

IN THE MUNICIPAL COURT OF CHILLICOTHE, OHIO

IN THE MATTER OF:

CVH 20 00001

CONTINUED MAINTENANCE OF COURT OPERATIONS
SUBSEQUENT TO AM SUB HB 197 AND
DURING THE CORONAVIRUS (COVID-19)
PUBLIC HEALTH EMERGENCY

FILED

JUN 02 2020

TINA E. LARGE, CLERK
CHILLICOTHE MUNICIPAL COURT
CHILLICOTHE, OHIO

AMENDED TEMPORARY ORDER

The Findings of Fact stated in CVH 20 00001 as filed on March 18, 2020 are hereby incorporated by reference to this Temporary Order by the Judges of the Chillicothe Municipal Court, and are further supplemented as follows:

- The Governor of Ohio and the Director of the Ohio Department of Health have issued numerous orders resulting in the closure of private businesses to restrict or reduce the size of public or private gatherings in an effort to control the spread of the COVID-19 virus.
- On March 20, 2020 the Supreme Court of Ohio issued a document entitled “Guidance to Local Courts COVID-19 Public Health Emergency” with recommendations to ensure court access while minimizing transmission of COVID-19.
- On March 22, 2020, the Director of the Ohio Department of Health issued a “stay at home order” broadly requiring individuals residing within the state to stay at home and to adhere to certain protocols as defined in the order, with certain exceptions.
- On March 27, 2020 the Governor of Ohio signed into law emergency legislation identified as Am. Sub. H.B. 197, which includes certain provisions that immediately toll certain statutory time limitations set to expire between March 9, 2020 and July 30, 2020 or until the expiration of the Governor’s Executive Order 2020-01D, whichever is sooner.
- On March 27, 2020 the Chief Justice of the Supreme Court of Ohio issued an order tolling the time requirements as established by all rules promulgated by the Supreme Court of Ohio.
- On May 7, 2020, the Supreme Court of Ohio issued recommendations to address the reopening of Courts as a result of orders issued by the governor and director on April 30, 2020.
- The Court finds that amendments to the Temporary Orders imposed and file stamped April 7, 2020 are necessary to continue operations and protect the public, and to ensure the safety of court personnel as well as all visitors to the Court.

Therefore, the Court issues the following ORDERS:

1. This Court’s previous Orders filed March 18, 2020 shall remain in effect unless a provision is specifically rescinded herein. The Court’s previous Orders filed April 7, 2020 are hereby amended as set forth herein.

2. The Chillicothe Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the restrictions or limitations established by the Court. The Court's hours of operation may be reduced at the discretion of the Court to allow cleaning and disinfecting of the building.

3. The COVID-19 public health emergency is hereby deemed "just cause" to continue any or all cases to protect the safety of the public.

4. For any case continued pursuant to this Order, the Bailiff-Assignment Commissioner or the Clerk is directed to issue notice of the continued date to the most recent address as filed with the court for individuals appearing pro se or to the attorney of record for those who are represented by counsel.

5. For any matter continued pursuant to this Order, and to which RC 2945.71 or Am. Sub. H.B. 197 applies, the period of the continuance shall 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 as permitted by RC 2945.72(H).

6. This Order shall remain in effect until modified or rescinded by Order of the Court.

Traffic and Criminal Cases

7. The scheduled appearance hearings for all traffic and criminal matters at any stage after arraignment or initial appearance (e.g. pre-trial, motion hearing, plea, sentencing, trial, probation violation, etc.) are hereby converted to status conferences, except as set forth in paragraph 8 of this Order. The status conference will take place at the time of the scheduled hearing. The status conference may take place by telephone. Defense counsel (or the defendant if not represented) and the assistant Law Director assigned to the case shall discuss the case prior to the status conference. At the time of the status conference, the assistant Law Director and defense counsel (or the defendant if not represented) shall contact the court by telephone or (by agreement) may appear at the court for the status conference. The defendant, if represented by counsel, is not to appear in court for the status conference unless approved by the judge or magistrate assigned to the case prior to the scheduled hearing.

8. Arraignments, initial appearances, felony preliminary hearings, and emergency orders (e.g., motion for protection order, etc.) shall continue to be held as scheduled unless a continuance is granted on a case-by-case basis. The assigned judge may, at his or her discretion,

schedule a traffic or criminal matter for a hearing before the court. If a party to the case is ill, he or she should contact the court or their attorney if represented prior to the scheduled hearing.

9. With respect to fines, fees, or court costs which are due for payment after March 23, 2020, and which are not paid by the existing enforcement date, the Clerk shall continue the enforcement date by six months.

10. With respect to community service work assigned on any criminal or traffic case which is to be completed after March 23, 2020, and which is not performed by the existing enforcement date, the probation department shall continue the enforcement date by six months.

11. With respect to a driver intervention program which is to be completed after March 23, 2020, and in which the program is not completed by the date ordered by the Court, the probation department shall continue the enforcement date by six months.

12. With respect to a minor traffic offense diversion program which is to be completed after March 23, 2020, and in which the program is not completed by the date ordered by the Court, the probation department shall continue the enforcement date by six months.

Evictions

13. Claims for eviction shall be scheduled for hearing on a date determined by the Clerk or Magistrate, with no hearings to be held sooner than May 15, 2020, absent exigent circumstances. All plaintiffs filing a claim for eviction shall file an affidavit with the Court stating that they are not subject to the restrictions imposed by the federally enacted CARES Act, and shall be responsible for ensuring they are in compliance with its terms.

14. The number of scheduled hearings on claims for restitution of premises shall be limited to 10 cases per day. As much as practicable, evictions will be scheduled for hearing in the order in which they were received.

15. For any second cause of action for money damages arising in conjunction with a claim for restitution of premises, the defendant(s) shall serve any answer to the second cause within the time required by the Ohio Rules of Civil Procedure. No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.

16. For the time period beginning March 23, 2020 through May 20, 2020, no writ of restitution for possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If five days have passed since the civil bailiff served a writ of restitution to vacate the premises on 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. The plaintiff shall be responsible for notifying the bailiff of the vacancy. The plaintiff shall be responsible for hiring and paying movers and shall arrange for trash removal after set-out is complete.

17. The time period in which writs of restitution may be filed may be extended on a case by case basis.

18. Eviction proceedings may be heard prior to May 15, 2020, and writs of restitution may be executed in exigent circumstances as determined by the Court on a case-by-case basis.

Small Claims Division

19. Claims pending in the Small Claims Division on March 23, 2020, shall be continued to a specific date as determined in the discretion of the Magistrate, with no hearings to be held sooner than May 15, 2020.

20. Notwithstanding RC 1925.04(B), any new claim received by the Small Claims Division after March 23, 2020, shall be scheduled by the Clerk for hearing eight weeks from the date of filing.

21. As much as practicable, claims pending or received in the Small Claims Division shall be heard in the order in which they were received.

Garnishment Hearings

22. The Clerk will continue to accept garnishment requests for filing. Wage garnishments will be processed as usual. For any bank attachment filed after March 23, 2020, the Clerk shall accept it for filing, and shall issue service of the action or order no sooner than June 1, 2020. As much as practicable, the Clerk shall issue service of the garnishments in the order in which they were received.

Miscellaneous Hearings

23. All other hearings will be held as scheduled unless they are continued on a case-by-case basis.

Jury Service

24. Jurors shall continue to check with Chillicothe Municipal Court as instructed to determine if they need to report for jury duty.

Court Visitors

25. Any visitor to the Chillicothe Municipal Court will be required to check-in online, by telephone, or in person before entering the building. Visitors will only be allowed to come into the building when directed by court personnel. The procedure for check-in is found in the attached update and shall be placed on the home page of the Chillicothe Municipal Court Website. The Court may, at its discretion, modify check-in procedures as it deems necessary or appropriate.

26. Persons admitted to the Court shall be limited as follows:

- a. Each courtroom (i.e., courtrooms 1 and 2) shall limit the number of persons to no more than 12, not including court staff, attorneys, and law enforcement. The maximum number of persons in a courtroom shall not exceed 20.
- b. Support people (e.g., non-litigants, non-witnesses, non-necessary to the case) will not be allowed in the building unless approved by the Judge assigned to the case.
- c. Only people from one case at a time will be allowed in the building for the magistrate's cases. The number of persons admitted per magistrate's case at one time shall be limited to 5, not including court staff and attorneys for the parties.
- d. A maximum of 5 non-employees shall be permitted in the main lobby at any one time.
- e. A maximum of 7 non-employees shall be permitted in the upstairs lobby at any one time.
- f. Only one person shall be permitted on the elevator at one time, unless in the discretion of the security officer, it makes sense to allow several people who are related or arrived in the same car to ride the elevator together.
- g. All others must remain in their cars or wait outside until they are notified to come into the building.

27. Effective May 11, 2020, all persons – including attorneys, litigants, law enforcement and parties – who enter the building will be required to wear a mask or face covering and will be subject to a temperature check. If a party to a case does not have a mask or face covering, then the case will be rescheduled, or the court will provide a face covering in the discretion of the judge or magistrate assigned to the case.

28. All persons entering the building and any courtroom will be required to use hand sanitizer.

So ORDERED this 2 day of June, 2020.



John B. Street
Administrative and Presiding Judge



Toni L. Eddy
Judge

UPDATED 6/01/2020

Effective immediately, the Chillicothe Municipal Court is implementing the following procedures:

1) **HOURS OF OPERATION.** The Court's hours of operation will remain 8:00 a.m. to 4:00 p.m., Monday through Friday except observed holidays. These times and days are subject to change and will be updated on our website.

2) **APPEARING FOR A COURT HEARING.** Except for attorneys and law enforcement officers, all visitors to the court for a scheduled case must check in prior to entering the building in one of three ways:

- a) Online check-in. Scan the QR code on one of the signs in the parking lot with a phone camera, and you will be directed to the court's online check-in process. Follow the prompts and provide the requested information. You will be notified when you may enter the building. **Do not enter the building until instructed to do so.**
- b) Telephone check-in. If you do not have online access, please **call 740-773-2219** and provide the information that is requested. You will be notified when you may enter the building. **Do not enter the building until instructed to do so.**
- c) Personal check-in. If you do not have online or telephone access, go to the front door and report to the security officer. You will be asked to wait outside until an employee of the court can talk to you. The employee will ask you to provide the information needed for check-in. After you have checked in, you must remain outside the building until you are notified to enter. **Do not enter the building until instructed to do so.**

Any person who is not required to appear in the Court may be prohibited from attending court proceedings until further notice.

3) **ANYONE ENTERING THE COURT BUILDING WILL BE REQUIRED TO WEAR A MASK OR FACE COVERING AND WILL BE SUBJECT TO A TEMPERATURE CHECK.** Please bring your own mask or face covering. The Court is not able to provide face coverings for all visitors. All visitors will have their temperature checked upon entrance to the building. The Court reserves the right to deny entrance to any persons who are exhibiting any symptoms of illness. If you are required to appear in Court or are called as a juror, and are experiencing any flu-like symptoms, have a fever, are coughing or sneezing, please contact the Court or your attorney before entering the building. The Court will make reasonable accommodations and reschedule appearances and hearings as needed.

4) SUGGESTED FILING & PAYMENT METHODS:

Payments that can be made by check or money order should be sent via regular U.S. mail, or dropped off at the drive-up window. Payments that can be made by credit card or bank debit should be made utilizing the Online Payment service described below.

Drive-Up Window: The drive-up window will be open from 9:00 am until 3:30 pm. Persons using the drive-up window must be in or on a motorized vehicle for their safety. No one is permitted to walk into the drive-up window area. This window may be used for the following purposes: a) payments of fines or costs, including criminal and traffic cases where a person can waive his or her appearance or a person has established a payment plan; b) filing of all documents in civil cases; and c) retrieval of documents that would otherwise be held for pick up by attorneys (typically placed in the attorney notice boxes). The Clerk may exercise discretion in accepting other documents or payments that are not listed herein. In addition, the Clerk may exercise discretion in the return of file-stamped copies and can return them at the time of filing, by regular U.S. mail, or by pick up by the party the following business day.

Online Payments: Some persons who have received a criminal or traffic ticket can pay or make payments online. For more information on this option, click on the "Make a Payment" button listed below or contact the Clerk's office during regular business hours at 740-773-3515.

Facsimile Filings: Attorneys or parties who are not represented by an attorney are encouraged to file pleadings, motions, praecipes, and other documents by facsimile at 740-774-1101. There are some exceptions which are found in Local Rule I.12, and include a) documents that require a pre-paid filing fee; b) criminal or traffic complaints; and c) any document in excess of 20 pages. Please call the Clerk's office if you have questions about filing.

U.S. Mail or Private Carrier: The Court accepts filings of all documents by regular U.S. mail or by private carrier in accordance with its normal practices.

Lobby Filings: Persons are encouraged to use any of the above methods to file documents or pay fines or fees with the Court. However, the Court understands that many matters are time sensitive. With respect to filing new cases, persons are encouraged to delay filing that case if time is not of the essence. If a person must appear at the Court to file a document, the Clerk's office will be open to accept filings during the hours identified above. (Again, anyone entering the court building will be required to wear a mask or face covering, and the Court reserves the right to deny entrance to persons who may exhibit symptoms of the coronavirus or other infectious diseases.)