

COURT OF COMMON PLEAS  
PROBATE DIVISION  
CLERMONT COUNTY, OHIO

**F I L E D**  
**AUG 11 2020**

JAMES A. SHRIVER  
JUDGE

**IN RE:**

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

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**JOURNAL ENTRY**

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, 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, and a Second Order Declaring A Judicial Emergency and Continuity of Operations of the Court Due to the COVID-19 Pandemic on April 23, 2020.

The Probate Division Judge of the Clermont County Court of Common Pleas now issues a Third Order Declaring a Judicial Emergency and Continuity of Operations of the Court Due to the 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 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.
2. On July 2, 2020, Governor Michael DeWine introduced a Public Health Advisory Alert System. This four-level system classifies the severity of outbreaks in

individual counties. The system is based on seven metrics, including new cases and cases per-capita, cases in "non-congregate" environments, ICU bed occupancy, and sustained increases in hospital admissions. The system ranks individual counties on a scale of 1-4. A Level 1 Public Health Emergency means that the population of a county is experiencing an active exposure and spread of the COVID-19 virus. A Level 2 Public Health Emergency means that the population of the County is experiencing an increased exposure and spread of the virus and individuals are urged to exercise a high degree of caution. A Level 3 Public Health Emergency means that the population of the county is experiencing a very high exposure to the virus and therefore are encouraged to limit activities and the wearing of masks is mandatory. A Level 4 Public Health Emergency means a severe exposure and spread of the COVID-19 virus. On July 2, 2020, Clermont County was placed on a Level 2 Public Health Emergency and remains under a Public Health Emergency according to the Public Health Advisory Alert System. On July 9, 2020, Clermont County was elevated to a Level 3 Public Health Emergency and returned to a Level 2 Public Health Emergency on July 30, 2020.

3. 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 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, or by order of the Governor, 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 45103, 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. 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.
13. 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

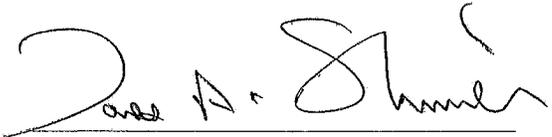
Abstract and send to the Applicants the Marriage License along with complete instructions on how to complete the marriage application process.

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.

14. A marriage license issued on or after March 9, 2020 but before July 31, 2020 will remain valid and expire on September 29, 2020.
15. Personal inspection of records and walk-in request for copies of documents will not be permitted until further order of the Court.
16. 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.

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

**IT IS SO ORDERED.**

  
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Judge James A. Shriver