

20MS0020

**IN THE COURT OF COMMON PLEAS
UNION COUNTY, OHIO, GENERAL DIVISION**

In Re:

**ORDER DECLARING A JUDICIAL EMERGENCY
AND CONTINUITY OF OPERATIONS OF
THE COURT DUE TO COVID-19 PANDEMIC**

COURT OF COMMON
PLEAS
UNION COUNTY, OHIO
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Sharon M. ...

JOURNAL ENTRY

The undersigned Judge of the Union County Court of Common Pleas, General Division, makes the following findings of fact:

1. The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus that was first detected in China and which has now been detected in more than 100 locations internationally, including the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").
2. On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern". On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 11, 2020, WHO publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus. On March 13, 2020, President Donald Trump declared a national emergency.

3. According to the CDC, more cases of COVID-19 are likely to be identified in the United States in the coming days, including more instances of community spread. It is likely that at some point, widespread transmission of COVID-19 in the United States will occur. Widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time. Schools, childcare centers, and workplaces may experience more absenteeism. Mass gatherings may be sparsely attended or postponed. Public health and healthcare systems may become overloaded, with elevated rates of hospitalizations and deaths. Other critical infrastructure, such as law enforcement, emergency medical services, and sectors of the transportation industry may also be affected. Healthcare providers and hospitals may be overwhelmed. At this time, there is no vaccine to protect against COVID-19 and no medications approved to treat it. Non-pharmaceutical interventions would be the most important response strategy.

4. The United States government has taken unprecedented steps to respond to the coronavirus and protect the health and safety of Americans. The U.S. government has cautioned that Americans should be prepared for the possibility of a COVID-19 outbreak in their community. The community can take measures to reduce the spread of COVID-19. As a vaccine or drug is not available for COVID-19, community-based interventions such as school dismissals, event cancellations, social distancing, and creating employee plans to work remotely can help slow the spread of COVID-19. Individuals can practice everyday prevention measures like frequent hand washing, staying home when sick, and covering coughs and sneezes. Decisions about the implementation of community measures will be made by local and state officials, in consultation with federal officials as appropriate, and based on the scope of the outbreak and the severity of

illness. Implementation will require extensive community engagement, with ongoing and transparent public health communications.

5. 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 crisis. Governor DeWine and public health officials urged people to avoid large, indoor gatherings to minimize close-contact and potential exposure. Many Ohio colleges are going to online learning and extending spring breaks to keep students out of classrooms. Governor DeWine has ordered that all Ohio schools take an extended 3-week spring break beginning Monday, March 16. Sporting events have been canceled, including OHSAA, NBA, MAC, Big Ten, NCAA, and all Ohio professional sports teams. Many local attractions have closed, including concerts, shows, museums, and other events. On March 12, 2020, Governor DeWine and Ohio Department of Health Director Amy Acton, M.D., MPH signed an Order to prohibit mass gatherings in the State of Ohio. Mass gatherings are defined as any event or convening that brings together 100 (since reduced to 50) or more persons in a single room or single space at the same time such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. As of 9:00 p.m., Sunday, March 15, 2020, Governor DeWine ordered all bars and restaurants to close indefinitely for onsite dine-in/consumption. Carry-out is permitted.

6. The Union County Common Pleas Court has consulted with the Union County Prosecutor, Union County Commissioners, Union County Sheriff, Union County Health Commissioner, Union County Emergency Management Agency, the Supreme Court of Ohio, and other local and state agencies. Upon recommendations obtained from the foregoing, including the U.S.

government, the Union County Common Pleas Court, General Division, hereby declares an emergency and makes Orders regarding the continuity of operations of the court.

7. Based upon these findings of fact, the Union County Court of Common Pleas has developed a continuum of flexible responses in case the public health crisis escalates, to be in effect until such time as the response to the COVID19 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, maintain essential court functions, and protect the rights of all individuals subject to the Court's authority.

**THEREFORE, A JUDICIAL EMERGENCY IS HEREBY
DECLARED AND IT IS HEREBY ORDERED AS FOLLOWS:**

1. The local rules of court 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, and county's (to the extent that it affects court employees) employee handbook and human resource provisions may be temporarily adjusted to maintain essential court operations and functions.
4. The court authorizes the use of audiovisual devices and technologies for all actions and proceedings.
5. This public health emergency may constitute a finding of "just cause" for continuances deemed necessary by assigned judges and magistrates 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. The Union County Courthouse shall remain open to the public for court business only. To protect the health of our citizens and of Court employees, anyone without specific business in the Courthouse is discouraged from visiting. All individuals entering the courthouse shall practice social distancing and shall attempt, whenever possible, to keep a distance between themselves and others of 6 feet or more.

8. Judicial and clerk's staff, attorneys, witnesses, jurors, and security personnel who exhibit signs of illness shall notify their employing or reporting authority by telephone or email and shall not come into the courthouses or report for duty unless specifically instructed to do so by the employing or reporting authority. Any person employed in the courthouse may be subject to health screening or testing, if testing is available, and exclusion from admission based upon the results of such screening or testing.

9. The courthouse shall have three states of opening, use, and operations, as follows, to be declared by any division of the court or all divisions:

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, court, and clerk personnel shall be on duty in the courthouses, including sufficient security officers. Only those trials, hearings, or other proceedings deemed necessary by the judge or magistrate

assigned to the case shall proceed. Any person entering the courthouse may be subject to health screening or testing, if testing is available, and exclusion from admission based upon the results of such screening or testing.

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.

10. Until further notice, the Union County Court of Common Pleas, General Division, is operating under a state of Open with Restrictions, effective March 17, 2020. When the emergency subsides, the court shall enter an order declaring an end to the emergency and a resumption of normal operations.

11. The court shall attempt to minimize the amount of travel and social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing certain proceedings or conducting proceedings, as far as practical, by remote video or telephonic means (electronically).

12. The Union County Clerk of Courts shall conduct business in the clerk's offices as determined by the clerk and may determine to conduct the receipt of filings or other transactions via email and facsimile transmission.

13. To reduce the number of people entering the courthouse, judicial officers may file all orders electronically (email or facsimile), serve orders by email notification, and use video and telephone conferencing.

14. 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 hiring authority. All judicial employees are deemed essential, even if working remotely from home, and shall be paid their regular salaries.

15. All criminal proceedings shall come before the Court pursuant to law. Certain criminal matters shall be continued at the discretion of the court. Criminal arraignments and probation violation hearings for those Defendants who are incarcerated will be held by video from the Tri County Regional Jail or any institution of the Ohio Department of Rehabilitation and Correction.

16. All civil proceedings, excluding domestic relations and including foreclosure matters, shall be continued for at least thirty (30) days, unless otherwise ordered, on a case-by-case basis. Some hearings may be conducted telephonically at the discretion of the presiding judicial officer. If a hearing is converted to a telephonic hearing, the Court will notify all parties in advance.

17. With respect to domestic relations cases, the court orders as follows:

a. Final divorce hearings scheduled between March 16, 2020 through April 10, 2020 will be continued to a date certain after input from counsel.

b. Temporary orders hearings, pre-trials, status conferences, motion hearings, and dissolution hearings shall be scheduled/re-scheduled on a case-by-case basis.

c. To the extent possible, these matters may be heard electronically.

18. Ex-parte civil protection orders, to the extent possible, shall be heard on the date filed. Full hearings will be scheduled pursuant to statute, subject to continuance by the court. Full hearings may be heard in-person or electronically, at the court's discretion.

19. Unless otherwise determined by the judge assigned to the case, jury trials, both criminal and civil, are suspended for four weeks commencing the week of March 16, 2020, or for the duration of the emergency.

20. Case-by-case exceptions to the continuances provided herein may be ordered at the discretion of the Court.

21. At the Court's discretion, hearings may be conducted telephonically, or by other means. This will be decided on a case-by-case basis. The Court will contact the parties in advance if a hearing is moved to telephone participation.

22. Any proceedings conducted electronically shall be recorded by the JAVS system, and the recording saved as the official record in the case. If JAVS is not available or accessible, the proceeding may be held and recorded by any other appropriate means. If recording is not available or accessible, and 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 appellate rules.

23. All mediations are continued for at least thirty (30) days beginning Wednesday, March 18, 2020.

24. The court will modify, continue, or vacate this order no later than April 13, 2020.

25. The Union County Clerk of Courts is ordered to serve a copy of this Journal Entry upon the Supreme Court of Ohio, Ohio Judicial Conference, Union County Court of Common

Pleas, Probate and Juvenile Division, Marysville Municipal Court, Union County Clerk of Courts, Union County Adult Probation Department, Union County APA, Union County Bar Association, Union County Prosecutor's Office, Union County Criminal Defense Lawyers, Union County Sheriff, Marysville Police Department, Ohio State Highway Patrol, Plain City Police Department, Richwood Police Department, Union County Health Commissioner, Union County Board of Commissioners, the website of this court, and the media.

IT IS SO ORDERED.

Dated: March 16, 2020

A handwritten signature in black ink, appearing to read "Don W. Fraser", is written over a horizontal line.

DON W. FRASER, JUDGE