed trials may opt for Judicial Settlement Conferences or bench trials in lieu of jury trials until the City-County Building can again accommodate the number of trials conducted in the pre-COVID-19 environment.

Criminal

The Criminal Division will continue to hold as many hearings remotely as possible. Criminal courts will operate on a limited in-person basis with a rotating court schedule where each criminal court will operate in the building 50% of the time. The criminal courts will eliminate their use of "cattle call" dockets and will instead schedule no more than ten hearings per hour when operating in the building.

Juvenile

The Courts of the Marion Superior Court Juvenile Division have collaborated on a proposal for their reopening at 2451 N. Keystone Avenue, Indianapolis, Indiana. Judge Moores and Judge Jones have engaged in weekly remote meetings with representatives of the Department of Child Services, Child Advocates (guardian ad litem) and Marion County Public Defender Agency since the court closure to address any issues and will continue this practice during the stages of reopening. The judges also routinely speak with representatives of the Prosecutor's Office and Probation Department to address any issues as they arise. Adjustments will also continue to be made as further directives and public health guidelines are issued.

Non-Emergency Hearings

On May 4, 2020, both courts, D09 and D15, began vastly expanded Child in Need of Services and Juvenile Delinquency remote dockets. All magistrates began hearing dockets remotely with parties, their counsel, judicial officers and court reporters at different locations. Each judicial officer will continue to conduct non-emergency hearings remotely. Contested evidentiary CHINS and JD hearings will be conducted in-person as directed. Trials in the termination of parental rights matters will not be conducted during the early stages of reopening.

Courtroom Utilization for In-Person Hearings

Based on courtroom size, only two of the available eight courtrooms are large enough to allow parties to appropriately socially distance. These courtrooms are Court 1 in the Main Building and Court 7 in the Annex. As Court 1 is attached to the juvenile detention center, this courtroom can accommodate the secure transport of respondents for juvenile delinquency denial hearings.

D09 and D15 will alternate the use of these two courtrooms on a weekly basis. Each half-day session will be assigned to a specific judicial officer, with each judicial officer being assigned at least two in-person sessions.

While it is anticipated that only one contested hearing would be scheduled for each session, it is possible that two hearings could be scheduled per session, for a total of four hearings per courtroom, per day. If two hearings are scheduled, they will be timed to avoid any waiting on the part of the litigants or witnesses.

In summary, it is proposed that one courtroom in each building be utilized with accommodations for social distancing being made to the separate public and waiting areas.

Courthouse Facility Plan

As the two courtrooms are in separate buildings, litigants and witnesses will utilize separate large waiting areas in each building while waiting for hearings. As only one case will be heard at a time in each building, the number of individuals in each building will be significantly reduced.

Each waiting area will be sectioned off so that households are able to remain together, but physically distanced from one another.

Whether the witnesses, parties and their counsel will be present for the in-person hearing would be dependent upon the needs of the case, the positions of counsel and the discretion of the judicial officer. Bailiffs and deputies will assist in the flow of traffic in and out of the building to further encourage social distancing. Any witnesses who can wait in their vehicles, weather permitting, will be encouraged to do so.

Traffic

The Marion Superior Court- Traffic Court is one of the highest volume courts in the state. For Phase I of the Marion County reopening plan, the Traffic Court will conduct all hearings remotely. After consultation with the Executive Committee and the public health officials, the Traffic Court will transition to in-person hearings at 50% capacity in its Phase II plan.

Juvenile Detention Center Operations

The protocol for youth who become ill will remain unchanged. All youth exhibiting possible symptoms will be moved to the medical isolation unit and treated by JDC medical staff. Youth and staff will be tested as appropriate.

Visitation will resume June 15, 2020 with 3-4 visits per hour on the regularly established visitation days. The Court has established visitation limitations including: one visitor per youth, required masks, staggered arrival times, and thorough cleaning after each visit. Remote visitations via Webex will continue to be encouraged.

Signage regarding sanitation, social distancing and health messaging will be posted as well as floor decals in reception area. Plexi-glass barriers will be installed at the Reception Desk. Hand sanitizers will be available for use by all individuals entering the visitation area.

Outside programming/volunteering will potentially resume in July on a staggered basis after consultation with local health officials. Current programs are under evaluation and any programs or activities which can be consolidated will be to reduce the number of volunteers who enter the facility.

The JDC will work with IDOC and other partners who audit the facility on a regular basis to develop a plan to conduct audits while observing social distancing and safety precautions.

Probation Operations

Except for support staff, all staff are currently working outside of the office setting and operations are continuing. There will continue to be a very limited staff presence upon opening for those tasks where on-site presence has been deemed necessary. On-site staffing for both divisions will be phased back into the office setting on an as needed basis. Hours of building operations will be 8:00 a.m. – 4:30 p.m. Monday – Friday. The majority of staff will work outside of the office locations.

ADMINISTRATION AND SUPERVISORS

- Administration and supervisors will continue to work remotely unless otherwise noted below with a rotating coverage at all office locations during office hours. Administration and supervisors may have an additional office presence based on operational needs.

Casework

Casework officers will be permitted to work remotely until otherwise directed except for those recently hired or officers identified in need of direct supervision in their work. This limited number of staff would report in person to an office location for training, mentoring and support upon office opening. At least one line officer will be in the office each day to address any walk-in or other needs at the CCB and Northeast Office locations. Officers assigned to the Problem-Solving Courts and the Prosecutor's Felony Diversion Program will report to the office for any court coverage needs otherwise will be permitted to work remotely until otherwise directed.

Face-to-face (FTF) contact requirements will be modified as follows:

- For at least the first two months following opening, no FTF appointments will be held in the office. Although the total number of FTF contacts remain the same, all will be done either in the field, by video conferencing or via kiosk.
- Field contact stipulations – Officers will not enter the home and will try to maintain social distancing recommendations. (See note below about cleaning and social distancing while in the field/field car.)
- Telephone contacts may be used to meet contact requirements if no video conferencing or kiosk reporting capability exists. This must be clearly documented in the contact record.
- All standard appointment expectations regarding case plans, skill building, etc. will continue.

- Minimum field contact standards for residence verifications for all high-risk clients will be in effect. Officers will not enter the home and will try to maintain social distancing recommendations. (See note below about cleaning and social distancing while in the field/field car.)
- Clients who are moderate risk will be permitted to utilize kiosk reporting as determined by their assigned probation officer.
- Staff are encouraged to verify with the client and his/her family that there are no individuals with COVID-19 symptoms in the home prior to reinstating FTF contacts. If there are concerns about active infection, officers may continue to use video conferencing until all parties have been symptom free for at least 7 days.
- Casework officers are encouraged to continue to use text, utilize video conferencing and kiosk reporting with clients on an ongoing basis beyond this crisis to enhance supervision efforts.
- Drug testing directives for clients will resume as soon as the stay at home order is lifted with gradual step %'s increase of testing each week with the priority being those clients whom the assigned probation officer directly schedules.
- There will be no late nights during at least the first two months back in the office since all FTF appointments will be occurring in the field, by video conferencing or through kiosk reporting.

JUVENILE DIVISION

RSR/FYI

- The current, reduced staffing level will be continued until otherwise directed. RSR Supervisors will continue to utilize a rotating schedule which includes 3 staff on days and 2 staff on nights (12-hour shifts). They will also identify a male and female alternate for each shift in the case someone cannot report. NOTE: This may change to 2 staff on the day shift if we are able to reassign the court hearing coordination duties to a support staff member.
- RSR will continue to follow the intake protocol originally established in response to COVID-19, including pre-screening all youth prior to allowing them into RSR.
- FYI staff will return to the office at opening on their normally scheduled shift, ensuring that they are not in the office at the same time. FYI staff will increase their use of video conferencing with parents and ongoing case management.

Court Team

- The Court Team will continue to cover all hearings via WebEx as scheduled by the Court. Court Team officers will rotate coverage of any in-person hearings that are scheduled. The Court Team Supervisor will coordinate all hearing assignments. At conclusion of these hearings, staff will be permitted to work remotely.

Community Safety Officers (CSO)

- CSO Supervisor will work remotely but may have some office presence based on operational needs. This will need to be coordinated with the CA Supervisor to ensure both are not in the office simultaneously.
- 2 probation officers will conduct field work each day. This may be as a team or individually with casework officers.
- 1 probation officer will work remotely on administrative duties.

Community Adjustment

- CA Supervisor will work remotely but may have some office presence based on operational needs. This will need to be coordinated with the CSO Supervisor to ensure both are not in the office simultaneously.
- All CA staff, including support staff, will return to work upon opening.
- All field contacts will resume per policy.

Program and QuAD Staff

- The Program and QuAD staff will continue to work remotely but may have some office presence based on operational needs.

Support Staff (excluding CA support)

- Support staff will return to the office upon opening and ensure social distancing at work space locations.

Casework

Casework officers will be permitted to work remotely until otherwise directed with the exception of those recently hired or officers identified in need of direct supervision in their work. This limited number of staff would report in person to an office location for training, mentoring and support upon office opening.

- Staff assigned to the Northeast Office will rotate office coverage.
 - One staff person will be in the office each day to handle any walk-in or other needs. The assigned supervisor will be part of the rotation schedule.
- Staff assigned to the Juvenile Court Complex will rotate office coverage.
 - One Supervisor and at least one line officer will be in the office each day to address any walk-in or other needs.
- Field work will be done per the contact requirements outlined below. Officers in the field must provide the on-duty Supervisor a list of all planned visits prior to going in the field. (See note below about cleaning and social distancing while in the field/field car.)
- Contact requirements:
 - High Risk Probation cases - 4 per month (1 per week)
 - 2 field contacts
 - 2 video conferences
 - Moderate Risk Probation cases - 2 contacts per month
 - 1 field contact
 - 1 video conference
 - Low Risk Probation cases - 1 contact per month via video conference
 - Placement cases – 1 contact per month via video conference
 - Pretrial cases - 1 contact per month via video conference
 - Detained youth - 1 contact per week via phone* (NOTE: If Detention implements a video conference option, this will be changed to a required video conference.)

NOTE: If the youth in the community does not have video conference capabilities, then a telephone contact may be substituted.

Jury Trials

If permitted, the Court will begin to conduct in-custody speedy trials only beginning July 6, 2020. All other jury trials will resume August 31, 2020, provided the court can comply with CDC social distancing guidelines in effect at that time.

How do we resume jury trials?

Public Notification – A week prior to the resumption of jury trials, the Court will issue a press release to advise the public of the date when jury trials will resume, the steps taken by the Court to protect jurors from COVID-19, the conditions under which jurors will be excused or deferred before coming to the City County Building, the measures to be taken by the jurors before entering the building, and the source for further information (i.e. website). As part of the release the Court will remind the public that a juror summons is a court order and that a failure to report can be considered contempt of court.

Summoning of Prospective Jurors

In recognition of a potential surge in deferrals, the Court will increase the number of jurors summonsed for particular trial types.

In addition to statutory/rule-based disqualifications and exemptions, during the pandemic restriction period the Court will grant exemptions to anyone upon request who is a:

1. Health care professional,
2. Law enforcement officer,
3. Emergency services officer,
4. In a group at higher risk for severe illness (based on CDC guidelines)
 - a. 65 and over,
 - b. Underlying medical conditions
 1. Chronic Lung Disease
 2. Moderate to Severe Asthma
 3. Serious Heart Condition
 1. Heart failure
 2. Coronary artery disease
 3. Congenital heart disease
 4. Cardiomyopathy
 5. Pulmonary hypertension
 4. Immunocompromised
 1. Undergoing cancer treatment
 2. Bone marrow/organ transplantation
 3. Immune deficiencies
 4. HIV w/low CD4 cell count
 5. Untreated HIV
 6. Using corticosteroids and other immune weakening medications
 5. Severe obesity (BMI 40 and over)
 6. Diabetes
 7. Chronic kidney disease undergoing dialysis
 8. Liver disease
5. currently COVID-19 positive,
6. COVID-19 symptomatic (per the CDC: cough, shortness of breath, difficulty breathing, fever, chills, muscle pain, sore throat, new loss of taste or smell).
7. Resides with an individual who is currently COVID-19 positive or is COVID-19 symptomatic.

Although an automatic exemption is not required, upon request, the Court should automatically defer any prospective juror who is:

1. caring for someone who is ill,
2. caring for pre-school and school-age children,
3. just starting a job after having been without pay for an extended period,
4. working a job where interruption of employment could create emergency financial situation for person and/or family.

How will the Courts determine whose jury goes first?

The Court has developed a detailed priority list for Jury Trials to ensure that we are prioritizing Criminal cases with Criminal Rule 4 concerns as well as those individuals who are incarcerated in whole or in part as a result of awaiting a Jury trial in Marion County.

Where will jury selection and trials be conducted?

The Court has identified large open spaces to process jurors. In addition to the initial safety procedures upon entering the building, the jurors will be seated at a safe social distance and the court will mark off seating to ensure compliance. Jurors will be required to wear a mask during jury selection and during the trial itself. If the ability to conduct juries safely in the City County Building becomes compromised, we have been in communications with city officials about using off-site facilities for jury selection and/or trials. This extraordinary measure will only be implemented if absolutely necessary.

How will prospective jurors be processed before trial?

Juries will be limited to no more than two per day through August 31, 2020 and prospective jurors will be ordered to appear at two times: 8am and 9:30am. They will use a dedicated elevator and will be subject to social distancing measures at each stage of the process.

How will evidence be handled?

Efforts will be made to present all evidence electronically. In instances where that is not possible, gloves will be provided.