

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-135



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 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 **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

IN THE INDIANA SUPREME COURT

IN THE MATTER OF THE TRANSITION)	Supreme Court Case No.
PLAN FOR EXPANDED OPERATIONS)	20S-CB-135
FOR THE COURTS OF WARRICK)	
COUNTY)	

AMENDED PETITION FOR EMERGENCY ORDER

Come now the Courts of Warrick County and further petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition; the Courts inform the Supreme Court as follows:

The Judges of Warrick County request that the Supreme Court continue to declare that an emergency exists in Warrick County under the authority of Ind. Admin. R.17, and to make appropriate emergency orders for Warrick County directing and allowing the courts and clerk of Warrick County to alter, modify, and suspend necessary procedures as provided in the emergency transition plan submitted herewith, so as to appropriately address this emergency.

The Court submits the following Amended Emergency Plan for Warrick County:

1. 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; and in all other civil and criminal matters before the Warrick Courts through **August 14, 2020**. Further, no interest shall be due or owing during this tolled period.
2. The Warrick Courts be authorized in **criminal** cases to continue all jury trials until **no later than August 14, 2020** to allow adequate notification of the jury pool.
3. The Warrick Courts be authorized in **civil** cases to continue all jury trials until **no later than August 14, 2020** to allow adequate notification of the jury pool.
4. The Warrick Courts be authorized to, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Warrick County Judicial Center, to the extent necessary to provide adequate social distancing.
5. The Courts further provide the following Transition Plan for Expanded Operations for the Court of Warrick County including attachments in which the Court incorporates as part of this presently filed Amended Petition.

IN THE INDIANA SUPREME COURT

IN THE MATTER OF THE TRANSITION)	Supreme Court Case No.
PLAN FOR EXPANDED OPERATIONS)	20S-CB-135
FOR THE COURTS OF WARRICK)	
COUNTY)	

**SUBMISSION OF TRANSITION PLAN FOR EXPANDED
OPERATIONS FOR THE COURT OF WARRICK COUNTY**

Comes now the courts of Warrick County, State of Indiana, *en banc*, (“the courts”), and submit the following transition plan for expanded operations for the courts and state as follows:

1. The Indiana Supreme Court ordered the courts, pursuant to its *Order Extending Time for Expanding Trial Court Operations* of May 13, 2020 to “Develop transitions plans for expanded operations and submit those plans for this Court’s approval **no later than May 30, 2020.**”
2. The courts believe the requests herein are necessary to protect the public, attorneys attending court, and court staff from the threat of the COVID-19 virus.
3. The courts have met and communicated with community partners and developed a transition plan for expanded operations.
4. Any plan that the courts develop is conditioned on approval by the Indiana Supreme Court and any further Indiana Supreme Court orders and guidance, the Governor’s orders, and county level assistance.
5. At all times relevant herein, the courts will practice and will demand that others practice safe social distancing guidelines while in and around the courtroom and in and around court offices.
6. Take extra precautions for those staff members with significant risk factors associated with COVID-19 such as working from home, or restricting staff member’s interactions with the public.
7. The courts request that the authorization of the tolling of deadlines of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Warrick County, be extended to **August 14, 2020.**
8. The courts request that the authorization to immediately suspend all criminal and civil jury and bench trials, including those with “fast and speedy” setting requested, through **August 14, 2020.**
9. The courts desire to take the following steps to expand operations as of **June 1, 2020**:
 - a. Implement expanded staffing at court offices, while still encouraging those who can work from home to continue to do so;
 - b. Allow certain in-person court hearings;
 - c. Significantly restrict the number of the members of the public allowed in court offices, hallways and the courtroom to ensure safe social distancing.
 - d. Encourage in some cases and require in other cases the continued and expanded practice of having certain hearings by phone and/or video.

10. As of **July 6, 2020**, access to the courts will further expand as follows:
 - a. Resume full or significantly expanded staffing. Those who can work from home can continue to do so periodically;
 - b. Expand the practice of in-person hearings;
 - c. Begin performing full docket days for felonies, misdemeanors, juvenile, juvenile termination and children in need of services cases, IV-D child support, small claims. Limit the cases to be heard in-person to Initial Hearings, final pre-trials, trials, and certain evidentiary hearings, such as pleas and sentencing. Work toward eliminating the practice of regular scheduling “progress hearings” which fill up the docket and fail to move cases towards resolution;
 - d. Limit the amount of people in the courtroom to promote safe social distancing.
 - e. Encourage the continued and expanded practice of having certain hearings by phone and/or video.
11. The judges of the courts of Warrick County will meet prior to July 6, 2020 to discuss any necessary changes or additions to the plan.
12. In addition, the Court provides the following directives concerning building access and sanitation:
 - a. All individuals may be subject to answering the following questions to have access to the Judicial Center building:
 1. What is your purpose for entering the building today?
 2. Are you experiencing symptoms of fever, cough or shortness of breath?
 3. Have you been in close contact with someone confirmed or who is being evaluated for COVID-19?
 4. Have you recently visited an area that is subject to continued quarantine because of COVID-19 infection?

Any persons exhibiting symptoms or illness potentially indicating COVID-19 infection will be denied access to the Judicial Center building.

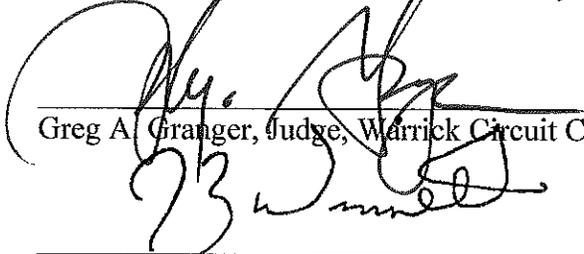
Furthermore, in order to ensure the health and safety of the court employees’ health, employees shall be provided with masks to wear, alcohol-based hand sanitizer, glass “sneeze guards” to protect their person and workspace both in the court office and the courtroom. Further, all persons entering the courthouse shall be strongly encouraged to wear a mask at all times and maintain safe social distancing of a minimum of six (6) feet. Employees are additionally able to continue to work from home as is permissible by the court. Staff is to report when they have COVID-19 symptoms or have been in close contact with someone who has been confirmed to have COVID-19. The Court will follow current health department advice for such reports; and a mental health resource will be provided for those employees.

b. To protect the public health and safety, masks shall be provided to people as they enter the courthouse, so long as the county is able to obtain them. Safe social distancing of a minimum of six (6) feet between people shall be enforced. Alcohol-based sanitizer shall be provided throughout the courthouse for the public’s use. The courthouse shall be thoroughly cleaned and sanitized at the start of each day. If an individual has a health concern or is ill, s/he may contact the court reporter assigned to her/his case for a continuance.

- c. The county has provided the courthouse with two (2) part-time cleaning staff. Each day, the restrooms, courtrooms, and court offices are cleaned. Door handles are sanitized along with surfaces in each of these rooms.
- d. Hearings, including those via telephone, video, and Zoom, are held in the courtroom and recorded there accordingly. Each Judge makes a record of the cause number, parties present, and sets the guidelines for each hearing (i.e. no recording shall of the hearing by the parties). Each attorney and party is encouraged not to speak until the Judge addresses him/her or unless there is an objection. The public is able to enter the courthouse and courtrooms provided that they meet the requirements as listed in section 12a. above. Continued public access to the Courts is ensured through this procedure and the Courts will also broadcast any hearings as required by Supreme Court Order.
- e. To ensure the health and safety of potential jurors, the courts shall issue a letter advising jurors of the revised protocol. Jurors shall either wear their own facial covering or be provided a mask upon entering the building. Jurors may wear gloves if they wish, but they will not be provided by the court. Hand sanitizer will be available at multiple locations. Security shall take the temperature of jurors upon entering each day. The facilities shall receive an extra cleaning each day. Jurors shall initially be maintained as socially distant as possible and distanced throughout the courtroom during selection. Bailiffs from other courts may assist. Individual lunches will be provided to jurors to minimize jurors' interaction at local restaurants.
- f. In order to make these decisions, the court consulted with the Warrick County Sheriff, Warrick County Community Corrections, Warrick County Prosecutor's office, Warrick County Commissioners, and local attorneys who regularly practice in Warrick County Courts.

Submitted this 29th day of May, 2020.

For the court of record of Warrick County,



 Greg A. Granger, Judge, Warrick Circuit Court

J. Zach Winsett, Judge, Warrick Superior Court No. 1



 Amy S. Miskimen, Judge, Warrick Superior Court No. 2



 Benjamin R. Aylsworth, Magistrate

**WARRICK COUNTY COMMUNITY CORRECTIONS**

Judicial Center, One County Square, Suite 137

Boonville, Indiana 47601

Telephone (812) 897-8611 – Fax (812) 897-8614

May 27, 2020

RE: WCCC COVID-19 Departmental Plan for Reopening

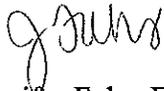
Warrick County Community Corrections (WCCC) staff are currently working in the office, where staff have been equipped with PCs and laptops. Select WCCC employees have also been equipped with work cell phones. These cell phones are primarily being used to maintain the telephonic meetings with clients and to handle emergency situations that arise with clients. Staff continue to monitor GPS data provided by the GPS monitoring company to ensure each client's whereabouts and that they are adhering to their schedules, as well as WCCC rules and regulations. WCCC has followed the Governor's "Stay at Home" Order and the Indiana's "Back on Track" Plan when reviewing and approving schedule requests with clients. Clients with "essential work" have been allowed to continue working as scheduled and approved by WCCC. WCCC clients are still subject to being tested for drug and alcohol use at random; however, the frequency of said testing has temporarily been decreased in order for clients and staff to remain safe and to practice social distancing. All random drug and alcohol tests, as well as evaluation appointments for WCCC placement, are scheduled in advance as to follow local county ordinance requirements.

While Governor Holcomb's Stay at Home Orders were in effect, client privileges, such as passes, church, residential visitors, and regular curfews, were limited. As of May 24, 2020, all client privileges have been restored, allowing clients to transition back into normal activities and routines. At this time, WCCC is encouraging participants to re-engage in treatment, programming, classes and meetings as they also re-open in the community; however, WCCC is not mandating client attendance at said meetings or programs. WCCC continues to review and approve all special schedule requests with clients on a case by case basis.

WCCC's front desk and staff desks have been equipped with sneeze/cough guards. The front desk is also equipped with a caution belt to keep public from entering the office past the front desk. Hand sanitizer has been placed on all desks for the use of both staff and clients. WCCC staff have already been equipped with personal protection equipment (PPE), such as gloves and face masks, to use during client meetings and contacts. Staff have been encouraged to utilize a COVID-19 screening checklist with all clients upon their arrival. The waiting area currently has seats spaced 6 feet apart to maintain social distancing guidelines. Staff cease work operations at 11:30 am and 3:30 pm daily to clean the WCCC office with supplies provided by the county government. Furthermore, all clients reporting to the office are required to wear face masks to all appointments.

At this time, WCCC anticipates maintaining these current operations until the Warrick County Judicial Center lifts public access restrictions. Upon public access re-opening, WCCC will reassess its readiness to reintroduce all clients to in-person meetings with a target date of no later than July 6, 2020. WCCC's transition plan includes maintaining set appointments for clients to report to the office for regular meetings with staff. Set appointments will ensure that only a limited number of people will be congregating in our waiting area at any given time. Again, all clients will be required to wear face masks to all appointments, practice social distancing guidelines, and will be screened by staff using a COVID-19 screening checklist. Once clients are scheduled back into the office for regular meetings, the frequency of random drug and alcohol tests will be increased.

Respectfully,



Jennifer Fuhs, Executive Director
Warrick County Community Corrections



WARRICK COUNTY COURT SERVICES PROGRAM

166 West State Route 62
Boonville, IN 47601
Phone: (812) 897-3001
Fax: (812) 897-3026

May 28, 2020

RE: Warrick County Court Services COVID-19 Plan for Reopening

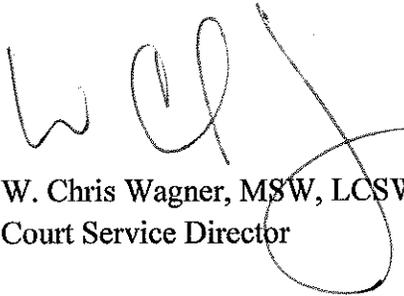
Warrick County Court Services houses the Warrick County Drunk Driving and Drug Court Program, Pretrial Services Program, Bond Reporting Program and Court Substance Abuse Programs (CSAP). Staff from all of these programs are currently working in the office, where staff have been equipped with personal computers and laptops. Staff also have available work cell phones which are primarily being used to maintain contact with clients. Warrick County Court Services staff have followed the Governor's "Stay at Home" Order and the Indiana's "Back on Track" Plan when reviewing and approving schedule requests with clients. Clients with "essential work" have been allowed to continue working as scheduled and approved by Warrick County Court Services staff. All program clients are still subject to random drug and alcohol testing; however, the frequency of testing has temporarily been decreased in order for clients and staff to remain safe and to practice social distancing. All random drug and alcohol tests, as well as evaluation appointments and case management contacts for Warrick County Court Services programs, are scheduled in advance as to follow local county ordinance requirements.

While Governor Holcomb's Stay at Home Orders was in effect, client privileges, such as travel passes were limited. As of May 24, 2020, all client privileges have been restored, allowing clients to transition back into more normal activities and routines. At this time, Warrick County Court Services is encouraging clients to re-engage in treatment, programming, classes and meetings as they also re-open in the community per the particular provider's policies. Warrick County Court Services staff continue to review all special schedule requests with clients on an individual basis. Warrick County Court Services drug/alcohol testing area has been equipped with a sneeze/cough barrier.

Entry into the building is monitored by staff on a constant basis. Hand sanitizer has been placed in the lobby, testing area and on all desks for the use of both staff and client use. Warrick County Court Services staff have been equipped with personal protection equipment, such as gloves, face masks, face shields and protective eyewear to use during client contacts. All staff have been encouraged to utilize a COVID-19 screening checklist with all clients upon their arrival prior to entering the building. Only one client is allowed to enter the building at a time and must be escorted by staff. All individuals entering the building must wear a face mask. Staff are also required to wear a mask during any personal client contact. If the person entering the building does not have a face mask one will be provided for them. Staff will be required to sanitize after each client contact prior to the next scheduled client contact. Warrick County Court Services will ensure that adequate cleaning supplies are made available for use.

Warrick County Court Services anticipates maintaining these current operations until the Warrick County Judicial Center lifts public access restrictions. Upon public access re-opening Warrick County Court Services will reassess its readiness to reintroduce all clients to in-person meetings. Warrick County Court Services transition plan includes maintaining set appointments for clients to report to the office for regular meetings with staff. Set appointments will ensure that there will be no congregating in our waiting area at any given time. Again, all clients will be required to wear face masks to all appointments, practice social distancing guidelines, and will be screened by staff using a COVID-19 screening checklist. Once clients are scheduled back into the office for regular meetings, the frequency of random drug and alcohol tests will be increased.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Chris Wagner', is written over a circular stamp or seal.

W. Chris Wagner, MSW, LCSW, LCAC
Court Service Director

WARRICK COUNTY SUPERIOR COURT 1 & 2 **NOTICE OF COVID-19 SMALL CLAIMS COURT PROTOCOL**

For no other reason in the past other than sheer necessity, there have regularly been 100+ small claims hearings scheduled for a single afternoon session with far too many individuals descending upon a single hallway and small courtroom. Most times these matters are Proceeding Supplemental hearings, Rule to Show Cause progress dates, first appearances on Notice of Claims and other types of non-evidentiary hearings that do not directly require Court intervention but do result in a significant amount of in-person contact between parties as well as Court staff. Due to the extremely high volume of cases and persons appearing in the Small Claims Courts of Warrick County, the below protocol has been deemed necessary to ensure the safety of all persons entering the Judicial Center whether they be members of the public, legal community or staff.

Proceeding Supplemental, Rule to Show Cause and Notice of Claim Initial Hearings:

1. Effective immediately, and extending through August 3, 2020, all counsel for Plaintiffs are directed to send written notice to each Defendant who is scheduled to appear for any future Proceeding Supplemental, Rule to Show Cause or Notice of Claim date which must include the following information:
 - a. Information providing the Defendant they must appear at Plaintiff counsel's office for the hearing including the specific date, time and address where Defendant must appear; OR
 - b. Information providing the Defendant they must contact Plaintiff counsel's office via telephone to conduct the hearing telephonically including the specific date and time that the telephonic hearing will be conducted. Plaintiff counsel must provide the Defendant with counsel's telephone number and office address in all correspondence. The Court may issue Judgments, Garnishment Orders or other certain requests upon a Defendant's failure to appear for an in-office or telephonic Proceedings Supplemental or Notice of Claim hearing. Plaintiff counsel are required to attach a copy of the prior written notice that was sent to any Defendant notifying them of the date and time of the hearing along with any filing concerning the results of the hearing if Defendant ultimately failed to appear.

The Court will not issue any Contempt Citations or Body Attachments for failure of a Defendant to appear for an in-office or telephonic hearing described above.

This protocol does not apply to eviction proceedings as those directives have been provided by separate Governor Executive Order 20-28.

2. Counsel for Plaintiffs are also specifically encouraged to continue any Proceedings Supplemental, Rule to Show Cause or initial Notice of Claim appearance dates to a date after August 3, 2020 if they do not desire to conduct in-office or telephonic hearings described above. Once again, this action has been determined to be absolutely necessary to limit the number of people appearing in person in the Judicial Center and Small Claims courtroom.

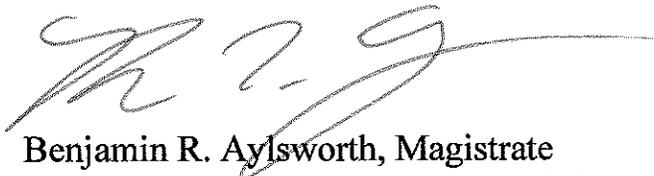
Evidentiary Hearings and Trials:

Scheduled evidentiary hearings and trials shall resume being conducted in person after June 15, 2020. Regarding evidentiary hearings and trials, the existence of flu or flu-like symptoms in any attorney, unrepresented person, or witness expected to testify, or exposure of any attorney, unrepresented person, or witness expected to testify to anyone who has or may have COVID-19 or specific related symptoms, shall be considered "good cause" for a Motion to Continue a court setting. Such request must be made as soon as the condition of the individual is known to avoid prejudice to the other party.

This protocol is effective immediately and will continue through August 3, 2020. Telephone inquiries regarding this procedure should be directed to the Warrick County Superior 1 & 2 Small Claims Court office.

Thank you for your understanding as we all try and navigate this trying time together.

June 1, 2020.



Benjamin R. Aylsworth, Magistrate
Warrick County Superior Court 1 & 2



J. Zach Winsett, Judge
Warrick Superior Court No. 1



Amy Steinkamp-Miskimen
Warrick Superior Court No. 2