

In the Indiana Supreme Court

In the Matter of the Petition for Emergency
Administrative Orders for Daviess County

Supreme Court Case No.
20S-CB-218



Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an amended expansion of operations plan ("Plan") on June 22, 2020.

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

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

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

Done at Indianapolis, Indiana, on 6/22/2020, **effective May 29, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

EXHIBIT "A"**DAVISS CIRCUIT AND SUPERIOR COURTS
TRANSITION PLAN ON RECONSTITUTING OPERATIONS****INTRODUCTION**

1. This transition plan for reconstituting operations is based on the overriding principle that the safety of our court staff, courthouse officeholders and employees and the public who utilizes our Courts and courthouse offices and facilities is of paramount importance. This plan is formulated based on the guidance provided by the medical data provided by the CDC, ISDH, NIH and in consideration of the current executive orders of Gov. Holcomb and any existing emergency Administrative Rule 17 order in effect by the Indiana Supreme Court.
2. The guidelines for transition in this plan will of necessity be supplemented with more specificity on several aspects of court operations that are initially outlined herein, including, but not limited to:
 - A. The conduction of evidentiary/adversarial hearings or trials;
 - B. Protecting the rights of parties and witnesses to appear, either remotely or in person;
 - C. Protecting the rights to "face-to-face" confrontation where constitutionally required;
 - D. Expanding public access safely, such as live streaming of remote hearings [as allowed by law while maintaining compliance with rule 2.17 of the Code of Judicial Conduct and the Indiana Supreme Court's AR 17 Orders in Case no. 20S-CB-123 dated April 22, 2020, May 13, 2020 and May 29, 2020 concerning remote proceedings];
 - E. Subsequently allowing public access to court rooms as the rules of social distancing and size of groups expands;
 - F. Lastly details for resuming jury trials will evolve as social distancing guidelines expand or contract based on current existing data about the COVID-19 pandemic in the County and throughout the State and Nation. Courthouse space considerations for jury selection and court room space limitations must be factored in on an adjustable basis as crowd size limits are increased or decreased and social distancing space is required. Use of remote audio/visual platforms (Zoom, GoToMeeting, Webex, Teams, etc) in the jury selection and jury trial process will be explored. Use of additional juror questionnaires and limitations on the number of prospective jurors summonsed may be implemented. In civil

cases this may result in use of additional alternative dispute resolution modalities, including mandatory mediation per the Local Rules, time limitations on voir dire, and the seeking of stipulations on jury size.

3. Additional considerations that will require some adjustment "on the fly" will be the issues of screening courthouse personnel, court staff and the public entering the courthouse under current limited access orders and restrictions by the continued questioning, temperature testing and requirement of face coverings or mask while entering the courthouse and/or court rooms.

PLAN TO RESUME OPERATIONS: PLANNING

The Courts and Local Stakeholders

1. It is the underlying foundation of this to transition to full opening in phases guided by: 1). Relying upon up-to-date data from CDC, ISDH, NIH, Daviess County Health Department and Emergency Management offices and the Daviess County Commissioners as well as the stated positions of our local justice partners (courthouse offices, Sheriff Department, probation, CASA, community corrections, and the local office of DCS). 2). Current data and guidelines on mitigation of the risk of any resurgence in Daviess County of the COVID-19 virus. 3). Any provided guidance on current methods for protection of the more vulnerable of the courthouse employees and staff and the general public.

2. As gating criteria for considering transitional phases in reconstituting operations of the Courts the Judges of the Courts, along with local justice partners, will consider: 1). County exposure as pertains to the courthouse. For example, no COVID-19 confirmed or suspected cases existing in the courthouse officeholders or staff within a 14-day period, or if any confirmed or suspected cases, what remedial effects have occurred (i.e., "deep cleaning" of the exposed office or area, employee self quarantine actions for a minimum of 14 days, testing results for the exposed person). 2). The Courts will also consider the reported cumulative daily COVID-19 case counts for the County and that the City of Washington as county seat for the most recent 14-day period and whether it is trending downward or upward. 3). The Courts will further consider the Governor's office and state and county Health Department's guidelines on the lifting of any "stay at home" orders, restrictions on travel or movements and restrictions on crowd size and/or adjusted social distancing measures.

3. IF conditions are improving, the Courts will consider transition to a next phase. IF conditions have worsened or there is a flare-up within the county of the COVID-19 cases the Judges of the Courts will convene to consider maintaining the current phase of operations or reimplementing aspects of a prior more restrictive phase of the court operations, access, social distancing and what the Courts have classified as essential matters for hearings as necessary to comport to the existing current data and circumstances.

PHASE DETERMINATION.

1. In reestablishing operations for the Daviess Circuit and Superior Courts the Judges of the Courts will endeavor to be in phase with the level recommended for the public offices in the Daviess County Courthouse as determined by the Daviess County Health Department and the Daviess County Commissioners and Emergency Management agencies.

ALL PHASES:

EMPLOYMENT PROCEDURES

Safety For Employees and Public

1. For all phases going forward in reconstituting operations the Courts will adjust policies based on current data for responses to COVID-19 concerning the level of and necessity for work by staff and office holders: 1). Social distancing and the ability to provide personal protective equipment (PPE); 2). Sanitization and disinfection of office and common areas as well as courtroom facilities, equipment and furnishings; 3) the reasonable accommodation for any COVID-19 afflicted staff and employees (whether it is self, child, daycare, family members exposed, caring for exposed or vulnerable family members in household).

2. Directives to be issued to all staff/employees of the Courts to stay home if sick or experiencing symptoms and to return only after medical clearance. Following local health department policies for contact tracing for all exposed contact with anyone who tested positive for the virus.

3. Instructions will be provided for all employees and staff, including those of our local justice partners and all public offices in the courthouse, of the personal responsibility to continue to practice good hygiene, including: 1). Washing ones hands with soap and water for at least 20 seconds or the use of the hand sanitizes with at least 75% alcohol content; 2). Spraying disinfectants or the use of disinfectant wipes on frequently used equipment and/or surfaces; 3) To avoid touching ones face, eyes, nose or mouth; 4). Sneezing or coughing into a tissue or into the inside of ones elbow; 5). The use of face coverings or mask while in public (optional) or within 6 feet of any public person, attorney, or other courthouse employee (mandatory and furnished by the Courts); 6). Maintaining the current recommended adequate social distances (6 feet) separation or other social distancing and/or crowd size restrictions then currently recommended by local and state health department officials; 7). Not to do anything out of the normal family/workplace “footprint” and the importance of the duty to self-report any deviations; 8). Should the employee become ill or experience any of the COVID-19 symptoms, the duty to report and to stay home and seek and follow up medical provider advice. 9). The duty to self analyze and report any signs or symptoms of depression and/or stress affecting any Court staff with referrals to and identification of local **mental health resources** available for such employee. Court staff are all notified of mental health resources available through the Daviess County Health Department and the Daviess Community Hospital in Washington as well as the Samaritan Center outpatient clinic in Washington from the LaSalle Behavioral Health Unit of Good Samaritan Hospital of Vincennes.

4. The Courts will identify the need for staff to continue to use social distancing days and rotate shifts with less than full capacity to keep separation and/or if there are those who could work remotely. Staff will return to full time on and after June 8, 2020 subject to the re-evaluations of the status of the pandemic locally in each of the proposed phases.

5. The Courts have implemented work space separation by installing plexiglass dividers between work stations and between the staff and the public that are allowed to enter Court offices. The public is denied access by signs and barriers at the doors to stop at least six feet from the nearest Court staff workstation. Court staffs do not share work stations or equipment. Court staff are provided wipes, gloves, masks, hand sanitizer and disinfecting cleaners and sprays and required to maintain a daily cleaning of their work station, keyboards, mouse, phone, stapler, etc. Court staff and Courthouse maintenance staff share in sanitizing counsel tables, chairs and public seating area in the court rooms as well as the Bench, witness stand and Court reporter and bailiff stations. Community Corrections may provide individuals performing community service hours to assist with the daily and between hearing cleaning of the Court rooms, tables and chairs.

6. The Courts have installed plexiglass dividers across the middle of counsel table to provide a barrier between counsel and a party, decreased the number of chairs at counsel table, and installed plexiglass barriers around the witness stand, between the witness stand and the Court reporters station as well as plexiglass dividers on the bar directly behind each counsel table.

COURTHOUSE FACILITY PLAN

PHASE 1: JUNE 8 THROUGH PHASE 3.

Cleaning, distancing and screening

1. The Courts will continue to consult and work with the courthouse maintenance supervisor and his staff concerning the need for deep cleaning of any exposed equipment facilities or services and ongoing daily cleaning, and the need for cleaning/sanitizing between hearings in the courtrooms on a daily basis.

2. The courthouse will move from the Commissioner's current order of the courthouse closed to the general public for access to other public offices to a position of "limited access" to the other public offices and the courts under a continuation of the Courts' prior Administrative Order of March 16, 2020.

3. Enhanced screening of any person with access or admission into the courthouse for business with the Courts or any other public offices in the courthouse will continue at the lower east side public entrance with screening questions, temperature assessment and observation by the courthouse security officers provided by the County Sheriff's Department. Persons wishing access to the Courts will be placed on a daily list furnished by the Courts to the security as a party or witness. Witnesses and extraneous persons (moral support or observers) may be denied entry to the Courts and asked to wait outside or in the vehicles until needed or summonsed by

counsel, parties, or the Courts. Essential persons will remain attorneys, parties (including CASA) victim advocates and an initial witness. Others will be excluded until called. This discretion on limiting spectators will continue subject to any constitutional limitations and to the extent necessary to maintain adequate social distancing and limit the size of a gathering in conformity to the current public health recommendations. This portion of the Courts AR 17 Order (paragraph 5) should be extended into phase 3 of this plan. The Courts will NOT be using any remote live streaming of hearings due to security concerns and potential recording by unauthorized parties in contravention of Rule 2.17 of the Code of Judicial Conduct. Spectator or public access to Court proceedings is limited by the size of the facilities and now by the safety recommendations of social distancing. The Courts will make available audio/visual viewing of Court proceedings in ancillary rooms (Commissioners Room, Jury room) on a large screen TV for excess spectators as needed subject to the same limitations on distancing that affect capacity.

4. The Courts will continue to coordinate with local justice partners and courthouse officeholders regarding the need to modify current security, access or cleaning/maintenance services and coordination of office policies.

5. The court rooms and common areas (commissioners' room used by the Referee) will remain under limited access. No more than the current recommended number of people for a crowd size (currently 25) with social distancing of at least 6 feet and it distancing cannot be maintained within the required use of mask or face coverings.

6. The use of Personal Protective Equipment (PPE) will always be recommended but not required through any of the phases outlined herein based on current data. Courthouse Security officers, in addition to screening, are recommending masks or face coverings be used by those entering the Courthouse especially if there may be difficulty in maintaining adequate social distancing. They are also informing the public that the Court's have the discretion to require masks be used for admittance into the Courts. The County will provide a mask for those who requests.

7. The Courts are identifying alternative or supplemental rooms or venues for any needed larger groups such as jury selection or days of mass criminal hearings in Superior Court and mass call of CHINS or family law cases in Circuit. Mass calls are to be avoided. [NOTE: The main floor offices are scheduled tentatively to be moving out of the courthouse to the new Annex building in August 2020 which will create empty space for such gatherings before the remodeling of the Courthouse begins.]

8. All areas have been measured and taped off or marked to indicate the six-foot distancing requirements and to identify how many people may be safely in each area at one time under the current social distancing guidelines.

RESUMING NON-EMERGENCY HEARINGS:

1. The Courts will in this phase 1 begin resuming all non-emergency hearings, both civil and criminal. Counsel and parties will be notified of the ability to request to appear remotely via

telephonic or video conferencing as provided in the current AR 17 Order, as modified after July 31, 2020 to require notice to and leave of the Court. Criminal initial hearings, Juvenile Delinquency and CHINS detention and initial hearings may be conducted remotely to minimize the number of people entering the Courthouse, the contact with inmates/juveniles/family and the need to expose inmates /juveniles/security personnel. Mental Health hearings will be conducted remotely to the extent reasonable. Witnesses will be permitted to testify remotely by audio/visual platforms in any civil case and in criminal matters where constitutionally permissible. The Courts will coordinate with the IDOC and the Daviess County Sheriff Department as well as the local office of DCS and the area Juvenile detention facility concerning the conducting of remote proceedings.

2. Senior Judges and Special Judges and Judges Pro Tempore may conduct hearings remotely and the Court staff will coordinate with the particular Judge.

3. The Judges of the Courts are coordinating schedules to minimize the number of persons in the Courtrooms and hallways in order to minimize contact between persons. The Courts will continue to prioritize hearings in all civil and criminal cases, require telephonic pre-trials and conduct settlement conferences and/or mediation where appropriate before hearings or trials.

4. The Clerk shall continue to accept new filings as required by Article I, Section 12 of the Indiana Constitution for evictions for non-payment of rent and foreclosures on residential real estate for non-payment (in accord with EO 20-06 as extended) but no dates shall be set for court hearings until after July 1, 2020. However, pursuant to Section 4024 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, a moratorium on evictions for non-payment of rent and foreclosures involving real estate that is federally subsidized and/or covered by any federally-backed mortgages until after July 25, 2020 AND after the landlord provides a 30 day notice. Therefore landlords with federally subsidized housing or federally backed mortgages on the property can NOT file for eviction until 08/25/2020 at the earliest assuming the 30 day notice was promptly provided. This applies to Section 8; project based Section 8; landlords with federally backed mortgages (FHA, VA, USDA, Fannie Mae, Freddie Mac; Public Housing; Low Income Housing Tax Credit Program.)

5. Evictions and foreclosures on all property requesting emergency relief or for waste or abandonment may be set for hearing on and after June 1, 2020.

6. Jury trials will remain suspended or continued until Phase 3 on and after August 1, 2020. The tolling and suspension provisions of paragraphs 1 and 2 of the AR 17 Order for the Daviess Circuit and Superior Courts dated March 24, 2020, as extended, shall remain in force and be extended through ~~July 31, 2020~~ August 14, 2020 as provided in the “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” from the Indiana Supreme Court dated May 29, 2020.

COURT SUPERVISED SERVICES

1. CASAs and GALs are to resume home visits with children at this time. They will be

provided masks, wipes and hand sanitizer. They are encouraged to schedule the visits with families or facilities housing the children and may consider the use of audio/visual platforms (Zoom, WebEx, Teams, Skype, etc) for some of the more distant meetings with a preference on in person. Telephonic meetings are discouraged with the preference for “face to face” via in person or at least video. Consideration must be had of the vulnerability of any family (foster or otherwise) member in the home or facility as well as the status of the impact of the virus in that community.

2. The Daviess County Probation Department and the Daviess County Community Corrections Departments have each developed resumption of operations plans at the request of the Courts and are implementing procedures for scheduling client meetings and testings while maintaining safe distancing and thorough cleaning processes for the protection of staff and the clients. Both Community Corrections and Probation will continue to monitor through remote means during Phase 1 and 2 herein. Office access is limited. Client appointments are conducted remotely unless testing or other requirements compel in office meetings. When in office meetings are required the clients and staff are required by department heads to wear masks or face coverings. Clients must check in via phone on arrival. Clients must wait outside in hall or in parking lot until summonsed by staff. Both Probation and Community Corrections offices are required to use the same distancing, hand washing and sanitizing, including deep cleaning policies being implemented at the Courthouse offices and other county facilities.

3. The Courts shall continue to exercise authority and discretion for reviewing county jail and direct placement community corrections sentences for non-violent inmates and juveniles in conjunction with the Sheriff Department, Community Corrections and Probation.

4 The Courts will continue to the extent it is reasonable, issue orders to show cause in lieu of body attachments, civil bench warrants, or new writs of attachment and will continue to stay all writs or warrants not yet served. Service of process will continue to be by Certified Mail rather than Sheriff to the extent reasonable.

PHASE 2 . JULY 1 THROUGH JULY 31, 2020.

9. The Judges of the Courts will confer with one another and with the Commissioners, the local health department the courthouse officeholders and other justice partners and community stakeholders. After assessment of the current data concerning the virus in Daviess County, the Courts will continue to strive to protect vulnerable individuals of staff and public, and continue to make considerations of reasonable accommodation for all staff/employees or members of the public.

10. Personal travel by staff/employees shall be in accord with the then existing current local conditions and guidance from the governor's office, ISDH and Daviess County Health Department. The Courts will continue to stress the importance of disclosure of any movement or travel in the use of all appropriate precautions as well as the possibility of quarantine requirements from inappropriate travel or exposure.

11. The Courts will plan on resumption of in person hearings but will encourage the continuation of remote appearances by counsel and/or parties and/or witnesses as maybe appropriate.

12. The Court rooms will continue with limited public access, but public access restrictions will be adjusted in accord with existing local conditions and data as provided by state and local health departments and/or any directives of the Daviess County Commissioners concerning access by the public to other courthouse offices. This portion of the Courts AR 17 Order (paragraph 5) should be extended into phase 3 of this plan. The Courts will NOT be using any remote live streaming of hearings due to security concerns and potential recording by unauthorized parties in contravention of Rule 2.17 of the Code of Judicial Conduct. Spectator or public access to Court proceedings is limited by the size of the facilities and now by the safety recommendations of social distancing. The Courts will make available audio/visual viewing of Court proceedings in ancillary rooms (Commissioners Room, Jury room) on a large screen TV for excess spectators as needed subject to the same limitations on distancing that affect capacity.

13. Enhanced screening will continue by the courthouse security deputies at the one public entrance located on the lower Eastside of the courthouse. This will continue as the only public entrance and exit. Court rooms will continue with the six (6) foot social distancing requirements and observe any current recommended crowd size restrictions.

14. The use of Personal Protective Equipment (PPE) will always be recommended but not required through any of the phases outlined herein based on current data. Courthouse Security officers, in addition to screening, are recommending masks or face coverings be used by those entering the Courthouse especially if there may be difficulty in maintaining adequate social distancing. They are also informing the public that the Court's have the discretion to require masks be used for admittance into the Courts. The County will provide a mask for those who requests.

15. Signs, posters, warning tape or other visible means will be used to indicate appropriate distances where practicable as well as areas designated for safe seating within the courtroom facilities.

16. Jury trials will remain suspended or continued until Phase 3 on and after August 1, 2020. The tolling and suspension provisions of paragraphs 1 and 2 of the AR 17 Order for the Daviess Circuit and Superior Courts dated March 24, 2020, as extended, shall remain in force and be extended through July 31, 2020.

PHASE 3. AUGUST 1, 2020 AND FORWARD

1. Jury trials will be scheduled in this time frame and should allow adequate time for notification to the jury pool. With all the considerations given as stated above to venues and spacing for jury selection and the consideration of part or all of the jury selection and/or trial be conducted remotely via audio/visual platforms.

2. The Courts will re-evaluate the use of deferrals or excusing of potential jurors from service. Age and health concerns of citizens should be carefully considered. Individuals in the COVID-19 high risk categories should be excused or deferred. Individuals who have been exposed or tested positive or have family members exposed or positive should be deferred or excused.

4. The Courts are identifying alternative or supplemental rooms or venues for any needed larger groups such as jury selection or days of mass criminal hearings in Superior Court and mass call of CHINS or family law cases in Circuit. [NOTE: The main floor offices are scheduled tentatively to be moving out of the courthouse to the new Annex building in August 2020 which will create empty space for such gatherings before the remodeling of the Courthouse begins.]

5. For Level 6 felony and misdemeanor jury trials and all civil jury trials, with consent of all parties, remote jury selection may be more feasible especially through the end of 2020 and unless and until the Courthouse physical space limitations are resolved by the opening of the Annex.

6. Both Courts will avoid scheduling jury trials in the same week. The panel of prospective jurors under current space limitations will be summonsed in on a staggered basis.

7. The Courts will adopt the use of an additional page for the Juror questionnaire concerning COVID-19 matters and will modify the prospective juror letter to include an explanation of the cleaning and safety precautions being taken such as the availability of hand sanitizer stations and dispensers throughout the Courthouse, that the Courts will provide all prospective jurors with a mask as needed and the steps taken to ensure adequate social distancing at all phases of the trial process. Additionally the letter requests the potential jurors to view the Indiana Supreme Court video on juror indoctrination in advance.

8. While the public health emergency exists as declared by the Governor and through September 30, 2020 the following changes in procedure for jury trials in both Courts is anticipated depending on the science and data.

A. Upon summonsing of potential jurors for a prospective trial they will be requested to appear in groups of six at staggered times, will undergo the screening procedures at the Courthouse entrance, then will be guided to either the Commissioner's Room or the gallery of one of the Courtrooms in order to maintain social distancing. Jurors will be asked if they watched video on line and if not separated and allowed to view the video. Jurors will also be asked the travel and health questions to identify any that are particularly vulnerable and who may wish to be excused.

B. Voir Dire may be limited in time by the Court via pre-trial Order and will be conducted with potential jurors in the gallery (as opposed to the jury box) due to spacing concerns. Jurors will be allowed to separate for lunch breaks and at the end of the day, but will under go screening again and including an admonishment concerning travel or unwarranted exposure and the duty to self-report to the Court. Once the jury is empaneled they will not

separate for lunch but may for the evening with admonitions.

C. Food will be provided and the jurors may utilize more than one room for lunch and/or dinner if deliberations have begun in order to maintain social distancing with an admonition.

D. Deliberations may require use of the other Courts Court room or the Commissioner's Room as the Jury room at the Courthouse is too small to allow appropriate social distancing especially for a 12 person jury.

E. Juror rooms and seating for any trial will undergo daily cleaning and disinfecting by Courthouse maintenance.

CURRENT A.R. 17 ORDER

1. The Courts request that the following modifications and/or deletions of certain provisions of the AR 17 Order approved by the Indiana Supreme Court on March 24, 2020, and extended thereafter by other Supreme Court Orders, for the Daviess County Circuit and Superior Courts under Supreme Court Case Number 20S-CB-218. That Order provides and this plan requests the following extensions, modifications or expiration:

A. Paragraphs 1 of the AR17 Order should be extended through Phase 2 of this plan and be allowed to expire on and after ~~July 31, 2020.~~ August 14, 2020 as provided in the "Order Extending Trial Courts' Emergency Tolling Authority and Setting Expiration of Other Emergency Orders" from the Indiana Supreme Court dated May 29, 2020. That paragraph reads as follows:

This Court authorizes the tolling, from the effective date of this order through May 4, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the Daviess Circuit and Superior Court. Further, no interest shall be due or charged during this tolled period.

B. Paragraph 2 of the AR 17 Order should be extended through phase 2 of this plan and allowed to expire on and after ~~July 31, 2020.~~ August 14, 2020 as provided in the "Order Extending Trial Courts' Emergency Tolling Authority and Setting Expiration of Other Emergency Orders" from the Indiana Supreme Court dated May 29, 2020. That paragraph reads as follows:

This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through May 4, 2020. The Daviess Circuit and Superior Court are directed to review no later than April 16, 2020 whether continued suspension is

necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts of Daviess County believe continued suspension is necessary, they may petition this Court to extend the suspension.

- C. Paragraph 3 of the AR17 Order should be allowed to expire on June 7, 2020. That paragraph reads as follows:

3. **Through May 4, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective orders regarding family or domestic violence, stalking, or a sex offense; civil commitments for mental health; emergency guardianships; detention hearings in juvenile delinquency and juvenile child in need of services (CHINS) proceedings, emergency custody and parenting time motions; and other emergencies or matters deemed “urgent” in the courts’ discretion.

- D. Paragraph 4 of the AR17 Order should be modified to extend the cutoff through and including July 31, 2020, and modified thereafter to reflect that appearing remotely for any pre-trial, status conference or non-evidentiary hearing in the Daviess Circuit or Superior Court may be done on notice to and with leave of the Court. Subject to the Indiana Supreme Court orders in Case no. 20S-CB-123 dated April 22, 2020, May 13, 2020 and May 29, 2020 concerning remote proceedings. That paragraph reads as follows:

4. **Through May 4, 2020**, any attorney or party wishing to appear remotely for any status conference or non-evidentiary hearing in the Daviess Circuit or Superior Court may do so, subject to Constitutional limitations, without further leave of Court upon notifying the Court of his or her desire to appear remotely.

- E. Paragraphs 5, ~~6~~, 7, 8, 9 and 10 of the AR17 Order should be extended into Phase 3 of this plan and be allowed to expire by no later than September 30, 2020. Those paragraphs reads as follows:

5. **Through May 4, 2020**, the Daviess Circuit and Superior Court are authorized, 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 and to limit the size of the gathering consistent with public-health recommendations.

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7. **Through May 4, 2020**, to the extent it is reasonable, certified mail service

will be employed instead of sheriff service.

8. **Through May 4, 2020**, the Daviess Circuit and Superior Court may post signage at all entry points to judicial, clerk, and probation facilities advising individuals not to enter the building if they have:

- a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous fourteen (14) days;
- b. Resided with or been in close contact with someone who has been in any of those countries within the previous fourteen (14) days;
- c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
- d. Been asked to self-quarantine by any doctor, hospital, or health agency;
- e. Been diagnosed with or had close contact with anyone who has been diagnosed with COVID-19; or
- f. A fever, cough, or shortness of breath.

The Daviess Circuit and Superior Court may direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

9. **Through May 4, 2020**, the courts of Daviess 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 COVID19; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.

10. The Court authorizes each of the judges of the courts of Daviess County to exercise general jurisdiction over any and all cases in each other’s courts.

- F. Paragraph 6 of the AR17 Order should be allowed to expire **at 12:01a.m. on August 15, 2020** as provided in the “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” from the Indiana Supreme Court dated May 29, 2020. . That paragraph reads as follows:

6. **Through May 4, 2020**, to the extent it is reasonable, orders to show cause shall be issued in lieu of body attachments in civil cases.

Respectfully submitted,

/s/ Gregory A. Smith
Hon. Gregory A. Smith, Judge
Daviess Circuit Court

/s/ Dean A. Sobecki
Hon. Dean A. Sobecki, Judge
Daviess Superior Court