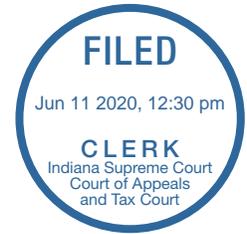


In the
Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-158

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 5, 2020.

The Court finds that the Plan was made in coordination with appropriate local officials 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 6/11/2020 , **effective May 26, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

IN THE INDIANA SUPREME COURT

CASE No: 20S-CB-158

Johnson County Court Transition Plan Amended

Come now the Courts of Johnson County, Franklin City Court and Greenwood City Court and submit this transition plan to the Supreme Court as follows:

1. Administrative Rule 17 Components

- A. On or about March 17, 2020 the Indiana Supreme Court granted emergency relief under Administrative Rule 17, which relief expires May 30, 2020.
- B. The portions of relief of the approved Order for Relief that require extension under Administrative Rule 17 are the following:
 - a. Through July 5, 2020, the tolling 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 in all other civil and criminal matters before the courts of Johnson County.
 - b. Through July 5, 2020, the suspension of all criminal and civil jury trials, including those with "fast and speedy" setting requested.
 - c. Through July 5, 2020, the Courts are authorized, in their discretion, to limit spectators in courtrooms to the extent necessary to provide adequate social distancing (provided audio streaming access is made available to the public);
 - d. Through July 5, 2020, the courts of Johnson County may 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 the court setting, to the extent possible without violating statutory or constitutional rights.

- e. Through July 5, 2020, the courts of Johnson County are authorized to reduce the number of court staff members working and/or to permit working remotely, if feasible; provided, however, that the courts shall maintain sufficient operations.
- f. The remaining provisions of relief within the Order of Relief under Administrative Rule 17 shall be allowed to expire on May 30, 2020.

2. Planning

- A. Johnson County local stakeholders have an established working group. Those routinely consulted, and also assisting in the reactive measures taken in response to COVID-19, include: Judges, Court Administrator, Prosecutor, representatives of the local bar, County Clerk, County Attorney, Sheriff, Chief Probation Officer, Jail Commander and the Local Health Department Director.

3. Employment Procedures

- A. Employees shall be permitted to return to work, as determined by each Judge. Those employees in high-risk categories and/or collaterally affected by the COVID-19 will be given latitude to continue remote work, as available. Employees will be instructed to continue to self-monitor for symptoms, stay home as necessary and practice self-isolation as instructed by their health care professional, and report to their immediate supervisor if they have had close contact with someone who has COVID-19 in order to appropriately consult the local health department.
- B. Offices will practice social distancing of individual work spaces, encourage good hygiene, routinely clean and sanitize, and strongly suggest PPE for staff. Johnson County Emergency Management is working to collectively provide PPE for all of the courts.
- C. All County employees have been provided information regarding the Employee Assistance Program, which connects employees with professional confidential help 24 hours a day, seven days a week for employees and their family members.

4. Courthouse Facility Plan

- A. The county commissioners have a dedicated maintenance department, including a janitorial division, which routinely clean the facilities. This department has taken on extra measures during the COVID-19 situation, including but not limited to: the

addition of janitorial staff, expansion of areas cleaned (such as door handles, stair rails and other areas not previously focused in such frequency) and well as an overall increased frequency of regular cleaning.

- B. As in-person proceedings resume, the courtrooms will be equipped with extra cleaning supplies to sanitize areas in between hearings to ensure a safe workplace for staff, court participants, and the public.
- C. Social distancing measures shall be made within each of the courtrooms and offices to adequately provide space between seating and any other barriers that are courtroom specific.

5. Screening Procedures for the Public

- A. Until such time as in-person hearings resume on an unrestricted basis, only attorneys and parties to a case will be permitted access to the court, and only if they are scheduled for an in-person hearing.
 - a. Detailed signage will be displayed instructing any of these individuals to contact the court, rather than entering the building, in the event they are experiencing any flu or flu-like symptoms or have had exposure to COVID-19.
 - b. PPE, including masks, gloves and hand sanitizer will be strongly recommended and available for those individuals appearing in court, as supply is available. Johnson County Emergency Management is working to provide each court with a supply of PPE.

6. Resuming Non-Emergency Hearings

- A. Pursuant to the Supreme Court Order Permitting Expanded Remote Proceedings, 20S-CB-123, which modified Indiana Administrative Rule 14 effective until further order of the Court:
 - a. Non-emergency hearings may be conducted using remote platforms, as much as reasonably possible. Each court is equipped with a Zoom license and audiovisual equipment at the bench to allow for remote appearances.
 - b. All hearings involving incarcerated defendants shall be conducted remotely, as much as reasonably possible, to avoid transporting from the jail. The jail

has been equipped with a Zoom account and audiovisual equipment. The criminal courts have established a set schedule with the jail for these hearings.

- c. All witnesses will testify remotely when possible. When not possible, the witness will remain outside of the courthouse until called by a party to testify.
- B. Each courtroom is unique in size and arrangement. As such, public access for spectators will be limited, depending on the size of the courtroom, to promote social distancing. Public access to public hearings will be audio streamed online via an internet-based channel. A link to the channel for each court is listed on the county website and will be made available to any member of the public who is denied entry to the courtroom, due to spacial restrictions.
- C. Court staff will maintain a list of anyone appearing in court, for contact tracing purposes. Said list shall include the date, name and telephone number of each individual.
- D. Senior judges will be used in-person in either our extra hearing courtroom, in any open courtroom or remotely. Senior Judge assistance will be determined by each individual court triaging their calendar and identifying a need due to: a congested calendar, a back-log of cases, or a need to offer a court session in an open court that can offer social distancing practices.
- E. The judges are in constant contact with our local stakeholders, including the Health Department, and will continue to closely monitor the situation. The courts will adjust accordingly and increase the in-person hearings as the situation allows.

7. Jury Trials

- A. Criminal jury trials will be prioritized but not until after July 5, 2020.
 - a. Jury trials and jury selection will be conducted in person when they resume.
 - b. Only counsel and parties may attend; all witnesses shall wait outside the building until they are to testify.
 - c. Jury selection

- i. A letter to the potential jury pool will be sent in advance of jury selection, which will include: details of the safety precautions and measures of safety; identifying which potential jurors might be eligible for deferral and enclosing a COVID-19 additional questionnaire.
 - ii. Depending on the status of the health emergency, modified jury selection procedures, including potential off-site locations, may be utilized.
 - iii. Potential off-site jury selection at a larger venue, such as a local theater or auditorium.
- d. PPE will be provided to potential jurors.
- e. The use of masks is recommended for those appearing in court.
- f. Hand sanitizer will be provided for counsel and the parties.
- g. Hand sanitizer is recommended prior to and after the handling of exhibits.
- h. Sufficient copies of all exhibits shall be pre-marked and tendered to the Court at least five days prior to trial.
- i. The audio of all proceedings of record will be livestreamed on the Court's webpage.

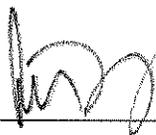
8. Court Supervised Services

A. Probation will operate a phased-in plan for operations, as follows:

- a. High and medium risk groups will begin appointments in office and home visit supervision.
- b. Low risk population will continue monitoring via audiovisual methods, with discretionary drug screens.
- c. All office visits will include health screening questionnaire, sanitation and temperature checks.

- d. Masks will be worn by the probationer and sanitizer available in the office at several locations.
 - e. Any increase in office traffic will be conducted with collaborative justice partners.
- B. Community Corrections will operate a transitional plan, as approved by the Community Corrections Advisory Board.
- C. CASA will operate a phased in plan, as follows:
- a. CASA volunteers will continue to use audiovisual communication with their clients and appear in court remotely.

Amended at Franklin, Indiana, this 5th day of June, 2020.



HON. PETER D. NUGENT
JOHNSON SUPERIOR COURT 2
PRESIDING JUDGE FOR EMERGENCY