

**In the Franklin County Municipal Court
Columbus, Ohio**

Administrative Order Number: 05-2020

Effective: 3-17-2020

The Franklin County Municipal Court makes the following Findings of Fact:

- I. 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.
- II. 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.
- III. On March 13, 2020, President Trump issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak,” stating that “[a]dditional measures” are “needed to successfully contain and combat the virus in the United States.”
- IV. On March 15, 2020, Governor Mike DeWine ordered closed all bars and restaurants other than carry-out service. On March 16, 2020, Governor DeWine ordered closed gyms, fitness centers, recreation centers, bowling alleys, indoor water parks, movie theaters, and other business. Currently, the ban does not include public buildings, office environments, or places where it is unusual for a large number of people to be within arm’s length of each other. However, the volume of people that the Franklin County Municipal Court serves on a daily basis warrants additional action on behalf of the Court.

Based upon these Findings of Fact, the Franklin County Municipal Court 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.

THEREFORE, IT IS HEREBY ORDERED:

1. Administrative Order 04-2020 is hereby rescinded, effective immediately.
2. The Franklin County Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the following.
3. For any case continued pursuant to this Order, the Clerk is directed to issue notice of the continued date to the most recent address on file.

4. For any matter continued pursuant to this Order, and to which R.C. 2945.71 applies, the period of the continuance will toll the running of the time for speedy trial as the period of any reasonable continuance granted other than upon the accused's own motion. R.C. 2945.72(H).

Assigned cases to be continued, except prisoner cases

5. Except for cases in which the defendant is being held in jail, all scheduled court hearings for criminal, traffic, and civil cases that are individually assigned to a judge shall be continued to specific dates to be determined as soon as practicable. Other exceptions may be made, on a case by case basis, by individual judges in consultation with counsel for both parties.

6. If fines, fees, or court costs on any criminal or traffic case are not paid by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.

7. If community service on any criminal or traffic case is not performed by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.

8. If a defendant does not complete the driver intervention program (D.I.P.) by the enforcement date, the Clerk is directed to continue the enforcement date by six months.

Traffic arraignment

9. For traffic cases in which a ticket has already been filed, arraignment shall be continued to a specific date at least eight weeks from the date of this Order.

10. For traffic tickets filed within eight weeks from the date of this Order, the Clerk is hereby directed to schedule those cases for arraignment eight weeks from the date the ticket is filed.

Criminal arraignment

11. For criminal cases in which the defendant is not being held in jail (4C), arraignment shall be continued to a specific date at least eight weeks from the date of this Order.

12. For criminal complaints filed within eight weeks from the date of this Order, and for which the defendant is to appear in response to a summons, the Clerk is hereby directed to schedule those cases for arraignment eight weeks from the date the complaint is filed.

13. Effective immediately, the Clerk of Courts is authorized to grant a recognizance bond and provide a hearing date to any person who is charged with a non-violent misdemeanor or traffic case, and who has had a warrant issued for failure to appear in court, either by personal surrender of the defendant or by presentation in the company of a sworn officer who has effectuated an arrest of the person pursuant to the warrant previously issued by the Court.

14. Any not guilty plea received by the Clerk during eight weeks from the date of this Order shall be referred to the Duty Judge for signature.

15. Effective March 23, arraignments for defendants who are in custody will be conducted on Tuesdays, Thursdays, and Saturdays, rather than the normal Monday through Saturday schedule.

16. Arraignment sessions for prisoners will remain open to the public. However, friends and family members of prisoners being arraigned are requested and strongly urged to stay home rather than risk their health by coming to court.

17. Felony cases in which the defendant does not waive preliminary hearing shall be presented to the Duty Judge for disposition pursuant to Crim.R. 5(B).

Evictions

18. For pending cases in which the plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least eight weeks from the date of this Order.

19. Claims for eviction filed between March 16, 2020, and eight weeks from the date of this Order shall be scheduled for hearing eight weeks from the date of filing.

20. The Clerk is instructed to limit the number of claims for restitution of premises scheduled on any one day on and after March 20, 2020, to no more than 100 cases.

21. For any claim for restitution of premises filed within eight weeks of this Order with a second cause of action for money damages, and notwithstanding Civ.R. 12(A)(1), the defendant(s) shall serve any answer to the claim for money damages within 14 days after the claim for restitution of premises is adjudicated. No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.

22. For eight weeks from the date of this Order, no writ of possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If five days have passed since the Service Bailiffs served a red tag notice to vacate the premises on the property subject to eviction, and the property is found to be vacant, the plaintiff may be restored to possession of the property by execution of the writ.

23. Notwithstanding Local Rule 9.06(D), supplemental writs of restitution may be issued, on a case by case basis, more than 30 days after the date of judgment for eviction.

Small Claims Division

24. Pending claims in the Small Claims Division shall be continued to a specific date as determined in the discretion of the assigned Magistrate.

25. For any new claim received by the Small Claims Division for assignment within eight weeks from the date of this Order, and notwithstanding R.C. 1925.04(B), the Small Claims Division Manager is directed to schedule the case for hearing eight weeks from the date of filing.

Miscellaneous hearings

26. All judgment debtor examinations hearings, rent escrow hearings, and damages hearings shall be continued to a specific date at least eight weeks from the date of this Order.

27. For eight weeks from the date of this Order, any motion for judgment debtor examination, any motion pertaining to a rent escrow matter, and any damages hearing shall be scheduled eight weeks from the date the motion or partial judgment as to liability was filed.

28. Garnishment hearings, applications relating to limited driving privileges, 12-point license suspensions, and trusteeship cases shall be scheduled and heard as normal.

Jury service

29. Individuals who are summonsed for jury service are requested to stay home until or unless they are notified that their services are needed for a particular trial.

Weddings

30. Those who have scheduled weddings at the Courthouse are discouraged from having their weddings take place during the next eight weeks. However, for weddings that do go forward, only six individuals may attend the wedding, in addition to the individuals being married.

Self-Help Resource Center

31. The Self-Help Resource Center shall be closed to in-person visitors until further order. The Center may offer limited services other than in-person, as much as practicable.

Civil filings

32. For eight weeks from the date of this Order, the Clerk shall only accept civil case filings (complaints, motions, notices, etc.) by mail or by fax.

IT IS SO ORDERED.

3.17.20

Date



Judge Ted Barrows
Administrative and Presiding Judge