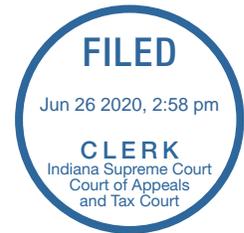


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-212



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 23, 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 6/26/2020, effective **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

**UNION CIRCUIT COURT
UNION COUNTY, INDIANA
2020 TERM**

**Supreme Court Case No.
20S-CB-212**

**Trial Court Case No.
81C01-2003-CB-2**

Union Circuit Court Transition Plan

May 28, 2020

1. Administrative Rule 17 Components

Extension Requests

The Union Circuit Court requests approval from the Indiana Supreme Court to extend its authority, subject to Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in its courtroom to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public health recommendations.

The Union Circuit Court further requests approval from the Indiana Supreme Court to extend its authority 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.

The Union Circuit Court further requests approval from the Indiana Supreme Court to extend its authority, in all criminal cases, to conduct any pre-trial and discovery hearings by counsel only, conduct attorney-only conferences whenever reasonable without the need for a motion; allow attorneys to appear remotely by filing a "Notice of Remote Appearance" at least twenty-four hours prior to the hearing, and without the need to comply with Administrative Rule 14, subject to statutory or constitutional limitations; require incarcerated defendants to appear via teleconference, Zoom, or CourtCall, from jail for any hearings except contested sentencing hearings and jury trials.

The Union Circuit Court further requests approval from the Indiana Supreme Court to extend its authority, in all civil cases, subject to applicable Constitutional limitations, to use teleconference, Zoom, or CourtCall, to conduct hearings involving agreed issues; allow parties

to appear remotely unless the party's due process rights would be violated; allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearing by filing a "Notice of Remote Appearance" at least twenty-four hours prior to the hearing; and allow attorney-only conferences whenever possible without the requirement of a motion.

Expiration Requests

The Union Circuit Court requests the Indiana Supreme Court to terminate/expire its previous Orders tolling time limits for ALL matters, with the understanding that no jury trial shall be held until July 1, 2020.

The Union Circuit Court further requests the Indiana Supreme Court to terminate/expire its authority, in all criminal cases, to suspend: (1) pre-trial conferences; (2) all non-essential hearings that would not result in resolution of the case; and (3) continue all trials for non-incarcerated individuals.

The Union Circuit Court further requests the Indiana Supreme Court to terminate/expire the prohibition on issuing new writs of attachment, civil bench warrants, body attachments, Title IV-D attachments, and the stay on unserved writs.

2. Planning

This Transition Plan is a product of informal and formal meetings with the Judge of the Union Circuit Court, Matthew R. Cox, and the following: Alvin Day, Director of Union County Emergency Management; Tim Williams, Union County Commissioner; Dale Dishmond, Union County Sheriff; Shaun Tudor, Union County Chief Deputy Sheriff; James R. Williams, Union County Attorney; Andrew J. Bryson, Union County Prosecutor; Cyndi Jordan, Union County Chief Probation Officer; Karen Antrim, Union County Probation Officer; Ford Hoskins, Jr., Director of Union County Community Corrections; Lynn Browning, Union County Jail Matron; Allen Demkovich, David Butsch, Craig Parker, J. Clayton Miller, Tammy Davis, Public Defenders.

3. Employment Procedures

The Union Circuit Court has two (2) direct staff members: one court reporter and one bailiff/deputy court reporter, who are not in a high-risk category for the COVID-19 virus. Their work stations are beyond six (6) feet apart. The judge's office is in a separate room away from the staff members. The staff members, along with the judge, have masks, hand sanitizer, and disinfectant mist spray at each work station. The staff members, along with the judge, are required to wear a facial mask upon entering the courthouse and are allowed to remove the mask upon sitting at their work station. Any time the staff members or the judge

leave their work station, they are required to wear a mask. Staff members and the judge are to self-screen for illness prior to arriving to the courthouse.

Employees of the Union Circuit Court who require mental health services will be directed to the Union County Community Corrections Department for a referral. Should that employee(s) prefer a more confidential process, he/she will be directed to www.bewellindiana.com and/or the local health department.

All Court employees will be required to monitor their physical condition and perform daily body temperature checks to determine if their temperature is less than 100.4 degrees. If their temperature is more than 100.4 degrees, they will be required to notify their supervisor and their medical provider and to remain home and work remotely, if possible.

If, while at work, an employee experiences any symptoms of illness, they are required to immediately notify their supervisor, leave work and go home. If the employee has symptoms of Covid-19, they will be required to self-quarantine for at least 14 days and the last 3 days without symptoms. If the employee has a negative test result, they may return to work after 7 days with the last 3 days without symptoms and/or in accordance with the current CDC guidelines.

4. Courthouse Facility Plan

Pursuant to the Union County Commissioners Directive, everyone entering the courthouse shall wear a mask. A minimal amount of masks are available to the public in the clerk's office (first floor), and the auditor's office (second floor).

The Union Circuit Court has secured an Electrostatic Disinfectant Backpack Sprayer to not only disinfect the courtroom each evening, but is also available to disinfect all offices and highly traveled areas in the courthouse. The custodian has agreed to disinfect the courthouse each evening for the time being.

The Union Circuit Courtroom has hand disinfectant in multiple locations for the public to use. There is also an automatic hand disinfectant dispenser immediately outside the courtroom for the public to use upon entering and leaving the courtroom. Public seating in the courtroom has been reduced to comply with CDC recommendations. Any participant in the courtroom not testifying or speaking shall wear a mask. Chairs at the counsel tables are limited to two (2), and shall be disinfected after each use and replaced with two (2) clean chairs for the next hearing.

After each hearing, all chairs and tables used by litigants or attorneys shall be disinfected.

The Court will attempt to conduct any hearing that has a litigant or attorney in a high-risk category for the COVID-19 virus first thing in the morning to ensure a clean courtroom.

The Union County Probation and Community Corrections Officers shall wear a mask while conducting in-person appointments. They shall require clients to also wear a mask, which are available in the offices. The officers shall also screen the clients for illness prior to their appointments, and also disinfect their work stations at the completion of every appointment.

5. Screening Procedures for the Public

Because Union County does not have courthouse security, there is no individual on the premises to screen the public. However, the public is required to wear masks, as well as courthouse employees. Only litigants and attorneys will be permitted to enter the courtroom. All other individuals, except potential witnesses, shall remain outside or in their vehicles. The litigants and attorneys will be permitted to lower or remove their masks while speaking/testifying since all chairs are at a distance that complies with CDC recommendations.

6. Resuming Non-Emergency Hearings

The Union Circuit Court further requests approval from the Indiana Supreme Court to extend its authority, in all criminal cases, to conduct any pre-trial and discovery hearings by counsel only, conduct attorney-only conferences whenever reasonable without the need for a motion; allow attorneys to appear remotely by filing a "Notice of Remote Appearance" at least twenty-four hours prior to the hearing, and without the need to comply with Administrative Rule 14, subject to statutory or constitutional limitations; require incarcerated defendants to appear via teleconference, Zoom, or CourtCall, from jail for any hearings except contested sentencing hearings and jury trials.

The Union Circuit Court further requests approval from the Indiana Supreme Court to extend its authority, in all civil cases, subject to applicable Constitutional limitations, to use teleconference, Zoom, or CourtCall, to conduct hearings involving agreed issues; allow parties to appear remotely unless the party's due process rights would be violated; allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearing by filing a "Notice of Remote Appearance" at least twenty-four hours prior to the hearing; and allow attorney-only conferences whenever possible without the requirement of a motion.

The Union Circuit Court requests approval from the Indiana Supreme Court to extend its authority, subject to Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in its courtroom to the extent necessary to provide adequate

social distancing and to limit the size of the gathering consistent with public health recommendations.

If a member of the public desires to have access to a remote hearing, they will be allowed to enter the Union Circuit Court and observe the hearing from the public seating area, subject to confidentiality rules. They will be required to wear a mask and keep 6 feet away from other members of the public or court personnel.

7. Jury Trials

The Union Circuit Court anticipates resuming criminal jury trials in August 2020, which will take priority over civil cases. The Court will send out twice the normal number of jury summons/questionnaires to potential jurors. The Court will utilize the new questionnaire prepared by the Task Force. The Court will conduct jury selection in shifts in order to maintain CDC recommendations. Every potential juror will be screened for fever/illness prior to entering the courtroom. Masks will be available. The selected jurors will be seated throughout the public viewing area as opposed to the jury box. Individual meals for selected jurors will be prepared by local restaurants in compliance with health department rules and CDC recommendations.

The courtroom will be disinfected at every lengthy break for meals, etc., and every night. The custodian has agreed to keep hallways, doors, railings, etc., disinfected.

8. Court Supervised Services

Probation and Community Corrections is discussed above. In addition, the officers may utilize teleconference or Zoom to conduct appointments if they so choose.

I defer discretion to the Union County/Wayne County CASA Director on their policies and procedures regarding appointments, as well as the GAL's.