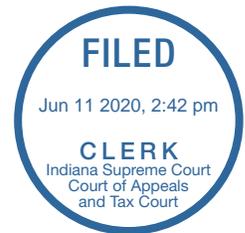


# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-141



## 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 amended expansion of operations plan (“Plan”) on June 9, 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**, subject to the following exceptions:
  - (a) The petitioning court(s) shall resume jury trials, subject to the health precautions proposed in the Plan, **no later than the week of August 17, 2020**. The petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires suspending jury trials beyond that date.
  - (b) The petitioning court(s) are directed to the Court’s order issued May 29, 2020 in Case No. 20S-CB-123 for any tolling related issues.

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 6/11/2020 , **effective June 1, 2020.**

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

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

Supreme Court Case No.  
20S-CB-141

Trial Court Case No.  
48C06-2003-CB-000004

## **Madison County Circuit Court's Amended Transition Plan for Expanded Operations**

### **I. Madison County AR 17 Order**

Madison County received permission to suspend trials and other hearings not deemed essential or emergency in nature. The suspensions of those proceedings have been extended to May 30, 2020, by order of the Indiana Supreme Court. The Madison County Circuit Court has held numerous non-emergency hearings via video conferencing to continue the business of the courts and to avoid a backlog of pending cases. This plan is the County's proposal for transitioning back to gradually conducting more in-person hearings while adhering to health and safety protocols.

### **II. Planning**

On May 13, 2020, the Indiana Supreme Court issued its "Order Extending Time for Expanding Trial Court Operations," directing trial courts to submit transition plans for expanded operations and submit those plans for the Supreme Court's approval no later than May 30, 2020. In response to this order, the Madison County Circuit Court ("Court") convened a group of local justice system partners, including the county clerk,

sheriff, County Commissioner's office, probation department, private practitioners, prosecutor, health department, criminal defense counsel, and court staff, to collaborate on a safe and responsible approach to expanding operations. Members of this group will continue to meet virtually. As a result of these collaborations, the Court respectfully requests the Indiana Supreme Court to approve the following transition plan for expanded operations, effective as of the date of this filing.

### **III. Employment Procedures**

Employees 65 and over and individuals with identified high-risk conditions may continue to work remotely as much as possible. High-risk individuals include those that have:

- Chronic lung diseases or moderate to severe asthma
- Serious heart conditions
- Immunocompromised from any disease such as cancer, AIDS, or medications that compromise immunity
- Severe obesity (BMI of 40 or higher)
- Chronic kidney disease requiring dialysis

Also, judges may allow employees to remotely work on a rotational basis to reduce office capacity.

Employees who are reporting for work will complete the CDC Coronavirus Self-Checker before arrival in the workplace. Any employee who the self-checker recommends to "monitor for symptoms, stay at home" will contact their primary care physician, and notify their department head or elected official. Employee work stations have been arranged or will be used in a manner allowing for the 6 feet social distancing guideline.

Employees shall wear masks while in public areas and while dealing directly with the public, at other times while sufficiently spaced, employees may opt to not wear a mask. Masks are available for all employees. Employees shall have ready access to hand sanitizer, handwashing stations, or other disinfectant products.

An assistance program is available to assist employees and their families in overcoming personal problems, including emotional distress, work stress, alcohol and drug abuse, and marital and family conflicts.

#### **IV. Courthouse Facility Plan**

Barriers have been installed in the courthouse at points of public access. The Government Center will use stanchions to help guide traffic with 6 ft increments marked. Seating areas will also be marked in 6 ft increments. Social distancing signage will be posted throughout the Government Center. There will be increased security throughout the courthouse to help gain adherence to social distancing policies. The staircases are used in only one direction and the elevator capacity is limited to those that cannot utilize the staircases. Court users and the public shall have ready access to hand sanitizer and handwashing stations.

To ensure a safer workplace for employees, workstations have been moved 6 feet apart, and/or temporary barriers have been installed between some workstations.

High-touch surfaces are regularly cleaned throughout the workday and at the close of business.

#### **V. Screening Procedures for the Public**

When members of the public enter the courthouse there shall be:

- No-touch temp checks
- Masks required in all common areas for all individuals in the Government Center
- Hand Sanitizer available at Government Center entrance/exit, all courtroom entrances, public gathering areas, and in every main office area
- 3 questions asked (if there is a positive response then that person is not admitted to the building)
  - Any recent coughing
  - Any shortness of breath
  - Any contact with a COVID-19 positive person
- Record the name and address of those entering the building

#### **VI. Resuming Hearings**

The Court has developed a phased approach for resuming hearings. This approach is subject to change based on guidance from state and/or local public health agencies.

The criteria to achieve a change in phase applies to the resumption of hearings (Section VI), Jury Trials (Section VII) and court-supervised services (Section VIII). Before proceeding to the next phase, there must be

1. A decrease, over fourteen days, in the number of hospitalized COVID-19 patients within the County;
2. The County healthcare system has the capacity related to critical care beds and ventilators to treat positive COVID-19 patients;

3. The County can test all symptomatic and essential workers for COVID-19; and
4. The County can contact trace all individuals who test positive for COVID-19.

A backward movement can be triggered if

1. There is an increase, over fourteen days, in the number of hospitalized COVID-19 patients within the County; and
2. The County healthcare system does not have the capacity related to critical care beds and ventilators to treat positive COVID-19 patients.

Phase 1: Current. Absent an emergency or specific judicial order, hearings are conducted over the telephone or through video conferencing. All court proceedings are recorded. Court proceedings (except hearings that are confidential by law) are available via audio and/or video to the public upon request. There are no jury trials.

Phase 2: June 8 – July 5, 2020. The presumptive format for a hearing continues to be over the telephone or through video conferencing. In-person hearings may resume if, social distancing can be observed and the building security can screen and process people into the building. Spectators are not permitted. Witnesses will be encouraged to testify remotely. All court proceedings are recorded. Court proceedings (except hearings that are confidential by law) are available via audio and/or video to the public upon request. There are no jury trials.

Phase 3: July 6, 2020 – until further order of the court. Hearings may continue to be conducted over the telephone or through video conferencing. All court proceedings are recorded. Court proceedings (except hearings that are confidential by law) are available

via audio and/or video to the public upon request. However, in-person hearings may resume in all cases. Within each courtroom, social distancing will be observed. A limited number of spectators will be permitted in courtrooms, subject to each court's reduced capacity. Witnesses will be permitted to testify in-person. Jury trials may resume. The process for trial resumption is outlined in section VII.

## **VII. Jury Trials**

Phase 1: July 6 – August 2, 2020. A limited number of pilot jury trials may resume.

Phase 2: August 3 – September 13, 2020. All criminal jury trials may resume.

Phase 3: September 14, 2020 – until further order of the court. Civil jury trials may resume.

For phases 1 and 2, there will be no more than one jury trial per week.

More summons will be mailed in anticipation of lower jury yields. An information sheet will be included with summons advising prospective jurors that the courts take public health and safety seriously and detailing the policies implemented to reduce the risk of infection for jurors and other court participants.

The Court will implement a generous deferral policy. First deferrals will be granted as a matter of right. Second deferrals will be granted with good cause, e.g. persons currently in self-quarantine, those at high risk of infection, and/or living with others at high risk of infection, health care professionals, etc.

All prospective jurors will be asked to complete the CDC Coronavirus Self-Checker the evening before jury selection. A link to the self-checker will be provided in the jury

summons. Any prospective juror who the self-checker recommends to “monitor for symptoms, stay at home” will be directed to call the court the morning of jury selection to receive a deferral.

Prospective jurors who receive a “sounds like you’re feeling okay” result from the self-checker will appear for jury selection the following day at staggered times in groups of no more than 15. Surgical masks will be offered to prospective jurors. Alternative venues that allow for greater social distancing may be used to conduct voir dire.

Also, all prospective jurors will be asked to view the “Indiana Jury Orientation Video” online the evening before jury selection. A link to the video will be provided in the jury summons.

Jurors will be socially distanced throughout jury selection and trial. As agreed by the parties or otherwise permitted by law, voir dire may be conducted remotely by audio/video conference. Subject to each court’s reduced capacity, additional alternate jurors will be selected. When possible, jurors will eat and deliberate in courtrooms rather than jury rooms.

### **Court-Supervised Services**

#### **Probation Services**

Phase 1: June 8– June 14, 2020. In-office visits may resume for moderate and high-risk clients. Probation officers and their clients will be required to wear masks, face coverings, or other protective gear during visits. Surgical masks will be offered to clients who arrive without a mask.

Phase 2: June 15 – June 28, 2020. Home visits may resume. Probation officers will be required to wear masks, face coverings, or other protective gear during visits.

Probation officers will not enter clients' homes; instead, home visits will be conducted on the doorstep with adequate social distancing.

Phase 3: June 29 – until further order of the court. In-office visits may resume for low-risk clients. Probation officers and their clients will be required to wear masks, face coverings, or other protective gear during visits. Surgical masks will be offered to clients who arrive without a mask.

### **Juvenile Court Services and CASA Services**

The CASA Agency will follow the direction and guidance of the State Office of GAL/CASA at State Court Administration for resuming visits with children physically. When in-person visits are permitted then CASAs are required to wear masks, face coverings, or other protective gear during visits. The Court offers masks to CASAs who do not have a face covering.

The Madison County Juvenile Probation Department shall adhere to its already adopted COVID-19 plan.

### **City and Town Courts**

Madison County has courts for the Cities of Anderson and Elwood, and town courts for Edgewood and Pendleton. These courts are housed in separate buildings and are addressed individually.

#### **Anderson**

Anderson City Court adopts the proposed plan as submitted.

**Elwood**

Elwood City Court adopts the plan’s expanded court operations and will begin limited in-person hearings during the week of June 8, 2020.

**Edgewood**

Edgewood Town Court shall submit its own plan.

**Pendleton**

Pendleton town court is an infractions/ ordinance violations court only. It will reopen on July 29, 2020. The court shall segregate hearing times for initial hearings.

Respectfully submitted,

/S/ Mark Dudley  
Circuit Court Chief Judge Mark Dudley

/S /David Happe  
Circuit Court 4 Judge David Happe

/S/ Angela Sims  
Circuit Court 1 Judge Angela Sims

/S/ Thomas Clem  
Circuit Court 5 Judge Thomas Clem

/S/ G. George Pancol  
Circuit Court 2 Judge G. George Pancol

/S/ Kyle Noone  
Elwood City Court Judge Kyle Noone

/S/ Andrew Hopper  
Circuit Court 3 Judge Andrew Hopper

/S/ George Gasparovic  
Pendleton Town Court Judge George Gasparovic