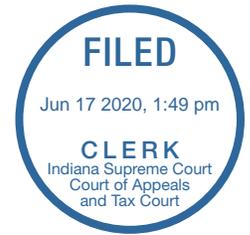


In the
Indiana Supreme Court



In the Matter of the Petition of the Courts
of Wabash County for Administrative 17
Emergency Relief

Supreme Court Case No.
20S-CB-125

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 16, 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 6/17/2020, **effective May 29, 2020.**

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

WABASH CIRCUIT AND SUPERIOR COURTS
REOPENING SCHEDULE

The Wabash County Judicial Annex (which includes the Clerk's Office, Circuit and Superior Courts, the Prosecutor's Office, and Court Services (formerly known as Probation Department and Community Corrections)) will reopen, following Resuming Operations of the Trial Courts COVID-19 Guidelines for Indiana's Judiciary (May 13, 2020) by the Indiana Supreme Court and Office of Judicial Administration.

The following guidelines are related specifically with regard to the Wabash Circuit and Superior Courts, as well as Wabash County Court Services (formerly Probation Department and Community Corrections) and Wabash County CASA. The Courts note the Wabash County Clerk's Office and the Wabash County Prosecutor's Office (which offices are located in the Judicial Annex) have separate reopening schedules. These guidelines are subject to change should Governor Holcomb, the Indiana Supreme Court, or the Center for Disease Control (CDC) deem necessary.

The Wabash County Judicial Annex COVID-19 Workforce Committee consists of Judge Benjamin D.R. Vanderpool; Judge Robert R. McCallen; Sheriff Ryan Baker; Prosecutor William C. Hartley, Jr.; Deputy Prosecutor Bryan Michaud; Chief Court Services Officer Sarah Lochner; Clerk Lori Draper; Managing Public Defender Alan Zimmerman; Attorney Kristina Lynn; Attorney Joseph Eddingfield; one available Commissioner (Barry Eppley, Brian Haupert, or Jeff Dawes; Keith Walters of Wabash County EMA; Julie Hobbs of Wabash County Department of Child Services; Chief Security Officer Jeff Martin; and Court Reporter Christa Stroup.

The Workforce Committee has determined that patrons and employees shall not enter the Annex if they:

- Have traveled outside of the country in the past 14 days
- Have had direct contact with anyone known to have traveled outside of the United States in the last 14 days
- Have had direct or indirect contact with any known or suspected coronavirus patient
- Are experiencing any symptoms such as fever, cough, shortness of breath, or fatigue
- Have a temperature of 100.4 Fahrenheit

The COVID-19 Workforce Committee will work closely with the EMA office to determine when it is appropriate to advance to the next phase. It will also work closely with these entities should a resurgence of the COVID-19 virus occur and determine the appropriate phase to which it should revert.

For all phases and beyond, Wabash County Government maintains an Employee Assistance Plan (EAP) which provides four (4) prepaid counseling sessions annually for each full-time and part-time employee and each of their dependents. These counseling services may be scheduled at any Bowen Center location. There is no pre-authorization, co-pay or deductible.

PHASE ONE

1. The Courts will identify who can work remotely and who has to be at the facility to perform job functions. Anyone who is able to work remotely shall do so as long as feasible and into Phase Two, with a priority given to those most vulnerable employees.

2. The Courts will identify which employees are at increased risk. Per the CDC and ISDH guidance, a person is at risk if over the age of 65, or anyone who has any of the following underlying medical conditions:

- Chronic lung diseases or moderate to severe asthma
- Serious heart conditions
- Immunocompromised from any disease such as cancer, AIDS, or medications that compromise immunity

- Severe obesity (BMI of 40 or higher)
- Chronic kidney disease requiring dialysis

Employees cannot be asked to identify what medical condition they have that makes them vulnerable. However, employees may be given an explanation of who is at risk and then be asked to identify if they are at risk or not. The information shall be kept separate from other personnel files.

If an employee is at increased risk, they may work remotely, until such time as it is deemed safe for them to return, if possible. If working remotely is not possible, other reasonable accommodations shall be made to keep the employee away from the public, providing medical grade PPE, and increased social distancing.

3. If an employee has had recent contact with someone who has COVID-19, they should not be allowed to return to a shared workspace until the employee has been self-quarantined and symptom free for fourteen days. As COVID-19 may be asymptomatic, it is reasonable and appropriate to require an employee be tested before entering a shared workspace.

4. Employees are required to report if they are experiencing any symptoms of COVID-19 in the preceding three days. Additionally, if any employee has any symptoms during the workday, the employee is to report it and go home. Those symptoms include:

- Fever of 100.4 Fahrenheit that day or in the preceding 3 days
- Chills
- Muscle and body aches
- Headache
- Sore throat
- Cough, chest tightness, or shortness of breath
- New loss of taste or smell
- Updated symptoms provided by the CDC or Indiana State

Department of Health as information may develop

5. Employees shall report if someone they live with or have been with in the last fourteen days tests positive for COVID-19. The employee shall be sent home on leave or to work remotely for as long as the health department advises.

6. No employee should travel internationally, whether for personal or business, and then return to work without a period of quarantine from the worksite after travel. The length of quarantine shall be guided by the local EMA office.

7. Employees should not share equipment. In the event equipment must be shared, it should be sanitized following each use by the person who used it.

8. If an employee reveals they have COVID-19, the court has the responsibility to inform all persons who had contact with the employee. However, the employee's name must not be revealed. If the notification necessarily causes other persons to realize who the employee is that has tested positive that is not a violation of the ADA.

9. Wabash County Government shall ensure the courtroom, court offices, jury rooms, public areas, Court Services office, and CASA office are deep cleaned prior to resuming non-emergency operations. Hand sanitizer has been placed conveniently throughout the Annex for visiting patrons. Additionally, public areas and the courtroom have been marked for social distancing requirements.

10. Mail shall be opened by one person and that person shall be provided gloves and a face covering to wear during the task.

11. Jury trials shall not be held during Phase 1 operations.

12. The court will determine those parties who are necessary and allowed in the courtroom during proceedings (i.e. attorneys, child services, CASA).

13. Patrons will be screened prior to entering the building (see attached Exhibit A). Anyone answering "yes" to a question on Exhibit A will be turned away following being asked to fill out their name, address, and phone

number in order for court staff to contact them with new hearing dates or appointments.

14. If requested, Wabash County Government will provide facial coverings for those entering the building if available. However, the ability to provide facial coverings may be limited and patrons should plan to have proper coverings. Employees will wear facial coverings when serving the public, which shall be provided by Wabash County Government, if so directed by their supervisor. Employees will not be required to wear facial coverings when not in direct contact with the public.

15. Patrons will be required to fill out a sign-in sheet presented by court security (see attached Exhibit B). The sign-in sheet includes the name and office visited, as well a contact phone number. The sign-in sheet will be shared with the county health department, who may cross reference names with known positive COVID-19 individuals for contact tracing purposes.

16. The Courts will continue to use discretion when establishing their respective calendars and holding hearings.

17. That the Courts will allow the general public in-person access to hearings when deemed safe and appropriate by the Workforce Committee. Until such time, the Courts are working to live-stream the hearings through Zoom, YouTube, or other similar services. The Courts intend to live-stream both audio and video for those hearings.

PHASE TWO

1. Resumption of jury trials shall not begin until July 1, 2020, pursuant to the May 13, 2020 Indiana Supreme Court Order, and after the local EMA office has approved the plan and the Court's COVID-19 Workforce Committee are in agreement.

2. Vulnerable employees shall continue to work remotely. Employees who live with or provide care for vulnerable individuals should do the same. Employees who are working in the Annex shall continue to follow CDC guidelines involving handwashing and social distancing.

3. The Courts will identify which employees are at increased risk. Per the CDC and ISDH guidance, a person is at risk if over the age of 65, or anyone who has any of the following underlying medical conditions:

- Chronic lung diseases or moderate to severe asthma
- Serious heart conditions
- Immunocompromised from any disease such as cancer, AIDS, or medications that compromise immunity
- Severe obesity (BMI of 40 or higher)
- Chronic kidney disease requiring dialysis

Employees cannot be asked to identify what medical condition they have that makes them vulnerable. However, employees may be given an explanation of who is at risk and then be asked to identify if they are at risk or not. The information shall be kept separate from other personnel files.

If an employee is at increased risk, they may work remotely, until such time as it is deemed safe for them to return, if possible. If working remotely is not possible, other reasonable accommodations shall be made to keep the employee away from the public, providing medical grade PPE, and increased social distancing.

4. To reduce risk, prior to coming into the office, all employees shall conduct a health self-assessment. If an employee's temperature is greater than 100.4 degrees or if an employee exhibits other signs of COVID-19 infection per updated CDC guidance, they should self-report to their supervisor, stay home, and call their physician.

5. When in the office, all individual shall maximize physical distance from others. Six-foot distancing should be observed in all areas. Tape or other visible markers will continue to be used where practical.

6. Court Services shall continue remote visitation as much as possible, begin off-site visits to probationers and clients as needed. Face coverings are required for all face-to-face meetings where social distancing cannot be maintained.

7. GAL/CASA visits may resume while maintaining social distancing. Masks shall be provided by Wabash County Government to GAL/CASA staff when available. The CASA director will identify volunteers who fall into vulnerable class and assign alternate volunteers to perform home visits.

8. Essential business travel may resume. Personal travel can resume. If an employee travels internationally, they shall quarantine for a length of time which shall be guided by the local EMA office and the employee's personal physician.

9. Hearings will continue to be held remotely as much as possible. The courts will expand hearing types to include family and civil hearings.

10. Patrons entering the building will continue to be screened as in item 13 of Phase One.

11. If requested, Wabash County Government will provide facial coverings for those entering the building. However, the ability to provide facial coverings may be limited and patrons should plan to have proper coverings. Employees will wear facial coverings when serving the public, which shall be provided by Wabash County Government, if so directed by their supervisor. Employees will not be required to wear facial coverings when not in direct contact with the public.

12. The courts will limit and design their hearing schedules to minimize contact between persons. When hearings in person must be held, attorneys and litigants are to arrive timely for hearings and depart promptly upon conclusion. Only those persons with scheduled hearings will be permitted in the building. Persons may include those who have been subpoenaed or summoned into court to testify on another party's behalf. Attorneys are to have notified court staff as to persons who have been subpoenaed/summoned. If attorneys fail to provide such information to court staff, those parties will not be permitted in the building.

13. Judicial staff will limit the number of court patrons to 25, excluding court employees. This will require hearings to be rescheduled to keep numbers limited. Emergency matters will take precedence over non-

emergent issues. Hearings with statutory requirements will also take precedence over others. If necessary, the courts will modify cattle call hearings by setting specific hearings times to comply with social distancing requirements.

14. In civil matters, the court will recommend mediation prior to the setting of any hearing, when deemed appropriate, to reduce the number of hearings the court must conduct.

15. Taped markings in the halls and courtroom will promote social distancing. Once patrons have completed their business in the Annex, they will be expected to leave immediately. If they are loitering or not practicing social distance guidelines, they will be asked to leave the building immediately.

16. Annex employees will continue to meet with patrons electronically or telephonically when possible to reduce the number of patrons in the building.

17. Attorneys and pro se patrons are expected to wipe down table and chair surfaces in courtrooms following their hearings. Disinfectant wipes and hand sanitizer will be provided at each table.

18. Criminal matters: Pretrial conferences will be conducted between attorneys only, with the exception of pro se litigants. Attorneys should NOT request their clients be present for pretrial conferences. Defendants will NOT be brought to the Annex for pretrial conferences. Defense attorneys are to have met/spoken with their clients prior to the pretrial date. Pretrial conferences will be conducted outside of the courtrooms in each court's respective jury room. The Prosecutor's Office will submit minute entries to court staff regarding the status of cases. These minute entries will not be required to be e-filed. Pro se defendants shall appear for pretrial conferences in person.

19. DOC and Jail inmates shall continue to attend hearings remotely if possible.

20. The Annex shall be cleaned, daily, with disinfectants determined appropriate by the CDC, paying particularly close attention to all areas

accessed by the public. Employees shall continue to follow CDC guidelines involving handwashing and social distancing.

21. Jury trial procedures will be as follows. Anyone entering the Annex shall continue to be screened for COVID-19 via Exhibit A. The court will consult with counsel for both parties to determine how to handle the wearing of masks by witnesses while testifying and the jurors during voir dire.

A COVID-19 questionnaire will be sent to potential jurors to be returned to the bailiff of the court.

The court will decide in advance on criteria for automatic deferrals considering such factors as:

- Essential workers, including those workers in long term care facilities
- Jurors with vulnerable health conditions or living with those who are vulnerable
- COVID-19 exposure
- People just returning to work after furloughed
- Provide for last minute deferrals due to COVID-19 symptoms occurring while or after jury is impaneled

The court will secure social distancing for gathering of a jury pool. The jury pool shall be staggered in shifts to minimize persons present. The potential jurors will be seated in the gallery to allow for social distancing.

Larger panels than usual may be called for voir dire due to COVID-19 related problems.

The court will discuss with jurors the steps which are being taken to keep them safe, provide masks if jurors do not have their own, show health precautions have been taken (i.e. hand sanitizer locations, cleaning of courtroom).

Once the jury has been impaneled the court will:

- Set times for bench decisions that will reduce the time jurors are together
- Establish where sidebars will occur

- Determine the safest method to provide food for jurors
- To minimize contact, attorneys should provide copies of exhibits for each juror when possible. For those exhibits that are not possible to reproduce, the court will consult with counsel on how to handle exhibits to minimize contact, but sufficient examination of the exhibits. Gloves will be provided to jurors to handle exhibits, as well as hand sanitizer.

22. That the Courts will allow the general public in-person access to hearings when deemed safe and appropriate by the Workforce Committee. Until such time, the Courts are working to live-stream the hearings through Zoom, YouTube, or other similar services. The Courts intend to live-stream both audio and video for those hearings.

PHASE THREE

1. Resumption of jury trials shall not begin until July 1, 2020, pursuant to the May 13, 2020 Indiana Supreme Court Order, and after the local EMA office has approved the plan and the Court's COVID-19 Workforce Committee are in agreement.

2. Vulnerable employees may return to work, but remote work should still continue where it does not hinder the work of the court. Employees who are working in the Annex shall continue to follow CDC guidelines involving handwashing and social distancing.

3. The restrictions on entering the workplace should continue for employees with symptoms of COVID-19.

4. When in the office, all individual shall maximize physical distance from others. Six-foot distancing should be observed in all areas. Tape or other visible markers will continue to be used where practical.

5. Monitoring of patrons' health via questionnaire (Exhibit A) may discontinue if the local EMA concurs. Otherwise, it should continue indefinitely.

6. Hearings will continue to be held remotely as much as possible.

7. Facial coverings for Annex employees and patrons is optional. Wabash County Government will no longer provide facial coverings to the public. Wabash County Government will continue to provide facial coverings to its employees if an employee desires to wear one.

8. Judicial staff will limit the number of court patrons to 25, excluding court employees. This will require hearings to be rescheduled to keep numbers limited. Emergency matters will take precedence over non-emergent issues. Hearings with statutory requirements will also take precedence over others. If necessary, the courts will modify cattle call hearings by setting specific hearings times to comply with social distancing requirements.

9. In civil matters, the court will recommend mediation prior to the setting of any hearing, when deemed appropriate, to reduce the number of hearings the court must conduct.

10. Attorneys and pro se patrons are expected to wipe down table and chair surfaces in courtrooms following their hearings. Disinfectant wipes and hand sanitizer will be provided at each table.

11. Criminal matters: Pretrial conferences will be conducted between attorneys only, with the exception of pro se litigants. Attorneys should NOT request their clients be present for pretrial conferences. Defendants will NOT be brought to the Annex for pretrial conferences. Defense attorneys are to have met/spoken with their clients prior to the pretrial date. Pretrial conferences will be conducted outside of the courtrooms in each court's respective jury room. The Prosecutor's Office will submit minute entries to court staff regarding the status of cases. These minute entries will not be required to be e-filed.

12. DOC and Jail inmates shall continue to attend hearings remotely if possible.

13. The Annex shall be cleaned, daily, with disinfectants determined appropriate by the CDC, paying particularly close attention to all areas accessed by the public.

14. Jury trial procedures will be as follows. Anyone entering the Annex shall continue to be screened for COVID-19 via Exhibit A. The court will consult with counsel for both parties to determine how to handle the wearing of masks by witnesses while testifying and the jurors during voir dire.

A COVID-19 questionnaire will be sent to potential jurors to be returned to the bailiff of the court.

The court will decide in advance on criteria for automatic deferrals considering such factors as:

- Essential workers, including those workers in long term care facilities
- Jurors with vulnerable health conditions or living with those who are vulnerable
- COVID-19 exposure
- People just returning to work after furloughed
- Provide for last minute deferrals due to COVID-19 symptoms occurring while or after jury is impaneled

The court will secure social distancing for gathering of a jury pool. The jury pool shall be staggered in shifts to minimize persons present. The potential jurors will be seated in the gallery to allow for social distancing.

Larger panels than usual may be called for voir dire due to COVID-19 related problems.

The court will discuss with jurors the steps which are being taken to keep them safe, provide masks if jurors do not have their own, show health precautions have been taken (i.e. hand sanitizer locations, cleaning of courtroom).

Once the jury has been impaneled the court will:

- Set times for bench decisions that will reduce the time jurors are together
- Establish where sidebars will occur
- Determine the safest method to provide food for jurors
- To minimize contact, attorneys should provide copies of exhibits for each juror when possible. For those exhibits that are not possible to reproduce, the court will consult with counsel on how to handle exhibits to minimize contact, but sufficient examination of the exhibits. Gloves will be provided to jurors to handle exhibits, as well as hand sanitizer.

15. That the Courts will allow the general public in-person access to hearings when deemed safe and appropriate by the Workforce Committee. Until such time, the Courts are working to live-stream the hearings through Zoom, YouTube, or other similar services. The Courts intend to live-stream both audio and video for those hearings.

PHASE FOUR

1. Vulnerable employees resume all daily work/life activities with no need for additional precautionary measures.
2. Normal social activities and gatherings can resume.
3. Hygiene practices such as proper handwashing and use of hand sanitizer should continue.
4. On-site public facing activities and site visits can be fully resumed with probationers and clients. GAL/CASAs may resume normal visits with families and resume full, unrestricted operations and activities.
5. The Annex and Courts will resume regular operations, with minor changes, if deemed appropriate and necessary. All access and operations can

operate without restrictions. Security operations return to full, pre-COVID functionality.

6. The Wabash County Judicial Annex COVID-19 Workforce Committee will conduct a debriefing session to:

- Identify COVID-19 responses that worked well;
- Identify opportunities for improved local pandemic responses in the future; and
- Begin planning process to incorporate “lessons learned” into existing continuity of operations plans (COOP), or separate pandemic specific COOP plans.

7. That the Courts will allow the general public in-person access to hearings when deemed safe and appropriate by the Workforce Committee. Until such time, the Courts are working to live-stream the hearings through Zoom, YouTube, or other similar services. The Courts intend to live-stream both audio and video for those hearings.

**WABASH COUNTY JUDICIAL ANNEX
COVID-19 Screening Checklist**

1. Have you traveled outside of the country in the past 14 days?
2. Have you had direct contact with anyone known to have traveled outside of the United States in the last 14 days?
3. Have you had direct or indirect contact with any known or suspected coronavirus patients?
4. Are you experiencing any symptoms such as fever, cough, shortness of breath, or fatigue?

If you have answered yes to any of these questions, you are not permitted to attend your hearing/appointment in person.

Please provide your name, address, and phone number below so we may contact you with a new date.

Name: _____

Address: _____

Phone: _____

EXHIBIT A
WABASH COUNTY JUDICIAL ANNEX
COVID-19 Screening Checklist With Temperature

1. Have you traveled outside of the country in the past 14 days?
2. Have you had direct contact with anyone known to have traveled outside of the United States in the last 14 days?
3. Have you had direct or indirect contact with any known or suspected coronavirus patients?
4. Are you experiencing any symptoms such as fever, cough, shortness of breath, or fatigue?
5. All patrons will have their temperatures taken. Is temperature over 100.4 Fahrenheit?

If you have answered yes to any of these questions, you are not permitted to attend your hearing/appointment in person.

Please provide your name, address, and phone number below so we may contact you with a new date.

Name: _____

Address: _____

Phone: _____

JUDICIAL ANNEX SIGN-IN SHEET

	Name	Date	Phone Number	Office/Court
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EXHIBIT B