

In the
Indiana Supreme Court



In the Matter of the Petition of the Marion
County Small Claims Courts for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-144

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 17, 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 6/18/2020 , **effective June 5, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

20S-CB-144

Marion County Small Claims Courts

IN RE: ADMINISTRATIVE RULE 17 |
 PETITION THE INDIANA |
 SUPREME COURT TO DECLARE AN |
 EMERGENCY IN MARION COUNTY |
 FOR THE SMALL CLAIMS COURTS |

ADMINISTRATIVE RULE 17 PETITION

Comes now the Marion County Small Claims Courts (“Small Claims Courts”) and petitions the Indiana Supreme Court for approval of its Indiana Administrative Rule 17 and Transition Plan for Expanding Operations. In Support of this petition, the Small Claims Courts inform the Indiana Supreme Court as follows:

1. That the United States Center for Disease Control is encouraging “social distancing as a means of limiting the spread of COVID-19 and other potentially fatal viruses.”
2. On May 1, 2020, Governor Holcomb signed Executive Order 20-26, which starts a five-phased reopening of the Indiana economy (“Back on Track”) relaxing the stay at home order for Marion County on May 11, 2020.
3. Executive order 20-26 defers to Mayors and local governments to monitor their municipalities to determine if more restrictive measures are needed during the phased reopening. The Mayor of the City of Indianapolis has signed an executive order to maintain the stay at home order until June 15, 2020.
4. On May 21, 2020, Governor Holcomb also signed Executive Order 20-27 that extended Executive Order 20-06 that created a moratorium against evictions until July 1, 2020, except for emergency evictions under Indiana Code 32-31-6-5(2). The Governor’s Executive Order permits emergency evictions pursuant to Indiana Code 32-31-6-5(2) to proceed after June 4, 2020.
5. That the Indiana Supreme Court has approved the Marion County Small Claims Courts AR-17 plan that was implemented March 16, 2020, to protect employees and allow for remote work, which has been extended until May 30, 2020.
6. The Indiana Supreme Court’s order also requires each trial court to develop a transition plan for expanding court operations and requires that the plan must be submitted to the Court for approval no later than May 30, 2020.
7. That the manner in which the Marion County Small Claims Courts schedule hearings requires numerous members of the public to be in close contact with each other for a significant time period. These members of the public are of all ages and physical fitness and often are short on financial resources that would be further strained by contracting an illness such as COVID-19.
8. That members of the public often feel compelled to comply with court summons despite illness. That the Marion County Small Claims Courts have nine (9) court locations with

nine (9) judges and more than sixty (60) staff members that also interact with numerous members of the public daily and potentially could be exposed to COVID-19.

9. The Marion County Circuit Judge meets weekly with the Marion County Superior Court Executive Committee, the City of Indianapolis and the Marion County Health Department, Executive Director Dr. Virginia Caine has advised of very specific requirements for the Marion County Courts to conduct in-person hearings due to the COVID-19 public health safety crisis pandemic. This includes 6-foot social distancing and the requiring of face covering being required to employees and public. In addition, Dr. Caine is recommending the courthouse bathrooms because their small size be cleaned at least every hour. The Marion County Circuit and Superior Courts have previous filed their AR-17 Relief and Transition Plan to extend the AR-17 Relief and deadlines through July 3, 2020. The Marion County Circuit Court Judge request the same relief to be consistent with the Marion County Circuit and Superior Court.
10. That the Judges of the Marion County Small Claims Court have appointed Judge Garland E. Graves as the presiding Judge for this emergency and the Marion County Circuit Court Judge joins in the request.

THEREFORE, the Judges of the Marion County Small Claims Courts request that the Supreme Court declare that an emergency continues to exists in Marion County under the authority of Indiana Administrative Rule 17, and to issue appropriate emergency orders for Marion County directing and allowing the courts and clerks of the Marion County Small Claims Court under the supervision of the elected Judges to alter, modify, and suspend necessary procedures as provided in the emergency plan of Monday, March 16, 2020 through Friday July 3, 2020, including a tolling on all legal deadlines submitted herewith, so as to appropriately address this emergency.

Furthermore, the Judges of the Marion County Small Claims Courts request that the Supreme Court grant permission to hold hearings telephonically or by video conferencing for the foreseeable future, unless a Judge determines within their discretion that an in-person hearing is necessary, subject to the guidelines as noted in the Transition Plan for Expanding Operations in Response to the Indiana Supreme Court Order Case No. 20S-CB-123. All hearings are to resume no later than July 3, 2020.

DONE at Indianapolis, Indiana, this 30th day of May, 2020.

/s/ Sheryl Lynch
 Judge Sheryl Lynch
 Marion County Circuit Court

/s/ Garland E. Graves
 Judge Garland E. Graves
 Warren Township Small Claims Court
 Presiding Judge of the Marion County Small Claims Courts

EXHIBIT A

Marion County Small Claims Court COVID-19 Transition Plan for Expanding Operations

Comes now the Marion County Small Claims Courts (“Small Claims Courts”) and petition the Indiana Supreme Court for approval of its Transition Plan for Expanding Operations under Indiana Administrative Rule 17 (“AR-17”). In Support of this petition, the Small Claims Courts inform the Indiana Supreme Court as follows:

Administrative Rule 17 Components

The Judges of the Small Claims Courts filed a petition for additional relief under AR-17, which outlined the additional relief the courts are requesting. Specifically, the courts are seeking an extension of tolling on all legal deadlines until July 3, 2020, and permission to hold all hearings telephonically or by video conferencing for the foreseeable future, unless a Judge determines within their discretion that an in-person hearing is necessary, and for all other hearings resume no later than July 3, 2020.

Planning

1. The Marion County Small Claims Courts are not part of the Marion County Circuit and Superior Courts and have not been included in any countywide planning concerning this health emergency with local stakeholders like the Mayor’s Office, Emergency Management and the Marion County Health Department. The Marion County Circuit Court Judge acting in her role under Indiana Code 33-34-1-5 to “extend aid and assistance to the judges in the conduct of the township small claims courts,” has updated the Marion County Small Claims Presiding Judge of this emergency, discussions and decisions by the Marion County Circuit and Superior Courts and the Marion County stakeholders.
2. The Judges have met four (4) times by video conferencing format during the declaration of the COVID-19 health emergency to discuss court procedures.
3. On June 2, 2020, the Judges have scheduled a webinar with the Indianapolis Bar Association to discuss:
 - a. The Governor’s Executive Order 20-06, moratorium on evictions and the Small Claims Courts implementation and operation to adjudicate the expected increase in the number of eviction cases.
 - b. The CARES Act-Moratorium on eviction for real estate that has a federally backed mortgage.
 - c. The Small Claims Courts Transition Plan for Expanding Operations.
4. The Small Claims Courts are not one court system, as explained in Suesz v. Med-1 Solutions, LLC, 757 F.3d 636 (7th Cir. 2014) stated that “State law makes the small claims courts of Marion County nine separate courts.” Id. at 641. The Court in Suesz quoting the Indiana Supreme Court, In re Mandate of Funds for Center Township of Marion County Small Claims Court, 989 N.E. 2d 1237, 1239 (Ind. 2013), “In essence, the

Marion County small claims courts are township-level judicial entities." Id. at 641. Even though the Small Claims Courts are creating one transition plan for expanding operations, the Judges of the Small Claims Courts will continue to work with the township trustee, township board and township constable to implement this plan to safeguard the employees and public during COVID-19 health crisis.

Employment Procedures

1. The Small Claims Courts have transitioned to remote operations, by either allowing their employees to work from home or by allowing limited access to the public while staff is working in the courts' offices.
2. In order to maintain social distancing court staff are encouraged to work remotely when practical so long as the court's operation is not affected. The staff area should be secured from the public if practical to reduce the risk of transmission of COVID-19.
3. Although court staff will be encouraged to work remotely the court will remain open to the public either through a limited presence at the court facility or by other means of communication such as telephone, email and FAX.
4. Court staff and judges will be provided personal protective equipment (PPE) from the township. Court staff and judges will be required to wear PPE when they are in the presence of the public and other staff members while working in the courtroom and court offices.
5. Pursuant to the recommendations from the Marion County Health Department, the courts will follow the requirements and orders for the public need to wear face covering in the courthouse in the absent of recommendations or orders from the Marion County Health Department regarding the use of face covering in the courthouse will be at the discretion of the judge.
6. Employees whom exhibit symptoms of COVID-19, live with an individual with symptoms of COVID-19 or have been exposed to COVID-19, must report the circumstances to the township's presiding judge, stay home until the appropriate CDC guidelines for ending home isolation is met and be advised of the availability of Be Well Indiana (bewellindiana.com) as a mental health resource.

Court Facility Plan

1. The Small Claims Courts will ensure surface areas of their courtroom and staff area are cleaned and disinfected daily. The Small Claims Courts shall allow time between court sessions to clean and disinfect tables and chairs and the entry ways and door handles.
2. The Small Claims Courts shall require social distancing of 6 feet between people and place markers on the floor for social distancing where appropriate or feasible.
3. The Small Claims Courts shall require chairs in court room to be spaced 6 feet apart to comply with social distancing.
4. The Small Claims Courts shall require employees in the work place to comply with social distancing where possible.

5. The Small Claims Courts shall display signage encouraging people to wear masks, wash hands, and respect social distancing.
6. The Small Claims Courts shall have hand sanitizer available for use by court staff and members of the public that enter the office and/or courtroom area
7. The Small Claims Courts shall recess and reset a case if at any time during a hearing a participant displays symptoms of being sick.
8. The Small Claims Courts shall create work stations and erect physical barriers where practical between court staff and the public and other court employees, to acceptably social distance to reduce the exposure of COVID-19. The public shall not be allowed in the staff area and when staff is in the presence of the public, they must wear PPE.

Screening Procedures

1. In the event that the court determines in its discretion that in-person hearings are required, the litigants are required to comply with social distancing. When parties appear in person the following protocol will be followed:
 - a. Parties that appear for a hearing that is scheduled as a telephonic or video conferencing hearing be greeted by security, constable or court staff and given the information to appear telephonically or by video conferencing format.
 - b. Parties that appear for hearing who do not have their own devices for a telephonic or video conferencing hearing or appear for an in-person hearing will be checked in by security, constable or court staff and asked to have a seat. Once the courtroom compacity for social distancing is met, all remaining parties will be asked to return to their car or remain outside until room becomes available.
 - c. Each court will devise a protocol and procedures to alternate court schedules to reduce the possibility for congestion at the courthouse.
2. The Small Claims Courts shall post “Indiana Courthouse COVID-19: Healthy Response” signs court’s facilities, which included but not limited to the courtroom, restrooms entryways and hallway and corridors, and a copy is attached to this plan.
3. The Small Claims Courts shall continue any case at any time if of the if a participant displays symptoms of being sick.
4. The Small Claims Courts shall recess and reset a case at any time during a case that a participant displays symptoms of being sick.
5. The Small Claims Courts shall encourage staff to wash hands regularly and in particular after encounters with members of the public.
6. The public shall be asked screening procedures highlighted in the “Indiana Courthouse COVID-19: Health Response,” which is attached to this plan.

Resuming Non-Emergency Hearing

1. The Small Claims Courts will allow non-essential staff to continually to work remotely when practical so long as the court’s operations are not affected.
2. Until the Governor of the State of Indiana, the State Department of Health, the Mayor of the City of Indianapolis and the Marion County Health Department has determined that the COVID-19 public health crisis has ended the Small Claims Courts will be

- limited to a maximum number of litigants as stated above and social distancing will remain in effect and large cattle call dockets are strictly prohibited.
3. If an in-person hearing is necessary, then the Small Claims Court may limit participants to the parties and witnesses only. Facial covering and social distancing of 6 foot will be necessary for participants and witnesses at all times while they are in the court's facilities, which included but not limited to the courtroom, restrooms entryways and hallway and corridors.
 4. The Small Claims Court will require certification that real estate that is subject to a notice of claim for possession of real estate complies with the federal moratorium against evictions.
 5. The Small Claims Courts shall hold all hearings by telephonic/video conference platform for the foreseeable future. In-person hearings may be scheduled, only when deemed absolutely necessary in the discretion of the township's Small Claims Court Judge. Any party not in agreement to the manner of the remote proceeding must object at the outset of the proceeding, on the record, and the court must make findings of good cause to conduct the remote proceeding.
 6. The Small Claims Courts shall live stream court proceedings (except hearings that are confidential by law) on a public platform, including but not limited to YouTube or any other publicly accessible manner, to accommodate the public's access to court proceedings and shall remain in place for the duration of this order. Such a live-stream shall be viewable only during the proceeding and shall not be made available for later playback; and no confidential proceedings shall be broadcast on any public platform.
 7. Exhibits will be submitted in advance of trial to be scanned for distribution to the parties. Parties can print the exhibits from the CCS in advance of the trial. Exhibits that were previously submitted can be displayed at the time of hearing or video conferencing.
 8. The Small Claims Courts will create a scheduling order for hearings converted into a telephonic or video conferencing format and provide notice in compliance with AR 14.
 9. The Small Claims Courts, under the present State and County guidelines are working toward resuming in-person hearings on July 6, 2020. The courts will open using the guidelines set forth at that time by the State and/or County Health advisor regarding social distancing and PPE and disinfecting the court facilities. Marion Circuit Judge and Marion Superior Court Executive Committee are ordering the Marion County Courts outside of the City-County Building, including the Marion County Small Claims Court, to comply with Dr. Caine's Order to be consistent and keep employees and public safe, which is attached to this plan.

The Judges of the Marion County Small Claims Courts

Center Township Small Claims Court	Judge Brenda Roper
Decatur Township Small Claims Court	Judge Myron Hockman
Franklin Township Small Claims Court	Judge John Kitley
Lawrence Township Small Claims Court	Judge Kimberly Bacon
Perry Township Small Claims Court	Judge Cheryl Rivera
Pike Township Small Claims Court	Judge Douglas Stephens
Warren Township Small Claims Court	Judge Garland E. Graves
Washington Township Small Claims Court	Judge Steve Poore
Wayne Township Small Claims Court	Judge Gerald Coleman

Indiana Courthouse

COVID-19: Healthy Response

DO NOT ENTER IF YOU HAVE...

- Visited China, Iran, South Korea, any European countries, or other high-risk countries identified by the CDC in the last 14 days;
- Resided with or been in close contact with someone who has been in any of those countries in the last 14 days;
- Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
- Been asked to self-quarantine by any doctor, hospital, or health agency;
- Been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19; or
- A fever, cough or shortness of breath.

Bailiffs or court security officers may deny entrance to individuals attempting to enter in violation of these protocols.

For more information, visit, courts.in.gov/covid or the State Department of Health in.gov/isdh/28470.htm



3838 North Rural Street | Indianapolis, IN 46205 | PH 317-221-2000
www.marionhealth.org

PUBLIC HEALTH ORDER 15-2020
PURSUANT TO INDIANA CODE § 16-20-1-24
AND SECTION 7, ARTICLE 2 OF THE CODE OF THE HEALTH
AND HOSPITAL CORPORATION OF MARION COUNTY

In light of the ongoing COVID-19 pandemic, and to ensure that social distancing measures vital to the mitigation of the pandemic remain in place, I hereby order as follows, effective June 5, 2020:

1. Throughout any court hearing, trial, or similar proceeding at the City-County Building, 200 E. Washington Street, Indianapolis, Indiana 46204, all staff and visitors must wear a face covering at all times that covers the nose and mouth. All individuals or household units must maintain six (6) feet between them at all times.

No other Public Health Order related to the COVID-19 pandemic is superseded by this Order. This Order is issued pursuant to Indiana Code § 16-20-1-24 and Section 7, Article 2 of the Code of The Health and Hospital Corporation of Marion County.

Virginia A. Caine, M.D.

Virginia A. Caine, M.D.
Director and Chief Medical Officer