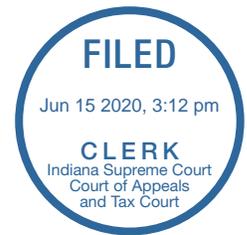


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-171



## Order Approving Expansion of Operations Plan In Part

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an expansion of operations plan (“Plan”) on May 30, 2020.

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

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

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved **in part**, subject to the following exceptions:
  - (a) The petitioning court(s) shall resume jury trials, subject to the health precautions proposed in the Plan, **no later than the week of August 17, 2020**. The petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires suspending jury trials beyond that date;
  - (b) The petitioning court(s) shall require employees to report if they have been in contact with someone who has contracted COVID-19; and

(c) The petitioning court(s) shall ensure that employee workstations comport with social distancing mandates, instruct employees to not share equipment if possible, and require that shared equipment be sanitized after each use.

The petitioning court(s) shall comply with the terms of the Plan as **modified above** through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/15/2020 , **effective May 29, 2020.**



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Loretta H. Rush

Chief Justice of Indiana

In the  
Indiana Supreme Court

In the Matter of Administrative Rule 17 Emergency Relief for Indian Trial Courts Relating to the 2019 Novel Coronavirus (COVID – 19)  Howard Circuit and Superior Courts	} } } } } }	Supreme Court Case No.  20S-CB-171  Lower Cause No. 34C01-2003-CB-638
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**PETITION FOR ADMINISTRATIVE ORDERS FOR HOWARD COUNTY COURTS**

Come now the Courts of Howard County, and petition and show to the Indiana Supreme Court as follows:

1. Pursuant to the Supreme Court's Order entered May 13, 2020, the courts of Howard County convened, *en banc*, and reviewed the guidance issued by the National Center for State Courts, the Center for Disease Control, the Executive Orders issued by President Trump and Governor Holcomb, and the pertinent Orders and advice from the Indiana Supreme Court. Further, the courts consulted with, and considered the advice from, the Howard County Board of Health; Health Officers, Donald Zent, M.D. and Martha Hoshaw, M.D.; the Howard County Commissioners; the Howard County Clerk; the Howard County Sheriff; the Howard County Prosecutor; the Howard County Public Defender; the President of the Howard County Bar Association; the Director of Howard County Information Technology; and other interested parties. Being thus duly advised, the courts developed the following transition plan:
2. The Emergency Order pursuant to Administrative Rule 17, currently in effect tolling all time limits including for speedy trials, authority to continue jury trials, reviewing jail lists and staying civil attachments should be extended for two (2) more months, through July 31, 2020;
3. The Courts will open to the general public on June 15, 2020, and maintain regular business hours thereafter, subject to the following:
  - a. any vulnerable (or symptomatic) court employees shall continue to work remotely. Other court employees, to the extent practicable, will be encouraged to work remotely. Court employees working physically in the courthouse shall continue the daily health assessment, and, when dealing with the public, shall practice social distancing, use masks and appropriate PPE;
  - b. plexiglass protectors, as appropriate, shall be utilized for each office; public areas and courtrooms shall be sanitized several times each day; counsel tables, and the witness stands shall be sanitized after each individual use; the courts shall

- continue to maintain facilities for visitors to pick up/deliver documents/mail outside designated work areas;
- c. Only litigants, attorneys, necessary witnesses, and others under compulsion will be encouraged to be enter the courthouse. All visitors to the Courthouse shall be screened prior to admission. The screening, shall include, in addition to the existing security measures:
    - i. Taking the temperature; and
    - ii. Asking the following questions: Are you coughing or sneezing? Do you have shortness of breath? Have you been in contact with anyone testing positive for Covid-19?
  - d. Anyone with a temperature over 100.4, or answering affirmatively to any of the questions will be prohibited from entering the building.
  - e. All visitors shall be required to maintain six foot (6') social distancing and shall wear a mask.
  - f. All visitors shall be required to use hand sanitizer upon entering any room within the courthouse.
  - g. Non-emergency hearings shall resume. To the extent possible, hearings shall be held remotely in accordance with AR 14. Remote hearings shall be live streamed in accordance with the Supreme Court's Order of April 22, 2020, or broadcast to a public monitor located in the courthouse. Hearings for all persons confined to the Howard County Jail, the Indiana Department of Correction, or the Kinsey Youth Center shall continue to be held remotely. Social distance in the courtroom shall be maintained, and masks shall be required at the discretion of the presiding judicial officer.
  - h. Jury Trials are not expected to resume until after August 31, 2020. Priority will be given to criminal jury trials with CR 4 implications. Prospective jury panels will be sent an additional COVID-19 questionnaire and, if there is in place, proper authorization from the Supreme Court, all prospective jurors who are a COVID-19 risk shall be excused or deferred. Jury selection and the trial shall be conducted in such a fashion that social distance can be maintained. It is recognized that may require moving jury trials to an alternate location or utilizing space. The courts shall continue working with the County Commissioners and other relevant partners to identify, secure, and utilize such space.
  - i. All probation, and In-home Detention intakes shall be conducted by video conference, with appropriate confidentiality being maintained. Electronic GPS bracelets shall be attached according to regular protocols by a person wearing appropriate PPE. The installation area shall be sanitized following each installation. Reporting supervision check-ins will be conducted at such regular intervals as dictated by evidence based best practices, including, but not limited risk level. Such interviews shall be conducted remotely, by video, or telephone, as determined by the individual Probation Officer, or in person. In the case of in person interviews, plexiglass barriers shall be utilized, and masks and appropriate PPE shall be utilized. The Probation Officer shall sanitize the area occupied by the client immediately following the interview. In-home Detention field visits shall be conducted by drive by inspections, or outside the client's residence. A Field Officer shall only exit a vehicle wearing appropriate PPE. All vehicles will

be supplied with adequate hand sanitizer. Pre-trial Services and Pre-Sentence interviews shall, to the extent practicable, be conducted by video conference. In the event such interviews are conducted in person, there shall be a plexiglass barrier in place, and the parties shall wear masks and appropriate PPE. The Probation Officer shall sanitize the area occupied by the client immediately following the interviews.

4. The restrictions created by the Transition Plan shall remain in full force and effect until terminated or modified by the judges, acting upon the advice of the Howard County Board of Health, the Howard County Health Officers, and the Indiana Supreme Court.

**WHEREFORE**, the Circuit and Superior Courts of Howard County pray the Court extend the Emergency Order under Administrative Rule 17, and approve this Administrative Rule 17 Transition Plan, and for such other and further relief as the Court deems fit and proper.

Done, at Howard County, Indiana, this 28 day of May, 2020.



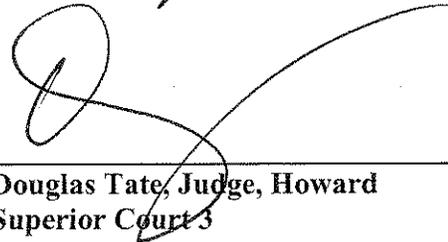
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Lynn Murray, Judge, Howard  
Circuit Court



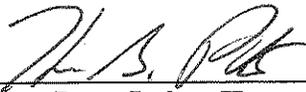
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William C. Menges, Jr., Judge  
Howard Superior Court 1



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Brant J. Parry, Judge, Howard  
Superior Court 2



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Douglas Tate, Judge, Howard  
Superior Court 3



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Hans Pate, Judge, Howard  
Superior Court 4