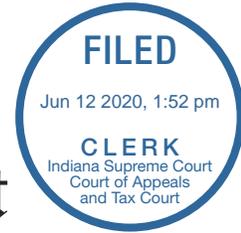


In the
Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-159

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 11, 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

AMENDED**WASHINGTON COUNTY CIRCUIT AND SUPERIOR COURT TRANSITION PLAN****CASE #20S-CB-159**

1. On March 18, 2020 the Washington County Justice Center was closed to the public by County Commissioners. On May 5, 2020 they extended that closure through June 13, 2020.
2. The Washington County Commissioners also asked the Courts to keep court staffing at reduced, essential levels through Saturday, June 13, 2020. The Courts in Washington County complied.
3. On March 19, 2020, the Indiana Supreme Court approved an Administrative Rule 17 Emergency Order for Washington County.
4. On May 13, 2020, the Indiana Supreme Court extended the Washington County Emergency Order through May 30, 2020 and also required Washington County to file a transition plan by May 30, 2020.
5. The Washington County Courts operate in the Washington County Justice Center, which has a security desk. An additional employee was added near the end of March 2020 to take the touchless temperatures of everyone entering the building and to exclude everyone from the building, except essential employees and members of the public who are admitted by permission of the courts, clerk, or sheriff.
6. When the Washington County Justice Center reopens to the public (expected to be on Monday, July 6, 2020) the Courts will no longer limit court hearings to essential matters, but there will be a number of safety precautions which will be enforced by the Security Desk, the Courts, the Clerk's Office and the Sheriff, as set out below:
 - a. No one will be allowed to bring in additional items (i.e. Phone, snacks, drinks, purse, etc.), except for items required by employees, such as their bags/lunch to be kept at their own desk or employee break room and items required by jurors/witnesses including inhalers, scheduled medications or feminine hygiene items.
 - b. The witness stand, chair and microphone shall be cleaned between each witness. The court will encourage those present to keep their hands in their laps. Once hearings are completed, the cleaning staff, court staff or bailiff will clean the Courtroom prior to next hearing.
 - c. Masks are required to be properly worn (covering mouth and nose) by everyone while in the building when courts resume public hearings. The parties will be reminded by letters, notices and or attorneys to bring a mask and if they do not have one, one will be provided at the Security Desk with instructions on its proper use. This includes attorneys. At the time of the hearing, the Court may determine that the parties/attorneys/witnesses are distanced enough to allow the removal of masks. A potential juror may also remove his/her mask while answering questions, if authorized by the Judge.
 - d. Jurors will be spaced six (6) feet apart when eating or drinking because masks cannot be worn at that time. If it is possible, outside seating will be provided when eating.

- e. We will space jurors at six (6) feet as much as possible and use additional rooms, including our auxiliary Courtrooms and Jury room.
 - f. Observers will be excluded at least until July 20, 2020 unless authorized by the court on a case by case basis. Media may be allowed with permission of the Court to view cases of public interest. They will be placed in a separate room other than the Courtroom, but will have the ability to see and hear court proceedings. If a hearing is conducted by videoconferencing, the Court may allow observers to use that system without the ability to record, speak or to be seen.
 - g. Those entering the building will be required to use hand sanitizer (applied by security officer to avoid contamination of dispenser) and have their shoe soles sprayed with an alcohol solution.
 - h. Hand sanitizer and tissues will be placed throughout the building in many locations.
 - i. A spray bottle of disinfectant will be in restrooms to be used after each visit on all surfaces which are likely to be touched.
 - j. Disposable plates, utensils, and cups will be used for jurors.
 - k. Symptoms and temperatures will be checked on every person entering the building. A detailed questionnaire will be given to the employee at the security entrance to ask every juror, witness, attorney and person who does not work in the building daily.
 - l. Court hearings will not overlap times.
 - m. Scheduled hearings must start on time. Discussions, settlement conferences and pretrial conferences must be held prior to the scheduled hearing time. Only matters that the parties and/or attorneys believe need to be heard in person, will be heard, and will be scheduled at individual times, as much as possible.
 - n. Only parties and attorneys are allowed in the building and in the court, unless witnesses or others are approved by the Court.
 - o. The Security Desk will have a list of parties and attorney to be allowed in the building and they can only enter the building at their designated time.
 - p. Parties are not allowed in the building until hearing time, unless the Court calls and is ready for them. Security may obtain cell phone numbers of the parties when they arrive and may ask them to wait in their cars.
 - q. Additional rooms will be ready to use for separation/spacing of participants when possible.
 - r. Ordinarily, no more than ten (10) people will be in the courtroom at any one time.
 - s. When possible, fresh air will be brought in to the building to reduce the risk of transmission.
 - t. Courtroom seating will be blocked or designated to allow for social distancing.
 - u. Plexiglass screens will be added in areas where it is impossible to have adequate spacing.
7. The Courts will NOW and AFTER JULY 6, 2020 encourage parties, attorneys, and/or witnesses to participate by video conferencing or by telephone. When doing so, the Courts will instruct participants NOT to record or photograph any part of the hearing.
8. Until the end of Court on Monday, September 7, 2020 the Security Desk and Court Staff may be asked to stay late and/or come in early to make up for the interruption to normal scheduling which COVID-19 has caused.
9. Now, and through December 31, 2020, (or later if necessary) no one seeking admission to Justice Center will be admitted who has had a confirmed or suspected case of COVID-19 within a 14-day period. If anyone who is suspected of infection has been in the building further admission will be suspended until a deep cleaning of exposed areas and quarantine action (if appropriate) has been taken.

10. The Courts may modify this plan to protect the public and employees if there is an increasing trajectory of documented cases within a 14-day period, or an increasing trajectory of positive tests as a percent of total tests within a 14-day period.
11. The Courts may impose additional safeguards if local and state shelter-in-place orders are imposed or if local and regional health care facilities are unable to treat all patients.
12. The Clerk and Courts may authorize or direct employees to work at home when possible and desirable to protect the employee, other employees and/or the public we serve. No employee who reasonably believes he/she is sick with COVID-19 or has been exposed to someone with the disease will return to work until cleared by testing or doctor statement. Medical assessments and treatment, mental health evaluation and counseling is available to each employee through the insurance coverage provided to each employee by Washington County, specifically LifeSpring Health Systems is a mental health provider within Washington County.
13. The Courts will continue to consult with local government, health professionals, law enforcement, and Emergency Management in setting policy and implementing this plan.
14. The Courts have obtained a short-term supply of disposable masks, are seeking a substantial supply of disposable masks and hand sanitizer, and have made a 2021 budget request for funds to purchase masks and COVID-19 related supplies.
15. To assist in implementing these provisions in criminal cases:
 - A. The Court Reporters shall notify attorneys of further Pretrial Conference dates no less than five (5) days prior to scheduled Pretrial Conferences.
 - B. The Prosecutor will be asked to e-mail Plea Offers to Defendant's counsel no less than three (3) days prior to scheduled Pretrial Conferences.
 - C. Defense Attorneys will be asked to file a Notice with the Court at least one (1) day before the Pretrial Conference which states:
 1. Hearing needs to be held as parties have reached an agreement, or issues need to be brought before the Court on record.
 2. Defendant was informed of a Plea Offer, no agreement was reached, and the Defendant was given his/her new Pretrial Conference date of _____ by counsel.
 3. Trial remains as previously set or by agreement with the Prosecutor, Trial shall be continued to a later date.
16. The Courts will disseminate to the public in newspapers, by radio, by social media, on county websites and in court notices, the need for all parties in criminal cases to provide their attorney/public defender, Courts (and Probation Department, if on probation) with the Defendant's current phone number, e-mail address and mailing address.

Contact information for the Justice System will be provided to the public as follows:

CIRCUIT COURT: 812-883-5302

SUPERIOR COURT: 812-883-4949

COUNTY CLERK: 812-883-5748

PUBLIC DEFENDER: 812-883-5896

PROSECUTING ATTORNEY: 812-883-6560

PROBATION: 812-883-1446

17. The Washington County Administrative Rule 17 Order, which was effective March 19, 2020 should be extended through, August 14, 2020, (at least) except as modified pursuant to the Washington County Transition Plan. It incorporates parts of Indiana Executive Orders which delay foreclosures and evictions in most circumstances and prevents the service of civil writs of attachment at this time.
18. This plan includes input from the Washington County Commissioners, County Clerk, Health Department, Sheriff, Emergency Management, Prosecuting Attorney, Public Defender, CASA, Attorneys and Child Services.
19. Jury Trials will resume the week of August 17, 2020. When jury trials resume, a special COVID-19 juror questionnaire will be used, and remote technology may be used as part of the screening process before asking jurors to appear for voir dire.
20. Although the courts do not rely extensively on Senior Judges, they will be encouraged to, and permitted to conduct hearings by telephone and/or video conferencing when appropriate.
21. Court supervised services will also follow protocols set out with this plan for meeting clients outside, social distancing, PPE, screening, disinfecting, and the use of electronic contact options.
22. Criminal hearings involving Defendants who are incarcerated will continue to be by videoconferencing, when, possible. When multiple Defendants are together for video hearings in the jail, they are encouraged to wear masks, which are provided by the Sheriff without cost.
23. In scheduling jury trials, criminal cases must have priority. Potential jurors at highest risk may be deferred upon request, until our Health Department reports that the risk to that group no longer requires special treatment during jury selection. Potential jurors may also be deferred based upon undue hardship caused by the COVID-19 circumstances, including consideration of extended loss of income.
24. The Courts will encourage mediation when appropriate, especially mediation conducted by remote technology.

Respectfully submitted this 29 day of May, 2020 and amended this 10th day of June, 2020.

 /s/ FRANK NEWKIRK, JR. _____
Frank Newkirk, Jr., Judge,
Washington Superior Court

 /s/ LARRY MEDLOCK _____
Larry W. Medlock, Judge,
Washington Circuit Court