

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
MAHONING COUNTY, OHIO**

IN RE:

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

2020 JM1 OPEN
JOURNAL ENTRY

The Juvenile Division of the Mahoning County Court of Common Pleas makes the following findings of fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-OID *Declaring a State of Emergency* in response to the growing COVID-19 virus public health crisis.
2. On March 11, 2020, the World Health Organization officially declared COVID-19 virus to be a *pandemic* requiring *urgent and aggressive action* to control the spread of the virus.
3. On March 13, 2020, United States President Donald J. Trump declared that the COVID-19 virus outbreak in the United States constitutes a national emergency.
4. The United States Centers for Disease Control and Prevention, *CDC*, is directing that Americans must practice *social distancing*, which is defined as *remaining out of places where people meet or gather, and maintaining a distance of six feet from others*.

Based upon these findings, the Juvenile Division of the Mahoning County Court of Common Pleas has developed a continuum of flexible alternatives in response to this public health crisis. The continuum of flexible alternatives is to protect public, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.

THEREFORE, IT IS HEREBY ORDERED:

1. The Juvenile Division of the Mahoning County Court of Common Pleas Local Rules of Court is temporarily adapted to allow Court flexibility, within constitutional limits, in response to the public health emergency.

2. The Court Security Policies and Manual may be temporarily suspended or amended to protect public health while maintaining essential court functions.
3. The County and Court's Employee Handbook and Human Resources provisions, as they relate to court employees, may be temporarily adjusted to maintain essential court operations and functions.
4. This public health emergency shall be considered a finding of *just cause* for continuances deemed necessary by assigned judge and magistrates on a case-by-case basis.
5. 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.
6. Judicial staff, employees, attorneys, and deputies assigned to the courthouse who exhibit signs of illness consistent with the COVID-19 virus, or are aware that they have come in contact with anyone who has tested positive for the COVID-19 virus, shall promptly notify their employing or reporting authority by telephone or email and shall not come into the courthouse or report for work unless specifically instructed to do so by the employing or reporting authority.
7. Any person employed by the Court, any person who is assigned to the courthouse, and any person who has business in the courthouse may be subject to health screening or testing, if testing is available, and may be denied access into the courthouse based upon the results of such screening and/or testing.
8. If a trial, hearing, or other proceeding must be held, the assigned Judge or magistrate to that case shall determine, on a case-by-case basis, who may be permitted in the courthouse and courtroom. Any person who may be admitted under this provision may be subject to health screening or testing, if testing is available, and may be excluded from admission based upon the results of such screening and testing.
9. The Court shall attempt to minimize the amount of travel and social interaction of litigants, attorneys, witnesses, law enforcement, and judicial personnel by continuing non-essential proceedings, or conducting proceedings, as far as practical, by remote video or telephonic means.
10. All civil and criminal trials are hereby converted to pre-trial hearings to be conducted at the date and time as scheduled for trial via telephone conference between the attorneys for the parties and Court. All parties not represented by counsel of record with the Court shall also be available to participate in pre-trial hearings via phone. The Court shall initiate the telephonic pre-trial calls.

11. The Court will continue to hear cases involving civil protection orders, ex parte, shelter care, civil stalking orders, abuse, neglect, and dependency.
12. Case-by-case exceptions to the continuances provided by this Order may be ordered by the Court after consultation with counsel.
13. This Order does not affect the Court's consideration of civil or delinquency matters that can be resolved upon motion without oral argument.
14. All specialty dockets hearings shall be continued unless, deemed upon a case-by-case basis, to be necessary.
15. Personal appearance at the Court shall be limited to those of strict necessity.
16. The Mahoning County Juvenile Court and Juvenile Justice Center shall remain open pending the COVID-19 virus pandemic. The public may utilize the Court's services while following all applicable public health guidelines as issued by the CDC.
17. Any student held in the Juvenile Justice Center who exhibits signs of illness consistent with the COVID-19 virus, or who tests positive for COVID-19, shall not be transported for scheduled hearings, and that hearing shall be continued for a period deemed necessary by the assigned judge or magistrate.
18. All visitation and family nights shall be suspended pending further order of the Court in the Juvenile Justice Center. The Court will make accommodations for student-family contact via telephone, when possible.
19. All probation reporting will be done telephonically with the exception of high-risk and sex offender youth may be seen in face-to-face encounters.
20. All juvenile traffic and tobacco cases currently scheduled to be heard within the next two (2) weeks before a judge or magistrate of this Court including any deadlines are hereby continued for a period of two (2) weeks and shall be rescheduled pending further Order of the Court.
21. The Help Desk is suspended until further Order of the Court.
22. Unless otherwise determined by the judge or magistrate assigned to the case, both delinquency and civil, are suspended for two (2) weeks, commencing March 16, 2020, and may be suspended for a greater period of time that would include the duration of this public health crisis.

23. When the public health emergency subsides, the Court shall enter an Order declaring an end to the emergency and a resumption of normal Court operations.
24. This *Temporary Order* shall be served on the Supreme Court of Ohio, the Seventh District Court of Appeals, the Municipal and County Courts in Mahoning County, the Mahoning County Prosecutor's Office, the Mahoning County Bar Association, the Mahoning Court Sheriff, the Mahoning County Board of County Commissioners, the Mahoning County Health Department, and the Daily Legal News.
25. All this until further Order of this Court.

IT IS SO ORDERED.

Theresa Dellick
JUDGE THERESA DELLICK

March 16, 2020
DATE