

In the
Indiana Supreme Court

In the Matter of the Emergency Petition for
Administrative Orders for Crawford County

Supreme Court Case No.
20S-CB-200



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 expansion of operations plan (“Plan”) on June 1, 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 6/8/2020, **effective June 1, 2020.**



Loretta H. Rush
Chief Justice of Indiana

IN THE MATTER OF THE PETITION)	SUPREME COURT CASE NO.
OF THE CRAWFORD CIRCUIT COURT)	20S-CB-200
FOR ADMINISTRATIVE RULE 17)	
EMERGENCY RELIEF)	CRAWFORD COUNTY CASE NO.
)	13C01-2003-CB-00006

RE-ENTRY PLAN FOR CRAWFORD CIRCUIT COURT

COMES NOW the Crawford Circuit Court and hereby provides the Indiana Supreme Court its re-entry plan and requested relief under Administrative Rule 17:

1. ADMINISTRATIVE RULE 17 COMPONENTS

- a. Tolling: Extension of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings; public health and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters through August 14th, 2020. Further, no interest shall be due or charged during the tolled period.
- b. Authority for Continuing Jury Trials: Calculation from April 3, 2020 through August 14th, 2020 for early-trial demands filed under CR4(B) before April 3, 2020; CR4(A) and (C); and shall further be subject to congestion of the court calendar or locally existing emergency conditions for good cause shown. Early-trial motions filed after April 2nd, 2020 and before August 15th, 2020, the motion shall be deemed to have been made on August 14th, 2020 and shall be further subject to congestion of the court calendar or locally existing emergency conditions for good cause shown.
- c. Authority for Reviewing County-Jail and Direct Placement Community Correction Sentences of non-violent inmates and juveniles extended until August 14th, 2020.
- d. Prohibition on Issuing or serving new writs of attachment, civil bench warrants, or body attachments pursuant to TR64 shall be extended until August 14th, 2020.

2. PLANNING

The Crawford Circuit Court Judge attended a task force meeting made up of other elected officials and members of the health department, Emergency Management Agency, and volunteer doctors in March to discuss addressing the COVID-19. The Court has continued to communicate with the county commissioners on the re-opening of the Crawford County

Judicial Complex, and specifically consulted with the prosecutors, public defenders, probation, CASA, DCS, and community corrections on the re-entry plan for Crawford Circuit Court.

3. EMPLOYMENT PROCEDURES

Crawford Circuit Court has one trial judge and only two court staff, who continued to work through the COVID-19 shutdown. The staff has been provided with hand sanitizer, gloves, and masks. The door to the court staff office is locked and employees and members of the public must speak through the speaker and window. The probation department had Plexiglas installed and a separate entrance for urine screens to avoid common areas and more exposure. The CASA Office has a completely closed off office with the door closed at all times. Social distancing is required in the courtroom with “X” markers where people can sit in the gallery and the chairs around the counsel table are spaced six feet apart. The bench and court reporters bench and probation and community corrections table are spread out as well.

Court employees who have symptoms of COVID-19 are instructed to stay home for fourteen (14) days, and report if they have symptoms or have been in close contact with someone who has COVID-19. Employees are allowed to work remotely if possible. Employees will be given mental health resource information. Employee work space complies with social distancing.

4. COURTHOUSE FACILITY PLAN

The court staff office, judge’s chambers, jury room, and courtroom are routinely wiped down with Clorox disinfecting wipes including tables, chairs, handles, light switches, and doorknobs on both the inside and outside of the doors. Lysol disinfecting spray and hand sanitizer are placed throughout the offices along with masks and gloves and are encouraged to be used. No one may enter the Crawford County Judicial Complex without a mask, and they are provided at the main entrance as people enter through the metal detector. A hand sanitizing station is also in the lobby. Each public office has Plexiglas at its counter to separate the public, and only one person at a time is allowed in each office. Social distancing must be complied with.

The courtroom has a sign outside its doors that only litigants are allowed in the courtroom. Family and friends must wait in their cars. There is a sign just inside the door of the courtroom to be seated six feet apart on the seats marked “X.”

The courtroom is sanitized and disinfected between each hearing and when a new person enters and leaves the courtroom as well as at the end of the day including wiping down and spraying tables, chairs, handles, light switches, and doorknobs on the inside and out.

Mail sits for three days before being handled.

Requirements from county partners are that the county commissioners are requiring everyone who enters the Judicial Complex to wear a mask; only one member of the public is allowed in each office, and everyone must remain six feet apart. Plexiglas partitions have also been constructed at each office window or door.

5. SCREENING PROCEDURES FOR THE PUBLIC

There is only one public entrance to the Crawford County Judicial Complex. No one is allowed in without a mask. A hand sanitizing station is provided in the lobby. Only one member of the public is allowed in each office at a time, and social distancing must be complied with. Only litigants are allowed in the courtroom. Family and friends must wait in their cars. Witnesses must remain in the hallway while maintaining social distancing. County partner recommendations from the county commissioners are that everyone who enters the building is required to wear a mask, must stay six feet apart, and only one member of the public is allowed in each office at a time.

6. RESUMING NON-EMERGENCY HEARINGS

a. **Initial Hearings for those incarcerated and Bond Hearings:** Initial hearings for new arrests and those incarcerated will continue to be conducted by video via Zoom with the Defendant in the custody of the Crawford County Sheriff's Department at the jail. Bond hearings will be conducted the same way. The prosecutor and defense attorney may appear either in person or via Zoom.

b. **Initial Hearings for those not incarcerated:** Crawford Circuit Court holds hearings for self-represented litigants on Tuesdays. The initial hearings that were continued through the months of March, April, and May, will be held on Tuesdays in person with social distancing in the courtroom and other safety procedures. The courtroom can have twelve people in the gallery at a time with social distancing. The hearings are all set for 9:00 a.m. The first twelve to check in at 9am at the front entrance of the courthouse will be told to take a marked seat with an "X" in the courtroom. The next twelve that checks in will have a two

put beside their name and asked to return to his/her car until notified. Probation officers will help check people in. Once in the courtroom, the Court will take roll. The prosecutors will provide the litigants with a copy of their charges. An advisement of rights will be read and each individual case will be addressed. The litigant will remain in his/her seat when her case is called. One the individual portion of the hearing is over the litigant may leave the courtroom. Once each individual's case has been addressed, a probation officer will wipe down each seat and the courtroom door and handles, and the next twelve will be called in. This process will continue until all hearings on the docket have been conducted.

- c. **Pretrial Conferences:** Pre-trial conferences on misdemeanors with self-represented litigants will continue to be re-scheduled unless the litigant is not in compliance with pre-trial supervision. Once the Court further expands, pre-trials for self-represented litigants will be held similarly to initial hearings above. Pre-trial conferences for misdemeanors with retained counsel will be continued. Pre-trial conferences on felonies with retained counsel, the attorney may continue the hearing, appear by Zoom or the parties may file a written status update with the Court. Each week probation and community corrections file a written status update with the Court as to whether or not the individual is in compliance with pretrial supervision, day reporting or probation. The criminal public defender docket will resume with attorneys only present including the prosecutors, probation, and community corrections. The cases will be conferenced by the above court officers, and then put on the record. A new date will be set. Depending on the person's compliance he/she may have to appear at the next hearing.
- d. **Sentencing Hearings:** Change of Plea and Sentencing hearings, shall be conducted in person complying with social distancing recommendations.
- e. **Probation Review Hearings:** The Crawford County Probation office will file a written status update with the Court regarding what the individual should be doing while on probation and whether or not the individual is in compliance, and how much time the individual has remaining on probation. The Court will then enter an order for the next review date, if applicable. If the person is in compliance the review hearing will be scheduled as far as six to nine months out on the Court calendar.

- f. **Emergency Detention Hearings and Initial Hearings on CHINS/Juvenile Matters:** Emergency detention CHINS and juvenile hearings and initial hearings will continue in person within the required 48 hours.
- g. **Review Hearings and Permanency Hearings on CHINS:** Review hearings are normally held every ninety days. Therefore, most of the CHINS matters are still within the statutory time frame for a six month review. These matters will be continued to a later date to remain within the six month statutory time frame, unless an urgent matter arises or hearing is otherwise requested by a party. The tolling relief provided in the Supreme Court's Order dated May 29th, 2020 will be utilized where necessary. CHINS matters that are heard in person will be handled much like the pro-se litigant hearings. The cases will be scheduled in fifteen minute increments and only the parties will be allowed in the courtroom. Family, friends, placement, foster care, etc, will have to remain in their cars. Only the attorneys, CASA Director, and Family Case Manager whose case it is and FCM Supervisor will be allowed in the courtroom. Probation will assist check people in at the front door. Family case managers will help facilitate people from their cars to the courtroom at the time of their hearing. Family case managers and attorneys shall inform their clients in advance of the hearing time and that they will need to wait in their cars after checking in, until called into the courtroom for their hearing. The courtroom will be disinfected between hearings.
- h. **Juvenile Review and Permanency Hearings:** The juvenile probation officer will submit a report on the juvenile's progress. The attorney and prosecutor will be present. The juvenile and parents need not be present as long as the juvenile is in compliance.
- i. **Child Support/Small Claims/Proceeding Supplemental/Evictions and Mortgage Foreclosures:** These hearings will be continued until a later date following the Supreme Court's Order dated May 29th, 2020 that extends tolling periods and periods for which interest will not accrue. The Court will also adhere to the Governor's Executive Orders on foreclosures and evictions.

- j. Civil and Family Law Matters:** Civil and family law matters will be rescheduled with the exception of emergency custody matters that concern the physical, mental and emotional well-being of a child. These hearings will be done in person with only the parties and their attorneys present in the courtroom complying with social distancing.
- k. Divorce and Guardianship Matters:** These hearings will be rescheduled with the exception of urgent provisional hearings to prevent waste and dissipating of marital assets, and emergency guardianships to protect the interests of an incapacitated person. Only the interested parties and their attorneys will be allowed in the courtroom.
- l.** Beginning June 1, 2020 those matters currently on the docket under time constraints or already previously continued will remain on the Court calendar to be heard either via Zoom or in person in the courtroom while complying with social distancing unless it becomes necessary to utilize the extension of the tolling period recently afforded by the Supreme Court's Order dated May 29th, 2020 based upon local conditions.
- m.** Hand sanitizer and gloves are placed in the courtroom and are encouraged to be used. Face masks are currently required to be in the rest of the judicial complex. Each person should remain 6 feet apart. After each hearing and after a new person has entered and left the courtroom, the tables, chairs, handles, switches, doorknobs, and seats will be sanitized with Clorox wipes and disinfected with Lysol spray. This process will occur at the end of each day as well.
- n.** Crawford Circuit Court is only allotted 15 senior judge days. Senior judges may be utilized later depending on risk and availability to help with the congestion of the Court's calendar by hearing small claims, proceeding supplemental hearings, evictions, etc. and helping with the trial court's daily queue.
- o.** All other matters not specifically listed, will be evaluated on a case by case basis and within the discretion of the Court, balancing the need for the administration of justice and the need for public safety in light of the national COVID-19 pandemic utilizing the relief afforded and the extension of tolling periods provided in the Supreme Court's Order dated May 29th, 2020, based upon local conditions.

- p. Those hearings that are open to the public will be broadcast from Zoom to YouTube and the livestream video website provided by the Indiana Office of Court Technology. The Court will work with the local newspaper and utilize social media to let the public know that the Court docket is available at the front entrance of the Judicial Complex at the beginning of the week. Additionally, the date and time of hearings can be learned by visiting www.mycase.in.gov or calling the Court directly. At said day and time, members of the public can search YouTube for the Crawford County Circuit Court and view the livestream video of the hearing, or utilize the Office of Court Technology's website. These websites will be provided to the public via the newspaper and social media.

7. **JURY TRIALS:**

Previously, jury trials were suspended until July 1st, 2020 under the prior Supreme Court Order. It was this Court's intention through this Re-Entry Plan to request to extend that suspension until August or September 2020. This Court has just learned that the Supreme Court has extended the tolling period until August 14th, 2020.

Crawford County is a small, rural county of 10,000 people. The resources, funds, and manpower to conduct a safe or remote jury selection and trial are non-existent. The school corporation has locked the buildings down and no one is allowed in. Half of the county does not own computers or the internet and the internet is not even provided to certain areas in the county. The manpower to help facilitate jury selection with social distancing does not exist. All of our staff, including probation, will be helping to execute the above-mentioned hearings.

Crawford County and Crawford Circuit Court does not have the capability to conduct a safe and/or remote jury selection or jury trial in the midst of the COVID-19 National Pandemic. Furthermore, elected officials just received word today that a county employee has tested positive for COVID-19. The Court would ask to suspend all jury trials, including fast and speedy, through the August 14th, 2020 date. Civil jury trials will be scheduled for January 2021.

Those criminal matters that are currently set for June, July, and August 2020 with CR4 time constraints will have first setting when the tolling period has ended. A letter will be sent to the jury pool with the summons detailing the safety procedures and precautions that are being taken including the provided hand sanitizer, masks, and gloves. An additional

juror questionnaire with COVID-19 related questions will accompany the letter, jury summons, and traditional juror questionnaire. Liberal deferrals will be given in light of the COVID-19, particularly for those who are high risk, those whose requests are accompanied by a doctor's note, and those who are in the healthcare field. Juror meals will be ordered and brought in rather than dining out. The meals will be individually wrapped.

Jurors will be instructed and required to immediately report if they have any COVID-19 or flu like symptoms at any time throughout the jury selection or trial. The jury pool will be expanded to allow for the increased deferrals. Fewer members of the jury venire will be brought in at one time to comply with social distancing in the gallery of the courtroom during jury orientation and jury selection. Additional time will be allotted for jury selection. Jurors will be told to report at different times for jury selection and will wait in their cars after checking in until called in for their round of questioning. The courtroom will be sanitized and disinfected between each round of jury selection.

The county commissioners have required that anyone entering the judicial complex wear a face mask, and remain six feet apart. Community partners and county commissioners have left courtroom procedures to the discretion of the Crawford Circuit Court with no additional recommendations.

8. COURT SUPERVISED SERVICES

- a. **Probation:** Probation is currently open with all staff in the office. Plexiglas has been constructed as a partition between probationers and the probation officers when they are checking in or making payments. A separate entry way is utilized for drug screens to avoid commons areas and more exposure. Low-risk, low-need probationers are allowed to report by phone. Probation expects for clients to return to treatment and classes in person in June.
- b. **Community Corrections:** Daily call in on pretrial supervision remained during the shutdown. Community corrections officers began going into the office one day a week at separate times and have now resumed office hours with the use of social distancing, and masks. Clients are scheduled for appointment one at a time. Drug screening will resume in June. The community corrections officers are addressing those who are due in Court first. Community corrections officers will be attending Court with the attorneys, prosecutors, and probation to conference cases before going on the record.

- c. **CASA:** Only the CASA Director will be present in the courtroom for hearings, after receiving and filing the CASA's report with the Court and conferring with the volunteer. CASA volunteers will continue to make the required contacts by telephone, email, text, and video conference.

RESPECTFULLY SUBMITTED THIS 29th DAY OF MAY 2020.

A handwritten signature in black ink that reads "Sabrina Bell". The signature is written in a cursive, flowing style with a large initial 'S'.

**SABRINA BELL, JUDGE
CRAWFORD CIRCUIT COURT**