

In the Indiana Supreme Court

In the Matter of the Petition of the Knox
City Court for Administrative Rule 17
Emergency Relief

Supreme Court Case No.
20S-CB-226



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 18, 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 6/22/2020 , effective **June 18, 2020**.

Loretta H. Rush
Chief Justice of Indiana

**IN THE MATTER OF THE PETITION OF
THE KNOX CITY COURT FOR
ADMINISTRATIVE RULE 17 EMERGENCY RELIEF**

**Supreme Court Case No.
20S-CB-00226**

**EXHIBIT A:
EXPANDED OPERATION PLAN PURSUANT
INDIANA ADMINISTRATIVE RULE 17**

The following components of the preexisting Administrative Rule 17 Order in this cause should be extended:

1. That the Knox City Court be authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant's due process rights would be violated;
2. That the Knox City Court may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expect to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high -risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
3. That any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the Knox City Court may do so without further eave of court upon filing a "notice of remote appearance" with the Court;
4. That the Court is authorized in its discretion and subject to applicable Constitutional limitations, to limit spectators (other that parties to the litigation and their attorneys) in the courtroom or to the extent necessary to provide adequate social distancing and to limit the size of the gathering consistent with public-health recommendations.
5. That the Knox City Court may allow individuals with legitimate court business who are ill, caring for someone who is ill, or in high-risk category for COVID-19 to request a continuance by email or telephone to the court clerk.
6. That the Knox City Court be authorized to continue utilizing a drop box located at Knox City Hall for the receipt of payments.

The following components of the preexisting Administrative Rule 17 Order for this cause should be modified:

1. Regarding the authority to reduce the number of court staff working and/or permit working remotely, that such reduction shall be limited to good cause shown regarding a specific employee, including (a) that the employee has tested positive for the COVID-19

virus, (b) is displaying symptoms identified by the CDC as being consistent with the COVID-19 virus, (c) an employee's immediate family member is displaying symptoms identified by the CDC as consistent with the COVID-19 virus, or (d) an employee is required to care for a family member afflicted with the COVID -19 virus;

2. That the Court be permitted to change or adjust the time of hearings in order to reduce the number of hearings at a particular time in order to avoid "cattle call" hearings;

The Following components of the preexisting Administrative 17 Order in this cause should be allowed to expire:

1. That the Court be authorized to toll all laws, rules, and procedures setting time limits in all matters within the Knox City Court's jurisdiction, and that no interest be charged;
2. That the Court shall be authorized to suspend all non-essential hearings and proceedings;
3. That the Knox City Court be authorized to issue summonses in lieu of bench warrants, notices of failure to appear, or notices of failure to pay;

The Court has referenced the CDC guidelines, the guidelines set forth by the State of Indiana, the current guidelines being used at the Starke County government level, and has consulted with Knox City officials (Mayor, City Attorney, and City Clerk Treasurer) in the development of this plan;

The court has the following procedures in place for the protection of employees:

1. All work stations are more than six feet apart.
2. The front desk has had a barrier added to move the public farther away from the counter. The employee at the front desk has constant access to hand sanitizer and will use it every time money is handled and frequently throughout the day. The counter will be wiped down and sanitized after each and every individual that has been helped at this location.
3. Any court employee that exhibits symptoms will be sent home until they can arrange to be tested for COVID-19 and the virus has been ruled out as the cause.
4. Employees not permitted to enter the workplace will be allowed to work remotely, if possible.
5. Employees shall notify their supervisor if they have been in close contact with someone who has contracted COVID-19.
6. The Court will adhere to the advice of the local health department regarding proper protection protocols.
7. Mental health resources have been provided to employees.

The City building that houses Knox City Court has the following precautions in place:

1. City staff will clean the common surfaces (door knobs, handles, counters, ect) on a regular basis throughout the day.

2. Maintenance staff will clean and sanitize the building at regular intervals during the week.
3. Hand sanitizer shall be made available for use to anyone entering and exiting the building at both main entrances.

The following procedures will be in place for public access:

1. Signage has been placed at both main entrances to the building indicating that persons who have had a fever or COVID-19 symptoms are not to enter the building.
2. The public cannot access any area beyond the public courtroom and "lobby" area of the court during normal business hours (see courts hearing guidelines for additional information). Employee work areas are closed to the public.
3. All those who enter the building will be required to wear a mask. Those without a mask will be provided one, subject to availability.

Non-emergency hearings will resume as follows (please note that Knox City Court does not hold emergency hearings)

1. In person hearings will resume on May 26, 2020.
2. In person bench trials will resume on the next scheduled bench trial date (yet to be determined) while following all the guidelines listed in this petition.
3. Knox City Court does not utilize Senior Judges;
4. Knox City Court will deal with all incarcerated individuals by continuing to use video conference technology until such time as the restrictions are lifted at the county level – subject to constitutional limitations - and the Starke County Justice Center once again begins to allow transportation of inmates.
5. All persons with business before the court on designated court hearing days will be met by a member of the court staff outside the building. Persons indicating that they have any symptoms that could be associated with the COVID-19 virus, or have been exposed to anyone exhibiting symptoms associated with the COVID-19 virus will be asked to leave. Those individuals will be advised that an alternative court date will be set and they will be notified.
6. Access to the courtroom will be limited to the responsible party and counsel. Arrangements have been made to livestream all proceedings.
7. During initial hearings, the defendant will be the only one permitted in the courtroom.
8. During bench trials, the defendant and witnesses will be permitted in the courtroom. Social distancing rules will be followed.
9. The clerk will distance all other participants outside the building while each participant enters the building to speak to the Judge. Each participant will exit the building using a different path that they used to enter the building so that social distancing protocols may be maintained. All participants will be dealt with on an individual basis unless they are present for a bench trial.
10. All participants entering the courtroom will be asked to wear a mask and use hand sanitizer on their way into the courtroom.

11. Seating in the court room will not be utilized at this time, unless a participant has a valid reason as to why they are unable to stand. If a chair in the courtroom is used, it will be sanitized prior to anyone else entering the room.

This court does not conduct jury trials.

There will not be any utilization of Court Services at this time. All of those services are provided by a county supervised office. Starke County Community Corrections will advise Knox City Court when we can once again send participants to their offices for services that they oversee.

When the pandemic has been declared over, the Court will look to resume normal operations. City, County, and court official will review current protocols and/or guidelines in order to take the steps necessary to keep both staff and participants safe. We anticipate that this plan will be somewhat fluid as we continue to monitor the situation closely.