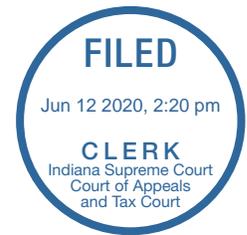


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-214



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 amended expansion of operations plan (“Plan”) on June 12, 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 6/12/2020 , **effective May 29, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

RIPLEY COUNTY CIRCUIT AND SUPERIOR COURTS PLAN ON ONGOING AND RESUMING OPERATIONS

In accordance with Indiana Supreme Court Cause No. 20S-CB-123 and Indiana Supreme Court Cause No. 20S-CB-214, and in consideration of the document entitled *Resuming Operations of the Trial Courts: COVID-19 Guidelines for Indiana's Judiciary*, the Ripley Circuit and Superior Courts have submitted a subsequent A.R. 17 Petition and have attached the Ripley County Resuming Operations Plan for Indiana Supreme Court review:

The Ripley County Courthouse & Plan Participants

- 1) The Ripley County Courthouse houses the Ripley Circuit and Superior Courts, the Office of the Prosecuting Attorney, the Clerk of Courts, and Court Services. All other Ripley County offices are located at the Ripley County Annex. The Courthouse has a single point of public entry.
- 2) The stakeholders consulted are all those referenced above as well as the Sheriff, the Commissioners, the Ripley County Health Dept., the local office for the Department of Child Services, and Voices for Children CASA.

Personal Precautions

- 1) Any persons entering the Courthouse must complete the SCREENING QUESTIONNAIRE, attached as Exhibit A.
- 2) Any person entering the Courthouse must pass a contactless thermometer temperature check with a reading not over 100.4 degrees Fahrenheit.
- 3) Any person entering the Courthouse must be given and use hand sanitizer.
- 4) Any person entering the Courthouse is encouraged to wear an appropriate mask. If a person does not have a mask, and is required to attend a hearing, then the person shall be provided an appropriate mask.
- 5) All persons entering the Courthouse must maintain at least 6 feet of social distance, unless there is an appropriate barrier. Reasonable accommodations may be necessary to effectuate appropriate and effective social distancing.
- 6) Anytime equipment is shared those sharing must sanitize hands before and after use.
- 7) All court employees will wear masks when within 6 feet of others and, as a general rule, when a hearing has more than three (3) members of the public in the Courtroom. Reasonable accommodations may be utilized in the Court Services office to ensure appropriate distancing, if necessary.
- 8) An employee suspected to be exposed to COVID-19 must be brought to the attention of the officeholder and/or supervisor for tracing and appropriate sanitation. A suspected exposure may result in a fourteen (14) day quarantine and subsequent COVID-19 negative test before return to the Courthouse is permitted.

- 9) Any employee that travels outside of the tristate area must quarantine until the Ripley County Health Department indicates the employee can safely return to work.
- 10) Any employee that may need mental health assistance due to COVID-19 may contact their supervisor and/or office holder, if they so desire, and can also reach Community Mental Health at 812-537-1302 or 877-849-1248 and/or Be Well Indiana at bewellindiana.com.

Facility Precautions

- 1) Unless alternative arrangements are made beforehand, Courthouse Security should notify the Court when a person appears for a hearing.
- 2) Upon completing all steps contained within the aforementioned Personal Precautions, persons shall report to the Court when notified that their case has been called.
- 3) Until so notified, persons may be requested to wait outside the Courthouse. This is to prevent unnecessary close-quarters' contact with others in relatively confined areas in the Courthouse.
- 4) The Bailiff may direct single-direction foot traffic. This may occur when a Court becomes congested and/or foot traffic so requires and/or for other good cause. If single-direction foot traffic is implemented, clear signage will indicate the proper progression.
- 5) After every personal appearance, the Bailiff shall sanitize all areas where a person was present. This shall happen after every in-person hearing.
- 6) In order to maintain social distance within the Courtrooms, all approved seating locations will be visibly marked. If a seat or chair is not visibly marked then nobody may sit or stand in that location.
- 7) Court Staff will retrieve and open mail while wearing gloves. Court Staff will thoroughly sanitize their hands and the opening space both before and after opening the mail.
- 8) Court Staff offices provide for more than 6 feet between each employee thereby allowing social distance.
- 9) All water fountains will be closed.
- 10) The Courthouse will continue to be cleaned by janitorial staff multiple times a week. In the event that there is a substantial hearing, trial, jury trial, and/or matter where more than ten (10) persons are present in the Courtroom on any given day, then Court Staff will request an additional deep cleaning that evening. Janitorial staff will be requested to clean the Courtroom anytime the Bailiff believes necessary and janitorial staff has agreed to deep clean the Courtroom any evening requested.

Phase One: Resuming Non-Essential Matters Starting June 1, 2020

- 1) The non-essential business of the Courts resumes on June 1, 2020.
- 2) Vulnerable employees (age 65+ or medical condition), if any, should work remotely if at all possible.

- 3) Vulnerable litigants shall bring this to the attention of Courthouse Security and the Court for consideration of special accommodations. The Courts will liberally allow reasonable accommodations such as continuance and/or remote appearance
- 4) The Courts will make significant efforts to conduct hearings remotely when appropriate and legally permissible.
- 5) The Courts will allow attorneys, parties, and/or witnesses to appear via Zoom or telephonically when appropriate and legally permissible.
- 6) The Courts remain physically accessible and open to the public. The judges maintain discretion to restrict attendance to only the party and attorney if necessary for safety or social distancing.
- 7) In order to ensure public access a Court may live stream non-confidential matters via IN Court Streams, Youtube, and/or otherwise.
- 8) The Courts will be gradually increasing hearings, but essential matters are still priority settings. To this end, hearings with persons in detention or jail may be held remotely via Zoom or otherwise when legally appropriate, such as when the parties do not object.
- 9) In anticipation of upcoming jury trials, the courts will require that prospective jurors fill out a COVID-19 SUPPLEMENTAL QUESTIONNAIRE (Exhibit B). A letter including safety messaging will accompany said Questionnaire. Both will be mailed to all potential jurors.
- 10) Phase one is anticipated to conclude August 1st, 2020, wherein Phase Two shall begin. This is subject to change depending upon virus spread and/or resurgence.

Phase Two: Resumption of Jury Trials

- 1) After August 1, 2020, the courts anticipate most COVID-19 related backlog to be resolved and anticipate that jury trials may resume, subject to all necessary legal and health related approvals.
- 2) Vulnerable employees, if any, should continue to work remotely if at all possible.
- 3) Vulnerable litigants should continue to appear remotely if they so desire and as permitted by law.
- 4) During this time, the Courts will continue to utilize the *Emergency Order Permitting Expanded Remote Proceedings* and/or *Administrative Rule 14* to reduce foot traffic.
- 5) The Court may appoint a Senior Judge to handle a matter and/or day. The Senior Judge would be encouraged to handle all issues remotely via Zoom and/or telephonically if at all possible. Senior Judges are not required to come to the Courthouse and matters will be brought to the Senior Judge by Court Staff if necessary.
- 6) Jury Trials shall not resume until approved by the Indiana Supreme Court and the Ripley County Health Department.
- 7) In consultation with plan participants the tentative jury trial resumption date is August 1, 2020, although much uncertainty still remains. If any aspect of a jury trial cannot be conducted safely on that date, then said date shall be extended.

- 8) The Court must give criminal jury trials priority over nearly, if not all, civil trials. Any criminal case having a CR 4 timing issue will be addressed first and said case should be brought to the court's attention immediately.
- 9) Safety messaging to jurors will be accomplished by the use of a letter mailed to the prospective jurors detailing jury trial procedure and precautions. This letter is consistent with the letter provided by the Task Force Chair.
- 10) Due to the logistical complexity and importance of safety jury trials will be conducted pursuant to the following RIPLEY COUNTY JURY TRIAL PLAN. As a plan partner, the Prosecuting Attorney's Office provided valuable insight and recommendations during the assimilation of the jury trial plan. Safety of the litigants and public and efficiency of the proceedings were and are the goals. Although alternative sites were considered, the Ripley Circuit and Superior Courts do not currently believe an alternative site is either appropriate or necessary.

Phase Three: Post-Pandemic

- 1) Through vigilance and the continued use of Personal Precautions the Courts hope to return to substantial normalcy.
- 2) Through all phases, Court Services will continue to gradually phase back to normal. A detailed explanation is provided in the following COURT SERVICES SUPERVISION PLAN. As a plan partner, the Court Services Director provided valuable insight and recommendations during the assimilation of the court supervision plan.
- 3) The global, national, and local data shows that the date for which any and all matters return to substantial normalcy cannot be concisely predicted.

RIPLEY COUNTY JURY TRIAL PLAN

Jury Arrival and Selection

- 1) Jury selection will be conducted in groups of no more than fifteen (15) potential jurors.
- 2) The first group of potential jurors will be ordered to arrive at the Ripley County Courthouse at 8:00 am. The second group will be ordered to appear at 10:30 am, the third group at 1:00 pm, and the fourth group at 3:30 pm. A fifth and sixth group may also be ordered to appear on the next day at 8:00 am and 10:30 am respectively.
- 3) Any potential juror who is 65 or older, has a medical condition that makes them more vulnerable to Covid-19, or who has provided an answer on the questionnaire that the potential juror has potentially been exposed to Covid-19 shall be excused.
- 4) Before entering the Courthouse, all potential jurors shall complete the COVID-19 SUPPLEMENTAL QUESTIONNAIRE (Exhibit B) in addition to the customary jury questionnaire. These documents will be mailed to all potential jurors in advance. Upon their return the questionnaires will be provided to counsel. Any potential juror who is over 65 years of age, has a medical condition, or has potentially been exposed to Covid-19 and notifies the Court in advance shall be eligible for a deferral.
- 5) Before entering the Courthouse, the potential juror's temperature will be taken by Courthouse Security. Any potential juror with a temperature of 100.4 degrees Fahrenheit or greater or who has experienced a fever or any Covid-19 related symptoms in the previous 72 hours shall be excused and not allowed to enter the Courthouse.
- 6) The Bailiff and/or Courthouse Security shall direct potential jurors either directly to the Court or to another Holding Room, located in the Courthouse or the Annex.
- 7) Potential jurors will be seated at least 6 feet apart from each other at all times.
- 8) All potential jurors shall then watch the jury selection video while maintaining proper social distancing. Once the video is complete, jurors located within a Holding Room will be directed to the Courtroom when the Court has determined it is appropriate for them to enter.
- 9) Upon entering the Courtroom, there shall be five (5) potential jurors placed in the jury box at least six feet away from each other.
- 10) All remaining potential jurors shall be placed in additional seating in the Courtroom six feet away from each other.
- 11) The parties shall conduct their questioning of the potential jurors while maintaining proper social distancing. Following the parties' submission of strikes, any juror that has been struck will be excused.
- 12) Any juror who was not struck shall either remain in the Courtroom until a jury has been selected or be sent home with a time certain in which to return. Court staff will fill the empty seats with potential jurors waiting. This process will be completed until a jury is selected.
- 13) Once a jury is selected, any potential juror that has not been called into the Courtroom shall be notified as soon as possible that they are no longer required to appear for jury service.

Trial Operations

During the trial, jurors shall remain seated the same way they were in jury selection (5 members in the jury box and 7 members and 2-3 alternates in the additional seating in the Courtroom).

When the Court breaks for a meal, the jurors shall be taken to the Holding Room by the Court staff. The Court staff shall arrange for the meal to be ordered in to prevent jurors from having to have close contact while being transported to or eating at the restaurant.

During any breaks that don't involve a meal, the Court and the parties shall exit the Courtroom to ensure the jurors have ample space between the Courtroom and jury room to take their break. All materials related to the trial shall be removed from the Courtroom and a member of Court staff shall remain present with the jury.

When the Court must conduct a hearing outside the presence of the jury, said hearing shall take place in chambers or other appropriate location, such as the other Court or jury room. When necessary, the general public will have access via the Court's live stream video.

If during the trial, a juror believes they are feeling Covid-19 symptoms or were potentially exposed to Covid-19 during the trial, the Court shall conduct a hearing to determine if that juror should be replaced by an alternate.

To maintain proper social distancing and the juror's safety, seating in the Courtroom, if any, will be extremely limited. The general public will have access via the Court's live stream video.

Deliberation

Once the case has been submitted to the jury for deliberation, the Court and the parties shall exit the Courtroom. All materials shall be removed from the Courtroom throughout the entirety of deliberation and the doors to the Courtroom shall be locked. This will occur to ensure the jurors have ample space to deliberate the case in the Courtroom and/or jury room. Any question a juror submits to the Court during deliberations shall be reviewed by the parties in the Court's chambers. If the question can be answered, the jurors shall return to their seats in the Courtroom, the parties will enter the Courtroom, and the Court will return to the bench to answer the question.

Once the jury has a verdict, they shall notify the bailiff and return to their seats in the Courtroom. The Court and the parties shall then reenter the Courtroom where the verdict is then handed to the Court for the formal reading of the verdict.

COURT SERVICES SUPERVISION PLAN

- 1) All POs and FOs will wear masks and gloves during contact with probationers in the office or in the field. Support staff will wear gloves when processing payments or during front window interaction with the public.
- 2) Each staff member will be responsible for cleaning all surface areas following his/her appointment or contact with probationers and/or public.
- 3) When a PO/FO completes a drug screen and/or an appointment he/she will escort the probationer to the exit door and wipe down all surface areas which were in contact (i.e. door knobs, chairs, drug screen table, etc.). Support staff will wipe down the countertop, clipboards, pens, etc.
- 4) Front desk staff will print a daily calendar and give a copy to Courthouse Security. The calendar should include hand written names of Day Reporting appointments for the day.

Supervision Re-entry

CADS Program and P-2-P – Continue Telehealth Services until further notice.

Week of June 1st

- In-Office appts for all High-Risk Home Detention clients (5)
- CADS Day Reporting Drug Screens (2)
- In-Office drug screen appts for all High/Moderate Risk Probation Day Reporting clients (5)
- In-Office drug screen appts for all Community Corrections Day Reporting clients (3)
- FO to continue with outside-of-home field visits
- Adult MRT, via Zoom

Week of June 8th

Continue above, in addition to the below protocol.

*POs shall schedule no more than (1) appointment every two hours for the following:

- In-Office appts for all Moderate and Low Risk Home Detention clients
- In-Office appointments for Soberlink, Intakes, PSI, PI, PDR, High Risk Probationers
- FO to conduct regular field visits with High and Moderate Home Detention clients
- CADS clients drug screened one time per week.

Week of June 15th

Continue above, in addition to the below protocol:

- POs shall prioritize appointments for High and Moderate Risk Probationers
- POs shall schedule no more than (1) appointment every two hours
- FO to conduct regular field visits with High and Moderate Home Detention clients
- Probation field visits for High Risk Probationers

Week of June 25th

- Return to full schedule of in-office appointments and field visits

Week of July 9th Week - Community Service outings resume, projects within walking distance only

Exhibit A

IN THE CIRCUIT COURT OF RIPLEY COUNTY
STATE OF INDIANA
SCREENING QUESTIONNAIRE

Name: _____

Date: _____

1. Do you have a fever or worsening cough or flu-like symptoms? _____ Yes _____ No
2. Have you traveled outside the State of Indiana in the last 14 days? _____ Yes _____ No
3. If yes, where? _____
4. Have you been in close contact with someone, including health care workers, confirmed to have COVID-19? _____ Yes _____ No
5. Have you tested positive for COVID-19? _____ Yes _____ No
6. If yes, approximate date of positive test: _____
7. Has a medical professional told you to quarantine within the last 14 days?
_____ Yes _____ No
8. If yes, on what date were you told to quarantine? _____

IN THE CIRCUIT COURT OF RIPLEY COUNTY
STATE OF INDIANA
SUPPLEMENTAL JUROR QUESTIONNAIRE

JUROR NAME: «FirstName»«LastName»

JUROR NO. «JurorNumber»

Please answer the following questions and return to the Court as soon as possible.

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 experiencing any symptoms of COVID-19 and have 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, 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

Juror: «JurorNumber»

12. Have you been outside the State of Indiana within the last 14 days? _____ Yes _____ No

13. If yes, where did you travel?

14. Have you had a fever or shortness of breath within the last 14 days? _____ Yes _____ No

15. If yes, please explain.

16. 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.

Date: _____

SIGNATURE OF JUROR