

IN THE COMMON PLEAS COURT OF PREBLE COUNTY, OHIO  
PROBATE AND JUVENILE DIVISIONS

In re: Temporary Orders Necessitated  
by the COVID-19 (Coronavirus)  
Public Health Emergency  
and State of Emergency in the  
United States and State of Ohio

March 19, 2020

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The Judge of the Court of Common Pleas of Preble County, Ohio, Probate and Juvenile Divisions, makes the following Findings of Fact:

1. On January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern."
2. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01-D "Declaring a State of Emergency" in response to the growing COVID-19 public health concerns.
3. On March 11, 2020, the WHO officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
4. On March 12, 2020, the State of Ohio Director of Public Health issued a ban on "mass gatherings" and Ohio Governor Mike DeWine ordered the closure of schools in the State of Ohio to control the spread of the virus.
5. On March 13, 2020, President of the United States Donald Trump declared a National Emergency pursuant to the Stafford Act as a result of the COVID-19 pandemic.
6. As of March 19, 2020, there have been reported cases of COVID-19 in all counties adjacent to Preble County.
7. According to the Centers for Disease Control and Prevention, more cases of COVID-19 are likely to be identified in the United States in the coming days, including more instances of community spread infections.

8. Various Federal, State and Local Health Agencies continue to urge limitations on public interactions in an effort to control the spread of the virus from person to person.
9. Temporary modification of the current rules, practices and procedures of the Common Pleas Court of Preble County, Ohio, Probate and Juvenile Divisions are necessary in order to ensure the orderly and efficient functioning of the Court, to ensure that all essential functions of the Court are carried out, and to ensure the health and safety of the staff, parties, attorneys and general public.

The Court is aware of its constitutional and statutory obligations. The Court has consulted with public health agencies and other leaders in order to make the best decisions for the community, while balancing constitutional obligations with public safety.

In light of the evolving public health emergency, and in order to combat the spread of the virus, the Court has developed a continuum of flexible responses in order to protect public health, to maintain essential Court functions, and to continue to protect the rights of all individuals subject to the authority of this Court.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

1. All individuals entering the Courthouse/Court shall be subject to a brief non-invasive health screening.
2. All individuals must practice appropriate social distancing.
3. To the extent possible, interaction between individuals and Court staff shall be done electronically.
4. To the extent possible, paperwork for filing shall be completed by fax, email or mail.
5. The Court's local rules may be temporarily adapted, modified or suspended to allow Court flexibility, within constitutional limits, in response to the public health emergency.
6. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential Court functions.
7. The Court's Personnel Manual may be temporarily adjusted to maintain essential Court functions.
8. The Court authorizes the use of audiovisual devices and other technologies for actions and proceedings based upon the nature of the action or proceeding involved.
9. The public health emergency may be considered to be a finding of good cause for any purpose, including continuances deemed necessary, on a case-by-case basis.

10. 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 and such time after the declaration is ended deemed necessary by the Court.
11. The Court may make such modifications and authorizations in any manner deemed reasonable by the Court and need not follow formal processes for modification of Rules of Court and Rules of Procedure, and shall provide notification of any modifications and authorizations in such manner as may be deemed reasonable by the Court.
12. The Court will maintain common sense procedures in dealings with the members of the bar association and the public such as social distancing as appropriate and conducting our business remotely when practical to reduce personal contact when other means such as video or telephonic conferences would accomplish the means to help keep all parties healthy.
13. Judicial staff, attorneys, parties, witnesses and security personnel who exhibit signs of illness shall notify the Court by telephone or email and shall not come into the Courthouse/Court or report for duty unless specifically instructed to do so by the Court.
14. This Order shall remain in full force and effect until such time as the same is modified or rescinded by the Court.

**IT IS SO ORDERED.**

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Judge Jenifer K. Overmyer

Dear Fellow Bar Members:

We wanted to reach out and let you all know that we have been working diligently on COVID-19 planning as it relates to you and our courts. As you know, over the past week, significant developments have occurred, including Governor DeWine declaring a state of emergency and confirmed cases of COVID-19 occurring in all of the counties surrounding us. We are taking the steps we can to help you and the general public during these challenging times.

We ask you as our colleagues and fellow bar members to help us with these efforts. As directed by Chief Justice O' Connor, our comis will be practicing social distancing, meaning staying six feet apart from one another. Please understand that this is very important to do although we realize it can come across as awkward. We would also ask that you and your clients wash your hands thoroughly before entering courtrooms or comi offices. All entering the comihouse will be subject to a brief, non-invasive health screening.

Eaton Municipal Court has modified its internal operation for the protection of all comi users and employees. We have shifted the benches in our lobby so no one is seated next to each other. The court is allowing only the defendant and their attorney to enter the building during any court hearings. No family or friends will be permitted in the comi. We will be maintaining court functions and protecting the rights of all individuals subject to the authority of the Court. The Comi is in the process of continuing some cases to minimize the number of people that are scheduled in the comi for pre-trial and dispositions, evictions and civil/small claims cases so no more than 10 people are in the lobby at one time. Attorneys have been asked not to enter the staffs main office. Judge Henry's office and Interim Clerk Sharon McKee's office are being made available to the Attorneys.

In the Juvenile and Probate Divisions, we are holding limited hearings in person, some by teleconference or videoconference and some are continued. We are attempting to contact attorneys/litigants before hearings, but if we have not contacted you, please contact us and please contact your clients regarding what we tell you. We are requiring that for "in person" hearings we be contacted if any party, witness or attorney has traveled outside of the United States to a country with travel restrictions designated as Level 2 or higher and returned to the United States within the 21 days prior to the scheduled hearing; has been exposed to the COVID-19 Virus or anyone infected with the Covid-19 Virus within the 21 days prior to the scheduled hearing; has been quarantined, isolated or otherwise restricted by any health professional; or is showing any signs of sickness. These hearings will be rescheduled by the court for good cause. Only necessary personnel will be permitted into hearings. No other observers will be permitted. Applications for marriage licenses at the Probate Comi must be handled in person and should there come a time when the courthouse has limited access, we will make every effort to schedule appointments for some services.

In the General Division, all hearings in all domestic and civil hearings scheduled through at least April 6 are being continued. Any conferences in those cases will be conducted by telephone. Vicki will be contacting you to reschedule those matters. Criminal pre-trials will also be conducted by telephone. Please call the Court at (937) 456-8165 at the time your pre-trials are scheduled. We are working to acquire the equipment necessary to conduct arraignments from the

jail in much the same manner as Municipal Court has been doing for several years. Otherwise, criminal cases will be proceeding as usual, although we will attempt to schedule hearings and trials as far into the future as we can. Magistrate Gordon will continue to hear petitions for civil protection orders as usual.

We encourage you to file your documents by mail as much as possible. Chris Washington has moved the mailboxes to the lobby of the courthouse behind Security in order to minimize the risk of exposure to infection for you and his staff.

This situation is changing and evolving even as we send you this email. We will stay in touch and keep you apprised of changes we may need to make. We ask for your flexibility and assistance during this time of adjustment. Thank you for your attention to these matters.

Sincerely,

Judge Henry, Judge Overmyer, and Judge Bruns

## **March 19, 2020 Press Release**

### **Local Courts are Responding to the COVID-19 Virus**

Over the past week, significant developments have occurred, and the developments are rapidly changing. As your elected Probate and Juvenile Judge, I am taking steps to help my staff, attorneys and the general public during these challenging times. The judge and magistrate of the Court of Common Pleas of Preble County, Probate and Juvenile Divisions, are continuing to hear limited cases and issue decisions without interruption despite the challenges posed by the COVID-19 Virus. We are open for business but have taken steps to lessen some of the risks posed by normal courthouse activities.

We have encouraged staff members and courthouse visitors to practice social distancing and good personal hygiene. Please understand that this is very important although we realize it can be awkward. It is a basic and reasonable step necessary to keep all of us healthy. Those entering the courthouse will be subject to a brief, non-invasive health screening. We ask that all wash their hands thoroughly before entering the courtrooms or court offices.

Some court business can be conducted online or by telephone. Status conferences, pre-trials and certain hearings may be conducted by teleconference or videoconference, depending on the case. We are contacting the parties in advance for any hearings that we hope to conduct by teleconference or videoconference rather than in person but if you have not heard from us, please contact us before you come in. Some court business is still being conducted in person and some cases may need to be continued. Again, please contact the court if you have questions about an individual case. Applications for marriage licenses at the Probate Court must be handled in person and should there come a time when the courthouse has limited access, we will make every effort to schedule appointments for some services.

For all "in person" hearings, the court shall be notified prior to the scheduled hearing if any of the following apply to any party, attorney or witness: has traveled outside of the United States to a country with travel restrictions designated as Level 2 or higher and returned to the United States within the 21 days prior to the scheduled hearing; has been exposed to the COVID-19 Virus or anyone infected with the Covid-19 Virus within the 21 days prior to the scheduled hearing; has been quarantined, isolated or otherwise restricted by any health professional; or is showing any signs of sickness. These hearings will be rescheduled by the court for good cause.

Only necessary personnel will be permitted into hearings. No other observers will be permitted.

Documents can be faxed, emailed or mailed to our clerks. Our court administrator or clerks can help you with this process if you have questions.

This matter is changing and evolving rapidly and we ask for your flexibility and patience as we adjust and cope as best we can. As we continue to serve the public, we remain focused on doing so in a way that promotes public health and safety. Thank you and be safe.

Judge Jenifer K. Overmyer

# COVID-19 Preble County Courthouse Procedures



**To all County Employees and Constituents:**

**Effective March 19, 2020**

Until further notice all employees and constituents must have their temperature checked and answer a series of questions by the nurse inside the front door before being able to gain access to the courthouse offices. Individuals with temperatures over 100°F **WILL NOT** be able to access the courthouse at this time.

All persons must then pass through the pedestrian scanner to access the courthouse.

**\*\*Drop boxes are also available inside the front doors\*\***

Thanks for your understanding in keeping the Preble County  
Courthouse safe