

In the Indiana Supreme Court

In the Matter of the Petition of the Dubois
Circuit and Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-149



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 July 8, 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**, with the exception the petitioning court(s) shall permit the public to observe courtroom proceedings, either in person or virtually, subject to public health recommendations and applicable Constitutional limitations.

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 7/10/2020, effective **May 27, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

Exhibit A

Transition Plan Dubois Circuit and Superior Courts

Areas of the recommended template are addressed as follows:

1. A. The Courts shall continue tolling of all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters until such time as the Indiana Supreme Court determines that the tolling of such matters should be terminated. When jury trials are permitted, criminal trials will take precedence over civil trials. The Courts will give due consideration to any objection a potential juror raises in opposition to serving as a juror. To the extent possible, the Court will employ social distancing during jury selection and service. All other court business shall be gradually expanded as the Court's calendars allow.

B. Authority shall be granted to the Courts to review county jail and direct placement community correction sentences of non-violent inmates and juveniles and modify them accordingly.

2. In arriving at this plan, the Courts have considered information provided by the county health department, sheriff, prosecutor, and community corrections director.

3. All employees have already returned to work full-time, unless they have contracted the COVID-19 virus, or had direct contact with someone who has, and have been quarantined at the direction of the county health department. All employees may exercise social distancing and wear facemasks until such time as they feel comfortable doing otherwise. Employees who identify as high risk may be approved to work from home on a case-by-case basis as determined to be appropriate by the Courts. Reporting exposure to COVID-19 will be as required by the County Health Department. Mental health services are available to all employees through the County per their personnel policy.

4. The County has implemented a plan to keep the Courthouse as safe as possible for staff, participants and the public by requiring social distancing, masks (as directed) and plastic sneeze shields where they have determined appropriate. Court participants, attorneys and the public may exercise social distancing and wear facemasks until such time as they feel comfortable doing otherwise. The Courts, in setting court matters, will give due consideration to the particular circumstances of individual participants when determining the date and manner of conducting proceedings. The courthouse will be maintained, cleaned and sanitized in a manner consistent with public safety.

5. Currently the Dubois County Commissioners are requiring that face masks be worn to enter the Courthouse. You are prohibited from entering the Courthouse if:

- you have been diagnosed with COVID-19 or currently have fever, cough, chills, sore throat, muscle pain, new loss of taste/smell, headache, or shortness of breath
- you are ill, or caring for someone who is ill
- you have been in contact with someone diagnosed with COVID-19
- you live or visit a place where COVID-19 is spreading.

Hand sanitizer and masks are available to employees and the public. Any person may also be subjected to additional non-invasive screenings, including temperature taking. Our janitorial staff has always routinely cleaned and sanitized the Courthouse including the courtrooms and other places where employees or court participants may be found. All inmates transported from the county jail are provided with face masks.

6. Non-emergency hearings will be expanded in adherence to the procedures set forth above. Priority will be given to criminal, juvenile, child in need of services and protective order cases. Witnesses and spectators will be encouraged to follow social distancing/face mask policies. Leeway will be granted to allow remote/virtual proceedings. Senior judges will be used as sparingly as possible and only in civil proceedings that are currently not a priority.

7. Jury trials will not begin until after July 1, 2020. Criminal trials that were previously set that were reset due to the pandemic will be reset first. Potential jurors will not be admitted unless they comply with Paragraph 5 above. To the extent possible, potential jurors will be required to appear in small groups at separate times and social distancing will be enforced to the extent possible. Any juror who is aged or otherwise especially vulnerable to COVID-19 may be excused upon request.

8. Our probation office is located in the Courthouse and so will comply with Paragraph 5. Low risk offenders will be monitored telephonically until it is safe to do otherwise. Medium and high risk offenders will meet with probation in compliance with the protocols above. Many of the community corrections work release participants who are housed in a stand alone facility have been released to home detention. Those in the system who have tested positive have been isolated in the facility. Once there have been no positive screens for fourteen continuous days, those previously released to home detention will be returned to the facility in small numbers over the course of two weeks. If there are additional positive tests, those individuals will be isolated for the appropriate time. No one will be sentenced to work release for at least thirty days. All other court-supervised services will be slowly reintroduced so as to maximize safety of providers and participants. Rules of Paragraph 5 above shall apply to all.