

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-155



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 amended expansion of operations plan (“Plan”) on June 29, 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 7/7/2020 , effective **May 28, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

**CARROLL SUPERIOR AND CIRCUIT COURTS
Delphi, Indiana**

**In the Matter of the Petition of the
Carroll County Circuit and Superior
Courts for Administrative Rule 17
Emergency Relief.**

**Case No: 08C01-2003-CB-16
Supreme Court Case No: 20S-CB-123**

TRANSITION PLAN FOR CONTINUED OPERATION

The effective date of all orders granting emergency relief to trial courts under Administrative Rule 17 has been extended through May 30, 2020. In its order from May 13, 2020, the Supreme Court directed trial courts to submit transition plans for continued operation by May 30, 2020. Honorable Benjamin A. Diener, Judge Carroll Circuit Court, having been designated presiding judge during the emergency and having received information from or having consulted with the following Carroll County emergency and public health authorities and local justice system partners:

- Health Department
- Emergency Management
- Sheriff
- Jail Commander
- Commissioners
- Public Defenders
- Local Bar Members
- Prosecuting Attorney
- Chief Deputy Prosecuting Attorney
- Probation Department
- Community Corrections
- Circuit Court Judge
- Circuit Court Staff
- Superior Court Judge
- Superior Court Staff
- Carroll / White CASA Director

and having timely submitted originally and received feedback now re-submits the following transition plan for continued operation.

Regarding protections for ensuring court employee health and safety as operations resume, policies for protecting public health and safety in accordance with county health department guidelines as court facilities reopen, and county and court plans for sanitizing and

maintaining sanitation of court facilities, the Court notes the following actions as occurring in Carroll County:

1. Courthouse soft opening began May 26, 2020.
2. All full-time courthouse employees were required to come back to work on Tuesday, May 26, 2020.
3. All employees must enter courthouse through the NORTH door.
4. Courthouse doors will remain locked at all times.
5. EAST entrance will still be used for Public.
6. Employees will not be required to wear masks at their desk unless Department Head requires to do so.
7. Court employees' work stations are appropriately distanced and sneeze guards have been installed.
8. Employees considered "high-risk" by a Department Head are provided appropriate accommodations, which may include working from home.
9. Department Heads shall keep employee medical information private.
10. Public will be required to wear a face covering when entering the courthouse.
11. Courthouse will open to the public on June 8, 2020, by appointment only, and doors will remain locked.
12. Parties and observers will be escorted to Court at the appropriate time.
13. Quantity of observers may be limited to achieve appropriate social distancing.
14. Department heads are required to meet public at EAST door and escort to and from office; Public will not be allowed to roam the courthouse.
15. Incarcerated individuals will be seen via teleconference, when permitted, or will be transported by the Sherriff to Court, and will be subject to the same rules as non-incarcerated individuals.
16. County business should be conducted by mail, fax or e-mail, when possible.
17. When courthouse opens to the public, ALL offices will be open.
18. Employees are expected to clean their own workstation and sneeze guard, cleaning supplies will be supplied to offices.
19. PPE and hand sanitizer will be supplied to offices.
20. Employees will no longer be allowed to go behind the counter of other offices, must stand at the counter to do business.
21. Department Heads are to make sure protocols are followed and information of changes relayed to their employees.
22. Courthouse Employees' temperatures will be required to be taken per CDC guidelines.
23. Any known exposure or prevalence of symptoms shall be reported to the health department.
24. ALL employees must sign in per CDC guidelines.
25. Courthouse custodial staff is limiting access to some spaces to maintain sanitation.
26. Custodial staff leaves a check list to demonstrate when an area was last cleaned and sanitized.
27. In the Courtrooms, chairs and tables are disinfected between each hearing.
28. Courtroom are set up to allow for social distancing.
29. As always, good hand washing technique should continue.

30. Any sick employee shall remain home.
31. Signage will be posted on all doors and outside of courthouse.
32. Courthouse is projected to open to the public June 22, 2020.
33. Mail is delivered to the County Auditor who then places each department's mail in an internal mail receptable.
34. Each department is responsible for retrieving mail from the Auditor.
35. There are no known, viable mental health services in Carroll County, but the National Alliance on Mental Illness has a helpline available M-F 10 a.m. – 6 p.m. or, in a crisis, one can text NAMI to 741741 for 24/7, confidential, free crisis counselling.
36. There is no hospital in Carroll County, so mental health proceedings are rare and generally filed in error. The Courts request no special relief regarding mental health proceedings.

Regarding procedures for maintaining a record and allowing public access to remote hearings, the Court notes that the recording equipment used by the Courts to make records, generally, will still be used to capture the record during remote hearings. Should Parties request a zoom hearing, the Court will provide public notice of any hearing with information on how to attend the hearing. Beginning June 8, 2020, people will be permitted to participate, in person, in court proceedings. Beginning June 22, 2020, the Courthouse fully opened and masks are required to enter the building.

Carroll County Probation Department and Carroll County Community Corrections are located in the Carroll County Courthouse and will be subject to the same safety measures set forth in this plan.

Regarding policies for selecting jurors and procedures for protecting the health and safety of potential jurors, the Court notes that no party has demanded a jury trial occur during the global pandemic trial and it not anticipated that any jury trials will occur in Carroll County until there is a better understanding of Covid-19, more pervasive testing, and appropriate protocol established by state and local health officials. We hope to conduct at least one jury trial in 2020, but will only do so once permitted by the Supreme Court and when it can safely be accomplished. Whenever the first jury trial occurs, the jury selection process will occur in smaller groups, potentially over multiple days, to ensure proper social distancing. Prospective jurors will be evaluated as to their high-risk status, exposure to COVID—19, and any symptoms, prior to being brought in for venire. The jury room will be designated to allow jurors to comply with social distancing requirements.

The Carroll County Courts will adopt and enforce any reasonable protocol as may be recommended by the Supreme Court, state or local health officials.

The judges of Carroll County request that the Indiana Supreme Court declare that an emergency continues to exist in Carroll County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Carroll County directing and allowing the Courts

and Clerk of Carroll County to alter, modify, and suspend necessary procedures to appropriately address this emergency.

Further, we request that the Indiana Supreme Court:

(1) authorize continued tolling until August 14, 2020, of all laws, rules, and procedures setting time limits in all criminal, juvenile, CHINS, domestic relations, mental health, and all civil matters before the courts of Carroll County; and

(2) August 14, 2020, authorize the Carroll County courts, in their discretion, to continue all hearings they deem non-essential; and

(3) authorize the Carroll County Courts to request an extension of this order, from time to time, until emergency conditions have subsided.

Respectfully re-submitted this 29th day of June, 2020.

A handwritten signature in black ink, appearing to be 'B. Diener', written over a horizontal line.

Benjamin A. Diener, Presiding Judge
Carroll Circuit Court