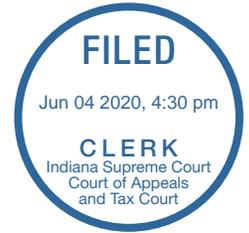


# In the Indiana Supreme Court

In the Matter of Matter of the Petition of  
the Jay Circuit and Superior Courts for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-216



## Amended 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 courts 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 6/4/2020 , **effective June 1, 2020.**

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

Loretta H. Rush  
Chief Justice of Indiana

20S-CB-216

**TRANSITION PLAN**

**CIRCUIT & SUPERIOR COURTS  
JAY COUNTY, INDIANA**

**PORTLAND, INDIANA**

**ADOPTED:**

**June 1, 2020**

The following shall serve as the plan for the Jay Circuit and Superior Courts to transition to regular operations upon the termination of the current or any subsequent extension of the Supreme Court's AR-17 order relating to the COVID-19 pandemic. The plan will be followed until such time as the Governor of Indiana determines that there is no longer a "health emergency."

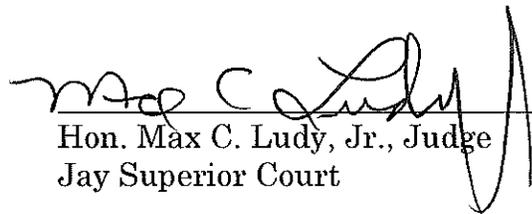
1. **Extension of AR-17 Provisions.**
  - a. The courts do not anticipate a present need for extension of the Supreme Court Order in 20S-CB-216 (Exhibit 1 attached.);
  - b. In the event of a significant change in local conditions, the courts may make application for a new order.
  
2. **Planning.**
  - a. The courts have considered comments made by the judges, the Prosecuting Attorney, the Chief Public Defender, the local director of the Health Department, the Jay County Commissioners, and the courthouse Custodian. Additional information has been received from the employees of the Probation Department and Community Corrections.
  - b. The courts will continue to reassess the current conditions in Jay County as they relate to incidences of Covid-19 to identify any need to modify this plan.
  
3. **Employment Procedures.**
  - a. Court employees, as well as Probation and Community Corrections employees, have all returned to work for their regular schedules.
  - b. The courts, are open for regular business hours- as are the Probation Department and Community Corrections Department.
  - c. No staff are presently identified as aged 65 or older or who have a chronic condition that results in a compromised immune system.
  - d. Any staff member who has come in to close contact with a person diagnosed with or exhibiting symptoms of COVID-19 shall immediately notify their supervising judge and shall not return to work (self-quarantine) until the sooner of the following:
    - i. 2 weeks; or
    - ii. Upon receiving a negative result for a diagnostic test for COVID-19.
  - e. Staff will be encouraged to wear a face covering whenever dealing with the public or when in close contact with any person and to practice social distancing to the extent practical.
  
4. **Courthouse Facility Plan.**
  - a. All staff have previously been issued personal bottles of hand sanitizer.
  - b. Hand sanitizer dispensers are located in public areas in the

- c. courthouse.
  - c. Persons entering the courthouse will be required to wear a face covering and masks are available upon request.
  - d. Persons entering the courthouse will be reminded to exercise “social distancing.”
  - e. No-contact scanning thermometers have been ordered and, upon receipt, security officers will begin monitoring temperatures of those entering the courthouse.
    - i. Persons exhibiting a body temperature of over 100.4 degrees F will be given an opportunity to re-scan after a few minutes.
    - ii. Persons who continue to exhibit a body temperature of over 100.4 degrees F will be denied access to the courthouse and will be advised to contact their health care provider.
    - iii. Cautionary signs are already in place on the exterior of the public entrance.
  - f. Courtroom furniture will be cleaned/disinfected at least once daily by the custodian.
  - g. Additional cleaning may be requested by the court.
  - h. Spray disinfectant will be applied to counsel tables and chairs and the witness stand after each hearing.
  - i. Mail will continue to be delivered to a central location for later distribution by a courthouse employee, and should be left in mail receptacles outside the court and other offices.
  - j. No alternate venues are considered necessary at this time, with the courthouse auditorium to be available mid-June.
5. **Resuming Non-Emergency Hearings.**
- a. Hearings will occur as scheduled by the Court. Priority will be given to emergency matters, those matters set forth in the Supreme Court’s AR-17 order, and matters involving incarcerated defendants. All other hearings will be scheduled as the judge deems appropriate.
  - b. Locally incarcerated defendants may appear by video-conference from the jail.
  - c. Courts will generally grant a request for telephonic appearance by parties and/or counsel whenever feasible.
  - d. The court will generally discourage the presence of spectators and will limit access by spectators to ensure sufficient room for socially distanced parties, witnesses and counsel. Requests by media to be present in the courtroom will be addressed on a “first-come, first served” basis, with consideration for space restrictions.
  - e. Senior judges and special judges may choose whether they wish to appear in-person or remotely.
6. **Jury Trials.**
- a. Jury trials shall not convene prior to July 1, 2020.

- b. Jurors and venire persons will be instructed to bring an appropriate face covering and will be encouraged to wear it while present in the courthouse.
  - c. Any venire of more than 35 persons will be convened in the courthouse auditorium. All of the jurors will be sworn and examined by the court for qualifications. Thereafter, smaller blocks of jurors will be taken to the court for further examination by counsel and selection/striking.
  - d. Jurors summoned for service will be provided an explanatory letter outlining precautions to be taken and a Covid-19 Questionnaire (Exhibit 2 attached) to be completed and returned to the court prior to the date of trial.
  - e. Jurors selected for service will be seated so as to allow at least one chair between them during trial.
  - f. Jury rooms are of sufficient size to hold up to 14 jurors during breaks and deliberations.
  - g. Meals will only be served during deliberation and will be delivered by local restaurants with jurors having the option to select individual meals.
7. **Court Supervised Services.**
- a. Until July 4, 2020, (or at a later date if community conditions warrant) Probation and community corrections will meet with clients in their offices. Safe distances will be maintained and PPE used.
  - b. Frequently touched surfaces should be disinfected after each such meeting by staff or the custodian.
  - c. Telephonic meetings should occur whenever feasible.
  - d. Clients reporting Covid-19 contact or related symptoms will have appointments rescheduled to a date at least 2 weeks in the future.

Dated this day, June 1, 2020.

  
\_\_\_\_\_  
Hon. Brian D. Hutchison, Judge  
Jay Circuit Court

  
\_\_\_\_\_  
Hon. Max C. Ludy, Jr., Judge  
Jay Superior Court

Juror Name: \_\_\_\_\_

Juror #: \_\_\_\_\_

ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19  
3<sup>rd</sup> Quarter – July through September 2020

1. Are you an essential healthcare worker?  YES  NO

2. If yes, where are you employed and in what capacity?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you been exposed to COVID-19?  YES  NO

4. If yes, approximate date of exposure: \_\_\_\_\_

5. Have you tested positive for COVID-19?  YES  NO

6. If yes, approximate date of positive test: \_\_\_\_\_

7. Are you currently experiencing any symptoms of COVID-19 and been told to quarantine?  
 YES  NO

8. If yes, on what date were you told to quarantine? \_\_\_\_\_

9. Are you an employee who has been laid off due to COVID-19 and have recently been returned to work?  YES  NO

10. If yes, where are you employed, how long were you laid off, and when did you return to work?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are you considered an individual in a vulnerable population due to age or health conditions?  
 YES  NO

12. Any other concerns related to COVID-19 you have regarding your jury service?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS, AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
SIGNATURE OF JUROR