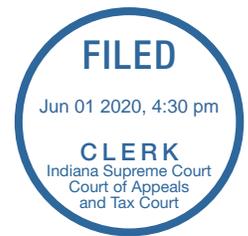


In the Indiana Supreme Court

In the Matter of Martin Circuit Court for
Administrative Rule 17 Emergency Relief

Supreme Court Case No.
20S-CB-164



Order Approving Expansion of Operations Plan In Part

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 amended expansion of operations plan (“Plan”) on May 30, 2020.

The Court finds that the Plan was made in coordination with appropriate local officials 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” in 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 **in part**, with the exception that the petitioning court(s) shall resume jury trials, subject to the health precautions proposed in the Plan, **no later than the week of August 17, 2020**. The petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires suspending jury trials beyond that date.

The petitioning court(s) shall comply with the terms of the Plan as **modified above** through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/1/2020 , **effective May 26, 2020.**



Steve David
Acting Chief Justice of Indiana

**MARTIN CIRCUIT COURT AMENDED TRANSITION PLAN
FOR EXPANDED OPERATIONS**

1. I have consulted with the following persons regarding my proposed expansion plan:
 - a. Martin County Commissioners
 - b. Martin County Auditor
 - c. Martin County Sheriff
 - d. Martin County Health Nurse
 - e. Martin County Community Corrections Director
 - f. Martin County Prosecutor
 - g. Martin County Probation officers
 - h. Martin County Court Reporters
 - i. Multiple legal counsel appearing in Martin Circuit Court
 - j. Martin County Clerk's office
 - k. Martin County Courthouse janitorial personnel
 - l. Listserve AR17
2. Effective immediately, Court Reporters, Probation Officers and staff will work as follows:
 - a. All staff are now working regular office hours except for those over 65 years old and/or experiencing high risk health factors identified on the CDC website as asthma, chronic kidney disease being treated with dialysis, chronic lung disease, diabetes, hemoglobin disorders, immunocompromised, liver disease, serious heart conditions, and severe obesity.
 - b. A no-touch thermometer is located in the office and each staff member takes his/her temperature upon arrival at work. The temperature cut off is 100.4. If staff members present with COVID symptoms, (i.e., fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea) said staff shall leave the office and schedule a COVID test (which is available in a contiguous county and can be scheduled on-line). Said staff shall remain at home until the negative results are obtained. This also applies to family members of staff. When home awaiting test results, staff shall work from home by remotely logging into his/her office computer station.
 - c. If a staff member and/or his/her family member receives a positive COVID-19 test result, said staff shall stay home and self-quarantine 10-14 days. Said staff shall continue working from home.
 - d. Each staff member shall have hand-sanitizer on each desk. Sanitizer shall also be located on the bench and Court Reporter's station.
3. The Court will continue with the following: (NOTE: Eventually, we will reach a time when in-person contact is not an issue. Consequently, the Court's "new normal" will continue with the knowledge that as the number of positive COVID tests and deaths

EXHIBIT "A"

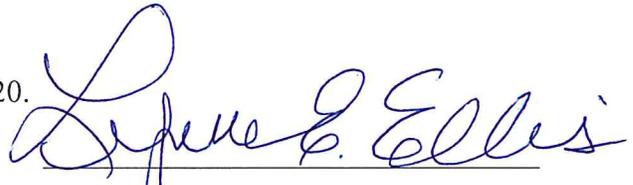
decline, we will work towards more in-person hearings whenever requested by the parties.)

- a. Use of Zoom teleconference platform for all Criminal Initial Hearings, Pre-Trial and Final Pre-Trial Conferences. (This will be the new normal for these hearings and waivers will be executed when appropriate.)
 - b. Use of Zoom teleconference platform for all civil and juvenile Pre-Trial Conferences. (This will be the new normal for these hearings and waivers will be executed when appropriate.)
 - c. Use of Zoom teleconference platform for any and all hearings including evidentiary hearings and plea agreements. Orders regarding evidentiary hearings and waivers regarding plea agreements and other constitutional issues will be provided to all parties. (This will be the new normal for these hearings unless the parties object.)
 - d. Those parties objecting to the Zoom teleconference platform will be advised the case will be continued until after July 15, 2020.
 - e. No criminal jury trials will be scheduled until after August 14, 2020.
 - f. No civil jury trials will be scheduled for the remaining of 2020.
 - g. Courtroom will not be open to public until July 15, 2020.
 - h. If Senior Judge is required, the Court will consult with the Senior Judge and he/she may appear in person or via Zoom depending on the Judge's personal preference.
4. Effective July 15, 2020 hearings will be scheduled on a priority basis. When hearings are scheduled, all parties will be provided with a Waiver to participate via Zoom and a cover-letter advising they may object to the Zoom hearing and appear in person. This letter will advise that it may take up to two (2) months to get the in-person hearing on the docket, but the Court will do its best to accommodate the parties' needs.
- a. Anyone personally appearing in the Courtroom will be required to wear a face cover. The Court will provide disposable masks for the public, and Court personnel are being provided with a minimum of two (2) reusable cloth masks for their personal use and cleaning. Anyone refusing to use a mask will be required to leave the Courtroom. The Court will issue an Order mandating the use of face coverings for those persons entering the Courtroom. All persons must also sign-in for contact-tracing purposes.
 - b. Sneeze guards are being installed in the Probation/Alcohol Drug meeting rooms. Sanitary wipes/hand sanitizer will be provided upon entering the Courtroom and/or meeting rooms. Court personnel will wipe down door knobs after public exits the Courtroom and seats will be sprayed with sanitary spray. Some seats will be changed from fabric seats to plastic seats to assist with sanitation. The Court is also receiving a quote for HVAC installation of an ultraviolet unit for air intake and a hepa filter on the return. (Lawrence County has initiated this for its Courts and I believe it is an EXCELLENT idea.) If the Martin County Commissioners do not want to install this for the complete building, I will be using funds from the Court Budget to have this done to the HVAC unit serving the Court and Probation offices and Courtroom. I will

- be requesting reimbursement for this expense due to COVID. Individual air purifiers have also been purchased for the Courtroom.
- c. Due to the lack of janitorial personnel, the Court has hired a Temporary COVID Sanitation Assistant using Court funds allocated in its budget for part-time personnel. This person will also assist other Court offices with sanitation needs whenever possible. The Martin County Auditor and President of Commissioners have approved the Court's use of funds for this purpose and this expense will be included in the County's request for reimbursement of COVID expenses.
 - d. Only parties and legal counsel will be allowed to appear in the Courtroom. Any witnesses will be required to remain outside the building until summoned to appear before the bench. If the parties agree, witnesses and experts may appear via Zoom video. Again, anyone appearing in the Courtroom will be required to wear a mask.
 - e. The approximate size of the Courtroom is 34' x 35' = 1190 sq. ft.
 - i. Jury Box is 7.5' deep x 19' long
 - ii. Counsel tables are 2.5'd x 4.5'l
 - iii. Witness Box is 7'd x 4.5'l
 - iv. Bench (including Bailiff and Court Reporter) is 6'd x 16'l
 - v. Prisoner area is 8'd x 7.5'l
 - vi. Gallery is 15.5'd x 26'l (gallery is in 2 sections to allow entrance into courtroom)
 - f. Due to the size of the Courtroom, public spectators will be required to view the proceedings via the live stream. The Court will work with the County Commissioners to place a large-screen TV in the Commissioner's Room (which is 34' x 16') for viewing purposes. Attorneys will be allowed five (5) persons each to attend the hearing as parties. The attorneys shall make sure that all persons shall be wearing a mask (which will be provided by the Court if necessary).
 - g. In both the Courtroom and Commissioner's Room, ample hand sanitizer will be available and markers will be placed on the floor to indicate appropriate social-distancing.
5. Protective Order Hearings to be held via Zoom if both parties have access to Zoom video. If either party is unavailable via Zoom video, both parties will be required to appear in person. Each party may up to four (4) other persons appear with him/her in the Courtroom. Information regarding the download and use of Zoom will be included with all Orders setting Protective Order Hearings. No in-person hearings will be scheduled until after July 15, 2020.
 6. All non-confidential hearings will be live-streamed via You Tube or the Live Streaming feature provided by the Indiana Supreme Court, and a link to that stream will be posted on the Martin County website when available.
 7. Juvenile CHINS hearings will be held via Zoom platform but will not be live-streamed as they are confidential. If parties object to Zoom, in-person hearings will be scheduled for after July 15, 2020.

8. Juvenile Delinquency hearings will be held via Zoom platform but will not be live-streamed as they are confidential. If parties object to Zoom, in-person hearings will be scheduled for after July 15, 2020.
9. Jury Trials:
 - a. No civil jury trials will be scheduled until January 2021.
 - b. Criminal trials will begin placement on the docket effective September 1, 2020.
 - c. Those trials associated with incarcerated defendants will take priority.
 - d. Six-person jury trials will have two (2) alternates and 12 person trials will have 3 alternates.
 - e. Public spectators will be required to view via Zoom in the Commissioner's Room provided for public viewing.
 - f. Cover letters will be sent to potential jurors advising that the Court, staff and Sheriff's Department are taking all necessary measures to keep them safe during the jury process.
 - g. Court staff will take temperature of each potential juror when juror checks in. Once a jury is chosen, this will be done each morning that jurors check in for duty.
 - h. Each chosen jury member will be provided individual hand sanitizer and gloves and mask.
 - i. Jury pools will be doubled in size to compensate for higher numbers of deferrals based on COVID-19.
 - j. Additional time will be provided to question jurors. Times for juror reporting for questioning will be spread out with a maximum of 5 potential jurors questioned at a time.
 - k. Tape markings will be placed in the Courtroom to ensure appropriate social distancing. Due to the size of the Courtroom, it will not be possible to ensure 6' distancing of each person of a 12 person + 3 alternate jury. This will be discussed during *voir dire* and jurors will be informed that while 6' distancing is not available, masks, gloves, individual hand sanitizer, and additional uv-sanitizing air purifiers are in place for maximum possible safety.
 - l. Meals for jurors will NOT include "family style" or buffet services. No veggie or snack trays will be available. Food will be ordered and individually wrapped.
 - m. Location for jury breaks, meals and deliberations will be in the Commissioner's Room which is approximately 544 sq.ft. This size can provide up to 15 persons with his/her individual 36 sq.ft. area. A uv air sanitizer will be placed in this room along with additional masks, gloves and hand sanitizer.
10. GAL – The Court uses two (2) individual attorneys as GAL. Each attorney is authorized to use Zoom, teleconferencing and personal contact. The Court will provide mask, gloves and hand sanitizer when requested.
11. Probation Department – The Probation Department's expansion plan is attached hereto as Exhibit 1.
12. Community Corrections – This Department's expansion plan is attached hereto as Exhibit 2.

Respectfully submitted this 30th day of May, 2020.

A handwritten signature in blue ink that reads "Lynne E. Ellis". The signature is written in a cursive style with a large initial "L".

Lynne E. Ellis

Judge, Martin Circuit Court

Martin County Probation Plan to Reopen

In Person Appointments

Beginning June 15, 2020, High Risk Offenders (as determined by IRAS assessment) and New Supervision Clients will report for appointments in the office.

*All Clients will be required to wear masks during appointments.

*Any Clients with medical conditions that put them at higher risk for the virus will be staffed and decisions made on case by case basis.

* Sneeze guards will be installed in probation offices

* Offices will be cleaned and sanitized after every appointment by office staff.

Beginning in the end of July, Moderate Risk Clients (as determined by IRAS) will report for appointments in the office.

All Low Risk (as determined by IRAS) clients will remain on a call-in basis at this time.

No Home Visits will be Conducted at this time and the department will reevaluate this in July 2020.

Drug Testing

Beginning June 17, 2020, IRAS High Risk and Moderate Risk offenders will be drug tested in the office.

*Clients will be required to wait in the vehicle and call once they have arrived for the drug test.

*The department will advise the client to come in when it is time for the drug test to be conducted.

* Offices will be cleaned and sanitized after every drug screen by office staff.

All IRAS Low Risk clients will not be drug tested at this time. This will be reviewed in July 2020.

EXHIBIT "I"

TO: Martin County Community Corrections (MCCC) Advisory Board, Auditor's Office, and Parole

FROM: Kathy Collins, Director

DATE: May 18, 2020

SUBJECT: Transition Plan

Stage 2 (Beginning May 18, 2020 – July 4, 2020)

1. Front Doors will remain locked, accessibility to the building will be by ringing doorbell and/or calling from vehicle, and providing name and purpose for visit. Once the clients have notified staff of their arrival, they will be asked to return to their vehicles or be allowed entrance, then they will follow entry protocols.
2. Clients or visitors entering the building must be masked at the time of arrival. Front desk personnel/case manager will wear appropriate PPE to take client's temperature, to determine if they can proceed with their scheduled appointment. Clients will be asked to use anti-bacterial solution or wash hands before going back to their case manager's office. Case Manager will leave office door open due to the small area.
3. Anyone (including staff) entering the building will follow the Martin County Health Nurse's guidelines on proper protocols for signing in, PPE, temperature reading, etc.
4. Six (6) foot social distancing procedures will be practiced.
5. Clients will remain in their vehicles until called in for any appointments.
6. Zoom meetings will be maintained when possible.
7. Sneeze guards between clients and staff will remain in place at all times.
8. Drug Screens: (a) All new clients will still receive a baseline drug screen. (b) all drug screens will continue to be "oral" only (c) No urine screens will be conducted, due to close confinement issues (d) all parties will be masked and gloved during oral screening.

When appropriate time is established for Field Visits, staff will meet the client outside at a 6 feet distance. When removing and/or placing Electronic Monitoring on clients, all parties must have on masks and gloves.

9. Client Contact will proceed as follows:

High Risk

Case Management - 2 F2F Office Visits/per month, 2 Telephone calls & 1 CBT call/per month, Case Plan assignments as required

Drug Screens – 2 random DS p/month (office or field) and/or (History or Indication of SA).

Field visits – weekly (random)

Incentives/Sanctions – in accordance with policy and/or state/local restrictions.

Moderate Risk

Case Management – 1 F2F Office Visit/bi-weekly
 Case Plan assignments as required
 Drug Screens – 1-2 p/mo random (history or indication of SA)
 Field Visits – Weekly (random)
 Incentives/Sanctions – in accordance with policy and/or state/local restrictions

Low Risk

Case Management – 1 F2F Office Visit/per month
 Field Visits – 1 visit – 1 phone call (random)
 Drug Screens – 1 p/mo (random) (history or indication of SA)
 Incentives/Sanctions – in accordance with policy and/or state/local restrictions

Pre-trial Release Program

Case Management – 1 F2F Office Visit/per month
 Otherwise supervision will continue according to Level of Supervision per Court Release

10. All office visits will be scheduled appointments. Clients may contact their case manager at any time outside of these appointments.
11. Schedules for office staff will be as follows:
 Director and Staff will continue to work regularly scheduled office hours, unless COVID symptoms are present within the Agency and/or family of staff. If any staff member has a fever, they will not be able to work. They will be instructed to contact the Auditor's office to alert T. Wininger (HR) for instructions. Staff will continue to wash their hands frequently, when in the office and sanitize the office before leaving for the day.
12. Jail Treatment will not begin until a later date, to be determined by Martin Co. Jail personnel and County Health Nurse.
13. Pre-trial and Post-conviction interviews will be conducted by phone.
14. Clients will continue to make payments via call-in and online methods. Limited access to pay in person. If cash payments are received, safety protocols will be implemented by staff.
15. Scheduled client visits to the office will be spaced appropriately to avoid excess traffic in the office.
16. Clients entering the any MCCC Program through Modifications/Transfers from IDOC or other counties should be considered positive, and maintain quarantine status for 14 days without leave from their residence, in order to verify no symptoms.
17. Clients leaving the Martin County Security Center who have no symptoms will also be quarantined for 5 days (unless confirmed), and without leave from their residence, in order to verify no symptoms.
18. No family or friends will accompany clients during office visit (even during hookup).
19. During field visits, staff will not be entering client's home. Nor will they be conducting breath tests.

***This is a working document and can be updated at any time. Should you have any questions, feel free to contact us and we appreciate the cooperation and care given by everyone.

Kathy Collins, Director

Created: 05/12/2020 - Effective date 05/18/2020