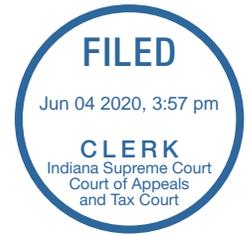


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-184



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 courts 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 courts shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/4/2020, effective **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

EXHIBIT A
POSEY COUNTY CIRCUIT AND SUPERIOR COURT
PLAN TO RESUME FULL OPERATIONS

May 30, 2020

I. Administrative Rule 17 Components

Posey County Circuit and Superior Court request extended and modified Emergency Relief, effective immediately and extending through August 1, 2020, as follows:

- the tolling, from the effective date of the original Order of March 19, 2020 to July 1, 2020, of all laws, rules, and procedures setting time limits for speedy trials in criminal cases and time limits in juvenile proceedings, public health, and mental health matters before the Courts. Further, no interest shall be due or charged during this tolled period;
- continued suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through July 1, 2020. However, criminal jury trials shall be held if necessary to protect a defendant’s rights under the United States and Indiana Constitutions;
- the continuing and/or rescheduling of all criminal and civil proceedings that the Court determines should be continued. This would include non-violent misdemeanor hearings and trials, proceedings supplemental, collections, infractions, and small claims matters;
- incarcerated defendants will appear for hearings by video conferencing or by telephone unless the defendant’s due process rights would be violated. If any attorney wishes to have a defendant transported for one of these other types of hearing, the attorney shall file a motion to transport at least 24 hours prior to the hearing. The Court will review these motions on a case by case basis;
- the use of telephonic or video technology in civil cases in lieu of personal appearance, unless a party’s constitutional rights would be violated;
- limitation of spectators, other than parties, attorneys, and necessary witnesses, subject to constitutional limitations that apply to the media and alleged crime victims, to ensure that adequate social distancing is maintained in the Courthouse, Colosseum, courtrooms, and hearing rooms;
- attorneys wishing to appear remotely for any status conference or non-evidentiary hearing may do so without further leave of the court upon notifying the Courts and opposing counsel prior to the hearing date and coordinating the same with the Courts;

- authorization for the Court to 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 COVID-19; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights;
- individuals with legitimate court business may stay home and request a continuance by telephone if they have or believe they may have COVID-19; are caring for someone who has COVID-19, or are in a high-risk category;
- authorization for the Courts to post signage at all public entry points to the Courthouse and Colosseum advising individuals not to enter the building if they have: (a) been diagnosed with, resided with or been in close contact with someone who has been diagnosed with or exposed to COVID-19; (b) traveled domestically within the United States or internationally to locations where the COVID-19 has sustained widespread community transmission; (c) been asked to self-quarantine by any doctor, hospital, or health agency; (d) has any of the symptoms of COVID-19 including: fever, shortness of breath, cough, new loss of taste or smell, sore throat, chills or muscle pain not attributable to another condition. This includes authorization for bailiffs and court security to deny entrance to individuals attempting to enter the building in violation of these protocols;
- authorization for the Courts to continue to review the county jail population and direct placement community corrections sentences of non-violent inmates and juveniles and, after a hearing, determine whether the defendant may be safely released with supervision or released with an order to report to the jail at a later date; and
- authorization for the Courts to not issue any new writs of attachments, civil bench warrants, or body attachments as the Courts may determine based upon local COVID numbers and that the service of previously issued writs or warrants be stayed as also determined by the Courts based upon local COVID numbers.

II. Planning

The development of this plan included discussions, meetings and consultation with the: Posey County Commissioners, Posey County Council members, Posey County Health Nurse, Posey County Health Director, Posey County Prosecuting Attorney, Posey County Sheriff, Attorney for the Department of Child Services, Director of Posey County Department of Child Services, County Attorney for Posey County, various members of the Posey County Bar Association, Director of Posey County Community Corrections, various Posey County government employees and the Posey County Clerk.

III. Employment Procedures

Employees will discontinue working remotely and resume normal working hours as of June 1, 2020, provided they are exhibiting no symptoms of COVID-19 and have not otherwise been exposed to anyone who has tested positive for COVID-19. As such, the policies listed below are

intended to help stop the spread of COVID-19 and enhance the safety of employees, litigants, attorneys and all those who enter the Posey County Circuit and Superior courts. These policies are consistent with local, state and federal guidelines. Additionally, these policies are consistent with guidelines provided by the Indiana Supreme Court Office of Judicial Administration for reopening trial courts. Any employee who willfully disregards or otherwise does not comply with the outlined policies is subject to discipline, including termination of his or her employment.

High-risk employees:

Each manager will identify those employees that are considered high-risk and facilitate, if the job description allows, for that employee to continue to work remotely. When working remotely is not possible due to necessary job duties, managers will consider reasonable accommodations such as locating the employee away from the public, requiring and providing medical grade PPE and increased social distancing.

Per CDC and ISDH guidance a person is considered high-risk if he or she is over the age of 65 or has any of the following underlying medical conditions: chronic lung disease, moderate to severe asthma, serious heart conditions, immunocompromised from any disease such as cancer, AIDS, or medication that compromises immunity, severe obesity and chronic kidney disease requiring dialysis. *(Managers should not ask employees to identify what medical condition makes them high-risk. Managers should explain what medical conditions cause a person to be high-risk and then ask the employees to identify if they are high-risk or not)*

Self-Screening:

Before leaving for work each morning, an employee should answer the questions listed below. If an employee answers yes to any of the questions, they should contact their manager before arriving at work for further instructions.

1. Have you been in close contact with someone who has tested positive for COVID-19 within the past 14 days?
2. Have you experienced any of the following symptoms in the past week: Fever of at least 100.4 degrees Fahrenheit, chills, muscle and body aches, headache, sore throat, cough, chest tightness and shortness of breath, new loss of taste and smell?

These questions will appear on signs placed near employee entrances located in the Posey Superior and Circuit Court.

Employees are not required to document their answers; however, if an employee answers yes to any of the above questions, they should contact their manager to discuss whether or not they may come to work and should call their health care provider for symptom screening.

Employees must notify their manager and are not allowed to enter the workplace if he or she is currently experiencing any symptoms of COVID-19 including:

- ❖ Fever of at least 100.4 degrees Fahrenheit

- ❖ Chills
- ❖ Muscle and body aches
- ❖ Headache
- ❖ Sore throat
- ❖ Cough, chest tightness and shortness of breath
- ❖ New loss of taste and smell

If an employee develops any of the above symptoms while at work, they should immediately notify their manager and they will be directed to leave.

Employees Presenting Symptoms Consistent with COVID-19:

If an employee exhibits symptoms that do not correspond to a known cause (asthma, chronic sinusitis, allergies, etc.) and they have been exposed to someone with a confirmed case of COVID-19 in the past 14 days, the employee should stay home and contact their manager and health care provider.

Employees with COVID-19 symptoms must leave the worksite and must be tested before he or she is allowed to return.

- Employees that test positive for COVID-19 may return to work only after:
 - They have been symptom free for a minimum of 72 hours and
 - At least 10 days have passed since the onset of their symptoms and
 - Have been cleared to return to work by their medical care provider.
- Employees that test negative for COVID-19 may return to work 48 hours after their symptoms have subsided.

Employees that test positive for COVID-19:

If an employee tests positive for COVID-19, they should immediately contact their manager and health care provider. Employees are required to immediately report their positive test results to their manager and HR representative. Immediate notice is critical to adequately notifying impacted employees and ensuring CDC recommendations are followed.

Employees Presenting Symptoms Consistent with a Known Cause:

If an employee exhibits symptoms that correspond to a known cause (asthma, chronic sinusitis, allergies, etc.) they should proceed to work as normal unless they have been exposed to someone with a confirmed diagnosis of COVID-19 within the past 14 days.

Employees Not Presenting Symptoms:

If an employee does not have symptoms and has not otherwise been exposed to someone with a confirmed diagnosis of COVID-19, they should proceed to work as normal.

IV. Courthouse Facility Plan

Visitor Policies:

Only those persons who are litigants or necessary witnesses shall be allowed into the Courtroom until the state of emergency has ended. An employee who schedules a meeting with a non-litigant is required to share the self-screening questions before the meeting occurs and must meet the visitor at the public entrance to the Courthouse.

Self-screening signs will be placed at the entrance of both courthouses. Before entering the Courthouse, each visitor should read the sign posted at the entrance asking visitors to self-screen for symptoms before entering.

- If a visitor is experiencing symptoms, the employee should help the visitor in alternative ways to obtain the service needed. The visitor will not be allowed into the building.
- Hand sanitizer will be available inside the Courthouse, the Court offices, and the Courtroom.
- All persons entering the Posey Circuit and Superior Court will be required to maintain 6 feet of distance between themselves and all other individuals, including court staff.
- All persons entering the Posey Circuit and Superior Court will be encouraged to wear a mask, however, it will not be required. Posey Circuit and Superior Court will provide disposal masks to any person entering the courtroom who does not have one and would like one.
- Physical barriers such as plexiglass screens or sneeze guards will be used where available and appropriate.

Social Distancing:

- Proper social distancing means maintaining six (6) feet of distance from another person.
- Employees are required to practice social distancing at all times while at work
- Employees are required to refrain from entering or meeting with colleagues in their cubicles.
- Employees should refrain, if at all possible, from borrowing supplies from coworkers' cubicles.
- It is preferable that internal and external meetings are conducted via conference call or using IOT-approved virtual meeting tools such as Microsoft Teams.
- If a conference room is needed, proper social distancing must be observed.
- Break rooms and other common assembly areas will be closed to discourage gathering.

- Waiting room chairs and computer terminals will be appropriately spaced in each lobby or common space.

Masks and Gloves:

- It is highly recommended and encouraged that employees obtain and wear a reusable mask at worksites and in public settings. The Posey County Health Department has provided all employees with at least one (1) reusable cloth mask for use.
- Employees should review the CDC's guidance about how to appropriately use and maintain masks.
- If an employee chooses to wear gloves they should only be worn by individuals who are opening the mail or exchanging items with individuals they are servicing.
- In regular office settings it is recommended employees do not wear gloves.

Workplace Cleanliness:

- Before reopening of the buildings, both courthouses will be thoroughly cleaned at the direction of the Posey County Commissioners.
- All internal doors will be propped open if it is safe to do so. This decreases the need for individuals to touch door handles and maximizes air flow in office spaces.
- Hand sanitizer will be located on each floor inside of agency entrances. Hand sanitizer will also be located in the courtroom at each counsel table.
- Courtroom tables, microphones, door handles and any other surface subject to the public touching will be cleansed either by disinfectant spray or wipe after each session of court is complete.
- Employees should make every effort to avoid sharing equipment. Common equipment that is used by multiple employees will be sanitized at various times throughout the work day.
- Employees may bring their own hand sanitizer and additional cleaning supplies, if desired.
- Employees should wash hands regularly throughout the course of the workday and avoid touching their face.
- Water fountains will only be used for filling water bottles.
- Hard surfaces throughout the Courthouse will be cleaned multiple times a day at the direction of the Posey County Commissioners, however, employees will be responsible for cleaning their personal desk spaces.
- Cleaning will be performed in compliance with the latest CDC guidelines.

V. Screening Procedures for the Public

Only those persons who are litigants or necessary witnesses shall be allowed into court facilities until the state of emergency has ended.

All persons entering the Posey Circuit and Superior Court will be encouraged to wear a mask, however, it will not be required. Posey Circuit and Superior Court will provide disposable masks to any person entering the courtroom who does not have one and would like one.

Signs will be posted at the entrance of each courtroom. The signs will read:

Before entering the courtroom please ask yourself the following questions: Have you been in close contact with someone who has tested positive for COVID-19 within the past 14 days? Have you experienced any of the following symptoms in the past week: Fever of at least 100.4 degrees Fahrenheit, chills, muscle and body aches, headache, sore throat, cough, chest tightness and shortness of breath, new loss of taste and smell?

If you answer yes to any of the above questions, please do not enter the courtroom, please contact the court by phone and also contact your attorney to make alternative arrangements for your court date.

VI. Resuming Non-Emergency Hearings

As courts across the state of Indiana begin to expand operations, Posey Circuit and Superior Court will make a substantial effort to conduct hearings remotely, when constitutionally permitted until the state of emergency has been lifted. The courts shall continue to use WebEx, Zoom, video, and telephonic hearing procedures. For all proceedings authorized under Administrative Rule 14, Posey Circuit and Superior Court shall utilize available technology to limit person-to-person contact whenever possible, unless otherwise directed by the Indiana Supreme Court. The use of such technology is designed to mitigate the risks associated with the relaxation of the stay-at-home order and ensure a gradual return to normal court functionality and provide a uniform Court response to the ongoing COVID-19 pandemic.

The Courts shall otherwise follow and adhere to the “Resuming Operations of the Trial Court” guidelines created and recommended by the resuming Operations Task Force and published on May 13, 2020 by the Indiana Supreme Court Office of Judicial Administration.

Beginning June 1, 2020:

Posey Circuit and Superior Court will begin resuming in-person hearings, but shall encourage litigants to use remote hearings whenever possible and when constitutionally permitted. The courts have communicated with the Sheriff of Posey County and shall continue to hold all hearings with inmates by video as constitutionally permitted.

If hearings are held in person, non-party spectators shall not be allowed in the courtroom. Only litigants, their counsel, and necessary witnesses shall be present for hearings, although substantial effort shall be made to allow witnesses to testify remotely. Signs will be posted at

each courtroom that only attorneys and parties whose case is currently being heard are to enter the courtroom.

All policies involving social distancing for waiting areas and courtroom facilities listed above will be followed. Courthouse cleanliness and symptom screening for employees and visitors as previously described above will be followed. All persons entering the courtroom will be strongly encouraged to wear a mask and the court will provide a mask if they do not have access to one.

Each court will make every effort to organize its docket in a manner that will allow more time before and after hearings to minimize person-to-person contact. Each court will encourage attorneys and litigants to arrive timely and to depart promptly and limit attendance to essential persons. On days when the courts may have a large volume of cases, each court will make a substantial attempt to set specific times for hearings and stagger the docket in a manner that limits each block to no more than 10 cases at a designated time as this will help ensure minimized contact and social distancing

Both courts will utilize the services of senior judges to help manage the backlog of cases and to efficiently resolve pending matters.

VII. Jury Trials

Beginning July 1, 2020:

Posey Circuit and Superior Court will begin resuming criminal and civil jury trials. Courts will utilize the “Additional Juror Questionnaire Regarding COVID-19 attached hereto when summoning potential jurors. Non-party spectators shall not be allowed in the courtroom during voir dire so as to maintain social distancing for potential jurors. Substantial effort shall continue to be made to allow witnesses to testify remotely when constitutionally permitted. The courts shall consider the following factors when contemplating a deferral for a potential juror: whether or not the potential juror is an essential worker, potential jurors who are high-risk or vulnerable to the virus, potential juror exposure to COVID-19, potential jurors returning to work after a furlough and potential jurors who exhibit symptoms of COVID-19 while or after the jury is impaneled.

Based on a case by case analysis, the Courts shall consider remote or off-site jury selection and/or staggering jury panels to ensure proper social distancing requirements. The Courts shall encourage and recommend that all potential jurors and selected jurors wear self-provided masks and will provide masks and other appropriate PPE when necessary.

The proceeding will be open to the public once the trial commences provided that the number of people in the courtroom remain below the target number provided by Governor Holcomb for each phase of his Back on Track Indiana initiative and provided social distancing requirements are met.

All policies involving social distancing for waiting areas and courtroom facilities listed above will be followed. Courthouse cleanliness and symptom screening for employees and visitors as previously described above will be followed. All persons entering the courtroom will be strongly encouraged to wear a mask and the court will provide a mask if they do not have access to one.

VIII. Court Supervised Services

Probation:

All Probation Staff shall adhere to the “COVID-19 Reopen Protocol for Probation” attached hereto. Probationers shall adhere to the terms and conditions of his or her probation at all times and shall deviate therefrom only upon direct instruction(s) from his or her Probation Officer.

Juror Name: _____

Juror #: _____

ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19
3rd Quarter – July through September 2020

1. Are you an essential healthcare worker? YES NO

2. If yes, where are you employed and in what capacity?

3. Have you been exposed to COVID-19? YES NO

4. If yes, approximate date of exposure: _____

5. Have you tested positive for COVID-19? YES NO

6. If yes, approximate date of positive test: _____

7. Are you currently experiencing any symptoms of COVID-19 and been told to quarantine?
 YES NO

8. If yes, on what date were you told to quarantine? _____

9. Are you an employee who has been laid off due to COVID-19 and have recently been returned to work? YES NO

10. If yes, where are you employed, how long were you laid off, and when did you return to work?

11. Are you considered an individual in a vulnerable population due to age or health conditions?
 YES NO

12. Any other concerns related to COVID-19 you have regarding your jury service?

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS, AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF JUROR

COVID 19 RE-OPEN PROTOCOL FOR PROBATION

1. Beginning on June 1, 2020 Posey County Probation will return to the office at full staff.
2. All clients will be required to resume reporting in-person with the following exceptions:
 - a. Low risk misdemeanor clients, so long as they have completed all requirements and are in good standing may continue to report by phone at the discretion of the supervising Probation Officer.
 - b. Elderly clients as well as clients with underlying health conditions that places them at high risk for complications from Covid 19, regardless of risk level, may continue to report via telephone until further notice.
 - c. Clients who are currently scheduled as phone-in reporting for the month of May, at the PO's discretion, can call in as scheduled and resume in-person reporting in June or at the next scheduled appointment.
3. Probation Officers will resume drug/alcohol testing. It is suggested that Officers test all drug/alcohol clients when they report for the first time upon reopen.
4. Each office has a thermometer for use to take the temperatures of clients reporting. It is unknown at this time if temperatures will be taken at the front doors. If temperatures are not taken at the front doors it will be Officer discretion if they wish to take the temperature of the client that is reporting prior to allowing him/her to enter the office.
5. When scheduling in-person appointments it is the preference of the Court that the client wear a mask when reporting.
6. Juvenile probation clients will resume reporting upon the direction of the Juvenile Probation Officer.
7. Probation Officers will exercise social distancing and sanitizing guidelines:
 - a. Avoid close contact with others (six (6) feet distance); Wear a mask when meeting with clients
 - b. Clean frequently touched surfaces and objects often (door handles, chairs, desktops, etc.)
 - c. Disinfect all surfaces touched by client after each appointment
 - d. Wash hands often for at least 20 seconds or use hand sanitizer when hand washing is not available.
8. Refrain from using other employee's phones, desks, offices, or other work tools and equipment, when possible.
9. Officers may resume home visits. It is recommended that Officers wear a mask and gloves at all times during a home visit. Immediately sanitize your hands when the visit is concluded.
10. All Pre-Sentence interviews (of incarcerated individuals) and Pretrial assessments will continue to be conducted by phone until further notice.
11. Officers should be sure to allow for social distancing (6 ft.) between clients waiting to be seen. This may result in Officers coming up with a staggered schedule or having clients wait in the hallway instead of in the lobby (Officers in the Coliseum).

12. Revisions will be made to the Court assignment schedule. One Probation Officer per day will be assigned to criminal hearings. The new schedule will be completed once the Court calendar is finalized.
 - a. The Officer will sanitize the Probation area as needed. When Court is concluded the Officer will sanitize the area one final time prior to exiting the Courtroom.
 - b. It is suggested that Officers wear masks during Court.