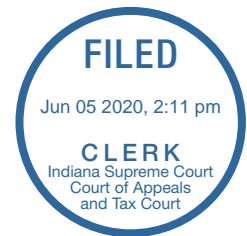


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-130



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 May 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 6/5/2020 , effective **May 29, 2020**.

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

Loretta H. Rush
Chief Justice of Indiana

Exhibit A**Supreme Court Case No. 20S-CB-130**

St. Joseph County Courts Transition Plan**1. Administrative Rule 17 Components**

- Request for continued relief is contained in the St. Joseph County (“SCJ”) Courts Amended Administrative Rule 17 Petition filed contemporaneously with this Plan.

2. Planning

- Throughout this emergency, the SJC Courts have repeatedly consulted with the SJC Health Department, the Prosecuting Attorney, the Chief Public Defender, the SJC Sheriff, Department of Child Services, CASA, members of the SJC Bar Association, the SJC Clerk and the SJC Commissioners. In addition, the undersigned have represented the SJC Courts during regular Webex conference calls with the SJC Health Department and all SJC department heads to coordinate planning throughout all county departments, as well as the courts. Such regular communications will continue so long as the pandemic exists.

3. Employment Procedures

- When St. Joseph County declared an emergency due to the global coronavirus pandemic, it closed all county offices and all county employees were sent to work from home, if possible, with very limited exceptions. The SJC Courts took the same position. The SJC Courts employees all have laptop computers, allowing them to work remotely. Each individual judicial officer has his or her own practices, but all judicial officers have authorized their staff to work from home. When the courts held essential hearings, staff may have been present at the courthouse for limited periods of time, then resumed working remotely.
- As the SJC Courts begin reopening, staff are transitioning back to work. This is a gradual transition, with each judicial officer having some variations reflecting the circumstances of that judicial officer’s caseload. On May 18, 2020, our Traffic and Misdemeanor court, a very high-volume court, started in person proceedings under very strict social distancing and personal protection guidelines for both parties and court employees. Those appear to be working well. Our Protective Order Court has had live hearings, again with strict social distancing guidelines in place for parties and court employees. Our civil courts have had very few in person hearings, limited to emergency only. Beginning on June 1, 2020, most of the civil courts are making live hearings available, but except in unusual circumstances, are not requiring live hearings. Even after June 1, 2020, Courts will continue to operate with strict social distancing and personal protection guidelines in place, for the safety of litigants, attorneys, and court employees alike.

- Anyone entering the courthouses is required to have a face mask, including court employees. If those employees can be situated at least 6 feet apart in their office, masks are not required. Some judicial officers are requiring staff to wear masks in court, and courtrooms have been arranged to ensure proper social distancing. Each judicial officer has developed a plan and discussed it with his or her staff. Judicial officers with high-risk staff are continuing to have those staff member work remotely. Employees have been advised and are aware that they are not to come to work if they are experiencing any COVID-19 related symptoms, as updated regularly by the CDC.

4. Courthouse facility plan

- In order to properly maintain our courthouse facilities, the maintenance department is seeking approval for additional cleaning staff to clean and disinfect the courtrooms after court sessions. Hopefully the new staff will be available as soon after June 1, 2020, as possible. This is in addition to the cleaning staff that cleans the buildings every night. The SJC Courts are also considering seeking approval for UV light sanitizers and/or HEPA filtration for each building. Until the additional cleaning staff or methods are procured, the SJC judges and staff disinfect all high touch spaces as needed.
- Since the declaration of emergency and the closure of the courthouses, drop boxes for self-represented litigant filings were placed in the courthouses. These are checked regularly throughout the day by members of the clerk's office. This will continue indefinitely for self-represented litigants after June 1, 2020.
- In addition, a protective order "station" was set up in the main courthouse with paperwork and instructions, as well as a referral to the Family Justice Center for assistance, if desired. This will also continue indefinitely.
- Courtrooms have been marked with bright yellow X's spaced at least 6 feet apart denoting where people may sit.
- For the Probate Court, located at the Juvenile Justice Center, there is a plan to install hospital grade HEPA filters into the air handling systems.

5. Screening Procedures for the Public

- Signage on all courthouse doors states that people exhibiting symptoms of or have been exposed to COVID-19 may not enter the building, and gives further instruction as to how to proceed in that situation.
- Additional signage on all courthouse doors states that masks are required upon entry. Masks are provided to those who do not have one. Hand sanitizing stations have been installed on all floors of each courthouse. Individual stations with masks and hand sanitizer are placed at the entrance of each courtroom. Gloves are also available upon request.
- Only necessary parties, lawyers and witnesses may enter courtrooms, absent permission from the judicial officer.
- Security is given a list of court hearings for the day and keeps track of the number of people coming in to each court. If a courtroom reaches capacity, litigants must wait until they can safely enter the courtroom.

- For the Probate Court located at the Juvenile Justice Center, Security staff will ask the public entering the building the CDC COVID-19 screening questions. If answers to the questions are positive (yes), then the person will not be allowed in the building and will be advised to contact their health care provider. In addition, temperatures will be taken for the public entering the building. If anyone has a temperature of 100.4 or above, then the person will not be allowed in the building and will be advised to contact their health care provider.
- These practices will remain in effect after June 1, 2020, and will continue indefinitely.

6. Resuming Non-Emergency Hearings

- The SJC Courts have started phasing in non-emergency hearings and are employing various methods to do so. As of June 1, 2020, non-emergency in-person hearings will become more available. The courts will continue to use Zoom and other remote video platforms when possible and practical. When video platforms are not possible or practical, the courts may utilize telephonic conferences/hearings.
- The SJC Courts are working on a plan for senior judges and judges pro tem to handle the anticipated backlog of immediate possession hearings, as well as infraction cases. The SJC Courts are interested in having senior judges preside over other types of cases, if senior judges can be located to do this.
- The SJC Courts have been holding hearings involving incarcerated defendants throughout the emergency. Felony criminal court judges, as well as other judicial officers, have worked out a video schedule with the jail. With the expansion of Administrative Rule 14, hearings are held by video, including pleas and sentencing when all parties consent. In some courts, lawyers may appear by telephone for the video hearings. This practice has been ongoing and will continue indefinitely.
- The SJC Courts are still working on ways to provide public access to hearings. The courts have a Polycom system, so hearings in one court could be broadcast into other unused court spaces. There has been a discussion about purchase of televisions to be placed in the large open space on the first floor of the County-City building which could connect to the Polycom system and broadcast court proceedings. The SJC Courts will also discuss the ability to use YouTube or the new public broadcast site created by the Indiana Supreme Court. If maximum capacity has not been reached in the courtroom, spectators may be allowed in the courtroom with permission of the judicial officer.
- In the highest volume courts, hearings have been staggered throughout the day and the number of hearings during each time slot are limited to maintain proper distancing. A detailed plan was prepared by the Superior Court Magistrates who handle these high-volume courts, and was signed by the Chief Judge on April 23, 2020. The Magistrate's early distribution of this plan allowed for ample time for lawyers, litigants and court staff to prepare for the gradual reopening of these courts.

7. Resuming Jury Trials

- At this time, the SJC Courts plan to attempt to resume criminal jury trials in early July, with jury trials involving incarcerated defendants will take top priority, followed by criminal jury trials involving defendants on pretrial release. The date of commencing

civil jury trials has not been determined, however efforts will be made to commence civil jury trials in the fall.

- If the SJC Courts do not believe a jury trial can safely proceed on July 1, 2020, the SJC Courts will file a petition with the Indiana Supreme Court requesting further relief.
- The SJC criminal court judges met with members of the health department to discuss necessary modifications to the courtrooms and jury rooms in order to safely conduct jury trials.
- The SJC Courts are planning to send out a questionnaire similar to the sample previously provided by the Indiana Supreme Court workgroup. Deferrals will be given to potential jurors who are in high-risk categories, who have been exposed to COVID-19 or are experiencing symptom, essential workers and those who are getting back to work for whom jury service would cause a hardship.
- Jury selection will need to take place with smaller groups spaced out throughout the day. Potential exists for using the Polycom system to broadcast to jurors sitting in another courtroom. Using larger courtroom space
- Six-person jury trials may likely occur with adequate social distancing.
- Some of the felony court judges have implemented a rotating schedule for felony jury trials requiring a 12-person jury, which would allow utilization of the additional court space and jury waiting areas.
- Courts may require jurors to remain in the courthouse throughout the trial, in which case, the court will provide meals.
- Jury deliberations may occur in the courtroom. On breaks, jurors may be held in the jury waiting area, with security ensuring that the jurors remain separated from the public.
- The SJC judges participate regularly in webinars regarding resuming court operations, including jury trials, and are consistently discussing different solutions for safely resuming jury trials.

8. Court Supervised Services

- Adult Probation will resume in person meetings with clients when county offices open to the public on June 3, 2020. Throughout the emergency, they have continued to provide credit time and criminal history reports when requested. Small teams of probation officers have begun rotating into the office, which allows the officers to work on the existing backlog while maintain proper distancing.
- St. Joseph County Community Corrections (“SJCCC”) has maintained operations during the emergency, including both home detention with electronic monitoring, as well as work release.
- Juvenile Probation Officers have been working remotely when practical and monitoring youth telephonically at a frequency consistent with assessed risk level. Day Reporting Workers continue to provide hook ups for GPS and continue to monitor youth on that service. Case management services have continued remotely. Court services staff continue to do work remotely on court documents, except for emergency hearings which are heard on a daily basis.
- Juvenile Probation Administration will return to working within the Juvenile Justice Center on June 1, 2020. Juvenile Probation Officers will return to working within the

Juvenile Justice Center on June 15, 2020. Court services staff will return to working within the Court on June 1, 2020, when the Probate and Juvenile Courts return to operational capacities.

- CASA at the Probate Court will be appearing via Polycom and Zoom in order to better social distance within the smaller CHINS courtroom. For hearings, the CASA supervisor, CASA volunteer and CASA data specialist will appear from within the building via Polycom but will not be inside the courtroom itself. Pre-certified CASA trainees, in order to fulfill their required two hours of court observation, will be doing so via Zoom from outside of the building.

9. Problem Solving Courts

- The SJC Veterans Treatment Court will resume in court hearings on June 1, 2020, with strict social distancing and other appropriate protocols being enforced.
- The SJC Drug Court is continuing with Zoom hearings during the weeks of June 1 and June 8, 2020. Beginning June 15, 2020, the Court will transition to holding some in-person hearings, but most will still take place via Zoom. The Court is developing a schedule that ensures that each Drug Court participant is seen live in court no less than once every three weeks. This practice will continue indefinitely.
- Drug screens resumed for both problem-solving courts on May 26, 2020, again with strict precautionary measures in place.