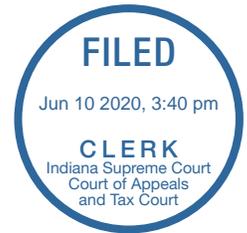


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-194



## 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 8, 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 6/10/2020, effective **May 29, 2020**.

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

## IN THE FAYETTE CIRCUIT AND SUPERIOR COURTS

## STATE OF INDIANA

IN RE THE MATTER OF REQUESTING RELIEF

CAUSE NO. 21C01-2003-CB-000156

UNDER INDIANA ADMINISTRATIVE RULE 17

**AMENDED PETITION FOR CONTINUATION AND MODIFICATION OF RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17 AND FOR ACCEPTANCE OF THE TRANSITION PLAN CONTAINED HEREIN**

The Courts of Fayette County in banc (hka Petitioners) submitted reasons and causes for relief due to the COVID 19 emergency in a previous petition in this cause, March 18, 2020. Said Petition was accepted by the Indiana Supreme Court March 19, 2020, and so ordered in Supreme Court Cause Number 20S-CB-194, and the same was extended by the Supreme Court's Order of May 13, 2020. The Petitioners now seek modification of that relief by way of this Petition, to include the following transition plan, as requested and required by the Indiana Supreme Court.

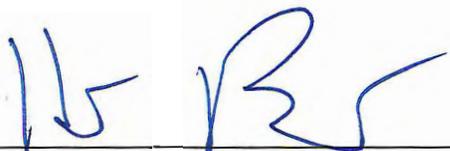
1. Petitioners request that present relief, outlined by the Indiana Supreme Court's current Order, be extended through July 1, 2020, including but not limited to
  - a) tolling of time limits,
  - b) authority for continuing jury trials, none to be conducted before July 2, 2020,
  - c) authority for reviewing county jail and direct placement community correction sentences of non-violent inmates and juveniles, and
  - d) prohibition on issuing new writs of attachment, civil bench warrants, or body attachment, and staying any such writs or warrants not yet served.
2. Petitioners assert that numerous meetings attended by all local elected officials and/or their designees have occurred and input has been received relative to the plan going forward. Other stakeholders have also been consulted including local practicing attorneys, the Fayette County Attorney, the Health Department, GAL/CASA, and DCS.
3. The petitioning Courts' employees are now and should continue to be allowed to work from home on a rotating basis and otherwise as needed to minimize personal contact. Employees have been instructed to self monitor their own health and that of co-habiting persons in accord with the CDC guidelines, to presumptively self quarantine upon symptoms observed, to seek medical advice relating thereto, and to immediately notify a supervising Judge thereof. Employees work areas are divided by cubicle walls and approved distances while in chambers. Face masks are required while in the courtrooms when non court staff persons are present. The Courts' reception areas accessible to the public are separated from employee work areas by closed glass enclosures through which business may be safely conducted. Employees have been asked to heighten awareness of the possibility of mental health issues and to self monitor for same, while seeking medical advice as needed.

4. General cleaning procedures of ordinary custodial services have been enhanced by training cleaning personnel to apply compliant disinfectants to additional surfaces not ordinarily cleaned on a daily basis. The carpeting of the Fayette Superior Court offices has been steam cleaned. Public gallery of courtrooms have had seats blocked to allow only a fraction of the ordinary seating, spaced as necessary to be compliant with CDC guidelines.
5. The Fayette County Commissioners have opened the main doors of the courthouse to the public. There are no personnel, medically qualified or otherwise, to screen those members of the public entering the building from the outside. Neither are there any security personnel in the building whatsoever. Hand sanitizing stations are provided at the entrances. Court staff will screen those entering the courtrooms and require mask to be worn, except when the person meets ADA standards for an exemption from wearing a mask.
6. Remote hearings will continue to the extent possible and certainly upon agreement of all parties and counsel by agreed joint request. Criminal cases and CHINS related cases will be prioritized when resources are limited. Thereafter civil cases will be prioritized by the needs of at risk parties, such as the elderly and children. Remaining cases will then be prioritized by age of the case and the seriousness or magnitude of the matter to be resolved. Criminal initial hearings and other criminal hearings will continue to be conducted remotely by video monitor within the jail, to the greatest extent possible. Criminal hearings for those not incarcerated will be held in the courtrooms, with masks for all participating, including the judges, witnesses, attorneys, jurors and staff. Spectators will be limited to space available to ensure proper distancing in the gallery, seats having been blocked to force such distancing in the remaining open seats. Spectators exceeding the capacity of the Superior Court courtroom will cause the matter to be heard in the Circuit Court courtroom. Overflow spectators exceeding the capacity of the Circuit Court courtroom will be accommodated in the Fayette County Commissioners' meeting room, or Superior Court courtroom where they may listen and watch via closed circuit television. Witnesses will maintain proper distancing in the hallway awaiting the call to testify. Senior judges will be used on all case types, in person and remotely, at the senior judges' individual discretion upon invitation to the assignment.
7. Jury trials will resume in July 2020, barring Orders to the contrary. Jury trials for criminal cases will be prioritized ahead of civil cases, and within the respective groups, by age of case. Jurors will be summoned in separate time slot groups, small enough that voir dire may be conducted in compliance with social distancing. All voir dire sessions will be held in the Circuit Court courtroom, the larger of the County's two courtrooms, in order to maximize available spacing. Juror summonses will arrive with included information regarding CDC COVID-19 individual risk group factors and the ability for deferral based thereupon. Jurors impaneled will not sit in the ordinary way in the jury box; rather an extra row will be added to maintain six feet of distance between jurors as required. Jurors will enter and exit the courtroom in a line properly spaced governed by the bailiff. Juries of six to eight jurors, with alternates, may enter, exit and use the ordinary jury deliberation rooms of the respective Courts without violating the spacing requirements. There is sufficient space to accommodate this. The Bailiffs will be instructed to ensure that this occurs by fixing seating locations for jurors prior to their arrival. Juries of twelve or more cannot be adequately spaced in either of the Courts' ordinary jury deliberation rooms. Therefore such juries will use the Fayette County Commissioners' meeting room as a jury deliberation room. If unforeseen situational variables demanded a reserve option, the Fayette

Superior Courtroom could be used as a jury deliberation room, with a trial held in the Fayette Circuit Courtroom, and vice versa. Either of which would provide adequate spacing.

8. Fayette County Community Corrections, Fayette County GAL/CASA, and Fayette County Probation have all resumed in person, in office and, where essential, in home services with the public and supervised individuals. Masks are required when employees are to contact the public or supervised persons. Appropriate personal social distancing and spacing of work areas is required among the employees.

This Transition Plan is submitted to the Indiana Supreme Court for approval this 28<sup>th</sup> day of May, 2020.



Hubert Branstetter, Jr.  
Judge, Fayette Circuit Court



Paul L. Freed  
Judge, Fayette Superior Court