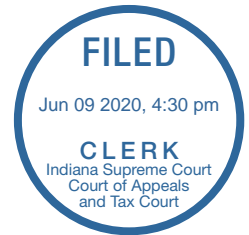


# In the Indiana Supreme Court

In the Matter of Emergency Petition for  
Administrative Orders of Hancock County.

Supreme Court Case No.  
20S-CB-183



## Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an expansion of operations plan ("Plan") on May 28, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants' needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court's inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court's "Order Extending Trial Courts' Emergency Tolling Authority and Setting Expiration of Other Emergency Orders" issued May 29, 2020 in Case No. 20S-CB-123. However, this Court's May 13, 2020 "Emergency Order Permitting Expanded Remote Hearings" and paragraph 3 of its May 13 "Order Extending Time for Expanding Trial Court Operations" in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/9/2020, **effective May 28, 2020.**

A handwritten signature in black ink that reads "Steve David".

---

Steve David  
Acting Chief Justice of Indiana

IN THE  
INDIANA SUPREME COURT

IN RE: THE MATTER OF THE PETITION )	SUPREME COURT CASE NO.
OF THE HANCOCK COUNTY COURTS )	
FOR ADMINISTRATIVE RULE 17 )	20S-CB-183
EMERGENCY RELIEF. )	

**HANCOCK COUNTY COURTS**  
**AMENDED ADMINISTRATIVE RULE 17 PETITION**

COMES NOW, the Courts of Hancock County and file its Amended Petition with the Indiana Supreme Court for emergency relief pursuant to Indiana Administrative Rule 17. In support of this Amended Petition, the Courts inform the Indiana Supreme Court as follows:

The Hancock County Courts have determined:

- a. The State of Indiana has been under a public health emergency since March 2020;
- b. As of the date of this Petition, there have been 36,096 confirmed cases of COVID-19 which have resulted in 2052 deaths in the State of Indiana;
- c. As of the date of this Petition, there have been 351 confirmed cases of COVID-19 which has resulted in 27 deaths in Hancock County;
- d. On May 1, 2020, the Governor of the State of Indiana released a "Back on Track" Plan (the "Plan") for reopening the State of Indiana through an incremental process;
- e. The Hancock County Commissioners required all county employees to return to work as of May 18, 2020;
- f. The Hancock County Courts have implemented operational changes designed to protect employees and the public while maintaining court services since March 18, 2020;
- g. The United States Center for Disease Control is encouraging "social distancing" as a means of limiting the spread of COVID-19 and other potentially fatal viruses;
- h. The Hancock County Courts have met with multiple justice stakeholders, including the Hancock County Sheriff, Hancock County Prosecutor, Hancock County Chief Probation Officer, Department of Child Services – Hancock County Attorney, Representative from Hancock County Bar Association, Hancock County Jail Commander, Hancock County Commissioner, Hancock County Councilmember, and Hancock County Health Department; and received their input on its proposed operational changes;
- i. The Hancock County Courts agree that as of May 18, 2020 court operations should be expanded to increase limited in-person hearings with proper screening procedures in place;

- j. The United States District Court for the Southern District of Indiana has continued all jury trial through and including at least July 20, 2020;
- k. That mitigation of the spread of contagions is of utmost importance to protect the citizens of Hancock County.

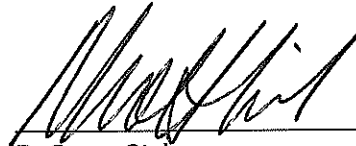
The judges of Hancock County Courts request that the Supreme Court declare that an emergency exists in Hancock County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Hancock County directing and allowing the courts and clerk of Hancock County to alter, modify, and suspend necessary procedures as provided in the Emergency Plan submitted herewith as Exhibit 1, so as to appropriately address this emergency for the period of Monday, March 1, through Friday, July 3, 2020, including a toll on all legal deadlines, including but not limited to those set forth in Ind. Crim. R. 4. Furthermore, the judges of Hancock County request the Indiana Supreme Court grant permission for in-custody speedy jury trials required by Ind. Crim. R. 4 to be postponed until Monday, July 6, 2020 and for all other jury trials to be postponed until at least July 20, 2020.

WHEREAS, the Hancock County Courts respectfully request the Court approves the Hancock County Transition Plan.

Respectfully Submitted, June 8, 2020.



Hon. Dan Marshall  
Judge, Hancock Superior Court 2



R. Scott Sirk  
Judge, Hancock Circuit Court



Marie Castetter  
Judge, Hancock Superior Court 1

## HANCOCK COUNTY COURTS TRANSITION PLAN FOR EXPANSION OF COURT SERVICES

### I. ADDITIONAL RELIEF REQUEST

Effective June 1, 2020, the Hancock County Courts will be expanding its court services. The tolling of time limits, including time limits imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, other civil and criminal matters, shall be allowed to expire as of August 14, 2020 pursuant to the Indiana Supreme Court's May 29, 2020 Order Extending Trial Court's Emergency Tolling Authority and Setting Expiration of Other Emergency Orders.

The Hancock County Courts will begin holding jury trials again as of July 6, 2020. The Courts have incorporated the CDC and Department of Health guidelines into its plan for resuming jury trials as detailed in Section VII of this Plan. Where possible, the Court will continue civil jury trials and prioritize the criminal jury trials. The Court will look favorable on requests for continuances from the parties.

Each Hancock County Court has reviewed its placements in Department of Corrections, Hancock County Jail, and Hancock County Community Corrections for possible sentence modifications. The jail inmate number decreased by approximately 100 inmates.

Since March 18, 2020, the local law enforcement agencies have not been serving new warrants to take new inmates to the jail. The Hancock County Sheriff is working with County Commissioners to create a quarantine area for new inmates to be housed until released into general population of the jail after 14 days. The prohibition on issuing or serving writs of attachment, civil bench warrants, or body attachments pursuant to Trial Rule 64 shall expire at 12:01 a.m. on August 15, 2020.

### II. PLANNING

In preparation for expansion of Hancock County court services, the Courts conferred on May 6, 2020 with the following local stakeholders to assist in developing this plan:

- Hancock County Health Dept. Coordinator Crystal Meyer informed the Courts of the most recent trends with confirmed positive test results. Ms. Meyer also reported the CDC and Department of Health guidelines as far as social distancing in public spaces, including recommended personal protection equipment for the Courts and

the public. Approximately 20% of the positive COVID-19 cases in Hancock County have been in long term care facilities.

- Hancock County Clerk Lisa Lofgreen attended the meeting. The Clerk's Office has expanded its operations to be more open to the public but is maintaining limited access. The Public Access section of the office is by appointment only at this time. The Clerk's Office is taking filings and payments at their window.
- Hancock County Prosecutor Brent Eaton continues to file new criminal cases and expects to continue on a case-by-case determination of whether a warrant or summons should be requested from the Court. For criminal matters, video court will continue to be used for most hearings pursuant to A.R. 14. Prosecutor Eaton has also been informed that once the A.R. 17 Emergency Relief Order expires on May 30, 2020, Title IV-D hearings will resume the week of June 1, 2020. The Court will limit only one case at a time in the Courtroom, and only the necessary parties of the case will be allowed in the Courtroom.
- Hancock County Sheriff Brad Burkhart has expressed an ongoing concern of person's coming into the jail. Thus, warrants have not been served. The local law enforcement agencies have worked with Sheriff Burkhart by bringing to the jail only serious or violent offenders. The Sheriff is conferring with the Department of Corrections and Indiana Sheriff Association to identify and utilize best practices for the county law enforcement. Sheriff Burkhart is reviewing his plan every 30 days by reviewing local statistics and trends to determine if warrants for probation violations and other low level offenses should be served.
- Hancock County Jail Commander Bridget Foy and Sheriff Burkhart are working toward having a quarantine area for new offenders coming into the jail to remain for 14 days before being released to the general population of the jail. This area can also be utilized for those offenders that are transferred from other jurisdictions. The jail has coordinated specific times with the Courts for availability for offenders to appear for hearings via Video Court.
- Hancock County Chief Probation Officer Josh Sipes expressed concerns about his staff having contact with probationers in their court office. Notwithstanding this, he has developed a plan to communicate with probationers via other communications, including telephone and ZOOM. High-risk offenders will still be brought into the Courthouse to meet with probation officers. A special area has been designated for these in-person meetings.

Drug screens are currently being conducted if ordered by the Courts, but are expected to expand on a limited basis after June 1, 2020. Probation violations are continuing to be filed. Chief Probation Officer Sipes has communicated effectively with the Sheriff's Department to ensure that only those offenders that are high risk are being brought into Court.

- Indiana Department of Child Services Attorney Michael Schoen has worked with the Courts to continue holding CHINS hearings. Initial and/or Detention Hearings are held in person while Review and Permanency Hearings are being held remotely when possible. If the parent of a child is in custody, the parent appears via Video Court for their Initial Hearing. Mr. Schoen has reported that most of his caseworkers are conducting ongoing supervision of cases through telephonic and remote communications.
- Local Attorney Representative Holly Lyons conferred with the Courts and communicated to the local bar association the Court's Transition Plan for expansion of Court services.
- Hancock County Commissioner John Jessup coordinated a nurse consultant from Hancock Regional Hospital to be available to the Courts as needed.
- Hancock County Councilmember James Shelby identified additional ways for the Court and the public coming into the Courthouse to remain safe, such as having thermometers available for screening employees and/or the public.

### III. EMPLOYMENT PROCEDURES

The Courts' employees have all returned to work as of May 18, 2020. Employees are to report to their supervisor or department head if they have any COVID-19 symptoms and they should stay home. The Courts have taken some precautions by requiring social distancing of six feet between work stations in the Courts' respective offices. The Court offices are all secured to further limit the public from entering the staff work areas. Masks and sneeze guards have been provided. Employees are to immediately report to the Court when they have been exposed to COVID-19. The Courts have also provided information regarding mental health resources and employees' rights under the Families First Coronavirus Response Act.

### IV. COURTHOUSE FACILITY PLAN



In addition to the steps mentioned in the preceding section, the Courtrooms' table, chairs, and doors are wiped down after each hearing. Additional sanitizing stations have been set up throughout the Courthouse. The County Auditor's Office delivered sanitizing cleaner and paper towels to each Court to routinely clean the Court facilities.

The post office drops off the mail directly to each court. Mail will be opened utilizing gloves and distributed to the appropriate person.

Within each Courtroom, certain chairs have been taped off or removed altogether to allow for social distancing inside the Courtroom.

In the event an alternate venue is necessary, the Courthouse has a Commissioners Court located in the Hancock County Annex. The Commissioners Court has previously been used for court hearings when renovations were being done in the courthouse so minimal modifications need to be made.

The Hancock County Commissioners have arranged for a nurse consultant from Hancock Regional Hospital to be available to the Courts if needed. The nurse consultant has observed the Courtrooms and provided recommendations for social distancing and personal protective equipment for the Court staff. The Courts were provided masks, sanitizing wipes, gloves, sneeze guards, and sanitizing stations as personal protective equipment for the Courtrooms. The Courts have adopted the recommendations of the nurse consultant by removing chairs or taping chairs such that they are not available for seating so appropriate social distancing is in effect.

#### V. SCREENING PROCEDURES FOR THE PUBLIC

The public enters the Courthouse via one entrance. The Hancock County Sheriff Department provides Courthouse security to screen the entrance. At the entrance, the postings inform the public that they should not enter if they have any symptoms or been exposed to COVID-19. Markings at the security check-in will also indicate proper distances for safe social distancing. Court security staff is provided the daily court slates to ensure only necessary persons are entering the Courthouse for hearings.

During the Courts' meeting with local stakeholders, Hancock County Councilmember Jim Shelby recommended thermometers be available for screening the public coming into the Courthouse. Thermometers have been ordered for Court Security to screen individuals, but have not yet been received. Additionally, the nurse consultant has recommended that

persons coming into the Courthouse wear a mask. Masks will be available for anyone who requests a mask as they enter the Courthouse.

#### VI. RESUMING NON-EMERGENCY HEARINGS

The Courts will be expanding operations by resuming non-essential hearings. Notwithstanding this, the Courts will continue to hold hearings remotely when possible. The Courts will also continue to monitor the data from the Hancock County Department of Health in order to evaluate whether further relief is needed.

Based upon guidance from public health officials, including the nurse consultant, the size of the Courtroom will dictate the capacity of occupants. The Courts have marked off public seating to ensure compliance with the six-foot social distancing recommendations set forth by the CDC. Attorneys, parties, staff and judicial officers will also be expected to comply with the six-foot social distancing requirements.

The Courts have been provided with the electronic equipment to conduct remote hearings in the Courtroom. This includes the ability to have incarcerated individuals appear via Video Court. Appropriate waivers are being obtained so that hearings may be held without the need of transporting the incarcerated individual to the Courtroom, thereby eliminating the need for the offender to be placed in quarantine upon return to the jail.

Only a limited number of persons will be admitted into the Courtroom to comply with social distancing. Hearings will be scheduled so that there is not a large number of individuals inside the Courtroom nor in the lobby of the Courthouse while waiting for their case to be called. The Courts may limit spectators in the Courtroom if social distancing requirements cannot be met. Where applicable, witnesses will be instructed to remain in the large Courthouse lobby with proper social distancing in place. Two conference rooms are available for families to remain together separate from other witnesses or the general public. Any witnesses capable of waiting outside the Courthouse in their own vehicle will be encouraged to do so where applicable.

Regarding prioritization, all emergency hearings, ie. criminal initial hearings, bond review hearings, CHINS initial and detention hearings, shall have priority in scheduling of hearings. Scheduling will be based upon the dates previously scheduled that were delayed as a result of the Emergency Relief Order and/or the dates the cases were filed. Criminal jury trials will also take precedence over civil jury trial given the limited number of days



to hold juries as a result of Hancock Superior Court 1 and Hancock Circuit Court dockets sharing Hancock Circuit Courtroom to hold jury trials.

CHINS initial and detention hearings have been deemed essential. However, when possible these hearings have been held remotely. Additionally, pre-trial conferences in CHINS matters are being held off record or remotely. Review hearings have also been held remotely. Where possible, DCS is obtaining agreed entries on matters so fact finding hearings are only necessary when the matter is contested. This eliminates the need for DCS staff and witnesses to appear for the hearings. Hearings on Termination of Parental Rights cases are being resumed after June 1, 2020 with proper social distancing in place.

The Protective Order docket has been continuously heard as essential hearings during this emergency. If the parties request a remote hearing for a protective order, the Court will request a waiver from the parties due to the potentially contested nature of a protective order.

The Hancock County Prosecutor's Office Title IV-D Paternity Establishment and Child Support Enforcement dockets resumed as of June 1, 2020. The Courts are set up to hold hearings remotely if necessary. The Prosecutor's Office has communicated with the custodial and noncustodial parents to obtain agreed entries to limit the need for hearings in the Courts. In the event hearings are necessary, the number of parties will be limited inside the Courtroom. Additionally, cases will be brought into the Courtroom individually to limit the number of person's in the Courtroom at the time.

Specialized Driving Privileges cases are capable of being held remotely. Additionally, the Petitioner is encouraged to work with the Prosecutor's Office to obtain an agreed Order on Specialized Driving Privileges where possible, thereby eliminating the need for a hearing.

Regarding evictions and foreclosures, a landlord is no longer prohibited from instituting an emergency eviction or possessory claim under the limited circumstances set forth in Indiana Code § 32-31-6, which permits evictions where there is specific immediate and serious injury, loss or damage to the property, however, evictions for nonpayment of rent are not permitted until on or after July 1, 2020. Further, eviction proceedings involving Section 8 Housing shall still be tolled until July 25, 2020 pursuant to the federal CARES Act 4024(c).

Likewise, Proceeding Supplemental dockets are capable of being held remotely. The Proceeding Supplemental docket will resume after June 1, 2020.

Currently, the Hancock County Courts do not expect to utilize senior judges. However, should the dockets get backlogged as to create unreasonable delays in litigation, the Courts will request assistance from a senior judge to allow for multiple hearings be held utilizing the Commissioner's Courtroom in the Courthouse or the County Commissioner's Court in the Annex.

## VII. JURY TRIALS

Jury trials are expected to resume after July 1, 2020. Hancock Superior Court 2 has sufficient space to hold its misdemeanor and Level 6 juries, which only require six jurors. For twelve person jury trials, the Hancock Circuit Court will be used as the location for the jury trial as that Courtroom is much larger than the other two Courtrooms. Hancock County's Superior 1 and Circuit Courts have agreed to coordinate their respective trial dates to accommodate both Courts using Circuit Courtroom. All persons reporting for voir dire and/or selected for jury panel will be required to wear masks. The Courts will provide masks for those that need them.

Jury notices will advise potential jurors of safety measures the Courts have taken to ensure their individual safety while serving as jurors. The Court will look at requests for deferral of juror service as needed with consideration of age and/or health risk due to COVID-19.

If the Hancock Circuit Courtroom cannot, while adhering to social distancing measures, safely accommodate the number of potential jurors for voir dire, panels of potential jurors may be scheduled to report to the Courthouse at different times to alleviate the number of persons inside the Courthouse at one time.

It will be difficult to maintain proper social distancing during deliberations, especially for twelve member juror panels, however, another Courtroom or the Commissioner's Courtroom may be used as an alternative jury room with appropriate security measures put into place to ensure the jurors have privacy and no access from the public. This will provide more room for jurors to spread out and deliberate.

The Hancock Regional Hospital nurse consultant has observed the jury rooms. The nurse consultant has recommended that certain furniture and fixtures be removed from the jury rooms in order to have adequate social distancing. However, recent inquiries from potential jurors regarding safety during jury trials, indicate the jurors are concerned about serving as a juror. Therefore, it is expected that another Courtroom or Commissioner's Courtroom will be utilized as a juror room with appropriate security in place to allow for the jurors to have privacy.

For early-trial demands filed under In. Crim. R. 4(B) prior to April 3, 2020, the tolled period shall be calculated from April 3, 2020 through August 14, 2020 and shall be further subject to congestion of the Court's calendar or locally exiting emergency condition for good cause shown.

For early-trial demands filed after April 2, 2020 and before August 14, 2020, the motion shall be deemed to have been made on August 14, 2020 and shall be further subject to congestion of the Court's calendar or locally existing emergency conditions for good cause shown.

The Courts are recommending civil jury trials attempt mediation as an alternative resolution. In the event mediation does not resolve the matter, the parties are asked to consider bench trials to eliminate the need for potential jurors to be called to the Courthouse. Notwithstanding this, the Courts are capable and willing to hold jury trials as requested by civil parties.

While deliberating, food will be brought in for jurors. The distribution of food will follow guidelines that the CDC has established for restaurants such as disposable utensils and one-use condiments.

#### VIII. COURT SUPERVISED SERVICES

Hancock County Community Corrections suspended its work release program due to the safety concerns of inmates entering and exiting the facility after potential exposure to the coronavirus. The Courts will however continue to utilize other programs in Community Corrections such as Home Detention and Day Reporting.

Department of Child Services has assisted the Court in obtaining waivers for certain hearings to be held remotely. Additionally, DCS has provided the Court with the information that its caseworkers will be resuming monthly face-to-face visits with children as of June 1, 2020. And as of June 15, 2020, in-person parenting visits will be held at least once per week with additional visits continuing virtually.

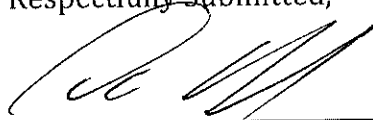
CASA has been informed that they are always welcome in the Courtroom, but they may also appear via ZOOM or telephonically if they prefer. To protect the CASA volunteers, the Court has provided the local CASA office with a box of masks so that they may come to Court already with a mask rather than going through Court security and traversing through the Courthouse to pick up a mask for the hearing. The volunteers have been informed of the safety measures being taken by the Courts to ensure their safety while in the Courtrooms. As far as in-person contact with the family, the Court has asked that the volunteers continue to connect remotely with

their assigned families unless the volunteer prefers to meet in person with the family.

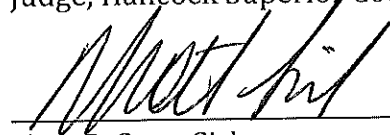
The Hancock County Probation Department has permitted casework officers to work remotely where possible. At least one probation officer for adults and juvenile cases will be in the office each day to address any walk-in or other needs. Telephone and remote video conferencing will be utilized for probations officers to connect with their clients. In-person probation meetings will be conducted for certain offenders convicted of sex offenses, high-level felony offenses or other violent crimes. The Probation Department has created additional meeting space within the Courthouse to meet with probation clients that will allow for social distancing during the meetings and eliminate the probationers from entering the Probation Department office. These meeting areas will be sanitized after each meeting. Masks will be used during in-person meetings. Before in-person meetings, the probation clients will be informed of the safety precaution in place at the Courthouse. Field contact visits will not be utilized except for high-risk offenders. Prior to a field visit, the probation officer will inquire with the probationer if there are any COVID-19 symptoms in the home. If symptoms have been present in the prior 7 days, the field visit will be delayed. When a field contact visit is made, the probation officer will not enter the residence. Further, the vehicle used to transport the probation officer will be sanitized after each field contact visit. Drug testing will resume with a gradual step of increase of testing, with the priority being applied to high-risk offenders.

In consideration of the foregoing, the Hancock County Courts are prepared to expand its operations.

Respectfully Submitted,



Hon. Dan Marshall  
Judge, Hancock Superior Court 2



Hon. R. Scott Sirk  
Judge, Hancock Circuit Court



Hon. Marie Castetter  
Judge, Hancock Superior Court 1