

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-187



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 6/10/2020 , effective **May 29, 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 the Matter of Jackson County
Circuit and Superior Courts Petition for
Administrative Order Pursuant to Administrative
Rule 17 on Reopening of the
Jackson County Courts.

Jackson Circuit and Superior Case No.
20S-CB-187

The Jackson Circuit and Superior Courts having conferred now requests the Indiana Supreme Court for relief under Administrative Rule 17. In support of this Petition the county informs the Indiana Supreme Court as follows:

1. The courts of Jackson County have convened to discuss appropriate measures to reopen the Jackson County courts in response to the COVID-19 Pandemic.
2. The existing order on Emergency Plan for the Jackson County Court should be modified as follows:
 - a. Jury trials shall not resume until July 1, 2020.
 - b. Civil proceedings shall resume in Jackson County courts subject to COVID-19 safety precautions.
 - c. Criminal proceedings shall resume in the Jackson County courts subject to COVID-19 safety precautions.

- d. All law rules and procedures setting time limits in criminal and juvenile matters, public health matters and in all civil matters shall apply going forward except time limits for speedy trials in criminal cases and time limits under criminal Rule 4 shall continue to be tolled until further order.
 - e. There shall be a prohibition on new writs of attachments and body attachments. Any existing writs not served and body attachments shall be stayed.
- 3. Spectators may be limited in the courts at this time, by orders of the Judge to ensure social distancing.
 - 4. A Transition Plan for Expanded Operation is attached to this as Petitioners' Exhibit A.

Respectfully requested this 9th day of June, 2020, in Brownstown, Jackson County, Indiana.

Bruce A. MacTavish

Bruce A. MacTavish, Presiding Judge

In the Matter of Administrative Rule 17		Supreme Court Case No. 20S-CB-187
Emergency Relief for Indiana Trial Courts		
Relating to the 2019 Novel Coronavirus		
(COVID-19).	}	

EXHIBIT A

2nd Amended Transition Plan for Expanded Operation for the Courts of Jackson County

Comes now Bruce A. MacTavish, Judge of the Jackson Superior Court #2 and designated presiding Judge hereby requests the Indiana Supreme Court approve the Jackson County Courts Transition Plan for Expanded Operations. This plan is submitted pursuant to the Indiana Supreme Court order of April 24, 2020.

1. COVID-19 safety Jackson County Judicial Center. The Judges of Jackson County will work with the Jackson County Commissioners and Jackson County Sheriff to ensure that all members of the public who enter the Jackson County Judicial Center have their temperature checked, are asked questions about their health and exposure to COVID-19, perform proper social distancing while in the Judicial Center, and offered face masks if they are not wearing one. Jackson County has a low COVID-19 infection rate, and has had only 3 deaths due to COVID-19.
2. Jackson County Courtroom Security.
 - a. The Judges of the Jackson County Circuit and Superior Courts will take steps to ensure in their courtrooms adequate six feet social distancing between all attorneys, parties, witnesses, spectators, jurors, and persons in waiting areas.
 - b. Seats shall be marked for use in the courtroom, gallery, and waiting areas to ensure social distancing.

- c. The wearing of masks shall be encouraged.
 - d. The courtroom should be regularly cleaned and sanitized between hearings. Further the Judicial Center shall regularly be deep cleaned.
3. Jackson County Court Office Safety and Employment Procedure relative to COVID-19.
- a. The Jackson County Courts shall properly social distance for employees and other people in court offices.
 - b. Court employees shall be encouraged to wear masks.
 - c. Court employees shall be ordered to stay home if ill and to seek testing for COVID-19 if they exhibit symptoms of COVID-19.
 - d. Court staff are encouraged to contact mental health professionals in the community if they have any Covid-19 related mental health concerns.
 - e. The staff have been provided hand sanitizer, Lysol, and disinfectant wipes as cleaning resources. The Courtrooms and Judicial Center are cleaned every night by a cleaning service.
 - f. At risk staff will be allowed to work remotely until health authorities instruct it is safe for staff to return.
 - g. The Court has communicated to staff to continually clean equipment and to be cautious in handling mail and packages.
 - h. Staff is required to report if they have been in contact with someone with Covid-19 and to isolate per health department requirements.
4. Jury Trial. Jury trials shall resume in the Jackson Circuit Court and in Jackson Superior Court #1 after July 1, 2020.
- a. The Judges of the Jackson County Court shall provide for proper social distancing for all trial participants and jurors.

- b. All jurors and jury trial participants shall be encouraged to wear masks.
 - c. Deferrals for jurors asking to be excused because of advanced age or co-morbidities shall be liberally granted.
5. Non-emergency hearings, criminal and civil shall be resumed with social distancing, use of masks, and screening of the public at the front door of the Judicial Center.
 6. CHINS and Termination of Parental Rights cases. Parties coming to court for CHINS, Termination of Parental Rights, and Protective Order hearings will be asked to wait in their vehicles until their case is called by the court.
 7. The Jackson County Probation Department and Jackson/Jennings Community Corrections are utilizing social distancing, limiting the number of persons in their office, using video conferencing, and prioritizing high risk individuals. Furthermore, Jackson County Probation and Jennings Community Corrections are using N-95 masks for office and home visits.
 8. Transition Plan. The Jackson County Courts transition plan is to not resume jury trials until July 1, 2020, and to limit spectators as necessary in the Jackson County Courts until July 1, 2020.
 9. The Judges of Jackson County reserve the rights to limit spectators to ensure proper social distancing.
 10. The press is welcome at all hearings other than hearings in confidential judicial matters.
 11. The Jackson County Judges have ordered and conducted an onsite review of the Judicial Center social distancing measures with Dr. Christopher Bunce M.D., Infectious Disease Doctor and Medical Officer, and the Jackson County Commissioners.
 - A. The Jackson County Judges have worked with Jackson County Emergency Management, Jackson County Sheriff Richard Meyer, and the Jackson County Commissioners to ensure all members of the public entering the Jackson County Judicial center have their temperature taken and are asked questions about potential COVID-19 exposure. All

members of the public entering the Jackson County Judicial Center are provided masks. The Jackson County Courts have strongly encouraged the wearing of masks and have not had to use their contempt power at this time.

- B. The Jackson County Court Judges have collaborated with Jackson County Chief Medical Officer, Christopher Bunce M.D., Infectious Disease Specialist. The Jackson County Sheriff, Richard Meyer, the Jackson County Commissioners, the Jackson County Prosecutor, Jeffrey Chalfant, the members of the Jackson County Bar Assembly, the head of Jackson County Probation, Carrie Tormoehleon, Jackson/Jennings Community Corrections Director, J. L. Brown, Jackson County Emergency Management Director, Duane Davis and Jackson County Clerk, Melissa Hayes in preparing this plan.

Respectfully requested this 9th day of June, 2020, in Brownstown, Jackson County, Indiana.



Bruce A. MacTavish, Presiding Judge