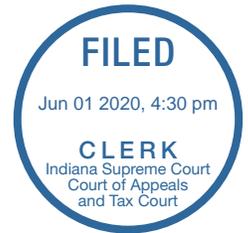


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-174



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 expansion of operations plan (“Plan”) on May 26, 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” 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 **in part**, subject to the following exceptions:
 - (a) The petitioning court(s) shall require employees to report if they have been in contact with someone who has contracted COVID-19;
 - (b) The petitioning court(s) shall offer masks to courthouse visitors to those who do not have masks; and
 - (c) The petitioning court(s) shall provide information on mental health resources to its employees.

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.**

A handwritten signature in black ink that reads "Steve David". The signature is written in a cursive style and is positioned above a horizontal line.

Steve David

Acting Chief Justice of Indiana

NEWTON CIRCUIT AND SUPERIOR COURTS TRANSITION PLAN FOR RESUMING COURT OPERATIONS

This plan is created pursuant to In the Matter of Administrative Rule 17 Emergency Relief for Indiana Trial Courts Relating to the 2019 Novel Coronavirus (COVID-19), Indiana Supreme Court Case No. 20S-CB-123.

The Newton Circuit and Superior Courts are enacting this plan for the purpose of establishing rules, guidelines, and procedures that will allow them to work towards resuming all court operations. The plan has been developed with the input of local and state officials and is driven by local community health data and trends. The goal of the plan is to address public health and safety concerns as the courts return to “full capacity”.

As the courts move forward during this period of change brought about by the widespread impact of the COVID-19 virus, especially in the near future, “full capacity” is highly likely to mean something different than in prior years and may require a culture shift in the judicial process based on advancements in court technology and remote work capacity. For example, conducting virtual or remote proceedings may become a part of a new “normal” for the court going forward. By developing this plan, the courts hope to mitigate exposure risks while increasing court access for attorneys, parties and the public.

This plan uses a phase approach to reopening and relies upon up-to-date data to assess Newton County’s readiness to proceed to different phases of court operations. In progressing through phases, the courts hope to mitigate the risk of a COVID-19 resurgence and to protect all individuals entering the Newton County Courthouse. The courts will continue to consult with local health professionals to determine whether appropriate criteria have been met before the courts move ahead to subsequent next phases. Those criteria include:

Symptoms: whether there have been COVID-19 confirmed or suspected cases in the courthouse and the degree to which such occurrence have been addressed through deep cleaning of exposed areas and applicable quarantine actions have been taken.

Community Cases: the general trajectory of documented local cases.

Health System Capacity: the extent to which local and regional health care facilities, during the period at issue, are able to treat the those contracting the virus and/or those presenting concerning symptoms.

After considering the above, the courts will determine when it is appropriate to move to the next phase. If the data suggests, the courts will also consider whether it should retreat to a previous phase.

GUIDELINES FOR ALL PHASES

In furtherance of its' goals, this plan establishes provisions and requirements for the following:

- Monitoring of all people entering the courthouse for symptoms indicative of COVID-19
 - Subject to change as indicated by local data and local health experts, symptoms include:
 - Fever greater than 100.4 degrees;
 - Cough or worsening cough (excluding chronic cough due to known medical reasons);
 - Shortness of breath, or any two or more of the following:
 - Fever
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
- Social distancing and use of personal protective equipment
- Notification, isolation, and contact tracing procedures for courthouse employees and visitors
- Sanitation and disinfection of common and high-traffic areas
- Reasonable accommodation for employees (e.g., children's schools or daycare closed, fear or actual risk of exposure when using mass transit, caring for ill or vulnerable persons in the household)

Gathering of individuals in the courthouse shall be limited pursuant to Supreme Court orders, County Commissioners' orders, and the Governor's Executive Orders. The Judges and other elected officials/department heads shall provide for social distancing between individuals and employees. This includes, but is not limited to, the use of signs, contact barriers, entrance limits, and specialized hours. Social distancing of at least 6 feet between individuals shall be enforced throughout the courthouse.

As a result of limiting the number of individuals in the courthouse at any given time and the necessity to clean between visitors, there may be times when those visiting the courthouse will be required to wait in their cars. Everyone will be required to enter through the courthouse front door and go through the security area. At this point in time, the security officer may inform visitors that there is a delay requiring them to wait in their car or in another place outside the courthouse. The security guard will take a cell phone number and call when it is appropriate for the person waiting to enter the courthouse. If the visitor does not have a cell phone, they will be advised by the security officer to check back in regular intervals.

The courts shall continue to follow the direction of the Indiana Supreme Court with regard to the setting and conducting of hearings. The courts shall continue to use and consider additional ways to conduct hearings, including telephonic and video hearings.

The courts shall allow sufficient time between hearings so that an appropriate cleaning can be completed of all used areas in and around the courtrooms.

Litigants, their attorneys, witnesses and the general public will have limited discretion to move about the courthouse. Upon entering the courthouse, all individuals will be directed to the appropriate portion of the courthouse so that they may conduct their business. There shall be no gathering in common areas or waiting areas outside of your designated area of the courthouse. This includes the countertop area on the top floor of the courthouse immediately outside the Circuit Court courtroom. All those appearing for court business shall proceed to the courtroom and be seated in the appropriate seating area. Court staff will assist individuals with reaching the appropriate area. Once in the appropriate area, all those entering the courthouse shall remain in that area until preparing to leave the courthouse or unless otherwise directed by appropriate staff.

Efforts should be made to disseminate the information set forth in this plan to the general public through the use of local media, county websites, and social media.

FACILITIES

The courts will generally schedule hearings such that time will be allowed between hearings for cleaning by courthouse staff prior to subsequent hearings. Cleaning procedures will be consistent with CDC guidance on cleaning and disinfection.

If the courthouse becomes exposed to the COVID-19 virus, the judges shall work with the county commissioners, local health officials, elected officials and department heads in the courthouse, and maintenance staff to coordinate cleaning and disinfection of the courthouse facility. Cleaning procedures will be consistent with CDC guidance on cleaning and disinfection.

Attempts will be made to install physical barriers at stations throughout the courthouse where members of the public frequently come into contact with courthouse personnel.

PHASE ONE

At the time of this writing, the court is in Phase One of this plan.

EMPLOYEE RESPONSIBILITIES

When working in the office, employees should maximize physical distance from others in the workplace. The courts will continue to exercise discretion in authorizing court staff to work remotely during this phase. Employees shall self-evaluate and report their condition as all other individuals entering the courthouse as set forth immediately below.

INDIVIDUAL RESPONSIBILITIES

All individuals entering the Newton County Courthouse while this plan is in effect shall:
1) self-monitor for symptoms indicative of COVID-19 (see above) and do the following:

"Attachment A"

- Court employees should contact the Judge and report any COVID-19 indicative symptoms before reporting to work.
- Other employees in the courthouse should contact their elected official/department head and report any COVID-19 indicative systems before reporting to work.
- Those in the general public shall contact the office they are scheduled to attend and report any COVID-19 indicative symptoms before visiting the courthouse.
- * Before allowing an individual exhibiting COVID-19 indicative symptoms into the courthouse, the applicable judge, elected officials or department head shall consider the information they receive before authorizing the individual access into the courthouse and may direct that the individual consult with a physician and/or get clearance from a medical practitioner before entering the courthouse.

2) continue to practice good hygiene by doing the following:

- Wash hands with soap and water or use alcohol-based hand sanitizer, especially after touching frequently used items or surfaces
- Avoid touching your face
- Sneeze or cough into a tissue or the inside of your elbow
- Frequently disinfect used items and surfaces
- Strongly encourage using face coverings while in public
- Maintain 6-foot separation and other social distancing measures

3) keep track of all places they visited while in the courthouse and all people they came into contact with while in the courthouse. This may assist in appropriate cleaning of the courthouse and, in the event of a positive COVID-19 test, will assist in contact tracing (i.e., identify all areas in the facility where the individual was present and everyone they may have been in contact with).

Attorneys are responsible for advising their clients about applicable policies and procedures before they enter the courthouse.

Face masks are highly recommended for use by everyone entering into the courthouse.

JUDGES' AND ELECTED OFFICIALS'/DEPARTMENT HEADS' RESPONSIBILITIES

Each court and elected official/department head in the courthouse shall promote and utilize screening procedures that identify the presence of COVID-19 indicative symptoms, COVID-19 exposure and risk related travel. Courthouse security officers will screen everyone seeking entry into the courthouse to assist with this requirement. Current COVID-19 indicative symptoms are set forth above. However, symptoms may change as we learn more about the virus. Subject to availability, the security officer at the front door to the courthouse will be equipped with a touchless/contactless thermometer that is highly recommended to be used for temperature checks in lieu of verbal confirmation. At the discretion of the judges, courts may require temperature checks on all people entering the courthouse. Under the American With Disabilities Act, the results of any temperature checks may not be recorded and should not be released to anyone other than that individual.

In addition to questions regarding COVID-19 indicative symptoms, the security officer's screening will include questions about whether the individual seeking entry has: had any close contact in the last 14 days with anyone with a positive diagnosis of COVID-19; whether the individual has recently traveled internationally to any countries identified as high-risk by federal, state, or local authorities;

whether the individual has recently traveled domestically to any known COVID-19 hotspot. In the event an individual answers "yes" to any of the screening questions above, they may be required to be excluded:

- For at least 72 hours with no fever (three full days if no fever without use of medicine that reduces fever) AND other symptoms have improved AND at least 10 days have passed since symptoms first appeared.
- For 14 days following close contact with diagnosed case of COVID-19.
- as otherwise determined.

Hearings during Phase One are substantially stayed pursuant to Supreme Court order, with only those most critical hearings occurring. Judges will use their discretion in determining which cases will be heard during this phase and which hearings will be continued to a later phase. The courts will attempt to maximize use of remote hearing capabilities via telephone and video when constitutionally permitted. Courts will begin to identify the highest priority cases to be heard when the court advances to Phase Two.

During this phase, individuals in the courtrooms are limited to litigants, their attorneys and witnesses subject to subpoena. The courthouse is currently closed to the general public, except for previously planned. The courts will promote public access to court proceedings by utilizing alternative methods such as allowing access to the courtroom when hearings are conducted pursuant to remote procedures.

The courts strongly encourage litigants and their attorneys to utilize alternative dispute resolution options, settlement conferences, and other methods to resolve their cases without in person hearings. Litigants and counsel are advised that they will not have access to courthouse areas to discuss their cases amongst themselves, with other attorneys, prosecuting attorneys, Department of Child Services attorneys, or any other such individuals immediately prior to hearings. Cases should be thoroughly discussed, prepared, and negotiated prior to arrival at the courthouse. As justice requires, these restrictions may be loosened in individual matters at the discretion of the judge.

The courts will continue to review Supreme Court orders, executive orders and consult with local health officials to determine whether additional policies and procedures should be implemented during this phase.

FACILITIES

The provisions for **FACILITIES** set forth in the section titled **GUIDELINES FOR ALL PHASES** above shall continue during Phase One.

BEFORE PROCEEDING TO PHASE TWO

Courts will coordinate with local public health officials and re-evaluate criteria to ensure:

- Readiness to progress to the next Phase
- There is no need to implement additional social distancing measures based upon resurgence of infections in the local area

PHASE TWO

Based on current local data, the courts plan to move to Phase Two on June 1, 2020. This tentative date will be reevaluated as time passes to ensure that the local situation has not worsened such that it is not appropriate to move to the next phase.

EMPLOYEE RESPONSIBILITIES

All employees will return to work on a full-time basis. The judges retain the discretion to make exceptions to this requirement as individual situations dictate.

Employees shall continue to abide by all other **EMPLOYEE RESPONSIBILITIES** set forth in Phase One of this plan.

INDIVIDUAL RESPONSIBILITIES

All individuals entering the courthouse shall follow the **INDIVIDUAL RESPONSIBILITIES** set forth in the Phase One.

JUDGES' AND ELECTED OFFICIALS'/DEPARTMENT HEADS' RESPONSIBILITIES

Local health officials will continue to be consulted for updates on local health data.

Judges will begin to significantly increase court proceedings during this phase. Remote hearings will continue to be used and the court will continue to promote public access when appropriate. The judges will continue to abide by Supreme Court orders regarding the tolling of jury trials and jury trial selection. When permitted, the courts of Newton County will resume jury trials pursuant to the **PLAN SPECIFIC TO JURY TRIALS** set forth below.

Restrictions regarding the number of people allowed access to the courthouse will start to decrease, however, social distancing efforts shall continue as set forth in Phase One. The number of people accompanying litigants to the courtrooms may increase, but the judges retain discretion to limit numbers based on safety concerns during this phase.

Unless specifically modified under Phase Two, all other **JUDGES' AND OTHER OFFICIALS' RESPONSIBILITIES** set forth in Phase One shall continue.

FACILITIES

The policies and provisions set forth for **FACILITIES** in Phase One shall continue.

BEFORE PROCEEDING TO PHASE THREE

Courts will coordinate with local public health officials and re-evaluate criteria to ensure:

- Readiness to progress to the next Phase

- There is no need to implement additional social distancing measures based upon resurgence of infections in the local area

PHASE THREE

Based on current local data, the courts plan to move to Phase Three on August 1, 2020. This tentative date will be reevaluated as time passes to ensure that the local situation has not worsened such that it is not appropriate to move to the next phase.

Under Phase Three, the courts plan to return to the general policies and procedures in existence prior to the COVID-19 pandemic. It is anticipated that all restrictions implemented as a direct result of the COVID-19 outbreak will be lifted. **HOWEVER**, the courts will continue to consult with local health officials, the Newton County Commissioners, state officials, elected officials and department heads located in the courthouse to evaluate this situation and determine whether the return to a previous phase under this plan is warranted or whether any additional safety measures are necessary.

The courts will evaluate whether it is appropriate to continue to utilize policies, procedures, and technologies developed during the recent weeks as it moves forward during Phase Three and beyond.

All individuals entering the courthouse are encouraged to continue to practice good hygiene by doing the following:

- Wash hands with soap and water or use alcohol-based hand sanitizer, especially after touching frequently used items or surfaces
- Avoid touching your face
- Sneeze or cough into a tissue or the inside of your elbow
- Frequently disinfect used items and surfaces
- Strongly encourage using face coverings while in public
- Maintain 6-foot separation and other social distancing measures

Anyone testing positive for the COVID-19 virus, or being exposed to someone testing positive for the COVID-19 virus, shall not enter the courthouse until they have reported the same to courthouse security, court staff, an elected official located in the courthouse, or a department head located in the courthouse (depending on the reason for the individuals visit to the courthouse) and has been cleared by a medical provider to have contact with other individuals.

PLAN SPECIFIC TO JURY TRIALS

The Newton County Courts presently have no jury trials set until July of 2020. Once restrictions for conducting jury trials are lifted, and prior to beginning Phase Three of this plan, the Courts intend to use the two available jury rooms and a large conference room in the basement of the Courthouse for congregation of potential jurors. The Courts intend to schedule time slots for potential jurors to report for selection so as to permit social distancing in each of the rooms and to observe any other precautionary measures for health and safety. When trials requiring thirteen jurors are required, these same measures will be observed. Where trials requiring six jurors are required, the Courts may use fewer rooms and time slots yet observe all other precautionary measures.

Because Newton County utilizes two Courts, it is unlikely that civil and criminal cases will need to be prioritized, but in the rare event it would become necessary, priority would be given to criminal matters subject to early trial or other constitutional consideration and all other cases would be ranked according to earliest date set. This should pose a problem only if both courts sought to use the jury room facilities simultaneously.

PLAN FOR INCREASING COURT SUPERVISED SERVICES

The Newton Circuit and Superior Court Judges share supervisory responsibilities for the Newton County Probation Office and the Newton County Community Corrections Program. In addition, the Newton Circuit Court Judge shares the Crossroads CASA Program with the Jasper Circuit Court Judge and the Benton Circuit Court Judge.

The Judges have reviewed relevant data and discussed with managers in the various court supervised programs serving Newton County. With the information gathered, the Judges have developed the following plans for increasing operations relevant to those programs. All individuals entering the Newton County courthouse for purposes related to these programs shall abide by the **INDIVIDUAL RESPONSIBILITIES** set forth above.

PROBATION

The Newton County Probation Department has been conducting all office appointments telephonically up to this point. Employees have returned to work and continue to apply all social distancing practices. We are now capable and will be immediately phasing in video teleconferencing with those clients who have the capability to do so. Those that do not have the capability, will continue to report by phone until the Courthouse is reopened to the public. Any clients wanting to make payments have been encouraged to continue to send in via money order through the USPS.

Prior to reopening, if an in-person appointment becomes necessary, the appointment will be scheduled for a specific time slot. Appointments will be scheduled to allow sufficient time for cleaning/disinfecting between each appointment. The client will be required to go through the screening processing established above for all other individuals visiting the courthouse. Clients will not be meeting in the office shared by the four probation department employees, but will meet with their probation officer in a separate, designated area of the courthouse. Physical barriers and other social distancing policies will be applicable to all such appointments.

As the courts proceed from Phase One to Phase Two, telephonic and video conferencing appointments will continue to be used to reduce the foot traffic in the courthouse. Any in-person appointments will utilize the same protocol as set forth in the preceding paragraph.

COMMUNITY CORRECTIONS PROGRAM

On February 20, 2020 a county Advisory Board officially established the Newton County Community Corrections (NCCC) program. Unfortunately, implementation of the program was almost immediately put on temporary hiatus due to the Covid-19 outbreak.

Since March, NCCC has worked closely with the Newton County Health Department and the Department of Emergency Management to develop guidelines to begin slowly introducing clients into the program. These guidelines have included, but are not limited to; telephone interviews to determine client eligibility, N-95 masks and face shields to be worn by field officers during any/all in person interactions, allowing clients to mail in program payments rather than coming to the office, and limiting the total number of in-home visits during this 'transition' period.

As this plan moves from phase to phase, NCCC will continue to work with county health and emergency officials to evaluate local data and determine how to safely expand the services of the program.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

Crossroads CASA is a multi-county program that serves children in Jasper, Newton, and Benton Counties. The CASA program has taken protective measures since March in order to safeguard employees, volunteers, and clients. These precautions include providing masks for each volunteer as well as each DCS Case Manager in each of our three counties, practicing social distancing by having only phone or video visitations with children, and closing the CASA office building to the public.

The Director and part-time Volunteer Coordinator each have their own office space so there is social distancing and limited contact. If the two staff members happen to be in the same space, masks are to be worn. The office building will remain closed to the public pending until further order of the Jasper County Commissioners. The Commissioners' next meeting is June 1, 2020. Once the building is opened to the public, social distancing procedures such as those outlined above will be implemented.

The program is currently conducting meetings with volunteer advocates via video and phone. Those methods will continue to be utilized until further decision by the appropriate Judges.

The program was in preparations for beginning a new training class of advocates prior to the Covid-19 restrictions. Because the training program utilized a significant amount of face-to-face training, it has been put on hold for the time being. No new date has been established to resume the training process. Consideration are being given to training in a virtual setting. The Judges, staff, and local health officials will continue to discuss this issue and develop an appropriate plan based on local data.

Once the office is open to the public again, the program will require volunteers to practice social distancing and good hygiene as set forth above. Hand sanitizers and masks will be provided by the CASA staff as needed. The office space will be appropriately cleaned after each visit with a volunteer. Once volunteers are able to see their children in-person again, it is recommended they wear a mask, practice social distancing, and conduct their visits with the child(ren) in an outdoor setting. The volunteers are also to question families/placements prior to the visit to determine if anyone may have been exposed to or is experiencing symptoms of Covid-19.

Court hearings will proceed according to the Phases set forth above. CASA volunteers and staff entering the courthouse will abide by the **INDIVIDUAL RESPONSIBILITIES** set forth above.

OTHER MATTERS

The judges of the Newton Circuit and Superior courts will exercise their discretion to deviate from this plan to the extent necessary for them to comply with any Executive Orders of the Governor of Indiana or orders of the Indiana Supreme Court.