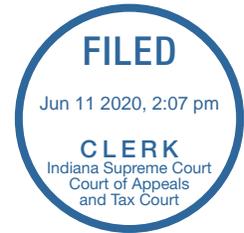


# In the Indiana Supreme Court

In the Matter of the Petition of the Tipton  
Circuit Court for Administrative 17  
Emergency Relief

Supreme Court Case No.  
20S-CB-134



## 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 RE: Tipton Circuit Court Transition Plan

Supreme Court Case No.  
20-CB-134

The Tipton Circuit Court, having consulted with the following Tipton County Officials: Health Department, County Attorney, County Commissioners, Prosecuting Attorney, Sheriff, Clerk, Emergency Management, and the Bar Association, now finds as follows:

Tipton County has a population of approximately 15,000 people, and has had 22 positive COVID-19 cases and one (1) death. The court office consists of the Judge and three (3) staff members. The court office is large enough to allow for social distancing by the staff and the doors have a security locking system; the public communicates with the staff via a video doorbell. The public is not permitted to enter the court offices. The area outside the courtroom is large enough to permit the public to wait, while social distancing. The courtroom is extremely large and can accommodate the public (with reduced seating) to permit social distancing. Tipton County has a new jail which is clean and large enough to safely handle inmates.

Upon these findings, the Tipton Circuit Court respectfully requests as follows:

1. Administrative Rule 17 Components
  - A. The tolling of time limits for speedy trials in criminal and juvenile proceedings, public health and mental health and other criminal matters may be allowed to expire.
  - B. The Court feels that it can accommodate speedy criminal jury trials on a limited basis. The Court would request that non-speedy criminal jury trials and all civil jury trials not resume until August 15, 2020.
  - C. Authority for reviewing county-jail and direct-placement community correction sentences of non-violent inmates and juveniles may expire.
  - D. The Court would request that the prohibition of issuing writs of attachment, civil bench warrants and body attachments and staying writs or warrants not yet served be allowed to continue until July 1, 2020.
2. Planning
  - A. The local stakeholders consulted in developing this plan are outlined in the first paragraph hereinabove.
  - B. The Tipton County Commissioners have adopted a County Safety Plan, which was incorporated into this document.
3. Employment Procedures
  - A. As outlined above, court employees have been working on a rotating, limited basis throughout the emergency. The court office is secure and the public is not permitted inside. The office is large enough to allow the three (3) desks to be six (6) feet apart. PPE and

cleaning supplies are readily available. The County Commissioners have opened the courthouse to permit each office to be open and working; however, the public is permitted inside by appointment only.

- B. Mental health resources have been identified for employees as needed.
  - C. Employees have been instructed stay home and to report if they have COVID-19 symptoms, or have been exposed to someone with COVID-19.
  - D. Employees will be allowed to work remotely, if possible, if they have COVID-19 symptoms. Employees will be allowed to return to work in line with the health department recommendations.
4. Courthouse Facility Plan
- A. The public areas of the courthouse will be cleaned prior to the resumption of regular court hours. The courtroom and court offices will be cleaned on a regular basis, and will be sanitized each day and after each court session.
5. Screening Procedures for the Public
- A. Any one entering the courthouse has their temperature taken and is refused admission if their temperature is above 100 degrees. Masks are encouraged. Sanitizer is available on each floor and in each office.
6. Resuming Non-Emergency Hearings
- A. Uncontested criminal hearings for jail inmates may continued to be held remotely, if the Defendant agrees.
  - B. Civil hearings will be permitted to be held remotely if all parties and counsel agree in writing. Individual witnesses may appear by Zoom or telephone, if they request.
  - C. Hearings will be reset in the order in which they were removed from the calendar due to the emergency. Older cases will be given priority.
  - D. The public seating in the courtroom will be reduced by one-half (1/2) to permit social distancing. Masks and sanitizer will be provided for those members of the public who do not have their own.
  - E. Public access to remote hearings will be available via YouTube and/or other public streaming services.
  - F. Senior judges will continue to be used as needed in the absence of the regular Judge, and at the discretion of the Senior Judge. The Senior Judge will be used in person, if possible.
  - G. The Court will exercise a liberal continuance policy as long as needed in order to respect the safety concerns of the public.
7. Jury Trials
- A. The Court will resume speedy criminal jury trials in the month of July 2020, if authorized by the Supreme Court. The Court would request that all other jury trials, both criminal and civil, not resume until August 15, 2020.
  - B. Masks and sanitizer will be provided to each juror.

- C. Perspective jurors will be permitted to request a deferral based upon COVID-19 concerns.
  - D. Jury selection will be done individually to allow for proper distancing. The jury room will be expanded in size to allow adequate space, and will be sanitized on a regular basis.
8. Court-Supervised Services
- A. Community Corrections and Probation officers may begin in-person appointments on June 1, 2020, by appointment only, with one (1) person in the office at a time. PPE will be available and masks are encouraged. The offices will be sanitized after each appointment.
  - B. Remote appointments may continue at the request of the client, or the supervising officer, for as long as needed in order to assure the safety and reassurance of the public.

Respectfully submitted,

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/s/ Thomas R. Lett, Judge  
May 26, 2020