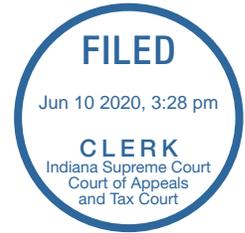


In the Indiana Supreme Court

In the Matter of the Petition of the
Brownsburg Town Court for Administrative
Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-210



Order Approving Expansion of Operations Plan In Part

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 8, 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 **in part**, with the exception the petitioning court(s) shall permit the public to observe courtroom proceedings, either in person or virtually, subject to public health recommendations and applicable Constitutional limitations. The petitioning court(s) shall comply with the terms of the Plan **as modified above** through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/10/2020 , **effective June 8, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

20S-CB-210

BROWNSBURG TOWN COURT

IN RE THE PETITION OF THE BROWNSBURG TOWN COURT
FOR A TRANSITION PLAN PURSUANT TO ADMINISTRATIVE RULE 17

PETITION FOR TRANSITION PLAN PURSUANT TO
INDIANA ADMINISTRATIVE RULE 17

Comes now the Brownsburg Town Court ("Court") pursuant to Indiana Administrative Rule 17 and the Indiana Supreme Court Case Number 20S-CB-123 – Order Extending Time for Expanding Trial Court Operations – filed on May 13, 2020 and herein submits the Court's Transition Plan Petition ("Plan") for expanding trial court operations. In support of this Petition, the Court informs the Indiana Supreme Court as follows:

The Brownsburg Town Court had determined:

1. That on March 6, 2020, the State of Indiana declared a public health emergency for COVID-19 outbreak;
2. That on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health organization ("WHO");
3. That on March 15, 2020, the Centers for Disease Control and Prevention called for the cancellation of in-person events of 50 or more people for the next eight (8) weeks to try to prevent the spread of COVID-19;
4. That on March 20, 2020, the Court submitted a Petition for Emergency Relief ("Petition") pursuant to Indiana Administrative Rule 17 to the Indiana Supreme Court and that Petition was approved in an order by the Indiana Supreme Court Case Number 20S-CB-210 – on March 23, 2020 with an expiration date of May 4, 2020;
5. The Indiana Supreme Court subsequently filed orders extending the emergency relief under Administrative Rule 17 for all trial courts through August 14, 2020;

6. That in its Administrative Rule 17 Petition submitted on March 20, 2020, this Court submitted the following as the Emergency Plan of the Brownsburg Town Court, which was approved by the Indiana Supreme Court on March 23, 2020;
 - a. Tolling for a limited time all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings, all judgments, support, and other orders; and in all other civil and criminal matters before the Court.
 - b. Suspending and/or rescheduling criminal and civil trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
 - c. Continuing and/or rescheduling non-essential hearings (excluding emergency matters and evidentiary hearings in criminal cases).
 - d. Issuing summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.
 - e. Considering (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of individuals in high-risk category; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or Constitutional rights.
 - f. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtroom to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.

- g. That the Court will not receive payments for fines and judgments in person, the Court directs all payments of fines or judgments to be made electronically or by mail. The Court will maintain sufficient operations to process emergency matters and mail received.
- h. All individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
- i. Posting signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. Visited China, Iran, South Korea, or any European countries; or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. Resided with or been in close contact with someone who had been in any of those countries within the previous 14 days
 - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath;

and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

The Court has prepared the following Plan pursuant to the Template for County/Court Transition Plans dated May 20, 2020 provided by the Indiana Office of Judicial Administration.

EXTENSION, MODIFICATION OR EXPIRATION OF THE COURT'S**APPROVED ADMINISTRATIVE RULE 17 PETITION**

In this Plan petition, the Court is requesting the following:

- a. **Extending** the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings, all judgments, support, and other orders; and in all other civil and criminal matters before the Court **until at least July 1, 2020.**
- b. **Approving the Expiration** of this provision in the Court's March 20, 2020 Petition for the suspension and/or rescheduling of criminal trials (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
- c. **Approving the Expiration** of this provision in the Court's March 20, 2020 Petition for the continuation and/or rescheduling of non-essential hearings (excluding emergency matters and evidentiary hearings in criminal cases) to permit the Court to exercise its discretion in continuing and/or rescheduling non-essential hearings in order to not overload its docket due to the backlog of cases which would require adding additional court days to the docket.
- d. **Extending** the issuance of summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, and notices of failure to pay **until at least August 15, 2020.**
- e. **Approving the Expiration** of the provision in the Court's March 20, 2020 Petition in order for the Court to exercise its discretion in considering (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19;

or (c) status of individuals in high-risk category; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or Constitutional rights.

- f. **Approving the Expiration** of the provision in the Court’s March 20, 2020 Petition, subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtroom to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
- g. **Extending** this provision in the Court’s March 20, 2020 Petition that the Court will not receive payments for fines and judgments in person, the Court directs all payments of fines or judgments to be made electronically or by mail. The Court will maintain sufficient operations to process emergency matters and mail received **until at least July 1, 2020.**
- h. **Extending** this provision in the Court’s March 20, 2020 Petition allowing all individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category **until at least July 31, 2020.**
- i. **Extending** this provision in the Court’s March 20, 2020 Petition Posting signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - 1. Visited China, Iran, South Korea, or any European countries; or any other high-risk countries identified by the CDC in the previous 14 days;
 - 2. Resided with or been in close contact with someone who had been in any of those countries within the previous 14 days

3. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
4. Been asked to self-quarantine by any doctor, hospital, or health agency;
5. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
6. A fever, cough or shortness of breath;

and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols **until at least August 31, 2020.**

PLANNING

This Court has consulted the following stakeholders to develop this Plan; The Town of Brownsburg Administrative Staff, including the Town administrators responsible for the health, safety and welfare of Town Employees; the Hendricks County Prosecutor's Office; the Brownsburg Probation Department; and the Court's appointed Pauper Counsel.

EMPLOYMENT PROCEDURES – PLAN FOR RETURNING EMPLOYEES

1. High risk employees, pursuant to the Town of Brownsburg's Return-To-Work Plan, will be identified as those employees that are 65 years of age or older and/or those employees with underlying health conditions. Those employees are encouraged to self-isolate at home and work remotely, if possible.
2. All Court employees will be required to monitor their own health and perform a daily self-check for symptoms of any illness prior to arriving to work. This includes but is not limited to symptoms such as fever, cough and shortness of breath. If their temperature is more than 100 degrees

Fahrenheit, the employee must stay home and call their supervisor and their doctor immediately.

3. If the employee is at work and starts to experience any symptoms of illness of any kind, they are required to immediately leave work and go home. If they have symptoms of COVID-19, they will be required to self-quarantine for at least fourteen (14) days and at least three (3) days with zero symptoms, unless they have a negative test result, then they might return to work after seven (7); with the final three (3) days with zero symptoms and/or in accordance with CDC guidelines.
4. All employees are required to conduct frequent and thorough personal hygiene and hand washing upon arriving to work and throughout the day.
5. All employees are requested to wear a mask while in Town facilities and on the grounds of some properties. Facemasks are not required when working in your office.
6. All employees are required to practice social distancing of at least six (6) feet.
7. All employees are required to keep their workspace clean and clear of all papers in order to be disinfected after each workday.
8. Employees must routinely disinfect surfaces including desks, chairs, computer keyboards, doorknobs and copy machine.
9. Employees who have been in contact with an individual that tested positive for COVID-19 must immediately report it to their supervisor.
10. Employees have been directed to contact the Brownsburg Wellness Center with any mental health issues.

COURTROOM FACILITY PLAN

1. Courtroom surfaces will be disinfected prior to starting court proceedings.
2. Social distancing and proper use of PPE signs have been posted throughout the building
3. Only fifty (50) people, including the Court Staff, bailiffs, bench trial witnesses, deputy prosecutor, court appointed counsel, or the defendant's counsel will be allowed in the courtroom at one time.
4. All individuals including defendants and their attorneys appear in Court are required to wear a mask. If they do not have their own the Court will provided a mask.
5. Hand sanitizer will be provided in the courtroom.

SCREENING PROCEDURES FOR THE PUBLIC

1. All individuals wanting to enter the courtroom must have a scheduled court date on the date of entry.
2. Masks are required to enter the courtroom and will be provided.

RESUMING NON-EMERGENCY HEARINGS

1. Non-emergency hearings will be conducted in-person commencing June 1, 2020. Initial hearings will start at 1:00 p.m., following initial hearings will be bench trials, and then plea hearings followed by infractions or ordinance violations.
2. Due to budget restrictions, the equipment and necessary software is not currently available to provide public access to hearings and trials. The Court currently audio records all courtroom proceedings.

3. Incarcerated persons scheduled for hearings will be checked at the jail prior to transport for any symptoms of the virus or any other illness. If the incarcerated person is found to be infected or ill, that individual will not be transported to the Court for the hearing.

PROBATION SERVICES

1. The Court's probation services will remain via email only until July 1, 2020. In person appointments will then resume. Masks will be provided for the defendant and Probation officer.

This Transition Plan Petition for Expanding Trial Court Operations for the Brownsburg Town Court is herein submitted on June 8, 2020.



Charles E. Hostetter
Judge, Brownsburg Town Court