

In the Indiana Supreme Court

In the Matter of the Petition of the
Merrillville Town Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-221



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 amended expansion of operations plan (“Plan”) on June 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 6/25/2020, effective **May 27, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

**IN THE
INDIANA SUPREME COURT**

In the Matter of the Petition of the) Supreme Court Case No. 20S-CB-221
Merrillville Town Court for))
Administrative Rule 17 Emergency Relief))

MERRILLVILLE TOWN COURT TRANSITION PLAN
FIRST AMENDMENT

June 10, 2020

1. Merrillville Town Court and Lake County Courts approved Administrative Rule 17 Plans:
 - a. The Lake County Courts submitted its Petition for emergency relief pursuant to Administrative Rule 17 which was approved by the Indiana Supreme Court on March 13, 2020, as amended by subsequent Supreme Court Orders.
 - b. The Merrillville Town Court submitted its Petition for emergency relief pursuant to Administrative Rule 17 which was approved by the Indiana Supreme Court on March 21, 2020, as amended by subsequent Supreme Court Orders.

The Merrillville Court Administrative Rule 17 Petition will be modified as follows:

- c. Tolling of time limits - extend tolling of time limits consistent with transition plan approved for Lake County Superior Courts, to avoid confusion.
- d. Continuing Jury Trials - extend consistent with transition plan approved for the Lake County Superior Courts, as applicable to jury trials in the County Division. Consistency is required in that the County Court Administrator pulls jurors and issues summons for city court jury trials.
- e. Extend review of county jail and direct placement sentences consistent with the transition plan for Lake County. The City and Town Court in Lake County have agreed to allow Lake Superior Court staff to perform risk assessments on defendants arrested and taken to the county jail, and to release defendants on their own recognizance when appropriate, as part of their effort to comply with the requirements of Criminal Rule 26. The City and Town Court judges also receive a weekly report from the jail identifying individuals held from each court, to permit review of the necessity of incarceration or to arrange transport to court or scheduling of a remote hearing.
- f. Extend ban on issuance of writs of attachment, warrants or body attachments on civil cases consistent with the transition plan approved for Lake County Superior Courts, to avoid confusion among the public, the bar, law enforcement, or county jail staff.

Note: It is the consensus of most of the city and town court judges in Lake County that the advantages of consistency with the county transition plan with regard to the above, in minimizing confusion and promoting the confidence of the public outweigh any advantages to be gained by individual courts in not being consistent.

2. Planning & Consultations:
 - a. City and Town Court judges have been provided a draft of the Lake County Superior Court County Division transition plan, and have discussed via Zoom meeting a proposed remote check-in procedure of parties using Google Voice and texting to control and limit the number of parties appearing in court at one time.
 - b. Two representatives selected by the city and town court judges in Lake County, as a group, serve as voting members of the Lake County Criminal Justice Co-ordinating Committee created by the County Council.
 - c. The Lake County Jail staff has had conversations with and scheduled remote hearings for several of the city and town court judges in Lake County. Weekly jail reports are provided to each judge regarding the population of the jail.
 - d. In addition, consultations have been ongoing with local Police Departments, the Prosecutor's Office, Lake County Government officials, judges, and Health Department, local attorneys, the Lake County Bar Association, EMS officials, and city administration officials.

3. Employment Procedures:
 - a. **[local]** The Merrillville Town Court staff has remained in operation since the beginning of this pandemic, but the Court and Clerk's Office building have been closed to the public and attorneys during this time except for court business conducted by mail, email, Odyssey payments, Zoom meetings, and electronic filings. The Court Clerks and staff while working without encountering the public have utilized masks, hand sanitizers, temperature screening and observed social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting COVID-19 symptoms or a high temperature will be allowed to stay home and if necessary be quarantined. Upon reopening court to the public on June 2, 2020 (see Sec. 6 below), the Court staff will continue all of the above procedures as well as only dealing with the public at a service window upon leaving Court while separated by a glass barrier. **With respect to court employees, several of them including the judge are at the age and medical circumstances that each would be considered high risk. The town court will follow the Governor's guidelines for employees in high risk categories returning to work or after exposure to someone infected with Covid-19.** (see [https://backontrack.in.gov/files/BackOnTrack-IN Backontrack-IN Guidelines-all business.pdf](https://backontrack.in.gov/files/BackOnTrack-IN%20Backontrack-IN%20Guidelines-all%20business.pdf)). All town employees of the court will be required to submit to a small questionnaire in addition to temperature checks upon arrival to work each day. Anyone with a temperature of 100.4 or above will be required to work from home. All employees are required to report any symptom of Covid-19 as well as any contact with anyone testing positive for Covid-19, to their immediate supervisor. In the event that any employee may feel that they may be having difficulty coping with stress or depression they will be instructed and alerted to contact Be Well Indiana at <https://bewellindiana.com/>

4. Courthouse Facility Plan:
 - a. **[local]** The Merrillville Town Court is located at Merrillville Townhall, 7820 Broadway, Indiana. It has been and will continue to be thoroughly cleaned and sanitized by both building maintenance and the Court staff. Upon resuming non-emergency hearings, Court traffic and hours of operation will be initially limited to a maximum of 30 individuals socially distanced and the hours of operation will be from 10:00 am to 2:00 pm Mondays to Friday. at the 9:30 general Court calls having the most public participants will be limited as follows: 1) General and initial hearings for the public on infractions, ordinance violations and misdemeanors normally all heard together at the 9:30 Court call will be staggered into smaller groups every half hour at 9:30, 10:00, 10:30, and 11:00 apm on Monday, Wed and Thursday until normal operations resume.. Further limitations will include: 1) Remote check-in using Google Voice and texting is being developed to control and limit the number of parties appearing in the Courtroom and waiting in the hallway or outside of the Court entrance to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements; 2) Ingress to and Egress from Court will be reconfigured to allow only one-way movement of persons by parties entering only through the East doorway into the Court building and existing only from the West doorway after passing the Clerk's Office service window on the East side if needed before exiting; 3) Chairs in the Courtroom will be removed to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements; 4) Lines at the social distance of 6 feet will be placed on the entry hallway floor and sidewalk outside the courtroom for those waiting to enter the Courtroom.
 - b. Hearings with attorneys and their clients conducted remotely will be encouraged and utilized whenever feasible instead of in-person hearings.
5. Screening Procedures for the Public:
 - a. Hearings conducted remotely will be encouraged whenever feasible.
 - b. Telephonic continuances of litigants who are high risk or exhibiting symptoms of illness will continue to be permitted, and the court may provide scheduling of cases for high risk litigants at times which minimize exposure to others, if their matter cannot be heard remotely.
 - c. Masks, hand sanitizers, and screening for symptoms and temperature may be required of all litigants or spectators entering the court consistent with any Executive Orders in effect and recommendations of the ISDH.
 - d. Social Distancing shall be strictly enforced so long as recommended by the ISDH or required by Executive Orders as specified in the above Courthouse Facility Plan. Remote check-in using Google Voice and texting to control and limit the number of parties appearing in court at one time will be implemented to permit persons appearing for court to wait in their vehicle until their case is called.
6. Resuming Non-Emergency Hearings:
 - a. **[local]** The Merrillville Town Court plans to resume non-emergency hearings on and after June 2, 2020. Hearings conducted remotely will be encouraged whenever feasible as scheduled with the Court, Prosecutor, defense counsel and parties. Spectators and witnesses will be allowed in the Courtroom subject to

ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements being met, and may be allowed to view remotely for Zoom hearings.

7. Jury Trials:
 - a. Jury trials are not frequent, but scheduling will be continued consistent with the scheduling of jury trials in the Lake Superior Court County Division, to provide consistency for the County Court Administrator in prioritizing his responsibilities with regard to selecting and summoning jurors, and in public perception.
 - b. Remote hearing technology may be used, with agreement of the parties, for any and all stages of the trial.
 - c. **Should a jury trial be requested during the Covid-19 health emergency, The Merrillville Town Court will file an amended plan with the Court that will address all issues pertaining to keeping all jurors safe including deferring service, seating arrangements, food plans, and above all preserving social distancing.**

8. Court Supervised Services:
 - a. Services not already provided telephonically or by video conferencing will resume when non-essential hearings resume, using remote technology whenever possible.
 - b. All Court staff including probation officers will utilize masks, hand sanitizers, temperature screening and observe social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting symptoms or a high temperature will be allowed to stay home and if necessary be quarantined. Probation Officers who meet with probationers in person shall also have a plexiglass barrier placed separating them from parties.

Respectfully submitted,

Eugene M. Velazco, Jr.
Eugene M. Velazco, Jr.
Judge
Merrillville Town Court