

GARY A. KOHLI
CLERK OF COURTS
OTTAWA COUNTY OHIO

2020 NOV 13 A 11: 13

**IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO
GENERAL AND DOMESTIC RELATIONS DIVISIONS**

In Re: :
: :
FOURTH UPDATED ORDER DECLARING A : JOURNAL ENTRY
JUDICIAL EMERGENCY AND CONTINUITY OF :
OPERATIONS OF THE COURT DUE TO :
COVID-19 PANDEMIC :

The Judge of the Ottawa County Court of Common Pleas - General and Domestic Relations Divisions makes the following findings of fact:

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. On March 12, 2020, Governor DeWine and Ohio Department of Health Director Amy Acton signed an Order to prohibit mass gatherings in the State of Ohio. On March 17, 2020 the Ohio Department of Health banned mass gatherings of fifty (50) or more people in a single room. On April 30, 2020, the Ohio Department of Health issued a Director's Order that continued its previous Stay Healthy and Stay Home Order that generally limiting public events and private gatherings of more than 10 people.

Most recently, Governor DeWine issued a New Social Gathering Order on November 12, 2020, affirming that the April 30, 2020 order limiting public events and private gatherings of more than 10 people is still in place. Additionally, significant new restrictions on open congregate areas were implemented.

Based upon these findings of fact,, the Court of Common Pleas General Division has developed a continuum of flexible responses in case the public health crisis escalates, and to be in effect until such time as the response to the COVID- 19 local health crisis has resulted in control of the spread of the disease or otherwise until further order of the Court. 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.

The Ottawa County Court of Common Pleas has consulted with various medical and public health officials and hereby declares an emergency and makes the following orders regarding the continuity of operations of the Court.

THEREFORE, IT IS HEREBY ORDERED:

1. The local rules of Court for the General and Domestic Relations Division may be temporarily adapted to allow Court flexibility, within constitutional limits, in response to the public health emergency.
2. The Court's security policies may be temporarily amended or supplemented to protect public health, while maintaining essential Court functions.
3. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resource provisions may be temporarily adjusted to maintain essential Court operations and functions.
4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings.
5. This public health emergency may be considered a finding of "just cause" for continuances deemed necessary by assigned judges on a case-by-case basis.
6. 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.
7. To that end, all criminal and civil jury trials are suspended through December 31, 2020, unless a criminal case implicates constitutional "speedy trial" issues for which a waiver from the defendant has not been obtained or any other reasonable basis for a continuance has not been found.
8. For any criminal case that must proceed, jurors will be instructed to utilize a "call-in" system to determine the necessity of their appearance.
9. Criminal arraignments may be held by video from the Ottawa County Detention Facility, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.
10. All criminal proceedings will be reviewed on a case by case basis, with an emphasis on expediting those cases involving incarcerated individuals. All Pretrials and Final Pretrials shall be by phone between the prosecutor and the defense attorney, who shall report the outcome to the Court promptly. Other hearings may be held in-person, via telephone, via Zoom or via other means at the discretion of the Court.
11. All civil proceedings will be reviewed on a case by case basis. Telephone Status Conferences will continue as before. Other hearings may be held in-person, via telephone, via Zoom or via other means at the discretion of the Court.
12. All Domestic relations cases will be reviewed on a case by case basis. All hearings may be held in-person, via telephone, via Zoom or via other means at the discretion of the Court. The Court has also determined that transportation of children for custody and visitation is an essential and must continue.
13. Ex parte Civil Protection Orders will continue to be heard in whatever manner the Judge/Magistrate hearing the case determines. Civil Protection Order full hearings will be in-person, via telephone, via Zoom or via other means at the discretion of the Court.

14. Further, the time suspensions set forth herein may be further extended for a greater period of time, to include the duration of the public health crisis and public emergency.

15. All individuals including Court judicial officers, personnel and public, desiring to enter the courthouse may be subject to available health screening or testing and excluded from admission, based upon the results of such screening or testing.

16. Any Court employee who exhibits signs of illness must notify their direct supervisor by telephone or e-mail and shall not come into the courthouse or report for duty. Any individual within the courthouse who exhibits signs of illness shall be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building, at a later date.

17. The Court shall have three states of opening, use, and operations to be declared by the Court, as follows:

A. "Open" means normal operations, with full, healthy, staffing on hand, and full hearings and trials, both civil and criminal, jury and bench, to the extent possible under the circumstances.

B. "Open with Restrictions" means only essential judicial and Court personnel may be on duty in the courthouse, including sufficient security officers, and if a trial, hearing, or other proceeding must be held, the judge assigned to that case shall conduct a "just cause" hearing and determine who may be present in the courtroom other than the litigants, their attorneys, witnesses, jurors and limited media, if requested. No other persons will be permitted entry.

C. "Closed" means the courthouse is closed for all operations, in which instance, all filings are preserved to the next business day that the courthouse is not closed, and all trials, hearings, and appearances are postponed, unless the same can be conducted electronically.

18. The Court shall attempt to minimize the social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel and judicial personnel by continuing non-essential proceedings or conducting proceedings, to the extent practicable, by remote video, telephonic or other available technological means.

19. The Ottawa County Clerk of Courts shall conduct business in the clerk's offices, with essential personnel only, as determined by the Clerk, and conduct the receipt of filings or other transactions by methods determined by the Clerk.

20. Any proceedings conducted electronically where a record is desired or necessary, the Court and parties shall jointly craft a statement in lieu of a transcript of the proceedings, in accordance with the appellate rules.

21. The Ottawa County Grand Jury for the May Term 2020 shall not be discharged but its service may be modified and maintained by further order of the Court.

22. Employees of the Court not on duty in the courthouse shall work to the extent possible remotely, and in accordance with the directives of their department head and/or supervisor.

23. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.

24. This fourth updated "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Sixth District Court of Appeals, Ottawa County Municipal Court, Ottawa County Clerk of Courts, Ottawa County Adult Probation Department, Ottawa County Bar Association, Ottawa County Prosecutor's Office, Ottawa County Sheriff, Ottawa County Board of Health, Ottawa County Commissioners, the website of this Court, and distributed to the media..

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "B. Winters", written over a horizontal line.

JUDGE BRUCE WINTERS