

Guidance from the Resuming Court Operations Task Force as cases surge this fall and winter.

On November 13, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-48 extending the state of emergency through December 12, 2020, finding that the spread of the coronavirus disease is still prevalent despite significant steps being taken to reduce the spread. Governor Holcomb concluded that the virus remains a threat to the health, safety and welfare of Indiana residents. In this Executive Order, Governor Holcomb references a color-coded score or zone for counties.

Maintaining court operations depends on judges, attorneys and court staff complying with public health guidelines and requiring the same of anyone who enters court facilities. All counties should limit the number of people allowed into the courthouse in order to limit the spread of the coronavirus as much as possible. Proper use of facial coverings and social distancing while in court facilities should be strictly enforced. If facilities can be modified, plexiglass partitions should be installed on counters, around court reporter stands, on the bench, around witness stands, etc.

As counties move from blue to yellow, orange or red zones, based on the prevalence of the virus in those counties and the likelihood of increased transmission, it is vital to take certain precautions based on the county's status. Each county should check their COVID status through the Indiana State Department of Health website (<https://www.coronavirus.in.gov/2393.htm>) and comply with the following guidance depending on which zone the county is in.

Counties in blue zones should:

1. Enforce mask mandates
2. Enforce social distancing
3. Encourage a liberal sick leave policy
4. Consider rotating staff schedules for those in shared spaces to limit the number of people in the office at the same time
5. Proceed with jury trials and in-court proceedings while enforcing mask wearing and social distancing

Counties in yellow zones should:

1. Enforce mask mandates
2. Enforce social distancing
3. Rotate staff by allowing remote work to limit the number of people in the office
4. Move minor proceedings to remote
5. All gatherings are limited to 100 people or less
6. Proceed cautiously with jury trials and in-court proceedings while enforcing mask wearing and social distancing, (only if the in-court proceedings can be conducted with 100 or less people)

Counties in orange zones should:

1. Move most proceedings to remote
2. All gatherings are limited to 50 people or less
3. Hold only emergency hearings and necessary jury trials (only if the in-court proceedings can be conducted with 50 or less people)
4. Access to court facilities should be limited to attorneys and parties required to attend emergency, in-person hearings and individuals seeking emergency protective orders.
5. Allow most or all, if possible, staff to work remotely
6. Refrain from issuing civil warrants / body attachments

Counties in red zones should:

1. All gatherings are limited to 25 people or less
2. Hold no jury trials
3. Hold all proceedings remotely
4. Allow all employees to work remotely
5. Hold only emergency hearings (only if the in-court proceedings can be conducted with 25 or less people)
6. Access to court facilities should be limited to attorneys and parties required to attend emergency, in-person hearings and individuals seeking emergency protective orders.