

COURT OF COMMON PLEAS  
PROBATE DIVISION  
CLERMONT COUNTY, OHIO

**F I L E D**  
APR 23 2020

JAMES A. SHRIVER  
JUDGE

**IN RE:** :  
: **JOURNAL ENTRY**  
**SECOND ORDER DECLARING A JUDICIAL :**  
**EMERGENCY AND CONTINUITY OF :**  
**OPERATIONS OF THE COURT DUE TO :**  
**COVID-19 PANDEMIC :**

The Probate Division Judge of the Clermont County Court of Common Pleas initially filed an Order Declaring a Judicial Emergency and Continuity of Operations of the Court Due to the COVID-19 Pandemic on March 18, 2020 and a First Amendment to the Order Declaring a Judicial Emergency and Continuity of Operations of the Court Due to the COVID-19 Pandemic on March 30, 2020.

The Probate Division Judge of the Clermont County Court of Common Pleas now issues a Second Order Declaring a Judicial Emergency and Continuity of Operations of the Court Due to COVID-19 Pandemic that sets forth all of the current orders and operational procedures for the Clermont County Probate Court.

The Probate 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, widespread transmission of COVID-19 in the United States has occurred and resulted in large numbers of people needing medical care at the same time. Public health and healthcare systems have 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 been affected. Healthcare providers and hospitals have been overwhelmed. At this time, there is no proven vaccine to protect against COVID-19.
  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. 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.
  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 went to online learning to keep students out of classrooms. Governor DeWine ordered that all Ohio schools take an extended 3-week spring break beginning Monday, March 16. Schools have now been ordered to close for the balance of the school year. Sporting events have been canceled, including OHSAA, 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. On March 27, 2020, Governor DeWine signed into law Am.Sub.H.B. No. 197, which immediately tolled, retroactive to March 9, 2020, all statutes of limitation, time limitations, and deadlines in the Ohio Revised Code and the Ohio Administrative Code until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner.
8. On March 27, 2020, The Ohio Supreme Court issued an Administrative Order retroactive to March 9, 2020 and expiring on the earlier of the date of the expiration of the Governor’s Emergency Order or July 30, 2020 which tolled the time requirements imposed by Rules promulgated by the Supreme Court and directed the use of technology to promote uniformity and continuity among the courts to ensure their continued and effective operation during the emergency period.
9. The Probate Division Judge of the Clermont County Court of Common Pleas declared an emergency on March 18, 2020 and adopted a continuum of flexible responses to be in effect starting March 20, 2020 until such time as Governor DeWine lifts the Declaration of the State of Emergency or until further order of the court. The continuum of responses was 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.

10. The Probate Division Judge of the Clermont County Court of Common Pleas now reaffirms and amends the continuum of flexible responses to be in effect starting April 24, 2020 until such time as Governor DeWine fully lifts the Declaration of the State of Emergency or until further order of the Court.

**THEREFORE, IT IS HEREBY ORDERED:**

1. The Probate 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 Probate Division security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
3. The Probate 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 the 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 Probate 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 Probate Court.
8. The Probate Court will have the lawful authority to require any person who is within the Probate Court, but would otherwise be barred from entering the Probate Court by the restrictions stated above, to exit the premises.
9. Every person entering the Probate 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.

10. Every person entering the Probate 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.

**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. 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).**

All provisions of the Second Order Declaring a Judicial Emergency and Continuity of Operation of the Court due to COVID-19 Pandemic will remain in effect until further Order.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "James A. Shriver", written over a horizontal line.

Judge James A. Shriver