

MEDINA COUNTY OHIO
PROBATE COURT
FILED

2020 MAR 18 PM 12:54

In Re: JUDGE KEVIN W. DUNN

**IN THE COURT OF COMMON PLEAS
PROBATE AND JUVENILE DIVISION
MEDINA COUNTY, OHIO**

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JUVENILE COURT
FILED

2020 MAR 18 PM 12:56

JUDGE KEVIN W. DUNN

Administrative Order
2020-0008

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

Temporary Orders in Response to the COVID-19, Coronavirus

In order to minimize the effects of the ongoing public health emergency, The Probate and Juvenile Division Judge makes the following findings of fact:

1. The Center 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 in 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.
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 to the coughs or sneezes of others. 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, 2020. Sporting events have been canceled, including OHSAA, NBA, MAC, Big Ten, NCAA, and all Cuyahoga County, Cleveland, Columbus, and Akron professional sports teams. Many local attractions have closed, including Playhouse Square, Cleveland Orchestra, 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 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. Subsequent to that action, bars and restaurants were ordered to essentially cease operations other than delivery and take-out service. On March 17, 2020, Governor DeWine and Ohio Department of Health Director Amy Acton, M.D., MPH, signed an order to amending the definition of mass gatherings in the state of Ohio to less than 50 people. The order also ordered the closing of bowling alleys, fitness clubs/gyms, theaters, indoor water parks, trampoline parks, yoga studios and public recreation facilities. It can reasonably be expected that additional closings and access limitations may occur in the immediate future.

6. The Medina County Common Pleas Court – Probate and Juvenile Division, following the recommendation of the Ohio Department of Health, the World Health Organization, the Center for Disease Control, the State of Ohio and the U.S. Government, hereby declares an emergency and makes the following orders regarding the continuity of operations of the court.

7. Based upon these findings of fact, The Medina County Common Pleas Court – Probate and Juvenile Division has developed a continuum of flexible responses in case the public health crisis escalates, and to be in effect until such time as the response to the COVID- 19 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, 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 local rules of court for the Probate and Juvenile Divisions 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 Personnel Policy Manual and other usual and customary human resource provisions may be temporarily adjusted to maintain essential court operations and functions.
4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings.
5. This public health emergency may be considered a finding of "just cause" for continuances deemed necessary 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. All individuals, including Court judicial officers and personnel, desiring to enter the courthouse and Juvenile Detention Center may be subject to available health screening or testing and excluded from admission based upon the results of such screening or testing.
8. Any Court employee who exhibits signs of illness must notify their direct supervisor by telephone or e-mail and shall not come into the courthouse or report for duty. Any individual within the courthouse who exhibits signs of illness shall be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building at a later date.
9. The Court shall attempt to minimize the social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing non-essential proceedings or conducting proceedings, to the extent practicable, by remote video, telephonic or other available technological means.
10. Any proceedings conducted electronically where 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 the appellate rules.
11. 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 department head and/or supervisor. The Court is currently operating under the Emergency Closing Procedure in the Court's Personnel Policy Manual.
12. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.

13. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Medina County, Medina Bar Association, Medina County Clerk of Courts, Medina County Prosecutor's Office, Medina County Public Defender's Office, Medina County Sheriff, Medina County Board of Health, Medina County Commissioner's Office the website of this Court, and distributed to the media.

IT IS SO ORDERED.

MEDINA COUNTY COMMON PLEAS COURT – PROBATE AND JUVENILE DIVISION



JUDGE KEVIN W. DUNN

3/18/2020

DATED