

Second Order - A Declaration of Judicial Emergency - Operational Procedures

The Clermont County Probate Court has previously issued an order declaring a Judicial Emergency and adopted a continuity of operations on procedures for the Court.

The following procedures shall be implemented effective April 24, 2020:

1. The Clermont County Juvenile Court, located at 2340 Clermont Center Drive, Batavia, OH 45103, will be accepting filings on behalf of the Clermont County Probate Court. The existing Probate Court facility, located at 2379 Clermont Center Drive, Batavia, OH 45103, will remain in operation for as long as there is staff available. The Probate Court facility, located at 2379 Clermont Center Drive, Batavia, OH 45102, will not be open to the public, including counsel. It will be locked to prevent public entry. All in-person business of the Probate Court will take place at the Juvenile Court. The Probate Court will only accept fax filings as authorized by Local Rule 57.5 at (513) 732-8183. Filings by mail are preferred and encouraged.
2. Questions regarding any pending hearings should be directed to counsel. If an individual does not have counsel, questions should be directed to 513-732-7243.
3. Telephone calls are welcome. The Court may be reached by phone at 513-732-7243, option 6.
4. Uncontested adoption hearings shall be conducted by teleconference or video conference as determined by the Court. If the child is more than twelve years old, the uncontested adoption hearing shall be held by video conference or at the Clermont County Juvenile Court as determined by

the Court. Contested adoption hearings may be held by video conference or at the Clermont County Juvenile Court or continued as determined by the Court. Hearings are limited to petitioners, essential witnesses, the minor to be adopted, and counsel. No other persons will be permitted to attend.

5. All pre-trials and hearings will be completed by teleconference or video conference, unless the Court orders that the hearing take place in person.
6. All adult name changes and all minor name changes where both parents have consented will be heard telephonically or by video conference at the discretion of the Court. When both parents have not consented, the hearing may be continued at the discretion of the Court. The attendees at the hearing are limited to the Applicant, necessary witnesses, and the minor subject to the name change who is more than twelve years of age.
7. Contested matters such as adoptions, guardianship, name changes and objections to inventories and accounts may be continued at the discretion of the Court. Hearings may be conducted by video conference or in person at the Clermont County Juvenile Court as determined by the Court.
8. Attorneys with pending hearings must contact the Court prior to the hearing to make arrangements to attend by phone or video conference.
9. Attorneys shall appear for citation hearings as directed by the Court.
10. All uncontested matters such as wrongful death hearings, insolvencies and minor settlements shall proceed by video conference with attorneys and their clients. All necessary paperwork shall be filed prior to the hearing date.
11. Review hearings on guardianship will be heard telephonically or by video conference at the discretion of the Court unless continued.

12. Guardians required to receive training shall complete training on-line choosing from among the classes listed on the Ohio Supreme Court website.
13. Virtual, telephone, video, and other electronic communication between a Guardian and the Ward shall constitute a visit pursuant to Rule 66.09 (F) of the Ohio Rules of Superintendence. Guardians are required to meet with the ward as needed and at a minimum quarterly. In-person visits are discouraged. Visits may be conducted virtually in the event an in-person home or residential facility visit is deemed by the Guardian as inadvisable. When deemed necessary, in-person visits shall be limited in time and closeness with precautions taken. Acceptable modes of virtual contact include, but are not limited to FaceTime, Skype, Facebook Messenger, Zoom and video conferencing.
14. Time limitations for cases filed prior to March 9, 2020, that are set to expire between March 9, 2020, and the expiration of the emergency or July 30, 2020, whichever is sooner, shall be tolled for the following:
 - a. The filing of all Inventories, including Estates, Guardianships and Trusts;
 - b. The filing of all Accounts, including Estates, Guardianships and Trusts;
 - c. The filing of Guardian's Reports, Statements of Expert Evaluation, Annual Guardian Plans and Compliance with Guardianship Education.

All counsel are encouraged to comply with the statutory and Rule filing deadlines.

15. Time limitations for all cases filed after March 8, 2020, that are set to

expire before the expiration of the emergency or July 30, 2020, whichever is sooner, are not tolled. All filings are due pursuant to the statutory and rule filing deadlines.

16. Marriage Licenses may be obtained as follows: Applicants who wish to obtain a marriage license must mail the completed Application for Marriage License, \$50 cash, and a self-addressed stamped return envelope to Clermont County Probate Court, 2379 Clermont Center Drive, Batavia, OH 45103. All individuals who appear in person at the Court for a marriage license will be turned away. Applicants may be able to make an appointment with the Clermont County Probate Court if they do not have access to a computer or a smartphone. Said appointments will be on Tuesdays and Fridays, but Applicants must call the Court to schedule an appointment before appearing at the Court. Upon receipt of the completed Application and \$50 cash, the Court will call the Applicants to set up a date and time to process the marriage license via video conference. The Applicants will need to create a Zoom account by either going online at: <https://www.zoom.us/signup> or by downloading the App "Zoom Cloud Meetings" from the App Store. The Court will send an invitation via the Zoom App to the Applicants right before the scheduled meeting. The Applicants will be required to show their photo ID's as well as any accompanying documents, i.e. Final Divorce Decree and/or a copy of a Death Certificate, if applicable during the meeting. The Court will process the Application during the Zoom meeting to ensure accuracy and to ensure the Applicants move forward with their Application. If the Applicants do not appear via video conference and do not call the Court to inform the Court they are unable to appear, the Court will mail the

completed Application and \$50 cash back to the Applicants in the envelope they provided to the Court after one business day. The Applicants would then need to re-start this process if they wish to apply for a Marriage License. If the Applicants do appear via video conference but do not have the appropriate documentation, i.e. valid photo ID, a file-stamped copy of their Final Divorce Decree, and/or a copy of the Death Certificate, if applicable, the Court will not be able to proceed with processing the marriage application and will give the Applicants a new video conference meeting date and time.

After the Court has successfully processed the Application, the Court will send a copy of the Marriage Abstract to the Applicants for their signature. The Applicants will need to sign the Abstract and return to the Court along with a self-addressed stamped return envelope.

Upon receipt of the signed Marriage Abstract, the Court will sign and date the Abstract and send to the Applicants the Marriage License along with complete instructions on how to complete the marriage application process.

The Applicants will have 60 days to use the Marriage License after the Court has signed the Marriage Abstract. It is the Applicants' responsibility to secure an officiant, mayor or Court official to process the Marriage License. It is encouraged that the Applicants verify that information before beginning this process. Applicants are also encouraged to check with their Church and/or venue to ensure the ceremony will take place within the required sixty days before applying for a marriage license.

17. A marriage license issued on or after March 9, 2020 will remain valid and

expire on the earlier of (1) sixty days after the date of the Governor's declaration of emergency ends, or (2) September 29, 2020.

18. Personal inspection of records and walk-in request for copies of documents will not be permitted until further order of the Court.
19. Persons may request copies of documents, including marriage licenses, both certified and uncertified, from the Court by mailing a request to the Clermont County Probate Court at 2379 Clermont Center Drive, Batavia, Ohio 45103. Those persons requesting a certified copy of the marriage license shall include the following: full name of both applicants at the time the marriage license was issued; Month, date, and year of marriage; \$3.00 (cash or money order only, no personal checks) per certified copy; and a self-addressed stamped envelope so we can mail your certified copy to you. These requests will be processed in as efficient and expedited manner as possible under the current circumstances.
20. The Court hereby adopts the following scheduling order with respect to Objections to a Magistrate's Decision: A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, whether or not the Court has adopted the decision during that fourteen day period. If a party files timely objections, any other party may file objections not later than 10 days after the first objections are filed. An objection to the Magistrate's Decision shall be specific and state with particularity all grounds for objection.

Any objections to a factual finding of the Magistrate shall be supported by a transcript of all of the evidence submitted to the Magistrate relevant to the finding, or an affidavit of that evidence if a transcript is not available. The objecting party shall file the transcript or affidavit with the

Court within 30 days after filing the objection.

The Court may enter an interim order on the basis of the Magistrate's Decision of Disposition without waiting for or ruling on timely objections by the parties where immediate relief is justified, but an interim order shall not extend more than 28 days from the date of the interim order, subject to extension by the Court in increments of 28 additional days for good cause shown.

A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIVIL RULE 53(D)(3)(A)(ii), UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY CIVIL RULE 53(D)(3)(b).

21. Every person entering the Probate Court or Juvenile Court should expect to have their temperature taken before being permitted to enter the building. Physical distancing of six feet between individuals both within and outside the building while waiting is required.
22. Every person entering the Probate Court or Juvenile Court should bring and be prepared to wear, at the Court's direction, a mask covering only their nose and mouth. Persons who do not have a face covering will be able to participate in a hearing by telephone or video conference. There will be an exception to the face covering requirement for any person who has a note from a physician stating that the person cannot wear a face covering due to a medical condition. There may also need to be an accommodation for someone who is deaf and who reads lips. Counsel and court staff are both requested to notify the court promptly if there is

someone present for whom accommodation will be necessary. Attorneys are expected to communicate to their clients that face coverings are required.