

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-117



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 expansion of operations plan (“Plan”) on June 9, 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 6/11/2020 , effective **June 9, 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 PETITION OF THE
LAWRENCE COUNTY COURTS
FOR ADMINISTRATIVE RULE 17
EMERGENCY RELIEF

CASE No: 20S-CB-117
TRIAL COURT CASE No. 47C01-2003-CB-000013

Amended Petition for Administrative Orders

Come now the Lawrence County Courts and petition the Supreme Court to allow the expiration of Ind. Administrative Rule 17 relief with the exception of emergency tolling authority and expanded use of remote hearings pursuant to an order issued by the Supreme Court on May 29, 2020. In support of this petition, the Lawrence County Courts inform the Supreme Court as follows:

1. The Lawrence County Courts have convened *en banc* and have determined additional emergency relief under Ind. Administrative Rule 17 is no longer necessary.
2. The Supreme Court granted Lawrence County Courts emergency relief under Ind. Administrative Rule 17 on March 16, 2020, and said relief is scheduled to expire on May 30, 2020.
3. The order authorized the tolling 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 Lawrence County. Further, no interest could be charged during the tolled period.
4. The order also authorized the Lawrence County Courts to alter, modify, and suspend necessary procedures as outlined in the emergency plan that was submitted with the original petition requesting emergency relief.
5. The Lawrence County Courts have consulted with various justice partners and county agencies regarding the existing Administrative Rule 17 emergency relief.
6. Additionally, the original petition was based on possible contact by an attorney with the Lawrence County office of the Indiana Department of Child Services (hereinafter DCS) having contact with an individual who was presumptive positive for the COVID-19 virus.
7. The DCS attorney has informed the Lawrence County Courts the individual who was presumptive positive later tested negative and the DCS attorney did not exhibit any COVID-19 symptoms.

8. The Lawrence County Courts have implemented enhanced health screening, enforced social distancing, and provided proper PPE to staff and individuals who have appeared for emergency hearings. To date, no court employees or litigants have been diagnosed with the COVID-19 virus.

9. Based upon the above, the Lawrence County Courts are not requesting any extensions or modifications to the current emergency relief.

10. The Lawrence County Courts have prepared a transition plan detailing the gradual expansion of judicial proceedings and court operations beginning on June 1, 2020. The Lawrence County Transition Plan is attached hereto as *Exhibit (A)*.

Wherefore, the Lawrence County Courts respectfully request that this Court approve the Lawrence County Transition Plan and allow the expiration of the current emergency relief under Ind. Administrative Rule 17 on May 30, 2020.

Respectfully submitted this 9th day of June, 2020.



Nathan G. Nilfirk, Judge
Lawrence Circuit Court

LAWRENCE COUNTY
TRANSITION PLAN

PLANNING

To ensure local health conditions and facility readiness are appropriate for gradually expanding judicial proceedings and court operations, the Lawrence County Courts have coordinated with the following justice partners: Lawrence County Commissioners, Lawrence County Sherriff, Lawrence County Bar Association, Lawrence County Prosecutor, Chief of the Lawrence County Public Defender Agency, Clerk of the Lawrence Circuit Court, Lawrence County Probation and Community Corrections Department, Lawrence County Department of Child Services, Lawrence County Emergency Management, and the Lawrence County Health Department.

EMPLOYMENT PROCEDURES

The Lawrence County Courts, Clerk of the Lawrence Circuit Court, and Lawrence County Probation Department have implemented enhanced safety protocols for all employees. All employees are provided with facemasks, hand sanitizer, and sanitation wipes for cleaning individual work stations. Employees have received direction and training for proper social distancing requirements while performing their duties.

Consistent with the Lawrence County Health Department, State Health Department, and the CDC all employees submit to a temperature screening each morning when reporting to work. All employees have also been informed of COVID-19 symptoms and instructed not to report to work if they are symptomatic. Employees have been instructed to immediately leave if they become symptomatic while at work. If any employee becomes symptomatic the Lawrence County Health Department will be notified. During any periods of quarantine related to COVID-19, all court employees may work remotely if necessary. In addition, any employee needing mental health services related to the COVID-19 emergency has access to licensed counselors, and payment beyond medical insurance will be covered by county funds.

Lastly, employees have been informed they must self-report any possible exposure to a COVID-19 individual to their judge or supervisor prior to entering the Lawrence County Courthouse or Courthouse annex. The judge or supervisor will then inform the Lawrence County Health Department and follow the recommendations regarding self-quarantining and possible testing for the employee.

COURTHOUSE AND ANNEX FACILITY PLAN

The Courts have installed HEPA/HVAC ultraviolet systems to eliminate all viruses, germs, and pathogens. Each system will be maintained and serviced regularly by HVAC professionals to ensure continued safety in the future.

Local attorneys, county employees, and local legal assistants have been instructed not to enter the secure areas of the courts, clerk's office, and probation employee work areas. Local attorneys or their assistants are provided with any mail from the Lawrence Circuit Court attorney

mailbox through the secure window. Employees are required to wear facemasks when entering and exiting for work.

The courts, clerk's office, and probation department have been thoroughly sanitized. All employees are expected to clean their work stations, phones, copy machines, and office equipment daily. In addition, the courthouse cleaning personnel clean and sanitize the courtrooms and common areas daily and will assist with additional cleaning if requested.

PUBLIC SCREENING PROCEDURES

The Lawrence County Commissioners are requiring all individuals to submit to enhanced screening prior to entering the Lawrence County Courthouse and Courthouse Annex. Security officers provide a facemask to each individual and perform a temperature screening prior to allowing entry beyond the security desk at each entrance. Each individual must also answer diagnostic questions regarding possible COVID-19 symptoms and exposure prior to entry. Symptomatic individuals will not be permitted entry into the Courts.

Hand sanitizer dispensers have been installed outside each courtroom entrance and all individuals are required to sanitize their hands before entry. All courtrooms will be sanitized between hearings.

From June 1, 2020, through June 13, 2020, PPE facemasks will be made available and highly recommended by the Courts for all individuals coming into the courtrooms. From June 14, 2020 through July 3, 2020, facemasks will be optional inside the courtrooms. The above facemask requirements are subject to change pending future changes by the Indiana Supreme Court and Governor Holcomb's five-stage plan.

RESUMING NON-EMERGENCY HEARINGS

Only emergency hearings and hearings deemed necessary by the courts will be conducted through May 30, 2020. The Courts will begin expanding court operations on June 1, 2020, with the continued use of remote hearings when possible. On May 29, 2020, the Indiana Supreme Court extended emergency tolling authority pursuant to A.R. 17 for all trial courts. The emergency tolling authority is in effect through August 14, 2020. In addition, trial courts are authorized to continue the expanded use of remote hearings through January 1, 2021 at 12:01 a.m. At the discretion of each judge, the Courts will continue using Courtcall and Zoom. Public access to remote court hearings will be live-streamed on the Indiana Supreme Court's website for trial court hearings.¹

The Courts will resume normal staffing on June 1, 2020, with the understanding that it may be necessary to change this policy depending on local conditions and subject to each judge's discretion with consideration of staff.

¹ See Case No. 20S-CB-123 (Order Extending Trial Courts' Emergency Tolling Authority and Setting Expiration of Other Emergency Orders).

Absent a family emergency of a local judge, the Lawrence County Courts do not intend to use senior judges through July 1, 2020. After July 1, 2020, if a senior judge is necessary all of the same enhanced health screening precautions apply and the senior judge will be assisted by each court's bailiff with obtaining PPE, entry and exit procedures from the courthouse and annex, and temperature screening. If the senior judge is comfortable with conducting a remote hearing the court reporters will arrange the same for the senior judge by utilizing Zoom and Courtcall while serving as the moderator if the senior judge requests the same.

To maintain proper social distancing requirements, litigants and spectators will be granted access to the courtrooms provided the number of individuals in the courtroom complies with Governor Holcomb's five-stage plan regarding "gatherings."

JURY TRIALS

No criminal jury trials will be conducted until August 15, 2020. Due to limited courtroom space and the location of the jury deliberation room in the Lawrence County Courthouse, civil jury trials will not resume until September 7, 2020.

Appropriate measures will be implemented to provide adequate social distancing measures for any prospective jurors. Prospective jurors will be provided with facemasks, gloves, hand sanitizer, and disinfectant spray. Prospective jurors will be provided an informational supplement along with their summons and juror brochure. The supplement will explain the enhanced COVID-19 safety measures that have been implemented to ensure juror safety. The supplement will also explain that a COVID-19 deferral of jury duty can be requested and the same may be granted at the judge's discretion.

The jury room will be sanitized before and after each jury trial. In addition, the jury room will be sanitized at the end of each day during multi-day trials. Facemasks, gloves, hand sanitizer, and disinfectant spray will be provided to each juror.

Jurors will be provided with individually packaged meals, snacks, and drinks to avoid contamination by sharing. (*i.e. no pizza from one box*).

Hand sanitizer will be placed on each counsel table and at the witness stand in all courtrooms.

COURT SUPERVISED SERVICES

Lawrence County Probation and Community Corrections

Chief Probation Officer Nedra Brock Fleetwood is authorized to do the following to maintain the health and safety of all Lawrence County Probation and Community Corrections officers, employees, and clients:

- A. Allow telework for any employee deemed appropriate to ensure proper social distancing.

- B. Continue utilizing Zoom or telephonic appointments when possible to ensure the safety of all probation officers, employees, and clients.
- C. Resume limited necessary in-office appointments, drug screening, and other services on June 1, 2020, with adult and juvenile clients.
- D. Require the use of facemasks for all clients entering the probation and community corrections department as well as all probation officers/employees.
- E. Allow officers to perform home visits if it is deemed safe to do so.

The probation department has installed hand sanitizer dispensers throughout the probation and community corrections department for employee and client use. The probation department waiting room will be altered by removing enough seating to ensure social distancing. The waiting room will also be sanitized periodically throughout the workday. Symptomatic individuals will not be permitted entry into the Lawrence County Probation and Community Corrections Department. If a client is granted entry and performs a drug screen, the facilities will be cleaned and disinfected between each screen.

The Chief Probation Officer will provide weekly updates to the judges of the Lawrence County Courts to evaluate the safety protocols in use.

Lawrence County CASA Program

During the COVID-19 emergency, Lawrence County CASA volunteers have maintained contact with children and families via telephone and Zoom. If a CASA volunteer is in a high-risk category outlined by the CDC, the CASA attorney may file a motion with the Court requesting the CASA appear at a scheduled court hearing by Zoom or telephone. The Court will review the motion and issue an order in compliance with Ind. Administrative Rule 14.

Facemasks will be provided to all CASAs by the Lawrence County CASA program. In addition, the Lawrence County CASA director will provide guidance to CASA volunteers regarding the use of facemasks and proper social distancing requirements.

The Lawrence County CASA director will provide weekly updates to the judge of the Lawrence Circuit Court to evaluate whether additional safety protocols are necessary.

Read and approved for submission to the Indiana Supreme Court by:

Nathan G. Nikirk, Judge
Lawrence Circuit Court

John M. Plummer, III, Judge
Lawrence Superior Court I

William G. Sleva, Judge
Lawrence Superior Court II

Anah Hewetson Gouty, Juvenile Referee
Lawrence Circuit Court