

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-110



## 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 amended expansion of operations plan (“Plan”) on July 10, 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.

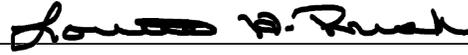
Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

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**, with the exception that the Lake Superior Court, Juvenile Division is directed to the Court’s order issued May 29, 2020 in Case No. 20S-CB-123 for any tolling related issues.
3. 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. 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.

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 7/10/2020 , effective **May 29, 2020**.



---

Loretta H. Rush  
Chief Justice of Indiana

**REVISED EXHIBIT ONE  
TO MOTION FOR EXTENSION  
FOR LAKE CIRCUIT AND SUPERIOR COURTS**

**AMENDED TRANSITION PLAN OF THE LAKE CIRCUIT COURT  
AND LAKE SUPERIOR COURT, CIVIL DIVISION**

The Lake Circuit Court and the Lake Superior Court, Civil Division does not have perfect consensus on all issues, this Amended Plan included the input of every Civil Judge and we agree on many things as significant and important to our transition to a full re-opening.

On April 30, 2020, our County Commissioners ("Commissioners") extended their earlier Emergency Declaration with the provision that full courthouse activities recommence on May 18, 2020. Our Commissioners' orders included the absolute necessity for masks and social distancing within the courthouse for both citizens and employees; those without masks are provided with them. Additionally, the Commissioners have posted significant signage within each courthouse emphasizing the necessity of social distancing. Effective immediately, we would like to implement:

**Flexibility and Safety.** Our Supreme Court have afforded us great flexibility in reopening the Civil Courts and we intend to use it. Every judicial officer has a different level of comfort for the dangers faced by COVID-19. Each judicial officer should have the authority to continue cases on the Court's own motion, to liberally grant continuances based upon the potential illness of any party, and to control who appears within his or her courtroom based upon any individual's wellness.

**Employment Procedures.** The Circuit Court and most of the Lake Superior Court, Civil Division have employees that fall within the high-risk categories for contracting COVID19. Each Civil Judge will periodically discuss the general well-being with each of these employees and will provide alternatives, such as staggered shift-work or the ability to work remotely via one of the laptop computers provided to each courtroom by the Lake County Data Department. Protective masks as mandatory in all public areas but may be removed within one's own office or cubicle; all employees will have daily access to cleaning supplies and hand sanitizer.

The Lake Circuit and Lake Superior, Civil Division, Courts will notify all employees of the resources available to all employees at Be Well Indiana: <https://bewellindiana.com/>, so that employees having difficulty coping with stress or depression will have this available resource. The Civil Judges will demonstrate both empathy and flexibility with all of their employees.

Hearings at a Distance. Each Civil Judge is presently using some form of holding status conferences and hearings at a distance. From telephone status conferences for the purpose of setting deadlines and coordinating future hearings on one end of the spectrum to holding significant hearings via video platforms such as Zoom, Go To Meeting, or Court Call video conferencing, on the other. The consensus seemed to be, however, that video platforms are inappropriate for jury trials, bench trials, and document-heavy evidentiary hearings.

Non-Emergency Hearings. Civil judicial officers are already using both telephone status conferences and the various remote video platforms for non-emergency civil hearings. Non-emergency civil hearings will be prioritized behind emergency civil hearings and ahead of jury trials. Upon request, spectators and witnesses can be included in conference calls, as spectators in video conferences, or simply by sitting in the courtroom where the judicial officer is holding the conference. By order of our Commissioners, any in-person spectators or witnesses in a Lake County courthouse will be masked and must maintain proper social distancing according to the posted signage. There is no immediate expectation of using senior judges but, if they are utilized, it will be done in a manner similar to the sitting judicial officers. All hearings with incarcerated persons will be handled via one of the video platforms.

Social Distancing and Personal Protective Equipment. It is each judicial officer's obligation to police all in-person hearings or trials related to the Center for Disease Control's ("CDC") protocols for social distancing. Each courtroom has signage posted in the hallway adjacent to the courtroom, at the entrance of the courtroom, and within the courtroom, mandating social distancing. Each courtroom should, to the extent possible and within our budgetary capabilities, provide masks, gloves, alcohol wipes, and hand sanitizer as needed, for persons appearing. The bailiff will be questioning persons as they enter the courtroom as to the state of their wellness, with several courts using a temporal thermometer to take the temperature of all court staff, attorneys, litigants, jurors, and observers from the general public.

Jury Trials and Jurors. It was the opinion of all civil judges that criminal courts must be given priority for jurors based upon the Constitutional issues involved. However, in speaking with the Criminal Division and the Court Commissioner, this will not be the difficult issue that we contemplated. First, none of the four Criminal Division courtrooms are large enough to accommodate thirteen jurors at a proper social distance. This means that all criminal trials must be held in the auditorium at the Lake County Government Center. At best, the auditorium will only be able to hold 1-2 jury trials per week once jury trials are permitted. Second, the Jury Commissioner has assured us that because no jury has been called recently, his data bank of potential jurors has grown significantly to the point that he can accommodate several jury trials every week for the Civil Courts.

Every Civil Judge has indicated empathy for potential jurors during the pandemic. Some potential jurors will have been ill, others unemployed for a period of time, and still others will have childcare issues based upon the movement of school and summer school into their homes. Add to that the fear of contracting the virus from other jurors, litigants, and court staff; most of us question whether otherwise law-abiding citizens will even appear when summoned. Here, Judge Hawkins wisely opined that judicial officers should strive to follow the "Golden Rule" when considering whether to excuse jurors with personal issues related to the pandemic for cause.

Most judicial officers believe that jury trials should not recommence in the Civil Courts until July, with one believing that August would be more appropriate. Once recommenced, the Civil Judges believe that social distancing and masks are imperative during jury selection. Each judicial officer will explain all of the safety mechanisms that have been put into place for them by our Commissioners, the Lake Circuit Court, and the Lake Superior Court, Civil Division. Each judicial officer has measured his or her courtroom and the adjacent hallway and has taped-off proper social distances. In the Government Center, the Auditorium or the Media Center will be used to socially distance prospective jurors, with chosen jurors being immediately walked to the courtroom and seated in their socially distanced chair.

During jury trials, the entire courtroom will be used as a socially distanced jury room, where jurors will meet, store their personal items, take breaks, have lunch brought to them, and ultimately deliberate. The court staff will periodically clean the Courtroom throughout the day and at night and

provide hand sanitizer and new masks to the jurors, as needed. Jurors will stay in the courtroom and the judge, attorneys, and litigants will adjourn to an adjacent courtroom, if available, or to the judicial officer's chambers for discussion and argument outside the presence of the jury. Each civil court has obtained, or will soon be obtaining, a portable audio recorder with the ability to download its contents on to a Court Reporter's computer to keep a proper record.

**Court Supervised Services.** The only Court-supervised services within the Lake Circuit Court or the Lake Superior Court, Civil Division, are those of a Guardian Ad Litem ("GAL") or of a Court Appointed Special Advocate ("CASA"). In-home visits, if necessary, will recommence in July of 2020. GAL / CASA staff members shall attire themselves in Personal Protective Equipment in accordance with the CDC guidelines and shall social distance themselves when undertaking either in-office or necessary home visits.

**Summary.** These are challenging times and the judicial officers of the Lake Circuit Court and the Lake Superior Court, Civil Division have an obligation to take on a significant leadership role in the full reopening our Courts. Every judicial officer to whom I have spoken is ready to face this challenge with empathy, creativity, ingenuity, and hard work.

## AMENDED COUNTY DIVISION PLAN

### (City and Town Courts can opt in to be included)

1. We will be adopting the majority of suggestions from the task force and do not believe we need to reiterate them here. The County Division will enforce the use of all PPE required by the County Commissioners. If the person has temperature over 100.4 they will be asked to leave and their case will be continued. These are specifics for reopening the County Division only. The rules apply to employees and the public alike.
2. Remove and replace all cloth seating for staff, attorneys and guests with chairs that can be sanitized after individual use. There will only be limited seating in the court room that allows for social distancing. The court will only allow the number of people into the courtroom that can be accommodated by social distancing. (this number will vary due to court room size)
3. Reduce court call size and increase the frequency of court calls. For example: instead of summoning 100 people at 9 am, we will have 25 people at 9, 25 at 10 and 25 at 11. The County Division will attempt to gain access to larger space if accommodations are necessary (auditorium, alternate venue.
4. Some staff will continue to work from home via laptops provided. Staff will work in conjunction with the Executive Order of the Governor, the Supreme Court of Indiana and social distancing requirements. Staff may work alternate schedules to accommodate safety and public health regulations. Employees in high risk categories or who have had exposure to COVID-19, may be allowed

to work remotely if applicable. The staff should report if they have COVID-19 symptoms or have been in contact with someone infected with COVID-19. The court will take all appropriate precautions if this situation should arise.

5. If an employee is having difficulty with stress or depression they will be referred to a mental health agency or Be Well Indiana.
6. We will employ virtual check in rather than in person check in. Data Processing is currently looking for a texting program that will not allow for potential hacking to our servers. Those who have vehicles will be asked to remain in their vehicle until such time as they are texted by the court to come into the building. Court security will direct those without vehicle where to wait taking social distancing into consideration.
7. The court will attempt to hear as many cases virtually as possible. The Supreme Court of Indiana has provided Zoom business accounts for virtual hearings. Zoom allows for all hearings to be recorded and streamed live upon request of interested parties, including the media, via YouTube and the livestream method suggested Indiana Supreme Court. Attorneys who wish to have virtual hearings should contact the court to schedule a remote hearing. The courts and the jail have been conducting remote hearings via Zoom and will continue to do so until the health emergency has passed. Small claims is contacting attorneys who have scheduled hearings to determine the ability to have a virtual hearing. All evidence expected to be presented should be filed via Odyssey in advance of the hearing. All motions, documents and plea agreements should be filed in Odyssey in advance whenever possible to avoid passing paper amongst multiple individuals. The courts have limited space for spectators but will attempt to accommodate as many as possible in person or in the alternative give them access to watch the proceedings remotely.
8. Plea agreements for individuals can be signed by the attorney on behalf of their client if the client acknowledges on the record their

consent for the attorney to sign on their behalf. The courts have created pending plea queues in Odyssey for attorneys to file pleas and all necessary documents in advance of their hearing. The Judicial Officer should take extra care to confirm the defendant is aware of what consent is being given. The jail staff should have the waiver of rights form available for defendant's to be read in the jail. The jail staff should have the ability to print and scan documents between the defendant and the court if necessary. We are using a form for the defendant to sign to waive their in person appearance.

9. The County Division has prepared an area where litigants and probationers can meet with their attorney or their probation officer with a safety screen between in order to avoid the transfer of bodily fluid.
10. The County Division will not resume jury trials until further notice to give the Jury Commissioner an opportunity to reorganize the jury trial system in Lake County, with the understanding that the criminal division will go first. When a jury trial is scheduled we will follow the procedures proscribed by the jury commissioner.
11. All hearings from the Lake County Jail will be held virtually, as they are now.
12. Areas will be marked in the hallway for waiting areas with social distancing marked.

**AMENDED CRIMINAL DIVISION PLAN****The Lake County Superior Court Criminal Division Petition for  
Emergency Relief Administrative Rule 17 is Amended as Follows:****Employment Procedures:**

- The Criminal Division will follow the Governor's Guidelines, CDC and ISDH recommendations, as they relate to employee returning to work. High risk employees will continue to work from home whenever possible.
- Employees have been provided personal protection equipment (gloves, masks, sanitizer, and other cleaning supplies) and are encouraged to practice social distancing at all times.
- Employees will have their temperature checked with a temporal thermometer when entering the workplace.
- Anyone with a temperature of 100.4 or above will be sent home and advised to seek medical attention.
- Employees who have been exposed to COVID 19 will be required to self-quarantine for 14 days and test negative prior to returning to work.
- Employees are required to notify their superior if they are experiencing symptoms of COVID 19.
- Any employee experiencing symptoms shall not be allowed to enter the workplace.

- A doctor's release and a negative COVID 19 test result is required to return to work.
- Anyone having difficulty coping with stress or depression during COVID 19 health emergency will be advised of Lake County EAP services as well as the Be Well Indiana website ([bewellindiana.com](http://bewellindiana.com)).

### **Screening Procedures for the Public:**

- During the COVID 19 health emergency the general public will not be allowed to access the courtroom, except for limited access, shared equally by the parties.
- Public access will be available via [public.courts.in.gov](http://public.courts.in.gov), live streaming.
- Bailiffs will question persons as they enter the courtroom as to any symptoms they may be experiencing. A temporal thermometer will be used to take temperatures for all court staff, attorneys, and defendants. Anyone with a temperature of 100.4 and above, will not be admitted to the courtroom and advised to seek medical attention.
- The Court will periodically review CDC and the governor's guidelines to determine when to fully open the courtroom to the general public.

### **Resuming Non-Emergency Hearings:**

- Public access will be via [public.courts.in.gov](http://public.courts.in.gov).

- Senior Judges will be used, as needed, for all proceedings and can appear remotely when necessary.
- Witnesses will be seated outside the courtroom maintaining appropriate social distancing guidelines.

### **Jury Trials:**

- Each prospective juror will be sent a cover letter (see ex. A) with the juror questionnaire outlining the steps that have been taken to assure their safety.
- Public access to the courtroom will be limited to available space shared equally by the parties during jury trial.
- Courtrooms have been modified to ensure adequate social distancing.

### **Juror Appearance:**

- Summons will be mailed out to prospective jurors.
- Jurors will be ordered to appear in the Lake County Government Center Auditorium at 8:00 a.m. where attendance and orientation will take place.
- Social distancing will be practiced during orientation.
- Jurors will be informed that masks are required in all areas of the building, but that they will not be permitted in court during the jury selection process. The orientation will also review the steps taken by the Court to ensure their safety.
- Jurors will be instructed that their temperature will be taken daily and that once jurors are selected and the trial begins, masks will again be required. Anyone with a

temperature of 100.4 degrees and above will be excused and advised to seek medical attention.

- Copies of the juror list and juror questionnaires will be provided to all parties prior to the start of voir dire. All other aspects of preparing the court for the jurors will remain the same.

**Voir Dire:** Jurors will remain in the auditorium utilizing proper social distancing, for jury selection.

Masks will not be required during voir dire. Individuals who feel unsafe being unmasked may utilize face shields if available.

**Use of Courtrooms as Waiting/Jury/Lunchrooms:**

- After selection jurors will report directly to the courtroom at a time provided by the Court.
- Lunches will be provided in courtroom. Adequate bathroom breaks will be provided, utilizing jury rooms.
- Given distancing requirements, the courtroom will not be used for sidebars or conferences. Jurors will stay in the courtroom and the judge and attorneys will adjourn to an adjacent area
- The Court staff will clean the courtroom throughout each day and provide hand sanitizer and masks to the jurors as needed.

**Trial Procedures**

- Masks will be worn by courtroom staff. Masks will not be required of attorneys, defendants, or witnesses, when speaking. Face shields may be available if one chooses.
- Plexiglass is already placed around the courtroom.
- Adequate spacing will be made available to the defendant and their attorney so that they may communicate privately.
- Public access to the courtroom will be allowed while maintaining appropriate social distancing.

### **Juror Exemptions and Deferrals:**

- The court has provided for temporary relaxation of exemptions and deferrals as set forth in the Jury Trial Addendum below. The Office of the Court Administrator will address juror issues outlined in the order prior to a juror's appearance, but the Court will need to be aware of the language of this order and act accordingly during the voir dire process.

### **Court Supervised Services**

- The Probation Department will be fully staffed on a full-time basis effective July 6, 2020.
- Office visits will continue by appointment only.
- Home visits are suspended at this time. They will be resumed as coordinated with the Lake County Sheriff's Department.
- Satellite offices will not be utilized.

- PPE and temperature screening will be required by all staff. Hand sanitizer and masks will be available at all times.
- Telephonic and video conferencing will be utilized as necessary.

CTC and Therapeutic Intervention Courts have resumed, utilizing appropriate social distancing, PPE, and staggered hearings.

### **AMENDED JUVENILE DIVISION PLAN**

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); on March 13, President Trump declared emergency relating to the virus; and on March 23, April 6, and April 20, Governor Holcomb issued Executive Orders directing Hoosiers to remain in their homes except when at work or for permitted activities, such as taking care of others, obtaining necessary supplies, and for health and safety. On May 1, 2020, Governor Holcomb issued Executive Order 20-26 which set forth the “Roadmap To Reopen Indiana For Hoosiers, Businesses And State Government.”

On March 16, the Indiana Supreme Court ordered trial courts statewide to implement continuity-of-operations plans and to seek appropriate emergency relief pursuant to Administrative Rule 17. Trial courts statewide petitioned for, and were granted, emergency relief; and on April 6, this Court found the public health emergency to be ongoing and extended trial courts’ emergency relief through at least May 4. The latest Supreme Court order requires the transition plan to be filed by May 30, 2020 and extends Administrative Rule 17 relief to the same date.

As of this date the public health emergency is continuing and it is prudent to develop plans for gradually expanding operations as conditions permit. The date set by this transition plan may not be the final extension date. The exact date on which our court will resume will be conditions-driven and follow recommendations of the Executive Branch, the Indiana State Department of Health, and Indiana Supreme Court as well as the

court's own review. Should conditions not improve or worsen, this date may be extended.

The Lake County Juvenile Center (hereinafter "LCJC") is a large complex located in Crown Point, Indiana. LCJC is comprised of the Lake Superior Court Juvenile Division and Lake County Juvenile Detention Center. The Lake Superior Court - Juvenile Division has eight courts. Seven Courts are located in Crown Point at the LCJC and one court is located in a satellite court room in the Lake Superior Court building in Gary, Indiana. More than 200 people are employed at LCJC. On any given day, with seven courts operating at LCJC, hundreds of people attend hearings at the courthouse. Currently, according to all available statistics regarding the COVID-19 pandemic, there are areas in Lake County that are "hot spots", particularly Gary and East Chicago. Additionally, Lake County shares an extensive border with Chicago, Illinois. Thousands of people travel to and from Lake County to Chicago and vice versa on a daily basis. Chicago, Cook County, Illinois is also currently a hot spot. In fact, Cook County recently became the county with the highest number of COVID-19 cases in the entire United States.

The demographic that attends court at LCJC is particularly vulnerable due to a number of factors faced by families and children during these times. Due to the vulnerability of those working at LCJC and those attending court along with the court's awesome responsibility to those families and children. The Court has determined that a slow transition process is in the best interests of families and children in Lake County. Based on current numbers, LCJC will continue with all listed mitigation strategies with a tentative plan to return to a modified court call on July 6, 2020.

In addition to the responsibility of individuals, communities, schools, business, health care organizations and our courts have a role to play in community mitigation. Policies, like limits on large gatherings, restrictions on businesses, and school closures, are often needed in order to fully implement community mitigation strategies. Each community is unique and because some of these measures can be very disruptive to daily life, appropriate mitigation strategies will vary based on the level of community transmission, characteristics of the community and their populations, and the local capacity to implement strategies.

Consideration is needed for all aspects of a community that might be impacted, including populations most vulnerable to severe illness and those that may be more impacted socially or economically, and select

appropriate actions. When selecting mitigation strategies, our court and communities should be guided by the local characteristics of disease transmission, demographics, and public health and healthcare system capacity. Mitigation strategies should be able to be scaled up or down depending on the evolving local situation.

The effects of COVID-19 on the health of racial and ethnic minority groups is still emerging; however, current data suggest a disproportionate burden of illness and death among racial and ethnic minority groups. Measures must be taken to reduce the impact of COVID-19 on the health of racial and ethnic minorities and address the needs of vulnerable populations.

Community mitigation is especially important before a vaccine or drug becomes widely available. In accordance with Governor Holcomb's order, LCJC regular and normal business hours of operation, with the exclusion of the courts, resumed on Monday, May 18, 2020. To ensure the health and well-being of the staff, the following procedures were implemented. This plan was created under the authority of the medical doctor for the facility, Dr. Timothy Mullally, as well as the Lake County Government COVID-19 Safety and Action Plan created by the Lake County Health Department and approved by Mike Repay, the President of the Lake County Board of Commissioners, and follows all guidelines established by the CDC.

## I. MITIGATION THROUGH COURT PROCESSES

Mitigation strategies include:

1. **Encourage Agreements** – We have encouraged all parties in juvenile cases to communicate closely in an attempt to reach settlement on cases without the need for a hearing. During the early stages of emergency closure this approach has been very successful. The Lake County Prosecutor's Office, Juvenile Probation and our Public Defenders have worked hard to move delinquency cases forward. DCS has worked with CASA and the Public Defenders to move DCS cases. This mitigation strategy has been very successful. Utilizing this approach indefinitely will prove especially efficient in reducing flow of people through the court building.
2. **Encourage cases to be resolved by motion if possible** - We have encouraged the parties to resolve cases that may not be able to be settled by agreement to be submitted by motion if

the issues precluding settlement are few. Resolving cases in this fashion will also lessen the flow of people through our court.

3. **Remote hearings** – We will continue to hold hearings remotely to the extent possible. Remote hearings have been a more than reasonable alternative to in person hearings and have been very useful in keeping dockets moving.
4. **Mediation** – Our court will also utilize mediation in the hopes that mediated agreements will alleviate the need for in person hearings in many cases.
5. **Resumption of hearings incorporating effective mitigation strategies** – This will be accomplished by following the preliminary guidance to Trial Courts for the Resuming Court Operations Task Force which is fully incorporated herein. Specifically, our court will follow all suggestions in the guidelines for high volume courts including but not limited to staggering court calls for each court in the Division and limiting the number of cases set per hour. Further, any and all spectators or witnesses will be required to follow all guidelines set forth in Section III while they are attending court. Senior Judges will not be used during the COVID-19 health emergency. All hearings for incarcerated persons will be held by Zoom. Any hearings that require public access will be streamed at <https://public.courts.in.gov/incs#/>.

## II. POLICIES FOR ENSURING COURT EMPLOYEE HEALTH AND SAFETY

- Members of administration identified employees with job duties and resources which allowed them to perform their job functions from a remote location. These employees will continue to perform their jobs remotely in an attempt to minimize the number of employees inside of the facility at one time. All available tablets, laptops, and other devices that allow an employee to perform their work remotely have been issued. Employees not deemed essential but whose job duties do not allow the possibility for remote work, returned to work on May 18, 2020. Employees who were at an increased risk of infection,

due to age or an underlying chronic medical condition were provided the opportunity to take an unpaid leave rather than returning. These increased risk employees were provided personal protective equipment, such as masks and gloves, and are following all CDC and ISDH guidelines pertaining to social distancing.

- All employees must enter the building through the intake sally port. A staff member will take employee temperatures and a mask will be available to employees on May 18<sup>th</sup>. Any employee who registers a temperature of 100.4F or higher will be prohibited from entering the building.
- Employees should continue to self-monitor for COVID-19 symptoms such as persistent cough, shortness of breath, or other acute respiratory symptoms or fever. Employees should also not come to work if they have other flu-like symptoms such as: fever, chills, muscle and body aches, headache, sore throat, cough, or new loss of taste or smell. If employees experience these symptoms outside of work, they are required to contact their supervisor, following normal call-off procedures and are not to enter the building. If an employee experiences these symptoms at work, they are required to contact their supervisor and will be instructed to go home.
- If an employee has been in close contact with someone that has tested positive for COVID-19, they are required to self-quarantine for a period of 14 days before returning to work
- Housekeeping will continue to clean and disinfect common areas but employees that work in a shared workspace or share equipment must be respectful and properly clean and sanitize the area when they are finished. Employees are required to utilize proper PPE, such as gloves and masks, in these areas and avoid touching their face.
- Hand sanitizer will be available in several areas. Thorough hand washing with soap and water for 20 seconds, multiple times per day is preferred.
- Employees must continue to utilize social distancing in the workplace, keeping a distance of six feet from others when possible.
  - The current layout of the facility allows for the vast majority of employees to remain the appropriate distance of at least six feet from others when working. Employees working in a common

area such as central control, detention pod booth, etc. will be required to wear a mask and glove at all times and to disinfect the area upon the start and conclusion of their shift.

- In-person meetings are discouraged unless proper social distancing procedures are in place.
- Employees are to avoid lunches or breaks in the lunchroom with others when possible. Employees are to use an alternate area or stagger their lunch times from others and are prevented from gathering in the breakroom as a group.
- All employees are **required** to wear a face mask in all public or common areas of the building. This rule also applies to any non-public area such as an office, where appropriate social distancing is not possible. Employees are allowed to bring and wear a facemask of their choosing as long as the face mask chosen does not pose a safety risk.
- The Lake County Government is offering free COVID-19 tests, even if an employee has not exhibited any symptoms. Employees were provided the number to contact to schedule a free test.
- If an employee tests positive for COVID-19, employees that worked with the affected employee or had close contact with the employee will be notified, ensuring the confidentiality of the affected individual is not compromised. These employees will be provided the opportunity for a free COVID-19 screening through the Lake County Government to ensure they were not infected as well. The employee testing positive for COVID-19 must be re-tested and provide proof of a negative test result for COVID-19 before being returned to the workplace.
- All work-related travel will be discontinued until it is safe to do so.
- Employee rights under the Families First Coronavirus Response Act were posted on the Human Resources Board in common areas and employees were also notified of the FFCRA through an internal communication system (Quest) that all employees use daily.
- Any employees having difficulty coping with stress or depression during the COVID-19 health emergency are directed to access Be Well Indiana at <https://bewellindiana.com/>.

- Probation and CASA may resume home and in-office visits so long as the protocols set out herein in Section II are followed.

### **III. POLICIES TO PROTECT PUBLIC HEALTH AND SAFETY AS COURT FACILITIES REOPEN**

- Signs notifying the public to engage in proper social distancing from others have been posted throughout the facility. Signs notifying the public that they should not enter the building if they currently have or have recently experienced flu-like symptoms have been posted at the front entrance doors and at the entrances to several areas throughout the building.
- Several hand sanitizer stations have been established throughout the building and are available to the public. Signs identifying these stations have been posted throughout the facility as well.
- Temperature checks with a touchless thermometer will be provided to the public by a member of the security personnel in appropriate PPE prior to his/her entry into the building. Any member of the public registering a temperature of 100.4 degrees or higher will be prohibited from entering the facility. Staff have also been trained on the specific symptoms of COVID-19 and will prevent entry for any member of the public exhibiting clear symptoms of COVID-19.
- Members of the public must wear a mask upon entry and must continue to wear the mask at all times inside of the building. Mask and gloves are available and will be provided to any member of the public attempting to enter without a mask. Members of the public are not required to wear the mask provided by the facility and are free to wear a face covering of their choosing as long as it does not pose a safety issue. Members of the public refusing to comply with mask requirements will be refused entry into the building or courtroom. Court employees will wear a mask while in the courtroom.
- Common waiting areas, such as the court waiting room area or the clerk's office, will have tape markers on the floor spaced six feet apart so that the public can continue to appropriately social distance.

- Chairs in the waiting area will be appropriately spaced apart so that proper social measures can be observed. In situations where there a row of three chairs that are interconnected exists, the middle chair will be taped off so that members of the public will be prevented from sitting.
- Administration will continue to assess measures that were successful and areas of opportunity during the COVID-19 pandemic and will incorporate these into future Continuity of Operations plans.

#### **IV. COURT PLANS FOR SANITIZING AND MAINTAINING SANITATION OF COURT FACILITIES**

- Housekeeping staff is utilizing a daily check list to ensure all areas of the secure detention and court facilities are cleaned and sanitized regularly. Common contact areas such as countertops, door handles, chairs, railings, etc. will be cleaned regularly by housekeeping staff. Garbage cans will be changed frequently and other areas such as restrooms, walls, floors, baseboards, etc. will be cleaned daily, signed off on by the housekeeper, and reviewed by the housekeeping supervisor. Housekeeping staff will wear a mask and gloves at all times while cleaning.
- Two additional housekeeping staff members will be hired with a pending start date of June 2020. These housekeepers will be dedicated to continuously cleaning the court rooms and waiting areas of the court. These dedicated housekeepers will go behind the general public and routinely wipe down doors, handles, railings, seating areas, chairs, vending machines, or other areas that the public comes in contact with regularly.
- Hand sanitizer stations have been established in the waiting area for the courts and are clearly identified to the public through signage.

Sanitizer solution/supplies have been provided to individual departments throughout the building so that staff members can clean and sanitize their offices and personal items.

In order to further and advance the objectives of the transition plan of the Lake Superior Court Juvenile Division, the court respectfully requests the Indiana Supreme Court for the following relief:

1. Extend indefinitely the May 13, 2020 Emergency Order Permitting Expanded Remote Proceedings, and
2. Extend indefinitely the May 13, 2020, Order Extending Time for Expanding Trial Court Operations; specifically, the order which tolls all time limits with regard to all juvenile court proceedings.

## **SUPPLEMENT TO LAKE COUNTY REOPENING PLAN REGARDING CITY AND TOWN COURTS IN LAKE COUNTY INDIANA**

A consensus was reached among the City and Town Courts in Lake County that with regard to the AR 17 components as identified in this Petition and Reopening Plan, any extension would be consistent with the plan approved for Lake County and that the scheduling of jury trials, if any, in the city and town courts would be consistent with the commencement for jury trials in the County Division.

### **JURY TRIAL ADDENDUM**

- a. The Court has prepared the following language to send to each prospective juror, with their summons, outlining the procedures and actions taken to protect the public:

“As we begin the process of reopening the court to jurors, we wanted to let you know that your safety is our first priority. Below is an outline of the steps we are taking to make your participation as safe as possible:

1. We have instituted daily self-monitoring for symptoms for all staff and court users, including jurors, who will have temperatures monitored as they enter the court. Individuals who exhibit symptoms (persistent cough, shortness of breath, or fever) should stay at home.

2. We require masks be worn in the court building. If you do not have a mask, a mask will be provided to you by the court.
3. Social distancing guidelines are strictly enforced.
4. The County Commissioners require the sanitizing and disinfecting of the courthouse every day. Hand sanitizing stations will be made available.
5. The Courts are staggering court calls, minimizing audiences and will continue to conduct video hearings whenever possible.
6. In order to minimize the number of people congregating, we may stagger juror appearance times or allow jurors to head back to their cars until texted.

Our goal is meet our constitutional responsibility of conducting jury trials and to do it as safely as possible. We understand the difficulties this crisis has inflicted and have taken steps to work with prospective jurors who have legitimate hardships at this time.

Your participation is necessary to conduct jury trials, but we will address your situation when providing exemptions and deferrals.

On behalf of the Lake Circuit and Superior Court, thank you for your time and willingness to participate.”

b. The court has ordered that exemptions and deferral be provided upon request for the following reason and conditions:

1. In addition to statutory/rule-based disqualifications and exemptions, during the pandemic restriction period the Lake Circuit and Superior Court will grant exemptions to anyone upon request who is a:
  1. Health care professional,
  2. Law enforcement officer,
  3. Emergency services officer,
  4. In a group at higher risk for severe illness (based on CDC guidelines)
    - a. 65 and over,
    - b. Underlying medical conditions
      1. Chronic Lung Disease
      2. Moderate to Severe Asthma
      3. Serious Heart Condition
        1. Heart failure

2. Coronary artery disease
3. Congenital heart disease
4. Cardiomyopathy
5. Pulmonary hypertension
4. Immunocompromised

1. Undergoing cancer treatment

2. Bone marrow/organ transplantation
3. Immune deficiencies
4. HIV w/low CD4 cell count
5. Untreated HIV
6. Using corticosteroids and other immune weakening

medications

5. Severe obesity (BMI 40 and over)
6. Diabetes
7. Chronic kidney disease undergoing dialysis
8. Liver disease

5. Currently COVID-19 positive,

6. COVID-19 symptomatic (per the CDC: cough, shortness of breath, difficulty breathing, fever, chills, muscle pain, sore throat, new loss of taste or smell).

7. Resides with an individual who is currently COVID-19 positive or is COVID-19 symptomatic.

In addition, although an automatic exemption is not required, upon request, the Lake Circuit and Superior Court should automatically defer any prospective juror who is:

1. caring for someone who is ill,
2. caring for pre-school and school-age children,
3. just starting job after having been without pay for an extended period,
4. working a job where interruption of employment could create an emergency financial situation for person and/or family.

c. Jurors will be masked in all areas of the courthouse and social distancing will be maintained.

d. Jurors will be allowed to exit the courthouse if they can be contacted via cell phone in order to de-densify the waiting areas.

- e. Jurors will have sanitizing options available in the court and temperatures will be taken daily by bailiff staff.
- f. Adequate distancing will be enforced in the courtroom and common court areas.
- g. Sidebars and conferences will be conducted at a safe distance as will juror deliberation.
- h. Meals will be provided in the courtroom or in a space that will allow for adequate distancing.