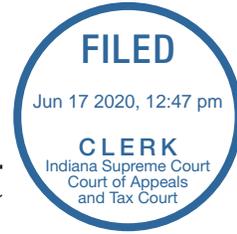


In the
Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-132

Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended expansion of operations plan (“Plan”) on June 5, 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 6/17/2020 , **effective May 28, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

**IN THE
INDIANA SUPREME COURT**

IN RE PETITION FOR RELIEF
UNDER INDIANA UNDER
ADMINISTRATIVE RULE 17

Supreme Court Case No.
20S-CB-132

Trial Court Case No.
84C01-2003-CB-001743

AMENDED PETITION FOR EMERGENCY RELIEF

Come now the Vigo County Circuit/Superior Courts and Terre Haute City Court (collectively "Courts of Vigo County"), having conferred with local officials, and now respectfully submit this Amended Petition for Emergency Relief under Administrative Rule 17 and accompanying Transition Plan for Gradually Expanding Operations. In support of this petition, the Courts of Vigo County inform the Indiana Supreme Court as follows:

1. Resuming normal court operations differs significantly from reopening the economy for many reasons including, among others, that members of the public are compelled to attend court proceedings, and large dockets and jury service create circumstances which are the very definition of "community spread." The courts are acutely aware of their responsibility for security, including bio-security, and the safety and well-being of court staff, clerks and security along with members of the public during this pandemic which is far from subsiding.

2. In preparation for this Petition and Transition Plan, the Courts of Vigo County have consulted with the Vigo County Attorney, Vigo County Clerk, Vigo County Health Department, Vigo County Commissioners' Office, Vigo County Sheriff's Department, Vigo County Maintenance, Vigo County Prosecutor's Office, Vigo County Public Defender, the Department of Child Services and the Terre Haute Bar Association.

3. The Centers for Disease Control ("CDC") has recommended that prior to beginning a phased re-opening, the following criteria should be met:

- a. The number of new cases declines for at least two weeks.
- b. Sufficient public health capacity to conduct contact tracing on all new cases.

- c. Sufficient diagnostic testing to test everybody with Covid-like symptoms.
- d. Sufficient health care system capacity to treat everyone safely.

4. While the number of new cases statewide has leveled out, the number of new cases in Vigo County has *increased*, not declined, and continues to grow. In the two week period May 12, 2020 to May 26, 2020, there was a 75 percent increase in cases from 85 to 149.

5. Vigo County is at risk for "hotspots", or likely flare-ups in the number of new cases, resulting in a strain on local resources most likely originating from the jails, nursing homes and other care facilities that feed into Vigo County hospitals. There are 22 nursing homes, for example, that feed into our local hospitals.

6. The CDC and the Vigo County Health Department recommend that people wear face coverings while in public. Face coverings should be provided to members of the public not having one and required to be in the courthouse.

7. The CDC and the Vigo County Health Department still recommend social distancing be practiced.

8. The Vigo County Health Department recommends that hand sanitizer be made available in the courthouse and that frequent disinfecting of hard surfaces, i.e., door handles, table tops, chairs, occur relative to use. Critical to safely expanding operations is the availability of masks, cleaning supplies and hand sanitizer, which have been difficult to obtain, and not yet stocked at sufficient levels.

9. The Vigo County Health Department supports any decision to require mitigation measures, for example, video hearings, reduced flow of people into the courthouse, remote working where possible, and screening persons admitted to the courthouse.

10. The Courts of Vigo County are requesting that the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Vigo County be extended through July 1, 2020. Further, no interest shall be due or charged during this tolled period.

11. The Courts of Vigo County are requesting the suspension of all criminal and civil jury trials, including any speedy trials requested pursuant to CR 4, be extended through July 1, 2020.

12. The Courts of Vigo County are requesting an extension of the suspension, through June 30, 2020, of all civil proceedings, *except* juvenile detention hearings, juvenile child in need of services (CHINS) detention hearings, and other civil court and domestic relations matters deemed "essential" in the courts' discretion, balancing public health risks with the urgency of the matters in dispute; or to convert in-person proceedings to telephonic or video-conference proceedings at the discretion of each judge and subject to constitutional limitations.

13. Through June 30, 2020, the Courts of Vigo County request the Juvenile Court, in its discretion, be allowed to hear only JD and JC detention hearings and other hearings it deems essential and to require only essential staff to work, consistent with the Transition Plan. After June 30, 2020, the Juvenile Court will conduct non-emergency hearings remotely. Contested evidentiary CHINS and JD hearings will be conducted in person starting July 1, 2020. Trials in termination of parental rights matters will not be conducted until August 15, 2020. Based upon the size of the Vigo County Juvenile Court facility, the courtroom and waiting room are not large enough to allow parties to appropriately social distance. The juvenile Court will schedule no more than 10 hearings per hour. To alleviate the congestion in the facility, the Court will provide pagers to the parties so they may wait in their vehicles or outside until their case is ready to be heard. This practice will allow for appropriate social distancing.

14. The Courts of Vigo County request that through June 30, 2020, they be allowed, in their discretion, and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.

15. Through June 30, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Vigo County may do so without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard. Remote appearances shall be coordinated through the court in which the hearing is to be held.

16. Through June 30, 2020, the Courts of Vigo County may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.

17. Until further notice, all persons entering the Vigo County Courthouse, Juvenile Court, Title IV-D Court and Terre Haute City Court shall be required to submit to a temperature scan and must answer the following questions:

- a. Are you experiencing fever, cough, or shortness of breath?
- b. Have you been in close contact with someone positive or being evaluated for COVID-19?
- c. Have you recently visited an area subject to quarantine as a result of COVID-19?

Persons who answer "Yes" to any of the above questions will be denied access to the Vigo County Courthouse, Juvenile Court, Title IV-D Court and/or Terre Haute City Court. Persons who exhibit symptoms of illness potentially indicating COVID-19 will also be denied access.

Anyone denied access under this policy shall be provided information regarding the appropriate entity to contact, including telephone numbers to request continuance of any matter they cannot attend in-person because of their exclusion.

18. The Courts of Vigo County seek to extend the prohibition on issuing new writs of attachment, civil bench warrants, or body attachments, and staying any such writs or warrants not yet served, through June 30, 2020.

19. The Courts of Vigo County respectfully request the Indiana Supreme Court to approve this Amended Petition for Relief and the attached Transition Plan for Gradually Expanding Operations under Indiana Administrative Rule 17.

Respectfully submitted this 5th day of June, 2020.



HON. JOHN P. ROACH
Vigo Superior Court Division 1



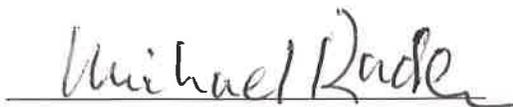
HON. LAKSHMI REDDY
Vigo Superior Court Division 2



HON. SARAH K. MULLICAN
Vigo Superior Court Division 3



HON. CHRISTOPHER A. NEWTON
Vigo Superior Court Division 4



HON. MICHAEL R. RADER
Vigo Superior Court Division 5



HON. MICHAEL T. LEWIS
Vigo Superior Court Division 6

A handwritten signature in black ink, appearing to read 'M. Sheehan', is written over a horizontal line.

HON. MATTHEW SHEEHAN
Terre Haute City Court

TRANSITION PLAN FOR GRADUALLY EXPANDING OPERATIONS

I. Employment Procedures

A. Remote work will continue to be allowed where feasible until June 15, 2020, with court staff generally returning to court offices on that date unless otherwise directed by the court.

B. Court staff over age 65, and those who have "high-risk health conditions" will continue to work from home until at least June 30, 2020 (High Risk Individuals are considered 65 and older; individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, and asthma; and those whose immune system is compromised by disease or medication). Employees should bring any concerns about their risk status to their immediate supervisor.

C. Employee Screening. Employees who have had recent contact with someone who has COVID-19 shall not return to work until after a period of self-quarantine and remaining symptom free for fourteen (14) days.

Employees are required to monitor their health and shall not report to work if, in the prior three (3) days, they have experienced: Fever of 100.4 or greater; Chills; Muscle and body aches; Headache; Sore throat; Cough; chest tightness, or shortness of breath; or any new loss of taste or smell. If onset of symptoms occurs at work, employees shall report and go home.

Employees must report if anyone living in their household has tested positive for COVID-19 within the last 14 days.

Non-essential work and personal travel should be limited. Employees must not return to work after International travel or travel to areas with significant COVID-19 activity, such as cities or states where shelter at home orders remain or are re-instituted, until after a fourteen (14) period of quarantine and remaining symptom free. Sick leave, personal time, or vacation days shall be used.

D. Courts, in their discretion, and where feasible, may use rotating schedules to minimize the number of staff in the office at any one time.

E. Employees are required to wear masks when interacting with visitors, staff, attorneys and members of the public.

F. Employees are required to maintain a distance of at least six (6) feet from others.

G. Employees are required to practice a frequent schedule of hygiene, including

hand washing with soap and water, or using an alcohol-based sanitizer; avoid touching the face; sneezing or coughing into a tissue or the arm; and frequent disinfection of used items and surfaces. Equipment should not be shared. Copiers shall be disinfected after use. Common break areas shall not be used by more than one individual at a time, and all surfaces must be disinfected after each use.

H. Judges, court, clerk and security staff as well as members of the public who have a fever of 100.4 degrees or higher are not to come into the courthouse.

I. Judges, court, clerk and security staff as well as members of the public who have trouble breathing and/or a dry, unproductive cough, are not to come into the courthouse.

J. Judges, court, clerk and security staff as well as members of the public who have tested positive for COVID-19 are not to come into the courthouse until medically cleared.

K. Judges, court, clerk and security staff as well as members of the public who have had contact with anyone who has tested positive for COVID-19 are not to come into the courthouse until after 14 days of isolation with no additional contact.

L. The Courts will share information with employees for mental health support, including BellwellIndiana.org, a site that provides Indiana residents with free mental health resources during the COVID-19 pandemic.

II. Screening Procedures for the Public

A. Screening of persons entering the courthouse shall continue until further order of court. Temperatures will be taken and screening questions must be answered before admittance to the courthouse will be allowed. Those not allowed in will be given appropriate clerk or court contact information.

Screening questions shall include:

- a. Are you experiencing fever, cough or shortness of breath;
- b. Have you been in close contact with someone confirmed to have, or who is being evaluated for COVID-19;
- c. Have you recently visited an area that is subject to quarantine as a result of COVID-19.

Persons answering yes to the above questions will be denied access to the Vigo County Courthouse, Juvenile Court, Title IV-D Court and/or Terre Haute City Court. Persons who exhibit symptoms of illness potentially indicating COVID-19 will be denied access as well. Those denied access will be provided information regarding the appropriate entity to contact.

III. Courthouse Facility Plan

B. All persons entering the courthouse, Title IV-D and Juvenile Court are required to wear face coverings while in the courthouse. Masks will be provided to members of the public when needed. Masks shall remain in place during the entire stay. A safe social distance of six (6) feet shall also be maintained. If an employee is not interacting with others, the mask may be removed while a social distance of six (6) feet is maintained at their workstation. To facilitate communications and a good record, judges, attorneys, parties and witnesses may remove their masks during testimony or argument while maintaining a social distance of six (6) feet. Vigo County Emergency Management has provided appropriate PPE equipment to the Vigo County Courthouse and will be available to persons permitted to enter.

B. No in person filings will be allowed in the clerk's office or in the courts through June 30, 2020. Electronic filing, by fax ore-filing, is available, and a receptacle for filings shall remain outside the clerk's office on the first floor. All filings deposited in the receptacle must be fastened together and shall remain in the receptacle for thirty-six (36) hours before being processed. Incoming mail shall be processed in the same manner.

C. All hard surfaces, i.e. tables, chairs, door handles, etc. shall be disinfected after each hearing and, for common doors and areas, at least three times during the day and more frequently depending on use/traffic.

D. Hand sanitizer dispensers shall be available at various locations around the courthouse, including at the entry and exits from the building and courtrooms.

E. Plexiglas partitions shall be installed at the public clerk and bailiff stations in the court offices, at other clerk locations in the courthouse. Counsel may address the use of Plexiglas barriers at counsel table during the final pretrial conference.

F. Beginning June 8, 2020, the West entrance to the courthouse shall be used for [Ingress/security and health screening] [Egress] only. The South entrance to the courthouse shall be used for [Ingress/security and health screening] [Egress] only.

IV. Resuming Non-Emergency Hearings

A. Videoconference hearings may continue through June 30, 2020. After June 30, 2020, videoconference hearings may continue to be utilized and will be encouraged. The courts may start to resume in person hearings July 1, 2020 subject to scheduling that allows for social distancing in the court rooms, and minimizes the number of people coming into, and congregating in, the courthouse at the same time. The courts shall endeavor to schedule hearings so that no more than 10 people are in the court room at the same time. All in attendance shall adhere to face covering and social distancing requirements.

B. Other than judges, court staff, clerk staff, security, prosecutor staff, public defender staff and attorneys, at least through June 30, 2020, only essential parties, witnesses and victims shall be admitted to the courthouse, subject to screening. Non-confidential portions of all hearings shall be live streamed to the public with any and all recording of the same being forbidden.

C. When live hearings must be held, attorneys, parties and witnesses must arrive timely and depart promptly upon conclusion.

D. Courts shall stagger their dockets to allow no more than ten hearings per hour in order to minimize contact and provide for social distancing.

E. The Courts will prioritize cases to be heard, with incarcerated defendants, and higher level criminal cases and violent offense, CHINS/TPR, Detention hearings, Protective orders, emergency family law matters, and proceedings involving mental health and incapacitated persons to have priority. The Courts will continue to hold hearings by videoconferencing where defendants are in the Vigo County Jail or the Indiana Department of Correction. Problem Solving Courts will conduct review hearing by videoconferencing through June 30, 2020.

F. The Courts and its Systems Administrator will work with staff from the Office of Trial Technology to work towards a broadcasting of all remote court proceedings, but given the number of daily hearings in Vigo County, it will take additional time to develop. In the interim, if a member of the public or media has an interest in viewing a specific remote hearing, he or she should contact court staff or court security to request an invitation to the hearing. Information related to this process has been provided to court security and court staff as well as the Court's website.

G. Where possible, remote testimony by witnesses is encouraged.

H. Senior Judges and Pro Tempore Judges will be used to address remote hearings when the presiding judge is unavailable. The Courts will work with the Senior Judges to enable a smooth transition and prepare Senior Judges for the new transition plan and remote hearing practices.

V. Jury Trials

A. Jury trials shall not resume before July 1, 2020.

B. Court facilities are not large enough to empanel a 12 person jury during this COVID-19 pandemic. The Courts have identified two alternate facilities in which to conduct jury selection. Jury panels shall be instructed to report to the First Financial Conference Center or to a VCSC Facility where jury selection shall be conducted. The Court will ensure security and a proper record of proceedings.

C. Jury trials shall be conducted in the courtrooms with the jurors, attorneys and witnesses maintaining a safe social distance. In limited spaces, this may require that few, or no, members of the public will be allowed to attend. Non- confidential portions of trials will live streamed to the public with any and all recording of the same strictly forbidden.

D. All exhibits admitted into evidence shall be displayed electronically. No paper copies shall be distributed to or passed among jurors.

E. Recesses and deliberations shall be conducted in the courtroom. During these times, the court room will be locked. All business which must be conducted during these times can be conducted by videoconference and/or in chambers with recording in place.

F. The attached letter shall be sent to jurors informing them of reporting and safety protocols as well as expanded grounds for deferrals.

G. The attached additional COVID-19 questionnaire shall be sent to jurors.

E. Automatic deferrals shall be granted for essential workers; jurors with vulnerable health conditions, or living with those who are vulnerable; jurors who have been exposed to COVID-19 and who have not been in quarantine and symptom free for the fourteen (14) days prior to jury service; jurors who are just returning to work after having been furloughed; jurors exhibiting symptoms occurring upon reporting or after jury is impaneled.

F. Additional jurors will be called in light of increased deferrals.

VI. Court Supervised Services

A. Appropriate PPE equipment has been provided to all court supervised services by Vigo County Emergency Management. All staff shall wear PPE equipment when social distancing is not feasible or when face to face meetings with individuals is necessary.

B. The Director of CASA, in consultation with the supervising Judge, shall determine when it is appropriate to resume home visits and in person meetings. In making such decision, the Director of CASA shall consider the risk to each individual CASA advocate, the ability to practice social distancing at each location, and the need to be physically present.

C. The Director of Court Services and the Chief Probation Officer, in consultation with the Chief Judge, shall determine when it is appropriate to resume home visits and in person meetings. In making such decision, the Director of Court Services shall consider the risk to the individual probation officer and probationer, the ability to practice social distancing, and the possibility of conducting office visits remotely.

June __, 2020

To All Prospective Jurors Summoned
to Appear for Jury Selection at the
Vigo County Courthouse

Re: Your Upcoming Jury Service in the Era of Coronavirus

Dear Prospective Jurors:

This letter is attached to the Summons directing you to appear for Jury Service. As you will note on the Summons, you are directed to appear at _____, not at the Vigo County Courthouse. Jury selection will take place at _____. If you are selected to serve on the jury, the trial will be held at the Courthouse and further information will be provided. This will be the first jury trial which I have undertaken since the advent of the Coronavirus pandemic. I want to assure you that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the lawyers and the Court staff during jury selection and the jury trial to follow. So that you won't be surprised when you arrive, please be aware of the following:

1. Each prospective juror will have their temperature taken through non-invasive means as they enter _____ to insure that no one with a fever or an elevated temperature is admitted;
2. Each prospective juror will also pass through a security screening as they enter the building;
3. Once you enter the building and pass through the initial temperature and security screening you will be seated by Court Staff to achieve the maximum distancing possible;
4. Face coverings will be required of everyone entering the building. You may wear your own face covering; however, if you do not have your own, one will be provided for you;
5. Gloves will be available for those who wish to wear them; however, they are not required;
6. Smartphones, iPads or similar electronic devices should be left outside the building;

- 7. Hand sanitizer (alcohol based) will be available to you at multiple locations;
- 8. Those selected for this jury should know that the fourteen (14) jurors will be spaced throughout the courtroom to achieve maximum distancing between jurors during the trial;
- 9. The courtroom will be cleaned each evening when the Court recesses, and this will continue throughout the trial;
- 10. Individual lunches will be provided to the fourteen (14) selected jurors during each day of the trial to minimize any travel in and out of the Courthouse and to minimize juror's interaction at local restaurants.

If you: (a) have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days; (b) are actively caring for a family member or loved one who has tested positive for the Coronavirus; or (c) are now in self-quarantine status and that status will continue on_____ ; then you should immediately advise Mrs. Lorie Larr, the Court's Jury Administrator, at 812-462-3203. She may ask you to furnish documentation regarding such from your physician for the Court's records.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. It is my personal belief that jury service is one of the highest forms of public service that any American can perform. The right to trial by jury has been enshrined within the U.S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation. Only those with extreme hardships should seek to be excused from jury duty.

It is important that you appear and present yourself for jury service on _____. I want you to know that I am mindful of these challenging times and will take every reasonable precaution to maintain your health as well as that of the parties, lawyers and Court staff during this upcoming trial. I hope this personal letter is helpful and informative. I look forward to seeing you at _____ on _____.

Respectfully,

_____, Judge
 Vigo Superior Court Division _

Juror Name: _____ Juror#: _____

ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19

1. Are you an essential healthcare worker? _____ YES__ NO
2. If yes, where are you employed and in what capacity? _____

3. Have you been exposed to COVID-19?___ YES__ NO

4. If yes, approximate date of exposure: _____

5. Have you tested positive for COVID-19?___ YES__ NO

6. If yes, approximate date of positive test: _____

7. Are you currently experiencing any symptoms of COVID-19 and been told to quarantine?___ YES__ NO

8. If yes, on what date were you told to quarantine? -----

9. Are you an employee who has been laid off due to COVID-19 and have recently been returned to work? YES__ NO

10. If yes, where are you employed, how long were you laid off, and when did you return to work? _____

11. Are you considered an individual in a vulnerable population due to age or health conditions?___ YES__ NO

12. Any other concerns related to COVID-19 you have regarding your jury service? _____

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS, AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF JUROR