

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-127



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 28, 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 Plans are approved **in part**, with the exception that the Plans shall expire on August 15, 2020. Any or all of the petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires relief 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 6/5/2020 , **effective May 28, 2020.**

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

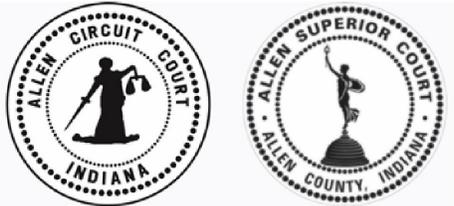
Loretta H. Rush
Chief Justice of Indiana

Allen Circuit and Superior Courts



COVID-19 Transition Plan

May 28, 2020



Summary: The Allen Circuit and Superior Courts Respond to COVID-19

The Allen Circuit and Superior Courts initiated their response to the COVID-19 pandemic in early 2020 by monitoring reports and Allen County Health Department briefings on the spread of the disease. The Courts began implementing steps in their joint continuity of operations plan (COOP) on February 27, by ordering a large stockpile of disinfection supplies, hand sanitizer and gloves. On March 2, the Courts began issuing a regular series of communications to employees keeping them apprised of the developing situation and steps the Court was taking in response.

Throughout COVID-19 and Indiana's Public Health Emergency, the Allen County Courts have remained in regular communication and cooperation with all of the community's involved stakeholders. Those stakeholders have included, in addition to the Department of Health, the Allen County Board of Commissioners, Allen County Council, Allen County Auditor, Allen County Sheriff, Allen County Prosecutor, Allen County Public Defender, Allen County Clerk of the Courts, Allen County Department of Buildings and Grounds, Allen County Department of Homeland Security, City of Fort Wayne, Indiana Department of Child Services, news media, technology providers, religious leaders, Allen County Bar Association, Indiana Office of Court Services and colleagues throughout the Indiana judiciary.

Because of the previously unexplored complexities of maintaining supply chains during the pandemic, the Courts have been required to be responsive and creative in finding supplies of items such as facemasks and hand sanitizer as the situation progressed.

The Allen County Courts have been similarly pressed to find creative solutions to technology and communications issues presented by the pandemic. For the first time ever, a majority of Court employees began working remotely during all or part of their workweeks, requiring the establishment of more than 80 virtual private network accounts (VPN) as well as the home deployment of Court-owned technology where appropriate. The Court has used its website and video messages in ways never before anticipated to communicate with the public and employees. The need to move many types of Court business to remote appearance necessitated the implementation of a video conferencing platform (GoToMeeting; later Zoom) and the procurement of necessary video hardware.

The Courts have been at the table since the outset of the pandemic, participating in discussions covering every aspect of local government's response. The Courts participated in their first meeting with Health Department staff to develop related COVID-19 processes and procedures on March 3, 2020. Cooperation among Allen County government entities, including the Circuit and Superior Courts, during COVID-19 has been without precedent in recent history.

Most Court employees returned to the workplace from remote working arrangements on or before May 18, 2020. Where appropriate, some employees will continue working remotely for the near-term, as conditions dictate. Workspaces have been refitted, as needed, with Plexiglas shields and other physical barriers to enforce social distancing. Workflow has also been modified where possible to reduce crossover between employees, attorneys, outside staff and the public. Facemasks have been provided to all employees. Members of the public are also provided with facemasks at the entrances to Court facilities. All persons are required to wear face masks when directed to do so by a judicial officer or Allen County Sheriff's Deputy. Fixed and portable hand sanitizer stations have been placed throughout Court

buildings. Court staff, building maintenance and the County's third-party cleaning services vendor, Executive Services Group (ESG), have worked together to develop plans for regular, deep cleaning of Courtrooms and public spaces.

Entrance to Court facilities continues to be limited to parties, attorneys, necessary witnesses, victims, parties seeking to file papers, those with scheduled hearings and appointments, staff of the court, the clerk, the sheriff, and the news media.

Although these precautions have been implemented because of the COVID-19 pandemic, the Courts expect to continue the majority of these precautions for the foreseeable future, through at least the beginning of 2021 and likely beyond.

Throughout their COVID-19 response, Court staff have kept exacting records and continuously debriefed on successes and lessons learned. This information will be used to revise the Courts' joint COOP in the near future and the prepare for a possible resurgence of COVID-19 in Fall 2020.

The pages that follow detail the Allen County Courts' plans for transition to expanded operations in the months to come, in accordance with Indiana Supreme Court guidance and applicable Administrative Rule 17 orders. These plans were developed in cooperation among members of the Allen County judiciary as well as members of the civil, criminal and family bars.

Questions regarding this document may be directed to Allen Circuit Court Judges Thomas J. Felts, at thomas.felts@co.allen.in.us or Allen Superior Court Chief Judge Andrea R. Trevino at andrea.trevino@acjc.us or to any member of the Allen County judiciary.

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**ALLEN SUPERIOR COURT
FORT WAYNE, INDIANA**

**COVID-19 RESPONSE TIMELINE
(As of May 28, 2020)**

September 2019 – Circuit and Superior Courts begin working on comprehensive review and update of their joint Continuity of Operations Plan.

Early 2020 – Court begins monitoring reports of developing COVID-19 situation. As a spin-off of discussions regarding the (unrelated) purchase of NARCAN for Court offices, places large order for large stockpile of gloves, Clorox wipes, Lysol and hand sanitizer on Feb. 27. Order placed on March 9 for signage needed to reinforce social distancing standards in areas with large public presence.

February 25: Upon request from the Allen County Health Department for a meeting regarding Indiana's health pandemic statutes, Judge Bobay begins researching the statutes found at Title 16. A meeting is set for a March 13, with the Civil Division Judges and Health Department's attorney Laura Maser and its Administrator Mindy Waldron to discuss establishing a protocol for the Court to issue orders imposing isolation or quarantine for public health.

March 2: Court issues first of a regular series of communications to employees with updates on COVID-19 information and updates on availability of workplace resources.

March 3: Department of Health leadership meets with Civil Division Judges to discuss process for quarantines under Indiana Code Title 16.

March 11: Court adds dedicated COVID-19 page to its web site, providing information to the public on operational impacts of the pandemic.

March 11: Civil Division Judges meet with Health Department and Allen Co. Public Defender to finalize the "Allen County Indiana Protocol For Court Orders Imposing Isolation Or Quarantine For Public Health." The Allen Co. Public Defender refuses to provide attorneys for indigent citizens who may be ordered into quarantine or isolation.

March 12: Circuit and Superior Court Judges meet for first discussion of potential filing of Administrative Rule 17 petition with Supreme Court. Decision made to take steps utilize additional areas for jury

assemblies in order to practice social distancing. Decision also made to cancel school tours of the Courthouse until further notice.

March 12: The Ind. Supreme Court shares with all 92 counties, for use as a template in each county, the "Allen County Indiana Protocol For Court Orders Imposing Isolation Or Quarantine For Public Health."

March 12: Civil Division issues orders in upcoming cases that encourage remote telephonic participation of lawyers and unrepresented parties.

March 13: Civil Division Judges and Small Claims Court Magistrates meet with a group of lawyers from the Allen. Co. Bar Association who practice civil law. High volume civil collection cases and small claims collection cases are moved to telephonic proceedings to minimize the gathering of large numbers of parties and attorneys in the Courthouse and in the Small Claims Court Annex building.

March 13: Civil Division Judges begin conducting telephonic scheduling conferences with lawyers on all civil jury trials scheduled through July 3. Most civil jury trials that were scheduled to occur before July 6 are rescheduled with the agreement of the attorneys.

March 13 – ACJC suspends visits and outside volunteers/programming for juveniles in detention. Detained juveniles are given extra daily phone calls.

March 16: Circuit and Superior Courts file AR-17 petition with the Supreme Court seeking emergency relief in response to the COVID-19 pandemic. Order is approved March 17. On April 3, the Supreme Court issued a statewide order extending AR-17 relief through May 4, 2020.

March 16: Civil Division issues a Notice changing the Court's mediation policy to permit remote telephonic participation in mediations.

March 16 – ACJC initiates written and telephonic communications with Prosecutor's Office (DPA T. Smith and DPA A. Schweller) and Public Defender (T. Allen) to establish process going forward regarding juvenile delinquency and IV-D hearings.

March 16 – Written communications begin between FWPD (Capt. Shane Lee), ACJC (Judge Trevino), and Prosecutor's Office (M. McAlexander and T. Smith) re: juvenile arrest and referral procedures during COVID-19 pandemic.

March 17: ACJC begins modifying hearing schedule and continuing non-essential /non-emergency hearings. ACJC begins contacting attorneys and parties to continue and reschedule non-emergency/non-essential family hearings through the end of April.

March 17: Judge Gull meets with Prosecutor and Public Defender to determine process going forward to handle essential in-person criminal proceedings, including arraignments, sentencings and guilty pleas. Other proceedings moved to video appearances or rescheduled through April 13.

March 18: Civil Division issues Orders requiring all civil proceedings to be conducted telephonically.

March 18: Judges Bobay, Felts, Gull, and Trevino Order that access to the main Courthouse and other court buildings be restricted to lawyers, the parties, court staff, clerk staff, sheriff staff, victims, witnesses, and the media.

March 18: Allen Superior Court Family Relations Division creates a CB case type (02D02-2003-CB-25) and issues an Order regarding the health emergency and certain modified procedures and scheduling for hearings in Superior Courts 7 and 8.

March 18: Allen Superior Court holds a Board of Judges meeting. Circuit and Superior Courts announce changes in operations resulting from approval of Administrative Rule 17 petition.

<https://allensuperiorcourt.us/ar17/>

March 18: In partnership with Allen County IT, Court begins establishing approximately 80 VPN accounts to permit employees to work from home, should the need arise.

March 19: ACJC Admin Team meets to discuss court, probation and building operations. Following the meeting, ACJC begins to limit all hearings to 1 or 2 of the 4 available courtrooms each day for ease of cleaning/sanitizing building. ACJC begins temp checks for employees, Public Defenders and juveniles in detention.

March 20: All Small Claims trials except emergency Protection Orders are rescheduled, effective March 30. The Small Claims Court in the Courthouse Annex remains open to accept new petitions from individuals who are seeking emergency Orders for Protection. The Court strongly encourages individuals seeking Orders for Protection to e-file those petitions, if possible.

March 20: Consistent with Gov. Holcomb's Emergency Order, Civil Division Judges issue Orders that all residential foreclosure and residential eviction proceedings are temporarily stayed. The scheduled eviction hearings are rescheduled. Tenants who have pending cases must keep their landlord and the Court updated with their current address, phone number, and e-mail address. Tenants should continue to pay rent to the landlord while they are living in the residence during this stay of proceedings. Landlords may file new residential eviction and foreclosure cases, and these cases will be stayed automatically, with no action taken on those new filings.

March 23: Governor Holcomb announces first "Stay at Home" order (which is effective March 25 through April 7.) The Governor made clear that judges and court personnel perform "essential government functions," and are exempt from the "Stay at Home" order.

March 23: ACJC Admin Team meets to discuss court schedule, hours of operation, PPE, etc. New court and building schedules are adopted with start date of March 30. ACJC DAP Officers begin delivering Summonses, Waivers of Service, etc. for new delinquency hearing dates/times. Around this time,

additional infrared thermometers are ordered in anticipation of mandatory temp checks for public entering ACJC as of March 30.

March 24: Upon Governor's issuance of stay-at-home order, and beginning of employee operations outside the Courthouse, Judges approve employee compensation policy for the duration of the Public Health Emergency.

March 25: The Civil Division issues a notice that its employees continue working. All e-filed motions, pleadings, claims, complaints, notices, stipulations, proposed orders, and other documents filed with the Court continue to be regularly reviewed and processed by the Allen Superior Court Civil Division. The Civil Division Judges continue to work, with the exception of jury trials, all scheduled hearings are conducted telephonically.

March 24: Jury trials cancelled through April 9.

March 24: East and South Juvenile Probation Field Offices suspend on-site operations at close of business. FWPD and NHPD are notified of closures and agree to drive by and check our facilities while closed. East and South Field Office phone calls are forwarded to ACJC North Field Office and all Juvenile Field Officers begin to operate from home and/or ACJC North Field Office.

March 24: Protective plexiglass coverings are installed at first and second floor administrative assistant windows at ACJC.

March 25: First Court employees begin working from home.

March 25: Judge Gull, in partnership with the Allen County Prosecutor, directs the release from the Allen County Jail of 25 low-level, non-violent offenders with less than 30 days remaining on their sentences in order to reduce the jail population.

March 26: Civil Division Judges agree that civil jury trials will not be conducted until the COVID health emergency is lifted and it is safe for jurors to assemble. The Civil Division posts its Operational Update to the Court's website.

March 26: The Allen County Judicial Nominating Commission's interviews scheduled for April 8, are canceled, to be reset to a later date. The Commission was to meet to select nominees to fill the Civil Division seat being vacated by Judge Nancy Boyer, who is retiring June 12.

March 27: Court considers implementing GoToMeeting to facilitate video hearings for Civil Division, augmenting telephonic hearings that have been taking place since March 12.

March 27: ACJC finishes out previously-scheduled juvenile hearings, posts signs alerting public of new M/W/F building hours commencing March 30.

March 30: ACJC begins modified M/W/F court and building schedule and commences mandatory temp checks for all persons entering the building in addition to staff, juveniles and attorneys who were already being tested.

March 30: Most Civil Division and Small Claims Court support staff are working remotely from home most days. A schedule is implemented for a few staff at a time to work in the Courthouse and the Annex Building to support essential functions that must occur in those buildings.

April 1: Judge Bobay and Court Administrator John McGauley create and post a video detailing the procedural changes in civil processes, and how evictions are being handled while the Governor's Executive Order (issued March 19) is in place, temporarily staying evictions.

April 1: The Judges meet to watch a demonstration of the Go-To-Meeting video conferencing platform that Allen Co. Government has a license to use.

April 2: Civil Division Judges decide that all civil bench trials shall be conducted by video conference, using the County's Go-To-Meeting video conferencing platform. Civil Div. staff begin training for video conferences.

April 3: Decision made to cancel criminal jury trials through April 30, 2020.

April 6: Civil Division issues new Orders for all civil bench trials to be conducted by Go-To-Meeting video conference. The Orders detail how evidence and witness testimony will be presented remotely.

April 6: Small Claims Court issues new Orders for all Small Claims bench trials to be conducted telephonically. The Orders detail how evidence and witness testimony will be presented remotely.

April 6: Governor's executive order clarifies that essential businesses includes professional services, such as legal services, accounting services, insurance services, and real estate services. The order says these services should be conducted virtually, or by telephone whenever reasonably possible and any professional services requiring face-to-face encounters should be postponed "unless the failure to meet in-person will have a significant adverse impact on the client's financial or legal position."

April 13: Civil Division Judges Bobay and DeGroot meet in telephonic conference with Allen Co. Bar Association's Civil Litigation Section Executive Committee to provide details regarding the Court's adapted processes, and to plan a Zoom continuing legal education program for lawyers regarding "Civil Litigation in a Social Distance Environment." That program is scheduled for the afternoon of April 23.

April 13: ACJC commences video/remote visitations between juveniles and immediate family members.

April 14: Allen Superior Court Judges Pratt, Davis and Trevino participate in WebEx teleconference with Allen County Department of Health officials and representatives from FWPD, Sheriff's Department and medical personnel regarding COVID-19 issues in jail settings.

April 15: Resumption of criminal jury trials rescheduled for May 26, 2020.

April 15: Ind. Supreme Court announces that a Zoom conferencing solution will be made available to trial courts. The April 6 Allen Superior Court Civil Division Orders for remote trials (video and/or telephonic conferences) are made statewide by the Ind. Judges Association as a model so that judges across the state "do not have to reinvent the wheel."

April 16: Civil Division Judges and Small Claims Court Magistrates reconvene the telephonic meeting with the group of lawyers from the Allen. Co. Bar Association who practice civil law. Reports are that moving the high volume civil collection and small claims collection cases are to telephonic proceedings has been successful. Input is received regarding continuing the process that has been since the March 13 meeting. That process shall largely continue now until early August.

April 17: Judge Bobay surveys and compiles responses from 10 of Allen County's largest law firms re: COVID-19. The survey sheds light on the day to day operations of local law firms, and addresses the circumstances when it may not be reasonably possible to provide legal services virtually, or by telephone.

April 20: Governor extends stay at home order through May 1, 2020.

April 20: ACJC makes decision to further continue non-emergency/non-essential hearings through May 15, 2020.

April 20: Small Claims trials resume, with all trials conducted telephonically. Emergency Protection Orders continue to be granted in person, as needed.

April 20: The Ind. Supreme Court prohibits Courts from issuing new orders placing a hold on, attaching, or garnishing funds in a judgment-debtor's bank account if those funds are attributable to a stimulus payment. The prohibition does not apply to judgments or orders for payment of child support. The Supreme Court also states that in all previous cases where court orders placed a hold on a judgment-debtor's bank account, the judgment-debtor can request an emergency hearing to determine what funds in the account are attributable to a stimulus payment.

April 21: To address the Supreme Court's March 20 Order, upon the motion of judgment debtors, the Civil Division and Small Claims Court will schedule immediate hearings to determine "if those funds are attributable to a stimulus payment" and for the judgment-debtor to assert any other applicable exemptions.

April 29: The District 7 Board, comprised of the Allen Circuit and Superior Courts Judges, met to discuss the Courts' COVID-19 response. Topics covered included when and how to recall to the workplace employees working remotely and the creation of the Courts' transition plans.

May 4: In order to advance resolutions for participants, Judge Frances C. Gull holds a Drug Court proceeding outdoors, in the Allen County Courthouse Green. This was done in order to facilitate social distancing outside the limitations of the courtroom. Six individuals received reductions or dismissals of charges for completing Drug Court.

May 6: The District 7 Board met to discuss the status of COVID-19 response activities. Topics discussed included limits on public access to Court buildings and the procurement of personal protective equipment (PPE).

May 14: Judge Frances C. Gull held a media availability with television, radio and print journalists to discuss changes made to courtrooms and jury assembly areas to protect prospective jurors and enforce social distancing standards.

May 15: The Allen Superior Court Family Relations Division posts to the Internet and to social media a video explaining processes and procedures that will be in place for the duration of the COVID-19 pandemic.

May 21: Allen Circuit and Superior Courts announce a new policy on the wearing of masks in Court facilities, effective immediately. All persons over the age of two will be provided a mask (at no cost) upon entering Court facilities. Those individuals are encouraged to wear masks while in Court facilities and must do so if directed to do so by a judicial officer or Sheriff's deputy.

May 27: The Courts post to the Internet and to social media a video detailing measures that have been taken to protect prospective jurors upon the resumption of jury trials.

May 27: Allen Superior Court Judges take part in television interviews, aired on WPTA-TV, further detailing changes being made to keep parties, staff and the public safe as Court operations transition back into expanded operations.

Exhibit A:

Allen Circuit Court and Adult Probation Transition Plans

**ALLEN CIRCUIT COURT
TRANSITION PLAN FOR EXPANDED OPERATIONS**

General precautions and procedures for all divisions of Circuit Court in order to expand operations.

The following general precautions and transition plan are subject to amendment at any time based on observed issues or changes in recommendations from the CDC and state and local health departments.

General Precautions: March 17-September 4

- All courtroom work areas will be arranged in order to keep 6 feet between all parties.
- All gallery areas in the courtrooms will be marked and spaced in order to maintain 6 feet between all parties.
- All general public areas/waiting areas will be floor marked and/or barriers created in order to maintain 6 feet between all parties.
- Plexiglas barrier shields will be utilized at all work stations designed to greet the public.
- Staff will be provided with masks for mandatory use when encountering the public in their private office spaces and in the courtrooms when the Court is in session. Use is discretionary when the public is not present in their office space, but an informed consent will be signed by each employee prior to expanded operations.
- Hand sanitizer and gloves will be placed at all courtroom work stations and provided to staff in private work areas.
- Any weddings conducted will adhere to all recommended precautionary guidelines and wedding parties will remain less than 10.

Phase 1 – March 17- May 30

Only essential hearings will be conducted. Essential hearings include the following:

Criminal Cases

In-custody criminal defendants who are scheduled for:

- Initial hearings for new offenses
- Initial hearings for probation revocations
- Restoration Court or Veteran's Court hearings
- Sentencing
- Disposition hearing
- Guilty pleas

Out-of-custody criminal defendants who are scheduled for:

- Initial hearings
- Orders of protection
- Other motions deemed an emergency by the Court

All other criminal, family, IV-D, or civil Circuit Court hearings, non-custodial Restoration Court and Veteran's Court hearings, and mediation or arbitration scheduled on or before May 18, 2020 will be continued.

Phase 2 – June 1 – September 4

In addition to the General Precautions listed above, the following procedures will be implemented in each courtroom and/or public space:

- Staff, litigants, defendants, attorneys, subpoenaed witnesses, and media will be the only individuals allowed in the courtrooms during hearings.
- Baskets will be used at each work station where documents are generally transferred hand-to-hand. Documents will be placed in the basket.
- Separate pen holders will be utilized for “sanitized” pens and one for “used” pens at each public counter where there is a high probability of requiring signatures. Staff will sanitize “used” pens prior to placing in “sanitized” holder.
- All non-evidentiary hearings in IV-D, Civil, and Family will be conducted via Zoom or telephonic.
- All provisional hearings, PTC/CMC (motion to correct errors, motion to compel, etc.), and other evidentiary hearings less than 1 hour will be conducted via Zoom..
- All in-custody hearings will continue to be video conferenced via CourtCall.

The following procedures will be specific to each court division and courtroom beyond the general precautions and procedures above.

IV-D

- The State will only set 2 cases per ½ hour (4 per hour).
- All DNA testing will be conducted at ACJC.
- All forms utilized in IV-D will be placed on our website in order to reduce waiting room congestion and contact.
- On establishment hearing days, caseworkers will utilize hallway and other areas in order to maintain social distancing.

Family

- A specific order will be used in order to have attorneys and/or unrepresented individuals contact Stephanie for a Zoom link and password for hearings listed above in Procedures.
- Exhibits will be filed 3 days before the trial with each other and the Court. It can be done by mailing, emailing, or e-filing.
- Unrepresented parties and others who cannot participate via Zoom will be allowed telephonic appearances or they can appear in person until further notice.
- Other evidentiary hearings less than 1 hour to be conducted via Zoom.
- Protective orders will be conducted in person.
- All other evidentiary hearings will be conducted in person.
- For scheduling in-person hearings, there will be 30 minutes between hearings.

Criminal

- Criminal hearings will be scheduled at 8:30 and 10:00, and 1:30 and 3:00, limiting the number of hearings to 12 out-of-custody defendants in any time slot.
- Out of custody defendants will remain in the gallery area for all hearings and maintain social distancing via marked seating until further notice.

- The recording microphone will be placed just behind the rail in order to record defendant's participation in the hearing while defendants remain in the gallery area.
- Any jury trials will be coordinated with the Allen Superior Court jury call procedures in order to maintain social distancing.

Civil

- Other than identified above in general precautions and procedures, business as usual.
- Any jury trials will be coordinated with the Allen Superior Court jury call procedures in order to maintain social distancing.

Problem-Solving Court

- All problem solving court hearings will be limited to 10 participants per hearing set apart by reporting times

Phase 3 –September 7

Resume operations as usual.

ALLEN COUNTY ADULT PROBATION TRANSITION PLAN FOR EXPANDED OPERATIONS

General precautions and procedures for Allen County Adult Probation, a division of the Allen Circuit Court, in order to expand operations.

The following general precautions and transition plan are subject to amendment at any time based on observed issues or changes in recommendations from the CDC and state and local health departments.

General Precautions: March 17-September 4

- All high touch areas of the department will be cleaned and disinfected more rigorously according to established county maintenance COVID guidelines.
- All individuals entering the department will be given a short 6 question health screen by security officers prior to entry. Any responses of “yes” will result in the individual being turned away. Any individual turned away will be identified and a record will be kept of the interaction. Those under probation supervision will have their probation officer notified of the interaction as well.
- Scheduling software will be utilized department-wide in order to limit the number of scheduled appointments during phase 1 and 2 outlined below to no more than 10 in the lobby.
- All lobby area chairs will be arranged and floor markers and/or barriers created in order to maintain social distancing (6 feet) between all individuals.
- Plexiglas barrier shields will be utilized at the reception and payment counters.
- Staff will use masks when encountering probationers and in the courtrooms when the Court is in session. Use is discretionary when in personal space.
- Disinfectant, hand sanitizer and gloves will be placed in all offices for employees use. Areas that probationers come into contact with will be disinfected between each appointment during phases 1 and 2.

Phase 1: May 18 – May 30

- Employees work 3 days/week in the office and work from home 2 days/week.
- All management team personnel will have a VPN connection for home access. All employees will have email access and be logged in during business hours monitoring emails with a timely response as required.
- Sex offenders, domestic battery, and select high risk and select HOPE individuals will report to the office in accordance to the 10 person lobby limit.
- Violations for all high risk probationers with new offenses or have contact with police that causes significant concern, a warrant will be requested; all others probationers will have a summons requested.
- Orientation and probation intakes will be conducted via telephone or video
- All other probationer contacts will be conducted by telephone, video, or email.
- Select HOPE and high risk probationers by suspicion or court order can report for a UDS, no UDS hotline.

- Only those individuals with direct responsibility to probation will be allowed to enter the lobby area.
- No home visits or transports by probation officers.

Phase 2: June 1 - September 1

- All employees are back in the office 5 days per week.
- Sex offenders, domestic battery, all HOPE, and all high risk probationers report to the office in accordance to the 10 person lobby limit.
- Moderate risk probationers can be required to report to the office when the probation officer has a valid concern about compliance, but must abide by the 10 person lobby limit.
- All low risk probation contacts will be conducted by Check-in App, telephone, video, or email.
- High risk probationers with violations, resume use of normal Warrant/Summons grid.
- Moderate and low risk probationers with violations for new offenses or have contact with police that causes significant concern, request warrant, all others a summons.
- Orientation and probation intakes will be conducted via telephone or video
- Home visits and transports by probation officers may only be conducted as ordered by the Court.
- UDS hotline resumes

Phase 3: Beginning September 1

- Resume normal operations with certain caveats regarding the utilization of technology for the supervision of individuals that proved effective during the COVID crisis.

Exhibit B:

Allen Superior Court Civil Division Transition Plan



Civil Division Transition Plan for Expanded Operations

May 19, 2020

The Indiana Supreme Court Order of April 23 requires the Court to develop and submit a “transition plan” for “expanded operations.” Per that Court, those “plans should generally include proposed timelines for resuming normal staffing and loosening restrictions on spectators in courtrooms, plans for continuing or expanding remote hearings, and processes to determine whether conditions permit courts to start resuming jury trials.” The Allen Superior Court Civil Division Operational Update of May 4, 2020, and the Allen Superior Court Civil Division Collections Process Protocol of April 22, 2020, is incorporated herein to provide a baseline for understanding from where the transition plan begins for the Civil Division and the Small Claims Court.

Plans for Continuing or Expanding Remote Hearings. Since near the beginning of the current COVID-19 health crisis, with the exception of parties seeking Orders for Protection, all Civil Division proceedings are being conducted remotely by telephone or video conference. The Civil Division will continue to remotely conduct all proceedings (except where parties are seeking Orders for Protection) until the Civil Division determines, with due consideration of recommendations of the Allen County Department of Health, that the Court can prudently conduct in-person proceedings. July 6 has tentatively been set as the Civil Division's target date for resuming all evidentiary proceedings in the courtrooms, rather than remotely. Prior to that date, certain proceedings may be conducted in the courtrooms, as determined appropriate by each presiding Judge.

The biggest factor that impacts the probate court is the lock down in health care facilities. This may be one of the last restrictions to be changed as the pandemic eventually subsides. We are asking the Supreme Court to continue to allow authority for alleged incapacitated persons to appear by video conference so long as healthcare facilities are locked down. For purposes of guardianship hearings that involve those in locked-down healthcare facilities, it will be necessary to continue conducting those matters by video teleconference, indefinitely, if the subject of the hearing is required to appear in Court.

Since near the beginning of the current COVID-19 health crisis, the high volume Collections "Hallway Hearings" and Small Claims "Accounts Calendar" hearings for Proceedings Supplemental and other non-judicial proceedings were modified to be held telephonically at the Plaintiff's attorney's office. Social distancing requirements prohibited those high volume proceedings to be scheduled in the court's buildings. The tentative date to return to conducting these high-volume proceedings in the Courthouse and the Small Claims Courthouse Annex is August 3, 2020. However, those proceedings will not return to the Court buildings until the Civil Division determines, with due consideration of recommendations of the Allen County Department of Health, that the Court can prudently conduct in-person proceedings.

When eviction proceedings can again go forward, eviction hearings will be conducted by the Small Claims Court Magistrates on Fridays, setting five (5) eviction cases per half (1/2) hour from 8:30 a.m. to 2:30 p.m. This will allow approximately 45 cases per day to be set, while providing proper social distancing among the litigants by limiting the number of people scheduled to be in the building at any specific time. If eviction proceedings can go forward before local conditions permit in-person hearings, the proceedings will be conducted telephonically. Eviction proceedings that would typically be scheduled on the Accounts Calendar might be permitted to be held telephonically at the Plaintiff's attorney's office.

Petitioners seeking Orders for Protection are currently being encouraged to electronically file emergency ex parte petitions. Most petitioners are e-filing those cases, although the Small Claims Court continues to daily experience an average of four (4) cases being filed in-person each day. Final hearings on petitions for Orders for Protection are currently being conducted telephonically. The Court tentatively anticipates conducting all of these cases in the Courthouse Annex beginning the week of July 6, on Thursdays, scheduling three (3) cases per half hour, from 8:30 a.m. to 10:30 a.m. and 1:00 p.m. to 3:00 p.m.

The Court has used the Go-To-Meeting videoconferencing platform as Allen County has a license for that platform. However, as the Indiana Supreme Court has made the Zoom platform available to all courts statewide, the Civil Division is transitioning to the Zoom platform, as the Zoom platform will likely be more universally familiar to counsel. Trials in the Small Claims Court are being conducted telephonically.

Processes to Determine Whether Conditions Permit Resuming Jury Trials.

All Civil Division jury trials presently scheduled through September 1, 2020, are to be cancelled. The Civil Division might require parties in these cancelled trials to opt for Judicial Settlement Conferences or bench trials in lieu of jury trials until the Courthouse can again accommodate the number of trials conducted in the pre-COVID-19 environment. Absent good reason, those cases will not be rescheduled for jury trials until after their Judicial Settlement Conferences have proven unsuccessful. The Court will resume jury trials only when the Civil Division determines, with due consideration of recommendations of the Allen County Department of Health, that the Court can prudently conduct in-person jury trials. Constitutional principles dictate that the right to a jury trial is more substantial in criminal cases than in civil cases. The Allen County Courts have determined that social distancing requirements dictate that the Allen Co. Courthouse can now responsibly accommodate only two jury trials per week, as opposed to the three-to-five jury trials conducted per week in the pre-COVID-19 environment. Jury trials have not been conducted in criminal cases in Allen County since early March, causing a significant backlog. Until jurors are able to safely return to being immediately next to each other in the jury box and in the relatively small jury rooms, the Courthouse cannot accommodate more than 2 jury trials per week, and jury trials cannot be conducted in the Civil Division. The Civil Division will strongly encourage parties to opt for Judicial Settlement Conferences or bench trials in lieu of jury trials until the Courthouse can again accommodate the number of jury trials conducted in the pre-COVID-19 environment.

Proposed Timeline for Resuming Normal Staffing. The Civil Division has successfully implemented remote work (working from home) strategies for most staff, with some staff working in the Courthouse a few days each week, as each judge directs. As directed by the "Resuming Operations of the Trial Courts, COVID-19 Guidelines For Indiana's Judiciary," published on May 13, 2020, by the Indiana Supreme Court's Resuming Operations Task Force, we have identified "who can work remotely and who cannot." We presently will continue remote work arrangements whenever possible and feasible within judicial operations, and to keep the staffing in the courthouse to a minimum. The Civil Division will resume fully normal staffing when the Court determines, with due consideration of recommendations of the Allen County Department of Health and concern for vulnerable employees (as described by the Task Force), that judicial operations require staff to perform all of their work in the Courthouse. Pending that, the Civil Division will continue to have staff work at home and in chambers as each judge directs appropriate for that judge's operations. Until

masks are no longer recommended, all staff who have direct contact with the public must wear masks.

Loosening Restrictions on Spectators in Courtrooms. Presently, only parties, counsel, necessary witnesses, victims, parties seeking to manually file pleadings, staff of the court, clerk and sheriff, and the press have access to the Courthouse and Courthouse Annex (Small Claims Court). However, with the exception of parties seeking Orders for Protection, all Civil Division proceedings are presently being conducted remotely by telephone or video conference. As indicated below, July 6 has tentatively been set as the Civil Division's target date for resuming evidentiary proceedings to be conducted in courtrooms, rather than remotely. Without courtroom based proceedings, there is no need to loosen restrictions on spectators in courtrooms. However, the Civil Division will loosen such restrictions and resume fully normal access to civil proceedings when the Civil Division determines, with due consideration of recommendations of the Allen County Department of Health, that loosening restrictions and/or resuming fully normal access to proceedings is consistent with public health.

Security shall monitor people seeking entry into all Court buildings. All persons entering the Court buildings must wear a mask. Until July 6, security shall limit access to Court, Clerk, and Sheriff employees, parties, counsel, necessary witnesses and victims, and the media. Security shall also permit access to the Courthouse to those with appointments to see the Sheriff or Clerk. Given social distancing requirements, the Courthouse Annex can accommodate 20 people in the main floor lobby; therefore, security shall permit access for those not on the Courthouse Annex calendars to those filing and requesting information, and only to the extent that the total number of visitors on the main floor not exceed 20. After July 6, fully normal access to the Court buildings for civil proceedings will be permitted when the Civil Division determines, with due consideration of recommendations of the Allen County Department of Health, that resuming fully normal access to proceedings is consistent with public health.

Exhibit C:

Allen Superior Court Family Division Transition Plan

Family Relations Division Transition Plan for Expanded Operations
(Last revised May 19, 2020)

Allen Superior Court 7 (02D07)

Judge Andrea Trevino
Magistrate Carolyn Foley
Magistrate Daniel Pappas

Allen Superior Court 8 (02D08)

Judge Charles Pratt
Magistrate Lori Morgan
Magistrate Sherry Hartzler

The Indiana Supreme Court Order dated April 23, 2020 requires the Court to develop and submit a “transition plan” for “expanded operations.” The Order further directs that those plans “should generally include proposed timelines for resuming normal staffing and loosening restrictions on spectators in courtrooms, plans for continuing or expanding remote hearings, and processes to determine whether conditions permit courts to start resuming jury trials.”

The Allen Superior Court, Family Relations Division exercises jurisdiction over all juvenile court matters (JD, JM, JC), dissolution of marriages and related protective orders (DN, DC, PO), paternities (JP), and adoptions (AD), as well as miscellaneous cases (MI) involving family and children-related issues.

The caseload in the Family Relations Division is generally divided between the two presiding judges by case type. Allen Superior Court 7 (Judge Andrea Trevino) presides over juvenile delinquency matters and paternities. She also has administrative responsibilities for the Allen County Juvenile Detention Facility, the Juvenile Probation Department, and the Allen County Learning Academy. This Court is housed at the Allen County Juvenile Center (“ACJC”) at 2929 Wells St., Fort Wayne, IN 46808.

Allen Superior Court 8 (Judge Charles Pratt) presides over dissolution of marriage cases, adoptions, and Child in Need of Services cases. His Court includes Dependency Mediation, Family Court (arbitration programs), and a Family Recovery Problem-solving Court. He is responsible for the Allen County Special Advocates Program (CASA) and the provision of attorney guardian ad litem services. Allen Superior Court 8 conducts court in offices located on the second floor of the Allen County Courthouse (715 S. Calhoun St., Fort Wayne, IN 46802).

Proposed Timeline for Resuming Normal Staffing. Since the date of the Governor’s Stay-At-Home Order, many Superior Court employees have been working under a modified schedule that includes working from home whenever possible.

02D07 (Judge Trevino)

With respect to Allen Superior Court 7, the group of employees who have been working under a modified schedule includes Judicial Officers, Court Reporters, Court Security, Administrative Staff, Teachers/Administrators at the Allen County Learning Academy, and most Juvenile Probation Officers. This same group of individuals has been covering essential hearings at ACJC on a rotating basis and working remotely from home when not in the building during normal work hours. There are a significant number of employees who work in the Court's juvenile detention center that have continued working their typical full-time schedule in the building 24 hours a day, 7 days a week without modification throughout the COVID-19 crisis. This group of employees includes, but is not limited to, the detention center staff, medical staff, certain building maintenance staff, and Detention Alternative Program ("DAP") probation officers.

From the commencement of the Governor's Stay-At-Home order, Superior Court 7 substantially reduced its paternity (JP) case hearings, but continued to hold juvenile delinquency hearings, primarily for juveniles detained at ACJC, new high level felony paper referrals, probation violations alleging danger to self or others, etc. Whenever feasible, parties were encouraged and permitted to appear via telephone for the proceedings. For hearings where remote appearances were not possible for feasible, the Court staggered hearing times, honored social distancing measures, and practiced strict pre- and post-hearing cleaning measures.

Telephonic case management conferences and pre-trial conferences were held in JP cases throughout the Stay-At-Home Order. Additionally, ACJC continued to hold emergency family hearings and Protective Order hearings. Non-emergency trials and hearings for JP cases have been reset to dates on or after June 1, 2020.

Judge Trevino and key leadership personnel from ACJC met remotely and/or communicated by phone or electronic means on multiple occasions with the Allen County Board of Health, representatives from the Allen County Prosecuting Attorney's Office, representatives from the Allen County Public Defender Office, the Allen County Board of Judges and District 7 Judges, and law enforcement officials to address protective measures for ACJC and the Court in general. During the period of time modified work schedules were in effect, many court employees, including Juvenile Probation Officers, participated in regular staff meetings via video conferencing. The transition plan for Allen Superior Court 7 has been developed, in large part, based upon all of these discussions.

The judges from District 7 met on Wednesday, April 29, 2020 and set Monday, May 18, 2020 as the Court's target date for all staff returning to work in the court buildings. Certain Divisions of the Court (Criminal and Family) committed to begin the process of

expanding operations on that date, but the Court will not execute broad scale expansion of operations until after May 30 and jury trials will not resume until July 1, per guidance received from the Indiana Supreme Court.

The May 18 return to work date was designed to allow Court staff to get back into the normal routine before the broad scale expansion of operations and to give staff time to identify any concerns with their workflow and workspace as the Court continues trying to contain the spread of COVID-19.

02D08 (Judge Pratt)

With respect to Superior Court 8, the group of employees who have been working under a modified schedule include Judicial Officers, Court Reporters, Court Services administration and staff, CASA administration and staff. Judicial Officers, Court Reporters, Family Court Administrator, and CASA Director have been working on a rotating basis in the courthouse and court services staff and CASA staff has been working from home.

During the period of the Governor's stay-at-home order, the court has held Reasonable Effort/Child Well-being hearings telephonically in CHINS cases to address Title IV-E compliance. Preliminary inquiries/initial hearings/emergency detention hearings were held during the closure period. Family Recovery Court was held via video conferencing twice a week during the closure and (due to circumstances an additional day was added so participants could check in).

Telephonic case management conferences were held for JC and JT factfindings scheduled during the closure. Those factfindings have been reset to dates in June, July and August 2020. Telephonic case management conferences were also held for dissolution of marriages and adoptions. Trials and hearings were similarly reset for end of June, July and August 2020.

CHINS permanencies, reviews, initial hearings, and factfindings scheduled for the time period beginning May 18th have not been reset. The hearings delayed owing to the closure have been added to the calendar beginning June 1st. Full staffing beginning Monday, May 18, 2020 is essential for court operations to meet the expanded calendar demand.

Judge Pratt, the magistrates, and key leadership personnel have met with the Allen County Board of Health and the Department of Child Services to address protective measures for CHINS cases. During the closure period, the court staff has held joint meetings with the local office of the Department of Child Services, DCS attorneys, the CASA program, CHINS Public Defenders and Guardian ad Litemas, as well as regular

staff meetings via video conferencing. The transition plan for 02D08 has been developed based upon those discussions.

Selection of Return to Work Date

Allen County and the City of Fort Wayne brought the majority of its workforce back between May 4, 2020 and May 11, 2020. Allen County opened County buildings back up to the public on May 18, 2020.

The judges from District 7 met on Wednesday, April 29, 2020 and set Monday, May 18, 2020 as the Court's target date for all staff returning to work in the court buildings. Certain Divisions of the Court (Criminal and Family) committed to begin the process of expanding operations on that date, but the Court will not execute broad scale expansion of operations until after May 30 and jury trials will not resume until July 1, per guidance received from the Indiana Supreme Court.

The May 18 return to work date was designed to allow Court staff to get back into the normal routine before the broad scale expansion of operations and to give staff time to identify any concerns with their workflow and workspace as the Court continue trying to contain the spread of COVID-19. The Court will continue to collaborate with the Allen County Department of Health and local medical professionals to review and monitor the return-to-work date alongside public health indications/conditions.

Loosening Restrictions on Spectators in Courtrooms.

02D07 (Judge Trevino)

Presently, only parties, counsel, necessary witnesses, victims, parties seeking to manually file pleadings, staff of the court, clerk and sheriff, and the press have access to the main Allen County Courthouse. The judges from District 7 met on April 29, 2020 and had preliminary consensus on continuing the restricted access through July 6, 2020.

Allen Superior Court 7, which is housed in a separate location at the Allen County Juvenile Center (2929 Wells Street, Fort Wayne, IN, 46808), restricted access to its facility in the same manner as the main Allen County Courthouse, and restricted its hours of operation to Mondays, Wednesdays and Fridays from 8:00 a.m. – 12:00 noon from March 16, 2020 through May 15, 2020.

Superior Court 7 resumed the normal hours of operation at ACJC on May 18, 2020. From May 18 through the end of May, we will continue to hold hearings in the same limited categories of cases described above while beginning to add a limited number of hearings for new charges/paper referrals and probation violations that accrued during

the Stay-At-Home period. On June 1, 2020, we will begin re-introducing additional juvenile delinquency cases, IV-D cases, and non-emergency evidentiary hearings in family cases (paternities).

Certain juvenile proceedings are confidential and spectators from the public are not permitted to attend. Moreover, even under normal circumstances, there are rarely spectators for paternity or juvenile cases. As we begin to expand court operations beginning May 18th, only parties, their counsel, and witnesses will be permitted to attend hearings through at least July 6, 2020. Arrangements have been made to allow witnesses and parties to appear telephonically at their request. Protocols are being developed for certain paternity hearings to be conducted by Zoom.

Notices incorporating COVID-19 symptoms and instructions for reporting have been developed and are posted at each entrance/exit of ACJC. The security staff at ACJC has been performing daily temp checks of all employees, attorneys, parties, juveniles in detention, and court patrons since early March and will continue said practice for the foreseeable future. ACJC also installed plexiglass barriers at the two check-in windows, the intake and field probation meeting rooms, and three of the courtrooms. The genetic testing procedure for IV-D and private paternity cases was moved to a County-owned building just outside of the ACJC facility to lessen traffic flow within ACJC.

General safety measures for the health and well-being of employees have been put in place. Additionally, the Court is following the safety and health measures suggested by the Allen County Board of Health. Masks will be made available to employees and public by the Court and our employees will be required to wear a mask when in close contact with the public. Access to court offices by people other than court staff will be limited. Social distancing guidelines will be observed. Cleaning supplies for all courtrooms and offices are being made available.

02DO8 (Judge Pratt)

CHINS and adoption cases are confidential and spectators from the public are not permitted to attend. Rarely are there spectators for dissolution of marriage matters. As we expand court operations beginning May 18th, only parties, their counsel, and witnesses will be permitted to attend hearings. Arrangements have been made to allow witnesses and parties to appear telephonically at their request.

Judge Pratt's 02D08 operations are in the Allen County Courthouse and public access to the building and the safety measures for the general public conform with the unified Superior Court's plan.

Notices incorporating COVID-19 instructions have been developed for all case types (see below).

NOTICE OF HEARING

You are hereby notified that a hearing on the _____ (pleading or type of hearing eg Permanency) will be held on _____ (date) _____. If you should fail to appear the hearing will be held in your absence.

SPECIAL INSTRUCTIONS REGARDING COVID-19 VIRUS

You may appear at the hearing by telephone. To appear by telephone you must contact your attorney or the court at 260-449-7245 prior to the close of business on the day prior to the hearing date.

If you have any of the symptoms common to the COVID-19 virus you may not attend the hearing in person. You may only appear for the hearing by telephone. To appear by telephone you must contact your attorney or the court at 260-449-7245 prior to the close of business on the day prior to the hearing date. Symptoms common to COVID-19 virus include a cough, fever, tiredness, and difficulty in breathing.

ALL PARTIES, ATTORNEYS, AND WITNESSES MUST WEAR A COTTON OR SURGICAL FACE MASK WHILE AT COURT, MAINTAIN "SOCIAL DISTANCING", AND FOLLOW ALL DIRECTIONS BY COURT PERSONNEL. SOME PARTIES MAY BE REQUIRED HAVE TEMPERATURE CHECK THROUGH THE USE OF A NON-CONTACT INFRARED THERMOMETER.

ANY QUESTIONS ABOUT THIS ORDER MAY BE DIRECTED TO THE ALLEN SUPERIOR COURT FAMILY RELATIONS DIVISION AT 260-449-7245.

JUDGE

Identification of Employees Essential for At-Facility Operations and Safety Measures

02D07 (Judge Trevino)

The 02D07 staff is comprised of close to 180 employees which includes the court services staff and security officers, juvenile probation staff, and detention center staff. The detention center staff are unable to work remotely and therefore have been working their usual schedules in the ACJC building throughout the duration of the COVID-19 crisis. The Superior Court 7 court services staff, security officers, and probation staff

worked on modified schedules, rotating shifts in the building to cover the limited juvenile and emergency family cases that were held from March 16 through May 15, 2020.

In accordance with the District 7 judge's April 29th vote, all ACJC employees returned to the workplace on May 18, 2020. Superior Court 7 began to resume operations on that date, in particular with respect to the juvenile cases, in order to ease the backlog of paper referrals/new charges and probation violations that accrued during the Stay-At-Home Order. Our Court will resume evidentiary hearings for the non-emergency family cases (paternities and IV-D cases) after June 1, 2020.

In order to begin expanding the juvenile hearing schedule on May 18, 2020, our court services and security personnel are needed to direct parties; to separate waiting areas; ensure social distancing; and to address the operational needs of each judicial officer's court. We have concluded that we cannot meet the demands of our detention center and juvenile/family caseload without the presence of almost the entire staff. Because much of 02D07 staff's work cannot be done remotely, safety measures for the health and well-being of employees have been put in place. Those measures include, but are not limited to: daily temp checks; health surveys; restricting the general public from certain areas including staff offices; the installation of plexiglass barriers at the check-in desks, probation meeting rooms, and three of the courtrooms; the implementation of a face mask policy; staggered hearing times; separated waiting areas for litigants; and sanitization of courtrooms after use, among other things. Social distancing guidelines will be observed and enforced. Cloth face coverings have been provided for all staff and paper or cloth masks are available for the public upon request. The courtrooms are being professionally cleaned and sanitized daily and cleaning supplies for all courtrooms and offices are also being made available for use throughout the day. The Court is following the safety and health measures suggested by the Allen County Board of Health.

Employees have been advised of medical conditions that may make them vulnerable to COVID-19 and they have been encouraged to communicate any concerns or questions they have regarding their health condition to their supervisor so appropriate adjustments for their special needs can be considered. In addition, a COVID-19 notice is posted at each entrance and exit of the ACJC building.

02D08 (Judge Pratt)

The 02D08 court staff includes Family Court Administrator, 3 court reporters, court scheduler, and 6 court services representatives who have overlapping responsibilities for typing, processing Odyssey and Quest queues, Family Recovery Court support services, reception and direction of parties, and general office responsibilities associated.

In order to maintain timeliness in CHINS cases and dissolution matters, we have secured the services of senior judges. As a result, we will increase court operations for June and July, 2020 over what has been our normal practice.

Because of the complexity and volume of cases continuously being heard in five courtrooms, court services personnel are needed to direct parties; to separate waiting areas; ensure social distancing; and to address the operational needs of each judicial officer's court. We have concluded that we cannot meet the demands of CHINS cases in Allen County without the presence of the entire staff. A detailed operational plan is being developed for protocols associated with the protection of the employees and the general public during court hours. Training on these practices has been provided to court staff, public defenders, Guardian ad Litem, CASA staff, and DCS.

All employees have been advised of medical conditions that may make them vulnerable to COVID-19. They have been encouraged to communicate any concerns or questions they have regarding their health condition to their supervisor. They have been assured that the information received will be kept in confidence and appropriate adjustments for their special needs will be provided. A COVID-19 Staff Handbook has been developed and distributed.

Because the above work cannot be done remotely, safety measures for the health and well-being of employees have been put in place. Those measures include restricting the general public from hallways connecting staff offices, the implementation of a face mask policy, separated waiting areas for litigants, and sanitization of courtrooms after use. Social distancing guidelines will be observed. Cleaning supplies for all courtrooms and offices are being made available. The Court is following the safety and health measures suggested by the Allen County Board of Health.

An instruction video for Judge Pratt's court operations has been developed (<https://youtu.be/ilxkkC6mJ4U>). In addition, a special COVID-19 notice has been developed for all case types (see above).

Plans for Continuing or Expanding Remote Hearings.

02D07 (Judge Trevino)

Superior Court 7's plan is to resume the normal hours of operation at ACJC on May 18, 2020. We will continue to hold limited in-person and remote hearings through the end of May. On June 1, 2020, we will begin re-introducing additional juvenile delinquency cases, IV-D cases, and non-emergency evidentiary hearings in family (paternity) cases. Superior Court 7 expects to continue allowing remote appearances in hearings

whenever feasible, but we expect that remote hearings will likely be most widely utilized in our paternity case types.

The Court has available to it the Go-To-Meeting videoconferencing platform provided via Allen County licenses, as well as the Zoom platform provided by the Indiana Supreme Court. Protocols are being developed for certain paternity hearings to be conducted by Zoom.

It is unknown at this time how exactly practitioners or the public will react to a more widespread use of remote hearings in the family/juvenile realm, but we are exploring the options for expansion presently.

02D08 (Judge Pratt)

As noted above, Superior Court 8 will resume normal hours of operation at the Allen County Courthouse on Monday, May 18th, 2020. Because the hearing rooms are small, the number of in-person parties will be limited and telephonic appearances will be permitted. In some instances, we have single person office space connected to the hearing room by phone. We have been employing with great success Interaction Desktop and we will continue to employ that technology. Dependency Mediation will be completed through video conferencing. Zoom, GoToMeeting, and telephonic technologies will be made available to all parties who make that request.

Processes to Determine Whether Conditions Permit Resuming Jury Trials.

The Family Relations Division (02D07 and 02D08) is not assigned any case types that involve jury trials.

Exhibit D:

Allen Superior Court Criminal Division Transition Plan

ALLEN SUPERIOR COURT CRIMINAL DIVISION TRANSITION PLAN

May 29, 2020

Pursuant to the directive of the Indiana Supreme Court on April 23, 2020 trial courts are required to submit transition plans for expanded operations to the Supreme Court on or before May 15, 2020 for consideration. The Criminal Division is composed of six judicial officers over four felony courts, (including Re-Entry Court and two other problem solving courts), two misdemeanor courts, and Criminal Division Services (Pre-Trial Services Department, Alcohol Countermeasures Program, Problem Solving Drug Treatment Court, and Problem Solving Veteran's Court).

The Courts and its programs are housed in the Allen County Courthouse, the Criminal Division Services building on The Landing, and the Bud Meeks Justice Center attached to the Allen County Confinement Facility. This transition plans applies to all these courts, programs, and buildings.

PROPOSED TIMELINE FOR RESUMING NORMAL STAFFING

District 7 and the Allen County Board of Judges met and unanimously voted to call all employees back to work in the Courts buildings on May 18, 2020. The Criminal Division has notified all staff that have been working remotely to resume their normal work stations on May 18, 2020. All other staff will continue to work at their respective work stations.

LOOSENING RESTRICTIONS ON SPECTATORS IN COURTROOMS

Litigants, defense attorneys (private and Public Defender) and staff, Prosecuting Attorneys and staff, witnesses, and media will be permitted access to the buildings and the courtrooms, thus lifting the restrictions previously imposed. Defendants who are not in the custody of the Sheriff, having posted bond or been released from custody, will now be allowed into the buildings for hearings. Seating in the Courtrooms utilized by the criminal courts has been marked appropriately to accommodate the 6-foot social distancing recommended by the Centers for Disease Control (CDC). Hearings are now scheduled into time slots and only those parties to those hearings will be permitted in the Courtrooms. Hand sanitizer, disinfecting wipes, paper towels, and gloves are in each courtroom to be used to sanitize areas between

hearings. Facial coverings are required and will be provided at the entrances to each of the buildings mentioned previously.

Security is present at the entrances of each of these buildings and will be monitoring entry into the buildings. If Court Security prohibits an individual from entering the buildings due to illness, forms have been provided to Court Security to notify judicial officers.

Signage and floor markings are throughout the buildings to remind individuals to maintain the recommended 6-foot social distancing. Court Security and Sheriffs Bailiff staff are monitoring the courtrooms and hallways for compliance. Security Staff in the CDS Building on The Landing are responsible for compliance in that facility.

Specific Court schedules for hearings in Misdemeanor and Traffic Court, the felony Judges calendars, and the felony Magistrate calendars are available for submission if necessary. Also available is the plan encompassing Criminal Division Services' programs and operations.

PLANS FOR CONTINUING OR EXPANDING REMOTE HEARINGS

Remote hearings have been utilized in felony court for quite a while utilizing CourtCall for incarcerated defendants. Those hearings include initial hearings, pre-trial conferences, omnibus hearings, trial resetting hearings, sentencing hearings, and disposition hearings in probation revocation/home detention revocation. Misdemeanor Court has utilized the CourtCall facilities in the main Courthouse. The pandemic increased the urgency of completing the set-up in misdemeanor court for CourtCall located in the Bud Meeks Justice Center. That process continues and hopefully will be in use within 8-12 weeks.

PROCESS TO DETERMINE WHETHER CONDITIONS PERMIT

RESUMING JURY TRIALS

The Allen Superior Court Jury Plan, submitted contemporaneously with this plan, reflects how juries will be conducted in Criminal Court commencing with the first scheduled jury trial July 6, 2020. Jury selection will take longer so additional days will be added to the calendars as necessary.

BACK ON TRACK STAGE 2 MISDEMEANOR & TRAFFIC PROCEDURES

NEW POLICIES:

- No more Wednesday Jury Trials
 - Thursday jury trials will allow for a larger number of settings
 - Reduces jury notices for misdemeanor trials
 - Alleviates the threat of resetting cases that will further burden the calendar
- Collection Hearings are Suspended
 - All infraction and misdemeanor offenders to receive 8 weeks to sign up for Partial Payment Program
 - If offenders of moving violations fail to pay or sign up, their licenses will be suspended
 - Payment of criminal fines and costs will continue to be required for:
 - Tax intercept avoidance
 - Expungement requirements
 - Reinstatement petition requirements
 - Defendants who value their credit
 - Defendants may be approved for partial payment program by written request requiring a court order
- Rights Videos Will Play on a Loop in the Lobby
- Defendants Will Only Be Allowed in the Lobby only 30 Minutes Prior to Their Hearing

- Defendants will be socially distanced outside of courtrooms
- Court officers will announce when defendants are allowed into courtrooms pursuant to their allotted time slot
- Persons will be allowed into the building for appointments with the Bureau of Identification, SORN, signing up for ACPAO programs and making payments
- Interpreters, media and medical assistants will be allowed in the building
- No More Docket Requests
- All Requests for New Court Dates Must Be Made By Motion
- All Defendants Will Be Required to Wear Masks in the Building
 - Masks will be provided for those without
- Defendants Released By the Jail Will Be Advised to Appear in Court at 1:00 pm Rather Than 8:30 am

STRUCTURED COURT SCHEDULE:

- Court will commence at 8:30 am
- Court sessions would be every 30 minutes
 - 15 out-of-custody defendants/cases would be slotted, allowing for social distancing
 - In-custody defendants can be brought up 2-3 at a time and will be located away from the gallery to avoid social distancing violations
- Public Defender cases will ALL take place in Courtroom 2
 - Public Defender sessions will take place from 8:30-10:00 am, allowing for the processing of 45 cases

- Monday sessions may need to be expanded to 10:30 am allowing for the processing of 60 cases
 - When requesting a new date, attorney will get a time slot from the court reporter who will keep track of open sessions
 - Cases include statuses, pleas, sentencings, bond requests and miscellaneous motions
- Private attorney cases will ALL take place in Courtroom 1
 - Private attorney sessions will take place from 8:30-10:00 am, allowing for the processing of 45 cases
 - All jury trials would proceed in courtroom 1 and start at 10:00 am
 - If a jury trial goes, there would be no need for rescheduling
 - If all jury trials go away, the clerks will be able to populate the space with initial hearings/warrant arrests
 - When requesting a new date, attorney will get a time slot from the court reporter who will keep track of open sessions
 - Cases include statuses, pleas, sentencings, bond requests and miscellaneous motions
- The following would be scheduled in each courtroom between 10:00-12:00 pm, allowing for the processing of up to 120 cases:
 - Infraction initial hearings
 - Misdemeanor attorney statuses
 - Misdemeanor *pro se* sentencings
 - Misdemeanor revocations

- Misdemeanor initial hearings and additional warrant arrests will be scheduled from 1:30-4:30 pm in courtroom 2, allowing for the processing of up to 90 cases
 - Defendants released by the jail will be advised to appear in court the following day at 1:00 pm instead of 8:30 am
- Courtroom 1 would primarily be devoted to city courts, bench trials and any additional Infractions and pro se matters and may expand to include miscellaneous private attorney requests.
 - Except on Thursdays (jury trial day)

Pretrial Services (PTS):

PTS CHECKINS:

- Continue conducting phone check-ins with Low Risk clients.
- Please conduct more phone check-ins with Moderate Risk clients based on severity of charge, reporting history and/or history of noncompliance. For example, moderate risk F-6 Possn of a Syringe case who has never missed a report-in date is someone you should be doing phone check-ins with (at least throughout May).
- Verbally inform clients to come in during a specific block of time. For instance, half the clients come in between 8:30 and 12:00 and the rest between 1:00 – 4:00 to help spread out the check-ins.
- Make a concerted effort to not automatically schedule an in-person check-in just because the person has Court on that day and it's convenient for them (the client). What often happens is that when PTS tells people to report after Court, everyone shows up at the same time to check in.
 - People don't need to have an in person check in just because they are already downtown for court. If they are low risk or a mod risk and in compliance, they can go to court and then call us after court.

Alcohol Countermeasures Program (ACP):

ACP ASSESSMENTS:

May 4 – May 15

- In-Custody Assessments: continue conducting assessments at the jail.
- Out-of-Custody Assessments:
 1. ACP Case Manager will call the client *prior* to their scheduled assessment date and time and conduct the assessment over the phone as well as they can.

2. ACP Case Manager will then instruct the client to come in to CDS at a date and time of the CM's choosing in order to sign paperwork (Rules, ROI's, Referral forms, etc) and submit to a chemical test.
 - This should be a fairly brief visit and hopefully something that can be facilitated through Window #1 in the reception area. HOWEVER, if not (ie. if the client has several questions/is confused, etc...) then the case manager can use one of the conference rooms to have the client sign their paperwork and ask/answer questions in the conf room (use the conference room, NOT your office).

May 18 and beyond

- Presume standard ACP Assessment process.

ACP ADMITS:

May 4 – May 15

- Telephonic Admits. This will prevent multiple groups of clients entering the building en masse to sit through an hour-long group admit appt.
 1. ACP Case Manager will call the clients who are on the Admit schedule and conduct a telephonic admit appointment with them, on an individual basis. Please confirm clt address while you are on the phone with them.
 2. ACP Administrative Asst then mails the client the packet for signature. We will include a self-addressed stamped envelope in the packet that we mail so that the client can sign his/her paperwork "at the X", place it into the return envelope, and drop it into a mailbox for return delivery to CDS.

May 18 – May 22 (or perhaps until May 29 if this process seems to be working well)

- Maximize the utility of our multiple conference rooms by "splitting up" group admits into two or three admits making it so there's no more than 5 or 6 clients in a room at any given time and *stagger* the admit times.

ACP CHECK-IN'S:

May 4 – May 15

- LOW RISK clients: continue conducting phone check-ins.
- MODERATE RISK clients: conduct phone check-ins. At the CM's discretion, instruct the more "needier" clients (problematic clients or otherwise non-compliant clients) to come in for a chemical test at a specifically assigned date and time of the CM's choosing.
- HIGH RISK clients: conduct in-person check-ins at a specifically assigned date and time of the CM's choosing. Schedule these check-ins over the course of three (3) or four (4) days of the week instead of just two (2) days of the week. Spreading the in-person check-ins out over the course of the week minimizes the amount of clients in the building at any given time.

May 18 – May 22

- LOW RISK clients: continue conducting phone check-ins for Low Risk clients.
- MODERATE and HIGH RISK clients: conduct in-person check-ins. Schedule these check-ins over the course of three (3) or four (4) days of the week instead of just two (2) days of the week to help minimize the amount of clients in the building at any given time.

May 26 and beyond

- Presume standard ACP Check-in process

ACP ALERTS:

- Case Manager contacts the client via telephone and conducts the Alert violation telephonically over the phone. If the client needs to sign something (ie. Rules Addendum, etc), they can report in to sign the necessary paperwork (at either Window #1 or in one of the large conference rooms) at a time of the CM's choosing.

Prime For Life (PRI)**Tuesday – May 5**

Cancel this class.

Tuesday – May 12, May 19, May 26

We have 7 clients scheduled to start on 5/12. These particular clients are only required to complete sessions #2, #3, and #4 (because they have already completed session #1 in March before we had to cancel the remaining sessions at the time). As of this time, we will proceed accordingly with this series of classes. With only 7 clients, we can ensure that they are spread out in the classroom.

Weekend – May 16-17

Linda – 21 scheduled
Brenda – 13 scheduled
Tornell – 11 scheduled

Option One:

- Reschedule a number of these clients to a later date in order to adhere to the 6-foot social distancing guidelines. In order to do that, we must cap each class at **7 clients**. Our conference rooms simply are not big enough to accommodate more than 7 clients at any given time without disrespecting the 6-foot social distancing standard.
- As such, we would need to reschedule 24 clients to a later date. The 21 remaining students **MUST** include those who were sentenced on the earliest dates. In other words, the clients who have been in the program the longest and have still not completed their PRI class need to be prioritized in the 21 person cap for May 16-17.
- Classroom **START** times **MUST** be staggered with at least 30 minutes between start times.

- Classroom BREAK times MUST be staggered so that they do not occur at the same time of the other two classes.

Option Two:

- Because there are THREE classes scheduled to be in progress during the weekend of May 16-17, it might be just as wise to move the entirety of ALL three classes to the following weekend, May 23-24. Unfortunately that's Memorial Day weekend, but that's really a secondary concern of mine.

Weekend – May 30-31: Proceed accordingly

Linda – 14 scheduled *cap class at 15*
 Brenda – 6 scheduled *cap class at 15*
 Tornell – 10 scheduled *cap class at 15*

Changes

- These classes will continue to remain suspended throughout May. I talked to Dr. Jeff and he's considering the possibility of conducting one-on-one classes via tele-health with high risk/high needs clients. More to come on that. But no group classes in May. Next group class starts June 2.

Drug Court:

Drug Court Hearings and Staffings

May 4th and May 11th :

- Completions/Dismissals will occur on the Courthouse Green at 1:30. Case Managers are expected to be present.
- In-custody new referral Guilty pleas will be conducted in court. *This is tentative and may change.*
- No Drug Court staffing
- All other clients on the calendar should be moved to a future date
- CM's do not need to appear in court on this day. Jeff will appear if necessary (ie. new referral guilty pleas).
- Relapse Prevention Plans will be moved out to a later date and shave off that same amount of time off the clients' end date.
- Name and cases of any pending revos have been emailed to Judge Gull to be assigned an alternative date (*possibly not a Monday*).
- May 11th Vet Court clients can be continued to June 1 if in compliance. Otherwise Kellie will place them on a regular DC calendar.

May 18th

- Modified staffing (*possibly in large room at Justice Center/possible zoom component*)

- We are going to stagger the appearance times for clients and CM's to limit amount of staff in Court. One CM in Court at a time, cases will be called in groups by CM. Each CM will be given a specific time they and their clients are to appear in court.

For example:

- 1:30 – 2:30: Tornell & Dustin along with their clients will be in court.
- 2:30 – 3:30: Jeremy & Anthony along with their clients will be in court.
- 3:30 – 4:30: Kellie & Adrienne along with their clients will be in court.

May 26th

- Modified staffing (*possibly in large room at Justice Center/possible zoom component*)
- We are going to stagger the appearance times for clients and CM's to limit amount of staff in Court. One CM in Court at a time, cases will be called in groups by CM. Each CM will be given a specific time they and their clients are to appear in court.

For example:

- 1:30 – 2:30: Tornell & Dustin along with their clients will be in court.
- 2:30 – 3:30: Jeremy & Anthony along with their clients will be in court.
- 3:30 – 4:30: Kellie & Adrienne along with their clients will be in court.

June 1st

- Back to standard operations unless informed/ordered otherwise

June 15th Graduation

- If possible, the ceremony will still be happening but likely on a smaller scale (ie. mostly clients, their families and a few select others). We do have an alternative if we need to use it that involves taping it and uploading it onto the Court's YouTube page.
- The Albert Woodberry Award will be moved to the December graduation.

Drug Court Case Management duties:

- Continue with modified supervision via telephonic appts.
- Until DC Staffings start back up again (which is set for May 18 unless we're otherwise informed), when possible and appropriate, violations should be dealt with using therapeutic interventions. Warrants should be requested if clients do not respond to therapeutic attempts.
- In-Custody assessments will continue to be conducted at the jail prior to their next court date.
- Out-of-Custody assessments can be conducted telephonically and then have client report to CDS at a time of the assessors choice to sign relevant ppwk (ROI's, referral forms, etc) in one of the large conference rooms.
 - NOTE: during the week of May 18th or beyond, if a conference room is available for use, the Drug Court assessment can be conducted in the conference room.

DRUG COURT SUPPORT GROUP MEETINGS

- Cancel Wednesday May 6th, 13th, and 20th groups. Re-start groups on May 27th

Chemical Testing:

- **May 4 – May 15:**

We start call 1 color per day, with the instruction that “if you’ve been assigned this color, please report between the following specific time frames: if your last name starts with A-G, report between 8:00am - 10:00am; if your last name starts with H-P, report between 10:00am - 12:00pm; if your last name starts with Q-Z, report between 1:00pm - 3:00pm. This process brings it back to more of a true randomization, and is much less labor intensive for the case managers as compared to how we’re currently doing it. This also incorporates PTS clients who are currently on the random color line list.

NOTE: the Case Managers will be encouraged to call in their own clients as/if necessary for specifically scheduled times to submit a chemical test. This of course includes Drug Court clients; moderate to high-risk ACP clients; and court-ordered PTS clients.

NOTE: ACP clients who report for a check-in appt will have to submit to a chemical test. Remember, only High Risk ACP clients will be coming in for check-in chemical testing during this time (along with the possibility of “for-cause” Mod/Low risk clients at case manager discretion).

- **May 18 – May 22:**

We start calling 1-2 colors per day.

- **May 26 and beyond:**

We commence normal randomized frequency.

Reception & Lobby Area:

- Continue to keep the clear tape over the window “talking holes” at all three windows in the reception area.
- Continue to keep the red tape in front of Window #1 and do the same thing on the other 2 windows.
- Remove some of the chairs from the lobby to make space between them.

CDS Security Staff:

- Authorize CDS Security Staff to instruct clients to wait outside if they show up prior to their scheduled appointment times or chemical testing times. It’s warm outside and there is plenty of space and benches outside our building.

- Authorize CDS Security Staff to refuse entrance to the building to any individual who poses a health safety risk between now and May 26. Anyone trying to enter the building who displays symptoms of fever, cough, etc. will be asked to provide their name; CDS security will then notify the respective Case Manager that they refused to permit that individual into the building for xx reasons, and the CM can then contact the client to reschedule.
 - We will talk with our security staff and provide them with examples of *specific* visual things/symptoms that we're comfortable with them acting on or at the least authorizing them to instruct the client to stand outside while the officer consults with Rachael or I.

- Only clients, attorneys, and interpreters will be permitted entrance to the CDS building.

Initial hearings will run every day from 8:30 to 9:30. We will do in custody over video first, then out of custody. We have capped out of custody at 10, 5 on each side of the gallery.

Monday morning will be reserved for out of custody hearings, mostly Omni, and limited to 8 per half hour, 9:30, 10:00, and 10:30. No guilty pleas on Monday.

Monday afternoon will be ReEntry Court, with 10 hearings per half hour starting at 1:30 and going until finished. Drug Court pleas will be at 3:00 (or 3:30 if we have don't move quick enough).

Tuesday morning will be in custody revocations over CourtCall beginning at 9:30 until finished. There will be two guilty plea spots at 11:30.

Tuesday afternoon will be hearings every half hour starting at 1:30. We will allow 2 guilty pleas per spot and two "other" hearings per half hour (Omni, miscellaneous hearings that are quick)

Wednesday morning will be out of custody Omni hearings beginning at 9:30AM, with 8 every half hour, and then 2 guilty pleas at 11:30.

Wednesday afternoon will be hearings every half hour starting at 1:30. We will allow 2 guilty pleas per spot and two "other" hearings per half hour (Omni, miscellaneous hearings that are quick)

Thursday morning will be in custody revocations over CourtCall beginning at 9:30 until finished. There will be two guilty plea spots at 11:30.

Thursday afternoon will be hearings every half hour starting at 1:30. We will allow 2 guilty pleas per spot and two "other" hearings per half hour (Omni, miscellaneous hearings that are quick)

Friday will be in custody trial settings beginning at 9:30 until noon, and then beginning again at 1:30 until 4. Since we can't cattle call the defendant's, we will cattle call the attorneys.

Structured Court Schedule

Monday		Tuesday		Wednesday		Thursday		Friday	
Courtroom 1		Courtroom 1		Courtroom 1		Courtroom 1		Courtroom 1	
8:30-10:00	Private Attorney	8:30-10:00	Private Attorney	8:30-10:00	Private Attorney	8:30-10:00	Private Attorney	8:30-10:00	Private Attorney
10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00 Jury Trial Commence		10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations
1:30-4:30	Bench trials, additional infractions, pro se matters, miscellaneous private attorney requests.	1:30-4:30	Bench trials, additional infractions, pro se matters, miscellaneous private attorney requests.	1:30-4:30	City Court, Bench trials, additional infractions, pro se matters, miscellaneous private attorney requests.	If all Jury Trials go away, this will be populated with initial hearings/warrant arrests		1:30-4:30	Bench trials, additional infractions, pro se matters, miscellaneous private attorney requests.
Courtroom 2		Courtroom 2		Courtroom 2		Courtroom 2		Courtroom 2	
8:30-10:30	PD Cases	8:30-10:00	PD Cases	8:30-10:00	PD Cases	8:30-10:00	PD Cases	8:30-10:00	PD Cases
10:30-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations	10:00-12:00	Infraction Initials, Misd. Atty Status, Misd. pro se sentencings, Misd. revocations
1:30-4:30	Misd. Initial hearings, additional warrant arrests	1:30-4:30	Misd. Initial hearings, additional warrant arrests	1:30-4:30	Misd. Initial hearings, additional warrant arrests	1:30-4:30	Misd. Initial hearings, additional warrant arrests	1:30-4:30	Misd. Initial hearings, additional warrant arrests

Exhibit E:

Allen Superior Court Jury Transition Plan

JURY PLAN FOR ALLEN SUPERIOR COURT-ALL DIVISIONS, May 8, 2020

In light of the COVID-19 pandemic, the Indiana Supreme Court directed that no jury trials commence until June 1, 2020. Prior to that date, trial courts have been ordered to provide status updates and their local plans regarding jury trial procedures to the Supreme Court by May 15, 2020. Please accept this document as our local plan, broken down into five (5) parts:

1. Juror Notifications and Summons;
2. Assembly and Orientation;
3. Court Room Configurations;
4. Trial Procedures;
5. Deliberations

1. JUROR NOTIFICATIONS AND SUMMONS

Juror Postcard Notifications directing citizens to fill out the questionnaire will contain language similar to this, “The Courts are carefully following all CDC COVID-19 workplace precautions”. The Juror Summons directing prospective jurors to appear at staggered times will state, “The Courts are carefully following all CDC COVID-19 workplace precautions, including social distancing, providing face masks and hand sanitizer locations, and cleaning/disinfecting workspaces.”

We will be providing a news release to our local media with an invitation extended to them to come into the Courthouse and film our assembly area and Courtrooms to demonstrate to the public what “social distancing” looks like in real time. We will also post videos and photographs on our web site and our social media (Twitter). All of our partners (Prosecutors, Criminal Defense Bar, Public Defender’s Office, Sheriff staff, Court staff, and Allen County Board of Health), have been consulted in preparation of this plan. The Civil Division of Allen Superior Court and the Civil Bar have not yet met to provide input to this plan.

Liberal deferrals will be utilized. Persons who are 75 years of age are exempt, but may serve if they desire. Individuals 70-75 will be excused upon request. Individuals 60-69 will be deferred a minimum of three (3) months, as will any potential jurors with medical issues or caretaking responsibilities. Jury staff will be monitoring such requests and documenting all requests.

2. ASSEMBLY AND ORIENTATION

The Courthouse has controlled access with security checkpoints, metal detectors, and bag scanners, much like what you see in an airport. We will direct reporting jurors to the check-in area with signage and floor markings. Facial coverings are provided at the entrance in a paper bag which will be provided to the juror. The original seating for 100 plus jurors has been reduced to 25, meaning we will also have to utilize Court Room 107 for orientation. Room 107 can accommodate 28 additional people. The seating areas have been marked accordingly. Staggered reporting times will be implemented to ensure we can accommodate the number of people reporting. Hand sanitizer will be available. Staff will be ensuring that high touch areas in both assembly areas will be cleaned and disinfected routinely. Cleaning staff is in the building after hours to sanitize and thoroughly clean as well. To initially reduce the numbers of people called for jury duty, the Criminal Division has agreed to conduct one or two jury trials per week with staggered start times. More trials may be added as the CDC guidelines dictate.

The Civil Division recognizes the right of individuals charged with crimes to have speedy trials. Due to the backlog of criminal trials caused by the pandemic, the Civil Division has graciously agreed to vacate all scheduled civil jury trials at least until September 2, 2020. Whether civil bench trials are conducted remotely or in person, the civil division will require the regular, but not constant use of Courtroom 2, Room 107, Room 110, and Room 106. In implementing this Jury Plan, all Judges and the Court's Administrative Staff will consider space needs for these trials.

Orientation will be conducted by staff in both the Assembly area and Room 107. Jurors will remain in these locations until the jury staff is notified the Judge is ready to proceed to voir dire. Voir dire will be conducted in rounds with 20-25 people per round in Court Room 1 and 16-18 people in Court Room 2 and 3. Sheriff staff will bring jurors from Room 107 to the Court room. Once voir dire is complete with that group, the jurors from the Assembly area will be brought to the Court room.

We anticipate calling jurors in at staggered times in the morning and in the afternoon, again to reduce congestion and to accommodate CDC guidelines regarding numbers of people who can safely gather. As that number increases, we will examine our practice and modify if appropriate.

3. COURT ROOM CONFIGURATION

The main hallways on the Third Floor have signage reminding people of the social distancing requirements. Each of the Court Rooms has seating marked with blue gaffers' tape where people may sit, and yellow caution tape where seating is not allowed. Court Room 1 has 100 seats, 20 are available with blue tape. Court Room 2 has 80 seats, 16 are available with blue tape. Court Room 3 has 80 seats, 16 are available with blue tape. Seating for prospective jurors may be added into the wells of the Court Rooms just in front of the bar if needed. This

“social distancing” seating will also be available for regular Court sessions, however seats in the wells of the Court Rooms will not be used for this purpose.

Prospective jurors will be directed to the appropriate seat and voir dire will be conducted with them seated in the audience. The jury box in each Court Room will not be used for juror seating until a later date as appropriate. Counsel tables in each Court Room have been moved to face the jury box, which will now be utilized as the “witness stand”. The presentation systems in each Court Room will be elevated slightly so that it may be viewed by the selected jury, which is now in the audience on one side of each of the Rooms. Additional monitors will be placed facing the audience to allow the jury to see what is being displayed. As trials begin, this of course may be modified as we see what works and what doesn’t work. Additional sound enhancements may be necessary.

4. TRIAL PROCEDURES

The jury box will now be used as the witness stand, selecting the closest seat to the audience to serve in that function. The podiums will be removed and counsel will be asked to stand at counsel table to question the witness. Any paper exhibits may be displayed on the presentation system or copies will be provided by counsel. If exhibits need to be passed to the jury, gloves will be provided to counsel, the jurors, and the witness if necessary. As the jury will now be seated in the audience, access to the Courtroom for spectators will necessarily have to be limited. No such limitations will apply to the Media, but Media representatives will be asked to seat themselves away from jurors.

As the jury deliberations rooms are not equipped to accommodate the CDC requirements of 6 feet distancing, both jury rooms will be needed on recesses, hearings to be conducted outside the presence of the jury, and breaks, including lunch. Lunch will be provided by the Court. The jury will need to be separated at breaks to use both jury rooms, both of which have adequate restroom facilities. If two jury trials are being conducted at the same time during the week, the Judges and Bailiffs will need to be in constant communication regarding breaks, hearings outside the presence of the jury, and lunch to ensure proper distancing and room usage.

5. DELIBERATIONS

Deliberations will have to occur in the Courtrooms. Counsel will be asked to leave the Courtroom and to take all their property with them. The Court Reporter will take all exhibits that historically have not been provided to the jury during deliberations (i.e. weapons, biohazard materials, contraband) and maintain custody of them. Exhibits that may be left with the jury will continue to be provided during deliberations. Bailiffs will lock the main doors to the Courtrooms and will station themselves in the appropriate hallway so the jury may have

access to them as necessary. Meals will be provided as required. Each of the Courtrooms on the Third Floor of the Courthouse has restroom facilities within the room.

The Bud Meeks Justice Center Jury Assembly area is large enough and is equipped to be used as a jury deliberation area as is now the custom. The same restrictions are applicable to the Courtrooms in this location as reflected above. As juries in this location are limited to six (6) people, the current operations, processes, and facilities are adequate to accommodate the required venire.

Respectfully submitted this 8th day of May, 2020,

Judge Frances C. Gull