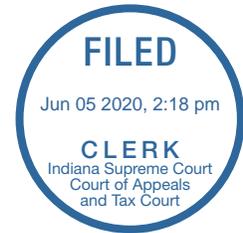


In the
Indiana Supreme Court



In the Matter of the Petition of the
Dearborn Circuit and Superior Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-156

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 29, 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 6/5/2020 , **effective May 29, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

Exhibit A**The Dearborn County Courts Plan for Resuming Operations****I. Planning – Stakeholder Ongoing Involvement**

The Dearborn County Judges have convened a group of local stakeholders to assist in the development and ongoing review of our plan. These stakeholders include the Judge of Dearborn Circuit Court, the Honorable James D. Humphrey; the Judge of the Dearborn Superior Court I, the Honorable Jonathan N. Cleary; the Judge of the Dearborn Superior Court II, the Honorable Sally A. McLaughlin; Magistrate Kimberly Schmaltz; President of Dearborn County Commissioners, James Thatcher; County Attorney, Andrew Baudendistel; Clerk of Courts, Gayle Pennington; Prosecuting Attorney Lynn Deddens; Public Defender, Gary Sorge; attorney Peter Johns; attorney Michael Sarapata; Chief Probation Officer Circuit Court, Steve Bradley; Chief Probation Officer Superior Courts and Director of Court Services, Steve Kelly; Health Department Representatives, Mary Calhoun and Cassandra Dick; Department of Child Services attorney, James Willyard; Maintenance & Facilities Director, Eric Hartman; Sheriff Shane McHenry; and Jail Commander Jon Winkler.

The stakeholder group has discussed the plan and have advised that the plan contains sufficient safeguards and that there is availability of testing, disinfectant supplies, and personal protective equipment to begin re-opening for non-emergency hearings in June, 2020 with limitations on numbers pursuant to the plan and resuming criminal trials in July, 2020. There will be a continued limited availability of needed number of masks and disinfectant wipes through the end of July which is considered in the plan.

The health department will provide a weekly report to the stakeholders group and the group will review progress and reconvene as needed to implement and evaluate modifications in the plan to assure everyone's safety on an ongoing basis.

The group will also review continuing availability of COVID-19 protective supplies; jail and juvenile detention strategies to minimize exposure and spread; continued expansion of in-court hearings; and continued expansion of probation/court services.

The group will monitor jail population and provide guidance by Judges, attorneys, Prosecutor, and Sheriff as appropriate.

The group will make a final evaluation once the COVID-19 public health issue no longer exists and will review and evaluate actions taken and make recommendations for future responses.

II. Re-opening plan

Phase I: Re-opening

This phase to be completed by June 5, 2020

1. Care of employees. (This section applies to court staff, probation staff, SERCC staff, Court Services and Special Programming staff, Juvenile Detention Center staff, and volunteers in the Guardian Ad Litem Program, Problem Solving Court and Court Services).
 - A. Identification of high risk employees.
 1. The Circuit Court Judge shall work with court staff, Circuit Court Probation, Juvenile Detention Center, and Guardian Ad Litem volunteer(s) to identify any at risk volunteer(s) and or employee(s).
 2. The Dearborn Superior Court 1 Judge and the Dearborn Superior Court II Judge shall work with court staff, Superior Court Probation, Court Services, Problem Solving Courts, A & D programming; and the Jail Chemical Addiction Program to identify any at risk volunteer(s) and/or employee(s).
 3. At risk is defined pursuant to CDC and ISD guidelines. A person is at risk if over age of 65, or anyone who has any of the following underlying medical conditions:
 - Chronic lung disease or moderate to severe asthma
 - Serious heart conditions
 - Immunocompromised from any disease such as cancer, AIDS, or medications that compromise immunity.
 - Severe Obesity (BMI of 40 or higher)

- Chronic kidney disease requiring dialysis.

Each employee/volunteer shall be provided an information sheet of those determined by the CDC to be at risk. Any volunteer/employee who identifies that they are at risk shall have a confidential discussion with supervisor to assure appropriate protections are in place.

Those at risk shall work remotely if possible. Those at risk who are unable to return to work, under these circumstances and cannot do full duties remotely, should provide a physician verification of high risk status and shall be eligible to take accrued paid time off or family leave pursuant to Dearborn County employee policies.

Those at high risk returning to work shall have social distancing, be provided face masks and be distanced from the public.

Each employee/volunteer in high risk shall have a safety plan that is discussed with the employee/volunteer and their supervisor.

This process has begun and this phase should be completed by June 5, 2020.

B. Continuing measures to address safety of all employees/volunteers.

1. Each employee shall review the following symptoms of COVID-19 and shall refrain from reporting to work and call manager if any of the following have occurred in the preceding three days or are currently present, including:

- Fever of 100.4 that day or in the preceding 3 days
- Chills
- Muscle and body aches
- Headache
- Sore throat
- Cough, chest tightness, or shortness of breath
- New loss of taste or smell
- Any individual in the household with these symptoms or known recent exposure to COVID-19 by individual in household or employee/volunteer

2. The employee experiencing any concerns in paragraph 1 of this section shall discuss with supervisor and is encouraged to consult family physician, seek testing for COVID-19, and/or consult with the health department prior to returning to work. The employee may work remotely if approved by supervisor and the health department may be consulted prior to returning to work.
3. Any employee/volunteer traveling outside the country or to areas where high risk of exposure to COVID-19 is present should discuss the travel with supervisor to assure other staff/volunteers are protected from exposure to COVID-19.
4. Employees/volunteers who come to work with COVID-19 symptoms or knowing exposure to COVID-19 may be required to leave work and may face disciplinary consequences if knowingly placed other staff and the public at risk.
5. Each supervisor shall review the physical space for each employee/volunteer and will provide for 6 feet social distancing between public/volunteers and staff and shall provide ways to minimize contact, potentially installing plexiglass, rotating staff hours, plans for working remotely, and limiting public to areas that are congested.
6. Each work area shall have signs promoting good hygiene that include:
 - Washing hands with soap and water or with alcohol- based sanitizer
 - Avoid touching face
 - Frequent disinfection of used items and surfaces
 - Maintain 6-foot social distance
7. If an employee who has been reporting to work tests positive for COVID-19; any employees who have had close interaction with the employee who has tested positive shall be contacted by supervisor

and/or health department representative that they have been in contact with an individual with COVID-19.

The affected employee's work space shall be deep cleaned by maintenance prior to any employee returning to the work area. Any employees in close contact shall be referred to the health department for testing and/or follow-up.

8. Any employee handling paper correspondence, court paperwork or exhibits shall be provided gloves to handle the paperwork or mail and shall be encouraged to wash hands and/or use hand sanitizer after handling paperwork.

2. Facility

- A. County Health Department representatives shall screen anyone entering courthouse and provide masks if one is not brought with the employee or public.
- B. Maintenance shall provide additional cleaning of courtrooms, restrooms, and public areas.
- C. Staff will have supplies to frequently clean work space and social distancing will be promoted in work areas.

These measures shall be put into place by June 5, 2020 and shall continue through Phase II.

III. Resuming Non-Emergency Hearings

Phase II: Resuming non-emergency hearings and operations

This phase to begin in June, 2020

1. Care of employees

- A. Vulnerable employees. All procedures in Phase I for vulnerable employees shall continue through Phase II.
- B. All procedures in Phase I for employees shall continue through Phase II.

2. Court proceedings

- A. Courts may utilize special telephonic equipment or secured zoom for hearings as agreed upon by the parties and/or as allowed through Administrative Rule 14.
- B. The courtrooms shall have markings to assure six feet social distancing of those attending court.
- C. The courtrooms shall have hand sanitizers, wipes, gloves and masks available for all who enter courtroom. A staff member shall be assigned to assure supplies are maintained.
- D. The Courts will avoid scheduling large number of hearings at a given time and shall encourage only parties, necessary witnesses, and counsel to appear in person. Each courtroom shall have a socially distanced space for press or limited individuals to attend court. Each Judge may limit courtroom attendance as needed to protect public health.
- E. All court attendees will be encouraged to wear masks and required to maintain social distancing.
 - 1. All court attendees will be screened prior to entering courthouse by a health department employee who will check for temperature. Review if individual has COVID-19 related symptoms and/or exposure and provide a face mask to any individual who comes without a face mask. Anyone with a temperature or COVID-19 related concerns will be asked to leave. Court will be contacted immediately if individual was there for a hearing.
 - 2. All individuals in jail may appear by video conference for all hearings that video conference is agreed to by both parties and as allowed pursuant to Administrative Rule 14.

Accommodations shall be made to allow any defendant to speak to his attorney privately during any video conference hearing.
- F. CHINS proceedings, juvenile proceedings, and protective order hearings shall occur utilizing the same protocol and use of remote technology as

outlined in Administrative Rule 14 and shall be conducted remotely for some or all of the parties as deemed appropriate.

- G. Other cases shall be prioritized based on Court schedule and emergency issues. Mediation shall be encouraged whenever possible.
- H. Counsel and self-represented litigants (as deemed appropriate) shall be encouraged to submit proposed exhibits for hearings electronically and shall be marked as proposed exhibit with all confidential information redacted.

3. Facility

All precautions put in place in Phase I shall continue.

4. Probation/Court Services/Problem Solving Courts

- A. Care of employees shall be as addressed as is for all court employees.
- B. Probation staff shall continue to meet by zoom or telephonically as appropriate.
- C. Beginning the week of June 8, 2020, staff will begin to see probationers with a limit of fifty (50) probationers per day maximum. Priority will be given to probationers who participate in problem solving courts, sex offenders, and high-risk probationers. The number of daily probationers reporting on-site will be reviewed on an as needed basis to modify plan as deemed appropriate.
- D. All on-site meetings of probationers and staff will occur in the conference rooms located in either the probation building or courthouse where social distancing can be maintained and will limit congestion in hallways and office areas.
- E. Each probationer shall wait in car or outside until staff are ready to bring probationer to conference room and shall be screened for COVID-19 symptoms and temperature on entering the building.
- F. Any probationer with COVID-19 symptoms or exposure to COVID-19 will not be permitted to enter the building.

- G. Cleaning materials, hand sanitizer, gloves, and masks shall be available in each conference room where staff are meeting with probationers.
 - H. Drug testing on a limited number of probationers will commence on June 8, 2020 with all probationers reporting for testing screened for COVID-19 symptoms or exposure prior to entering the building.
 - I. The probationer shall be accompanied by staff to testing area and shall wait, if needed, outside the facility. Testing area has been changed to allow the 6 feet social distancing.
 - J. All probationers shall be required to wear masks.
5. Juvenile Detention Center
- A. Shall follow plan for all employees as appropriate.
 - B. Shall limit admissions to juveniles from Dearborn, Ohio, Ripley, and Switzerland counties.
 - C. Any person entering Juvenile facility will be screened for COVID-19 related symptoms or exposure prior to entering.
 - D. Continue quarantine procedures for new admissions.
 - E. Face masks, hand sanitizer, cleaning materials, and gloves shall be available and will continue appropriate use of PPE and cleaning process.
 - F. Continued limits on in person visits and additional use of virtual visitation for family and attorneys.
 - G. Court appearances shall be handled remotely whenever possible and as deemed appropriate by the Circuit Court Judge.

IV. Resuming Jury Trials

Phase III: Resumption of Jury Trials

Phase III will begin in July, 2020

- 1. Care of employees

- A. All social distancing and other safeguards for employees would continue as outlined in Phase I and Phase II.
2. Care of Public and Jury
- A. Anyone entering courthouse should continue to be screened for COVID-19 and strongly recommended to wear face masks.
 - B. All prospective jurors shall be provided with information detailing:
 - 1. Protections in place for COVID-19. This will be sent with jury summons.
 - 2. Information on COVID-19 symptoms and information on what to do if they or a family member have COVID-19 symptoms or have recently been exposed to COVID-19 and how to contact Court.
 - 3. Information on how to request a deferral if are in a high-risk category or have concerns with ability to serve due to COVID-19 related issues and a COVID-19 jury questionnaire will be provided with summons to jury duty as deemed appropriate by judge summoning the jury.
 - C. Each court shall stagger jurors for selection of jurors and maintain social distancing in courtroom.
 - D. Alternate jury rooms in the two commissioner's rooms will be available to serve as jury rooms where 6-foot social distancing can be maintained. Courts will coordinate schedules for room availability. Accommodations will be made to provide lunch if social distancing is not available for outside lunch accommodations.
 - E. Each Judge shall consult with counsel regarding handling of exhibits, sidebars, and review strategies to limit time jurors are in the courtroom or jury room while hearings and issues are addressed that the jury is not a part of.

- F. Each Judge shall prioritize criminal trials with defendants in custody and time deadlines, and phase in civil trials after priority trials are addressed.
 - G. Assure that gloves, face masks, hand sanitizer, and frequent disinfectant is available at all phases of the trial for jurors.
3. Facility
- A. Each courtroom has been marked for social distancing for jurors and public.
 - B. All facility precautions as outlined herein shall continue.
4. Scheduling Civil Trials

The Courts shall initially limit scheduling of trials to criminal matters with criminal jury trials to begin in July, 2020 with first priority to incarcerated defendants. Each of the Courts have a significant backlog of criminal cases due to the COVID-19 public health emergency. Therefore, the Courts shall continue currently scheduled civil jury trials through September 25, 2020 and then schedule, as appropriate, based on backlog of criminal cases with defendants in custody and other considerations.

V. End of Emergency

Phase IV: End of Emergency

The safeguards shall remain in place until Phase IV which will occur when the Governor, Commissioners, and stakeholder group determine the public health emergency is no longer in effect and Court operations can return to normal.

The stakeholder group will reconvene and evaluate the Court's plan and make recommendations for any future public health emergency.