

# In the Indiana Supreme Court

In the Matter of the Petition of the  
Franklin Circuit Courts for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-152



## Order to Complete 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 filed an expansion of operations plan (“Plan”), dated May 28, 2020, on June 4, 2020.

The Court’s Order of May 13, 2020 required trial courts to submit Transition Plans which identified:

1. the portions of the county or court’s preexisting approved Administrative Rule 17 petitions which must be extended, modified, or allowed to expire; and
2. the county emergency and public health authorities and local justice system partners consulted with in developing the plan, in accordance with this Court’s April 24 order.

The Order also provided that each county or court’s Administrative Rule 17 plan should also address areas of concern identified by the Resuming Court Operations Task Force Report, available on the Supreme Court’s COVID-19 website (<https://www.in.gov/judiciary/covid/>), including but not limited to:

1. Protections for ensuring court employee health and safety as operations resume;
2. Policies for protecting public health and safety in accordance with county health department guidelines as court facilities reopen;
3. County and court plans for sanitizing and maintaining sanitation of court facilities;
4. Procedures for maintaining a record and allowing public access to remote hearings; and
5. Policies for selecting jurors and procedures for protecting the health and safety of potential jurors,

and also plan for resuming activities related to community supervision, such as pretrial services, probation services, and problem-solving courts.

The Court finds that the Plan was made with limited coordination with local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes 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.

The Plan does not contain specific information related to the elements to be considered in accordance with the Resuming Court Operations Task Force report, to-wit: Jury Trials, Employment Procedures, Courthouse Facility Plan, and Public Screening Procedures.

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 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 petitioning court may proceed with the Plan and shall comply with its terms through its stated duration, provided, however, that in the event further information becomes available, the petitioning court shall consider and seek revision of the Plan with respect to the above noted elements of the Taskforce Report, which shall be subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/25/2020, effective **June 9, 2020**.



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Loretta H. Rush  
Chief Justice of Indiana

**FRANKLIN CIRCUIT COURT TRANSITION PLAN**

- 1 ADMINISTRATIVE RULE 17 COMPONENTS – The Franklin Circuit filed its Petition for relief under Administrative Rule 17 dated March 17, 2020. Item “M” requests relief through April 30, 2020. That relief has been extended by the Indiana Supreme Court at least twice without additional request by the Franklin Circuit Court. The Franklin County Circuit Court IS NOT seeking any further relief under Administrative Rule 17 at this time.
- 2 PLANNING - The Franklin County Board of Commissioners advised the Franklin Circuit Court that the court house would be open to the public for early voting on May 26, 2020. The Court advised its personnel that it would end its modified personnel work schedule effective May 26, 2020. The Franklin County Circuit modified its Order to the Franklin County Sheriff to suspend inmate transports on May 5, 2020.
- 3 EMPLOYMENT PROCEDURES – The Franklin County Circuit Court has observed all health recommendations issued by the Franklin County Board of Commissioners and continue to work within those parameters which include social distancing, PPE protection and providing the same to members of the public who desire them without cost to the public as well as hand sanitizing stations throughout the building.
- 4 COURTHOUSE FACILITY PLAN – The Franklin County Circuit Court continues to observe the Franklin County cleaning/disinfecting schedule adopted by the Franklin County Board of Commissioners. Its employees work in areas which are inaccessible to the public. The public is advised to maintain social distancing.
- 5 SCREENING PROCEDURES FOR PUBLIC – The Franklin County Sheriff has placed a Deputy at the main entrance to enforce the policies for admission into the building and court participants are directed to set in designated areas while present in the courtroom.
- 6 RESUMING NON-EMERGENCY HEARINGS – The Franklin Circuit Court never suspended non-essential hearings. However, the Court never required participation in non-essential hearings either. The Franklin County Circuit Court continues to operate under its prior transition plan and timelines which was submitted to the Indiana Supreme Court on April 27, 2020.
- 7 JURY TRIALS – Jury Trials will resume July 1, 2020 with no jury call issued before that date. Trials will be conducted pursuant to adopted Indiana Rules of procedure as in the past observing any local recommendations by the Franklin County Health Department which may then still be in existence.
- 8 COURT SUPERVISED SERVICES – Court Supervised Services were never suspended but were modified. Only in-person drug screening and in-person check-ins were suspended. Those suspended components of supervision resumed May 26, 2020 under the policies adopted by the Franklin County Board of Commissioners.

Submitted this 28<sup>th</sup> day of May, 2020.

  
 J. Steven Cox, Presiding Judge