

In the Indiana Supreme Court

In the Matter of Matter of the Petition of
the Starke Circuit Court for Administrative
Rule 17 Emergency Relief

Supreme Court Case No.
20S-CB-00169



Order Approving Expansion of Operations Plan In Part

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an expansion of operations plan (“Plan”) on May 29, 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 Plan shall expire on **August 15, 2020**. The petitioning court may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires relief 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 6/4/2020 , **effective May 29, 2020.**


Loretta Rush
Chief Justice of Indiana

STARKE CIRCUIT COURT

TRANSITION PLAN FOR EXTENDING OPERATIONS

1. Administrative Rule 17 – Modifications to previous petition

- a. The Starke Circuit Court filed a Petition for Administrative Rule 17 Emergency Relief on March 17, 2020. The Indiana Supreme Court granted the petition on March 19, 2020. The **Petition and the Order** are attached as **Exhibit A**. The Judge of the Starke Circuit Court now requests that the Indiana Supreme Court make the following modifications to this Court’s original petition:
 - (1) Paragraph 7.a. – The continued suspension of all jury trials until July 20, 2020.
 - (2) Paragraph 7.c. – Allow the restrictions on Juvenile Court hearings to expire.
 - (3) Paragraph 7.d. – Extend the permission of any attorney wishing to appear remotely for any status conference or non-evidentiary hearing, without obtaining Court permission, to August 1, 2020.

- b. Criminal Trials
 - (1) Suspend CR 4 due to public health risks.
 - (2) The Court will hold all hearings remotely, unless an exception is granted by the Judge.
 - (3) Defendants will appear via telephone or remote video from the jail for any necessary hearings including plea entries and/or trial settings.
 - (4) The court will immediately continue all criminal jury trials until July 20, 2020, as long as the Judge determines that a pool of jurors can be safely assembled.

c. Civil Trials

- (1) Immediately suspend all civil jury trials, to be reviewed again on August 1, 2020.
- (2) Parties shall appear remotely in all civil matters, unless an exception is granted by the Judge. All civil trials shall be continued until August 1, 2020, as long as the Judge determines that a pool of jurors can be safely assembled.

2. Collaborative Planning

The Judge of the Starke Circuit Court served on a Task Force with several local government departments, including the county health department, to collaborate on a plan to transition the resumption of services. In addition, the Court has consulted with the Sheriff and his staff, prosecutors, public defenders, DCS attorneys, Starke County Court Services, Community Corrections, and probation officers. The Judge has discussed safety issues with Court staff on a daily basis.

3. Employment Procedures

All Court employees have returned to working full-time in the Courthouse. The following specific safety measures have been put in place:

- (a) No employee shall come to the Courthouse if they have any symptoms of COVID-19, have been tested and the test results were positive for the virus, or if they are aware that they were exposed to an individual who tested positive for the virus.
- (b) Employees have been issued PPE clothing, masks, and sanitizing supplies.
- (c) Court chambers are restricted to Court employees.
- (d) Employees shall wash hands frequently.
- (e) Employees shall continue social distancing as often as is practical.
- (f) Disinfect/sanitize keyboard, mouse, telephone, etc. frequently.
- (g) Employees shall not share office equipment.
- (h) Reduce stress in the work environment by approaching all problems with a new level of patience and flexibility, acknowledging that this is a transition phase.

4. Courthouse Facility Plan

The Court has collaborated, and will continue to collaborate with the Starke County Commissioners about public access to the Courthouse facility. On this date, the public entrance door is locked. Court Security Officers meet members of the public who approach the entrance door and discuss the purpose of their visit. If an individual can discuss his/her need over the telephone with the appropriate office, Security will offer assistance. If the individual needs to meet with the Clerk, ie. payment of child support, he/she is accommodated. If an individual has appeared for a Court hearing, that person is permitted to use a Court laptop in a conference room to participate in the hearing remotely. If litigants are unable to participate in any of the aforementioned manners, then the Judge may authorize the litigants to come to the Courtroom, maintaining social distancing while in the Courthouse. Hand sanitizer stations are located in numerous locations throughout the Courthouse and Courtroom. The Court chambers and adjoining facilities are restricted to Court staff, and are not open to the public.

5. Screening Procedures for the Public

The Courthouse remains inaccessible to the public unless an exception has been recognized by Court Security Officers. No person is permitted into the building if he/she has any symptoms of the COVID-19 virus, and there is signage posted to alert every person before he/she enters the building of that fact. Face masks are encouraged, but not required. Court Security is authorized to deny entry or remove any person at any time who demonstrates a lack of respect for their authority and the safety of others.

6. Resuming Non-Emergency Hearings

All Court hearings may resume, but scheduling will be prioritized as follows:

- (a) Emergency hearings, remotely or in-person if necessary, approved by the Judge.
- (b) In custody criminal defendants via videoconferencing.
- (c) Criminal Plea and Sentencing Hearings via remote technology.
- (d) CHINS hearings, remotely or in-person if necessary, approved by the Judge.

- (e) Civil hearings in which all parties appear remotely.
- (f) Any other hearing not described above that will be conducted remotely, or in-person if necessary, approved by the Judge.

7. Jury Trials

Jury trials are scheduled to resume on July 22, 2020. Priority will be given to criminal defendants, in-custody, who have previously requested a speedy trial. Thereafter, priority will be given to criminal defendants, in-custody, who have not requested a speedy trial and who have been incarcerated for the longest period of time. Potential jurors will be mailed a specific letter regarding COVID-19 safety accommodations and a screening form to mail back to the Court. The Court will exercise its discretion with great deference toward requests for deferral from individuals based upon their age, health condition, and numerous other factors that relate to the danger posed by COVID-19. Jury selection will be conducted in several small groups to ensure social distancing. Jurors will be seated in the public seating area of the Courtroom to comply with social distancing requirements. In lieu of being confined to the area of the Jury Room, the Court will designate the entire Courtroom as the Jury Room during all recesses. Only jurors will be allowed in the Courtroom until the Judge determines that the proceedings are ready to resume on the record. During deliberations, the jury will be allowed to privately use the entire Courtroom, and will be provided a method of communicating with the Bailiff for assistance or to advise the Bailiff that they have reached a verdict.

8. Court Supervised Services

- (a) Starke County Court Services / Probation / Community Corrections

All entrances to the facility are locked and secured. Only individuals with scheduled appointments will be permitted access. No person exhibiting any symptom of COVID-19 is permitted to enter. All contact between Court Services staff and their clients that can adequately be completed remotely, shall be completed in that manner. While in the building, all individuals are encouraged, but not required, to wear a facial covering/mask. All staff may decline to meet with any client who engages in any unsafe behavior at any time.

Visitors in the facility are required to sign in on the electronic kiosk, and will be directed to use hand sanitizer provided before touching the kiosk. Multiple other sanitizing stations have been conveniently located throughout the facility. All seating in the waiting room accommodates social distancing requirements. No person, including children, are allowed inside the facility other than the person under supervision. Payments for supervision services shall be made electronically or via money order placed inside the secured/marked dropbox outside of the main entrance.

Field contacts with high-risk offenders will continue. They will be non-evasive. Upon arrival at the residence, the Field Officer will remain inside his/her vehicle, will contact the supervised individual and instruct the individual to report outside. The Field Officer will conduct the in-person interview while remaining in the vehicle, ensuring that social distancing is enforced.

(b) Starke County CASA Program

The Court-supervised program has more than forty, (40), Court Appointed Special Advocates. The CASA office will continue to be occupied exclusively by the Director and Assistant Director. The office is not open to CASA volunteers or to the public. All CASA volunteers will attend Court virtually or by telephone, unless an exception is granted by the Judge. Home visits for high risk cases are permitted to resume, but only after receiving permission and specific direction from the CASA Director. The Director will require a prior health assessment to be completed to assure that the children and the appointed CASA will be safe in each others' presence. Appropriate safety measures will be followed during the in-person visit, including face masks, sanitizing, and social distancing. All other CASA/Child communication will occur in writing, by telephone, or by video.