

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-334

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 filed an amended expansion of operations plan (“Plan”) on June 10, 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 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 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 5, 2020.**

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

Loretta H. Rush
Chief Justice of Indiana

20S-CB-334

STATE OF INDIANA)
)
 COUNTY OF WAYNE)

IN THE HAGERSTOWN TOWN COURT

IN RE: THE MATTER OF REQUESTING
 RELIEF UNDER INDIANA ADMINISTRATIVE
 RULE 17

HAGERSTOWN TOWN COURT'S TRANSITION PLAN FOR EXPANDED OPERATIONS

Amended Petition for Administrative Rule 17 Emergency Relief

The Hagerstown Town Court is located in the Hagerstown Town Hall and is staffed by two employees. As such, the Court has adopted the policies and procedures:

Additionally, the Court Clerk has consulted the Judge and Prosecutor (a copy of Hagerstown Town Court's Transition Plan for Expanded Operations has been emailed to Prosecutor's office) for the town of Hagerstown to obtain input regarding the Transition Plan.

Transition Plan – Employee Safety, Visitor Safety, Cleanliness, Public Access to Courts, and Resuming Non-Emergency Hearings

The Indiana Supreme Court has instructed that the Hagerstown Town Court's Transition Plan should address protections for ensuring Court employee health and safety; protections for public health and safety; plans for continued sanitized Court facilities; procedures for maintaining a record and allowing public access; plans for resuming non-emergency hearings; policies for selecting jurors and procedures for protecting the health and safety of potential jurors (The Hagerstown Town Court does not conduct jury trials); and plans to resume court-supervised services (The Hagerstown Town Court does not conduct court supervised services). The foregoing policies remain and are effective immediately and SHALL be in effect, unless modified, until December 31, 2020. Not later than December 7, 2020 (and earlier and from time to time as deemed necessary) the Court SHALL, with input from local justice partners, health authorities, and emergency response professionals, review the foregoing policies to consider whether changes and/or new effective dates are necessary.

It is the policy of Hagerstown Town Court as follows:

A. Court Employee Safety, Visitor Safety, and Cleanliness:

1. All persons SHALL maintain social distancing in the Hagerstown Town Hall which is generally greater than six feet apart from other employees and persons.
2. All persons SHALL wear a face covering which covers the nose and mouth when in common areas of the Hagerstown Town Hall. Employees do not need to wear a facial covering when alone in an office space that is a closed office space (four walls with a closed door) when maintaining social distancing.
3. Employees SHALL wash hands frequently and use hand sanitizer when hand washing is not readily accessible.

4. All persons SHALL immediately leave the Hagerstown Town Hall if experiencing any of the COVID-19 symptoms.
5. Visitors SHALL restrict visits to the location of the intended destination only.
6. All persons SHALL be subject to the Hagerstown Town Hall entrance protocol, so long as the same remains in place in the discretion of the Hagerstown Town officials, and must truthfully answer question to health officials screening entrants.
7. If any employees or their family members experience any of the COVID-19 symptoms within 24 hours of their visit to the Hagerstown Town Hall, the employee SHALL not report to work. The employee SHALL follow the normal procedures for reporting his or her absence.
8. Employees SHALL be fever free without the use of fever reducing medications for 72 hours and seven (7) days must have passed since his or her symptoms first appeared. The employee SHALL contact his or her department head for approval before returning to work.
9. Employees SHALL have access to PPE while at work.
10. Masks, provided a supply can be procured as they currently have been, SHALL be offered without charge to persons appearing who do not bring their own.
11. Persons in the courtrooms SHALL, unless in the discretion of the Court it is intermittently necessary that some person speaking the Court lower his or her mask to be heard and evaluated by the Court, parties, or lawyers, be permitted to mask to be heard and evaluated by the Court, parties, or lawyers, be permitted to wear masks. (In many cases, persons speaking in the courtroom can do so while wearing a mask.)
12. Hand sanitizer stations SHALL be placed throughout Hagerstown Town Hall.
13. Employees SHALL use cleaners and wipes to clean their workstations before and after use.
14. Department Heads shall employ enhanced cleaning procedures for high traffic surfaces (door handles, counters), cleaning them several times per day for additional employee and visitor safety.
15. Areas of the courtroom where persons occupy space SHALL be cleaned after each user has occupied the space.
16. Signage SHALL be placed throughout Hagerstown Town Hall reminding of social distance spacing and general hygiene practices and encouraging the use of hand sanitizer.
17. Employees SHALL report if they have had close contact with someone with COVID-19.
18. A mental health resource for employees SHALL be proactively provided:
bewellindiana.com

B. Maintenance of a Record and Allowance of Public Access to Court Hearings:

1. Subject to space limitations of the courtroom and social distancing guidelines discussed herein, members of the public SHALL be allowed to attend Court hearings, including those which are generally open to the public.
2. Members of the public SHALL maintain a distance of six feet apart and Court staff SHALL inform the Judge if members of the public are not following these social distancing guidelines.

C. Resuming Non-Emergency Hearings:

1. Initial Hearings and Bench Trials are scheduled to resume on July 14, 2020.