

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, OHIO
JUVENILE DIVISION/PROBATE DIVISION

In Re:

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

IN THE JUVENILE COURT
MAR 20 2020
JEFFERSON COUNTY, OHIO
JOSEPH M. CORABI, JUDGE

Case Number: 2020 MI 07

JOURNAL ENTRY

Joseph M. Corabi, Judge of the Jefferson County, Ohio, Court of Common Pleas Court, Juvenile Division and Probate Division, and Frank W. Noble, Magistrate of the Jefferson County, Ohio, Court of Common Pleas Court, Juvenile Division and Probate Division, make the following findings of fact regarding a judicial emergency and continuity of the essential operations of both Juvenile Court and Probate Court in Jefferson County, Ohio:

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 all 50 states 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 have been closed. Mass gathering have been prohibited in the State of Ohio. 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, have also been 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 schools moving instruction to online, 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 2020-01D, "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. Sporting events have been canceled. 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.
6. President Donald Trump has requested that no more than ten (10) people be in any place at any time.
7. Further, the Jefferson County Common Pleas Court, Juvenile Division and Probate Division, has consulted with the Jefferson County Commissioners, Jefferson County Sheriff, the Supreme Court of Ohio, and other local and state agencies, and upon recommendations obtained from the foregoing, including the U.S. government, hereby **declares an emergency and makes the following orders regarding continuity of operations of the court.**

8. It is noted that the Jefferson County Juvenile Court is located in a Justice Center where the local jail is and that building has been closed to the public by the Sheriff of Jefferson County, Ohio. Probate Court of Jefferson County, Ohio, is located in the Courthouse and is still currently open but limited to the public. This order is intended to cover the contingencies which can occur in each Court and also to provide for the health, safety and welfare of the employees, the litigants, the juveniles, parents of juveniles, the healthcare professionals that attend court hearings and any and all other personnel required to attend court hearings and proceedings.
9. Based upon the above findings of fact, the Juvenile Division and Probate Division of the Jefferson County Court of Common Pleas, Jefferson County, Ohio, have developed a flexible plan to attempt to continue the essential operations of each Court and is 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 flexible plan is intended to protect public health, protect the health, safety and welfare of the employees, 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 each division 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, whenever possible.
- 5) The public health emergency may be considered a finding of "just cause" for continuances deemed necessary by both courts on a case-by-case basis.
- 6) Either 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) 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 court or report for duty unless specifically instructed to do so by the employing or reporting authority. Any person employed in the court may be subject to health screening or testing, if testing is available, and exclusion from admission based upon the results or such screening or testing.

- 8) The courts shall have three states of opening, use, and operations, as follows, to be declared by any division of the court or all divisions:
 1. "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. The Clerks at Juvenile Court and Probate Court will be available for filings.

 2. "Open with Restrictions" means only essential judicial, court, and clerk personnel shall be on duty in both the courthouse for Probate and the Justice Center where Juvenile Court is located, including sufficient security officers, and if the judge assigned to a case determines that a trial, hearing, or other proceeding is necessary to be held at that time, only the litigants, their attorneys, and any witnesses and jurors, and limited media if requested, permitted entry, and no other persons will be permitted entry; and any such persons to be admitted 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.

Probate Court will no longer accept any personal filings. All filings shall be either mailed or faxed.

All filings in Juvenile Court will be conducted by mail or fax so as to limit the appearances of any individuals or counsel. It is further noted in this order that the Jefferson County Sheriff has closed the Justice Center to the public and Juvenile Court has implemented a policy whereby any person requiring immediate assistance from the Court shall be given a contact number by the Sheriff's Department and that person will notify the Judge or the Magistrate so that essential hearings, filings or proceedings will take place in a timely, efficient and safe manner.

 3. "Closed" means both the Juvenile Court and Probate Court are closed for all operations, in which instance, all filings are preserved to the next business day that the court or Justice

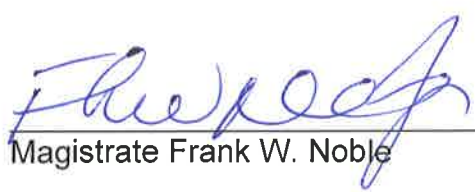
Center is not closed, and all trials, hearings, and appearances are postponed unless the same can be conducted electronically.

CURRENTLY, BOTH THE PROBATE COURT AND JUVENILE COURTS ARE "OPEN WITH RESTRICTIONS" AND SHALL REMAIN OPEN SUBJECT TO ANY OTHER GOVERNMENTAL ORDER WHICH MANDATES THE CLOSING WITH EITHER OR BOTH COURTS.

- 9) 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 non-essential proceedings or conducting proceedings, as far as practical, by remote video, electronically, or by telephone.
- 10) The Jefferson County Juvenile Court and Probate Court Clerks shall conduct business in the clerk's offices with essential personnel only, as determined by the Judge or Magistrate, and as previously stated in this order, the receipt of filings or other transactions shall be done by mail or fax so as to limit contact and insure safety for all parties concerned.
- 11) All probation officers shall conduct probation hearings, meetings with juveniles that are currently in detention, meetings with parents and any other court functions regularly conducted by a probation officer, by telephone or email.
- 12) The Jefferson County Juvenile Court also operates a Juvenile Detention Facility which shall remain continuously open and all staff will report as scheduled including the Director and Assistant Director. The Detention Facility is closed to the Public and in person visitation is suspended until further notice. All visitation will be conducted by telephone.
- 13) Employees of the court not on duty in the courthouse or Justice Center shall work, to the extent possible, remotely, and in accordance with the directives of this Court. All judicial employees are deemed essential, even if working remotely from home, and shall be paid their regular salaries and shall be subject to call-out if necessary as long as they are healthy.
- 14) Unless otherwise determined by the Judge or Magistrate assigned to the case, all matters are suspended until further order of this Court.
- 15) When the emergency subsides, the court will immediately schedule all hearings which have been postponed or continued.
- 16) This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Jefferson County Juvenile Probation,

Jefferson County Bar Association, Jefferson County Sheriff, Jefferson County Commissioners, Marta.Mudri@sc.ohio.gov and Paul.Pfeifer@sc.ohio.gov.

IT IS SO ORDERED.


Magistrate Frank W. Noble


Judge Joseph M. Corabi