

THE SUPREME COURT *of* OHIO

Considerations for Implementing Technological Alternatives Probate Courts

In light of recent changes implemented in courts due to COVID-19 (coronavirus), courts are faced with conducting business in a new manner, limiting face-to-face interactions.

While many probate courts have issued temporary emergency orders delaying certain types of hearings, courts must continue emergency and other time-sensitive matters. Sup.R. 11 allows the record of proceedings to be made using an electronic or video recording device. Additionally, several courts have local rules addressing the use of electronic and video technology in their courtrooms.

COURT HEARINGS VIA VIDEOCONFERENCING

As many courts are turning to virtual hearings as an alternative to holding face-to-face hearings during this unprecedented time, courts should be mindful of the following considerations when selecting an option:

IS THE COURT PROCEEDING ONE THAT IS PERMISSIBLE OR PRUDENT TO CONDUCT VIA VIDEO CONFERENCING OR TELEPHONICALLY?

Many local courts are turning to video hearings to ensure that cases are being processed efficiently and within required guidelines. Courts should ensure proceedings are permitted to be held remotely. Additionally, courts may want to consider adopting a local rule outlining video-hearing procedures after the expiration of the emergency temporary order.

IS THERE A WAY TO RETAIN A RECORD OF THE AUDIO FROM A HEARING?

Retaining a record of proceedings is a primary role of the administration of a court, and it is imperative that a standard procedure is utilized. Potential options include: having a direct feed into a court's recording system, transcription, or creating an audio recording with a portable device and converting it into a format that can be retained and utilized.

IS THE SYSTEM SECURE?

Secure systems are preferred to non-secured systems. Polycom, Courtcall, Zoom, and Lifesize* are examples of secure video-conferencing systems. Many of these systems need a centralized host, consisting of a camera, monitor system, and additional hardware, costing as much as \$12,000. However, less expensive options are available. Most courts connect these systems directly to their courtroom recording system to create a record. Additional licenses for remote users may be necessary. The Lifesize, Zoom, and Courtcall systems are capable of remote access from multiple parties. Outside parties can utilize laptops, remote devices, and smartphones. HIPAA compliance is required if the system is used for clinical purposes.

DOES THE SYSTEM ALLOW FOR REMOTE ACCESS FROM NON-LICENSED PARTIES?

Some secure systems allow for remote access from local computers if a license has been purchased. Make sure to take into consideration that many parties will utilize a mobile device, therefore, the solution should be compatible with various operating systems.

** The Supreme Court of Ohio does not endorse any of these products, but knows that some courts currently use or are contemplating using these systems.*

GUARDIAN VISITS

There have also been several questions surrounding with regard to their statutory and Sup.R. 66 responsibilities. In particular, the duties visitation requirements set for in Sup.R. 66(F).

Sup.R. 66(F) sets forth that:

(F) Communication with ward

- (1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends.
- (2) A guardian shall do all of the following:
 - (a) Meet with the ward as needed, but not less than once quarterly or as determined by the probate division of the court of common pleas;
 - (b) Communicate privately with the ward;
 - (c) Assess the ward's physical and mental conditions and limitations;
 - (d) Assess the appropriateness of the ward's current living arrangements;

(e) Assess the needs for additional services;

(f) Notify the court if the ward's level of care is not being met;

(g) Document all complaints made by a ward and assess the need to report the complaints to the court of common pleas.

Although the Rules of Superintendence are binding on local courts, judges have some discretion within the provision of the rule. As highlighted above, guardians are required to meet with the ward as needed and at a minimum quarterly. The rule contains no language prohibiting these visits to be conducted virtually in the event that in-person home or residential provider visits are inadvisable. Guardians are using FaceTime, Skype, and Facebook Messenger for their visits.

A visitation flow chart is attached that the Ohio Department of Job & Family Services distributed to its local agencies regarding caseworker home visits.

COVID-19 Home Visiting Screening Flowchart

Please attempt to call all clients PRIOR TO VISIT to assess the following.

When you arrive at the client's door (or at an alternative location) for a field visit, please assess again:

- Please assess the following for the client (and anyone in the home or accompanying them on the visit)
- Please remain at a distance of at least six (6) feet when screening
- If no one in the home or in the visits is ill, proceed with the visit

1 Ask: Have you or someone else in your home been EXPOSED?

Yes

Have you traveled to countries identified by the CDC? (China, Iran, S. Korea, Italy, Japan)

AND/OR

Have you have close contact with a person with a confirmed COVID-19 illness?

No

2 Ask: Have you or someone else had SYMPTOMS in the last 14 days?

SYMPTOMS:

Fever

Cough

Shortness of Breath

3 If someone has had exposure or symptoms:

For more information, please contact your local health department

Report EXPOSURE & SYMPTOMS

Cancel Visit & Inform

1. Cancel visit and make a plan to follow up
2. Encourage the client to call their PCP for further assessment.
3. If client doesn't have a PCP, provide information on locations to receive care.
4. Provide client with the Coronavirus Call Center number 1-800-525- 0127
5. Notify your supervisor

Report only SYMPTOMS

Cancel Visit & Inform

1. Cancel visit and make a plan to follow up
2. Encourage the client to call their PCP for further assessment
3. If client doesn't have a PCP, provide information on locations to receive care
4. Notify your supervisor

Tips for Home Visiting

Preparing & Arriving for a Visit

Follow “COVID-19 Home Visiting Screening Flowchart” to determine whether to proceed with a visit.

What to Bring

Bring only items necessary for the visit into the home.

Avoid placing belongings on tabletops and counters that might have high levels of germs.

Store personal items securely in your vehicle prior to arriving at the location.

Sanitary Tool Kit

- Ziploc bag that holds materials
- Hand soap
- Paper towels (fold several into Ziploc bag [do not take whole roll])
- Hand sanitizer
- Clorox wipes

Arrival & Greeting

Greet families verbally

Avoid physical contact

- Handshakes
- Hugging
- Kissing
- If possible, maintain the recommended 6 feet distance between people.

Avoid Doorknobs

- Allow family members to open the door or use a barrier.

Cleaning & Sanitizing During & Between Visits

Washing Hands

Wash hands at kitchen sink

- at arrival
- at departure
- as needed

Use supplies brought in your “Home Visit Kit”

Use hand sanitizer in situations when hand washing is unavailable or unreasonable.

Supplies

Clean & Sanitize the following items between home visits and/or as needed

- Cell Phone
- Pen (dedicated to home visiting)
- Name badge
- Toys
- Clipboard
- Any additional supplies