

FILED

MAR 30 2020

CLERMONT COUNTY JUVENILE COURT
JAMES A. SHRIVER, JUDGE

COURT OF COMMON PLEAS
JUVENILE DIVISION
CLERMONT COUNTY, OHIO

IN RE:

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

JOURNAL ENTRY

The Juvenile Division Judge of the Clermont County Court of Common Pleas 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 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. 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. 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, including OHSAA, NBA, MAC, Big Ten, NCAA and all professional teams. 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. On March 16, 2020, the number permitted to gather was reduced to 50 people and all bars and restaurants were ordered closed. On March 17, 2020, the Ohio primary was cancelled by the Director of the Ohio Department of Health.

6. Governor DeWine issued a “stay at home” Order effective March 17, 2020 for all nonessential service personnel in order to prevent contact with non-household individuals.
7. The Clermont County Juvenile Court has received communications from the Clermont Commissioners, Clermont Sheriff, Clermont General Health District, Clermont Telecommunications and Information Technology departments, the Supreme Court of Ohio, all Clermont County Courts 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 the continuity of operations of the court.
8. Based upon these findings of fact, the Clermont County Juvenile Court has developed a continuum of flexible responses in case the public health crisis escalates, and to be in effect starting March XXX, 2020 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 Juvenile Division Local Rules of Court may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the public health emergency.
2. The Juvenile Division security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.

3. The Juvenile Division authorizes the use of audiovisual devices and technologies for all actions and proceedings.
4. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by the Judge 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 duration of the declared public health emergency.
6. Any person who has been diagnosed with, has come into contact with anyone who has been diagnosed with, or is exhibiting symptoms of COVID-19 shall not be permitted to enter the Juvenile Court.
7. Any person who has or has come into contact with anyone who has recently travelled from an area with a widespread COVID-19 outbreak or has been asked to self-quarantine by any doctor, hospital or health agency shall not be permitted to enter the Juvenile Court.
8. The Juvenile Court will have the lawful authority to require any person who is within the Juvenile Court, but would otherwise be barred from entering the Juvenile Court by the restrictions stated above, to exit the premises.
9. Every person entering the Clermont County Juvenile Court should expect to have their temperature taken before being permitted to enter the building.
10. Questions regarding any pending hearings should be directed to counsel. If an individual does not have counsel, questions should be directed to 513-732-7155.
11. Telephone calls are welcome. The Court may be reached by phone at (513) 732-7696.
12. Filings by mail are encouraged and preferred. You will find forms on the Clermont County Juvenile Court Website. The forms may be mailed or faxed provided that the filing fee is paid in full by mail. All filings will be held until the filing fee is paid. New filings will not be heard until after June 1, 2020 or as otherwise determined by the Court. The Clermont County Juvenile Court is located at 2340 Clermont Center Drive, Suite 100, Batavia, OH 45103. The Juvenile Court will only accept fax filings as authorized by Local Rule 11 at (513) 732-7695.

Faxed filings will not be processed unless the filing fee is paid within 30 days of the faxed transmission. If the filing fee is unpaid within 30 days, the case will then be dismissed.

IT IS FURTHER ORDERED, that the following procedures be implemented to protect interested parties and court staff and assist in containment of the Coronavirus:

1. Mediations

All mediations shall occur through video conferencing unless the Court orders that the mediation take place in person or by teleconference.

2. Custody/Visitation/Companionship

All contested trials shall be continued and set after June 1, 2020. All other hearings and pre trials shall be held by teleconference or video conference as directed by the Court. All attorneys must contact the Court prior to a hearing or pretrial to make arrangements to attend virtually.

3. Paternity/Child Support Establishment/Modifications

All hearings on paternity, child support establishment and modification shall be continued until further notice.

4. Contempt

All contempt hearings as well as all reviews of contempt shall be continued until further notice.

5. Abuse, Neglect and Dependency

Complaints concerning the abuse, neglect and dependence of a child may be filed electronically by Children Services. The original document shall be filed with the Clerk within 5 days of the electronic transmission.

All Children Services cases shall be heard as scheduled. A Motion to Terminate Protective Supervision, a Motion to Terminate Temporary Custody, a Motion for a Planned Permanent Living Arrangement and Annual Reviews of children in a planned permanent living arrangement or in the permanent custody of Children Services shall be held telephonically or by video conference. Counsel should consult with their client prior to an adjudication or dispositional hearing to determine if a trial is necessary. Counsel should then consult with the prosecutor so arrangements can be made to have witnesses present or excused from the hearing. A CASA volunteer who is serving as a Guardian ad Litem may appear telephonically or by video conference when hearings are held. The report of a Guardian ad Litem may be provided to attorneys orally in lieu of review of a written report when attorneys are appearing for hearings telephonically or by video conference.

Hearings are limited to the child, unless excused, parents or custodians, counsel, Children Services representatives, foster parents, essential witnesses, Guardian ad Litem and CASA Volunteers. No other persons will be permitted to enter the Clermont County Juvenile Court building.

6. Delinquency and Unruly

The Court will continue to hear all delinquency and unruly cases until further order. Delinquent and Unruly filings may be sent to diversion at the Court's discretion. Review hearings may be continued prior to their scheduled dates at the discretion of the Court.

Hearings are limited to the child, unless excused, parents or custodians, counsel, Children Services representatives, foster parents, therapist, essential witnesses, victims, Guardian ad Litem and CASA Volunteers. No other persons will be permitted to enter the Clermont County Juvenile Court building. In person contact with a child in the courtroom coming from Detention is prohibited except for counsel, guardian ad litem, probation officer, therapists and Children Services representatives. Visitation in the Detention Center is prohibited except for counsel, guardian ad litem, probation officer, therapists and Children Services representatives unless otherwise directed by the Court.

7. Detention Hearings

Detention hearings will be heard as set by the Court. Hearings are limited to the child, parents or custodians, counsel, guardian ad litem, probation officer, therapists, and Children Services representatives. No other persons will be permitted to enter the Clermont County Juvenile Court building.

8. Traffic

All traffic cases shall be continued and set after June 1, 2020.

9. Civil Protection Orders

Civil Protection Orders will be heard as set by the Court. Hearings are limited to the petitioner, the respondent, parents, custodians, counsel, victim advocate and essential witnesses. No other persons will be permitted to enter the Clermont County Juvenile Court building.

10. Guardian ad Litem and CASA Home Visits/Reports

Guardian ad Litem are required to make reasonable efforts to contact all parties unless impracticable or inadvisable because of the age of the child or the specific circumstances of a case. Visits may be conducted virtually in the event that in-home visits are deemed inadvisable by the Guardian ad Litem. Acceptable modes of virtual contact include, but are not limited to, FaceTime, Skype, Facebook Messenger, Zoom and Video Conferencing. In-person visits are discouraged, but when deemed necessary should be limited in time and closeness with other precautions taken. Phone and IT communication

is encouraged in lieu of face to face. All Guardian ad Litem reports shall be submitted electronically to the Court.

11. Inspection of Records

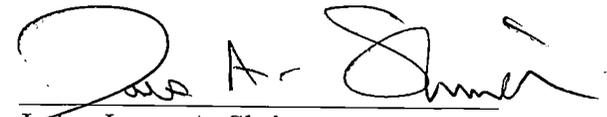
Personal inspection of records and walk-in requests for copies of eligible documents will not be permitted until further order of the Court. Counsel may email a request to inspect a record by emailing tboothby@clermontcountyohio.gov.

12. Copies of Documents

Persons may request copies of documents, both certified and uncertified, from the Court by mailing a request for copies/transcripts/CD's to the Clermont County Juvenile Court, 2340 Clermont Center Drive, Suite 100, Batavia, Ohio 45103 or by emailing tboothby@clermontcountyohio.gov. All requests must use the Form to Request the Record that is posted on the Clermont County Juvenile Court Website under Juvenile forms. These requests will be processed in an efficient and expedited manner as possible under the circumstances.

These procedures will remain in effect until further notice.

IT IS SO ORDERED.



Judge James A. Shriver