

FILED

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
BUTLER COUNTY, OHIO

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BUTLER COUNTY  
PROBATE COURT  
JUDGE RANDY T. ROGERS  
CASE NO. PI86-02-2980

**SUPPLEMENTAL ORDER IN RESPONSE TO THE COVID-19  
(CORONAVIRUS) PUBLIC HEALTH CRISIS**

Randy T. Rogers, Judge of the Probate Division of the Butler County Court of Common Pleas makes the following Findings of Fact:

1. On March 9, 2020 Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in response to the growing COVID-19 public health crisis.
2. On March 11, 2020 the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. Based upon these Findings of Fact, the Probate Division of the Court of Common Pleas, of Butler County, Ohio has developed a continuum of flexible responses in case the public health crisis escalates. The continuum of responses is intended to protect public health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.
4. On March 13, 2020 the Judge of the Probate Division of the Court of Common Pleas issued a "Temporary Order In Response To Covid-19 (Coronavirus) Public Health Crisis.

5. On March 27, 2020, The Supreme Court of Ohio issued "In Re: Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology".
6. On April 2, 2020, Dr. Amy Acton, in her capacity as the Director of Ohio Public Health, issued an *Amended* Director's Stay at Home Order. This Order extended the previous stay at home order until 11:59 p.m. on May 1, 2020.
7. On April 16, 2020, Governor DeWine announced his plan for a phased re-opening of the state economy. On April 27, 2020, Lt. Governor Husted unveiled plans for Responsible RestartOhio.
8. On April 27, 2020, The Supreme Court of Ohio, in Case No. 2020-0547, issued an Entry which enumerated general health and social distancing protocols that would need to be followed before a jury trial should commence.
9. On May 5, 2020, The Supreme Court of Ohio issued a document setting forth principles to guide the operations of the Ohio judicial system and to protect the health of court employees and the public, entitled "Responsible RestartOhio Court Access."
10. As the COVID-19 virus continues to spread and impact Probate Court operations, the health and safety of all Probate Court employees and the community remains at risk.

**THEREFORE, IT IS HEREBY ORDERED:**

1. The Probate Division Local Rules of Court may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the public health emergency.

2. The Probate Division security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
3. The Butler County Probate Court Personnel Policy Manual provisions may be temporarily adjusted to maintain essential court operations and functions.
4. The Judge of the Probate Division of the Butler County Court of Common Pleas authorizes the use of audiovisual devices and technologies for all actions and proceedings, the use of such devices and technologies to be determined by the assigned judicial officer on a case-by-case basis.
5. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by the assigned judicial officer on a case-by-case basis.
6. Anyone entering the Court premises will be subject to a health screen. Said screen will include a non-invasive forehead temperature scan. Any person whose temperature is above 100.4 degrees will be restricted from entrance. A person so restricted will have their name taken and the Probate Court department they were attempting to visit will be notified.
7. All Probate Court staff shall take their temperature and monitor their health before coming to work each day. If an employee has a temperature over 100.4 degrees, that employee should immediately notify their supervisor and should not come into the Butler County Courthouse, or location so required for duty.
8. Based upon recommendation from Responsible RestartOhio, the Center for Disease Control and Prevention, and the Supreme Court of Ohio, all persons

entering the Court premises will be required to wear a face covering while in public areas (including but not limited to the rotunda, hallways, stairwells, elevators, and bathrooms), and follow all social distancing and hygiene requirements. Upon the Court's discretion, an exception to this order may be made for the following reasons:

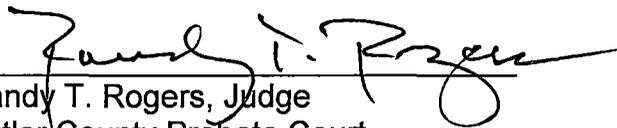
- a. Facial coverings are not advisable due to a medically documented health reason, to comply with the Americans with Disabilities Act requirements, and for recognized good faith reasons, such as religious beliefs.
  - b. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared public health emergency.
  - c. Facial coverings should also not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
  - d. Facial coverings are not required when an employee works alone in an assigned work area, or is otherwise socially distant, i.e. six (6) feet.
  - e. There is a functional (practical) reason for an employee not to wear a facial covering in the workplace. This exception shall be approved in advance by the employee's supervisor.
9. The Probate Judge and each Probate Court Magistrate shall have the individual discretion to make exceptions regarding face coverings in their respective courtrooms for any of the following reasons:

- a. Health, safety or security of the courtroom,
- b. The interests of justice cannot be served by parties, attorneys or witnesses wearing a mask.
- c. When a participant is speaking or offering testimony.
- d. A medically documented health reason, compliance with the Americans with Disabilities Act requirements, and for recognized good faith reasons, such as religious beliefs.
- e. Any other valid reason approved by the Judge or Magistrate.

10. This Order shall remain in effect until expressly terminated by the Court. All remaining Orders enacted March 13, 2020 and their respecting orders extending, which, are not amended by this Order shall remain in full force and effect. The Court herein expressly reserves the right and full authority to further extend the time suspensions set forth, for a greater period of time, to include the duration of the public health crisis and public emergency, if deemed necessary.

11. This "Supplemental Order" is ordered to be forwarded by Ordinary U.S. Mail, by Interoffice Mail, or by email, to Butler County Area Courts, Butler County Juvenile Court, Butler County Clerk of Courts, Butler County Bar Association, Butler County Prosecutor's Office, Butler County Sheriff, Butler County Board of Health, City of Hamilton Board of Health, Butler County Commissioners, posted on the website of this Court, and distributed to the media.

May 15, 2020

  
Randy T. Rogers, Judge  
Butler County Probate Court