

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO
PROBATE DIVISION

ASHTABULA COUNTY
PROBATE COURT
JEFFERSON, OH 44047
2020 MAR 16 PM 5:05

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

Case No: 2020 ML 18)
)
JOURNAL ENTRY

FILED
ROBERT S. CAMPLESE
PROBATE JUDGE

The Judge of the Ashtabula County Common Pleas Court, Probate Division, 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. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").
2. 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. Governor DeWine has ordered that all Ohio schools take an extended 3-week spring break beginning Monday, March 16.
3. 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.
4. Pursuant to Chapter 2101 of the Ohio Revised Code, the Ashtabula County Court of Common Pleas, Probate Division [hereinafter "Probate Court"] has the care and custody of the files, papers, books and records belonging to the Probate court, performs the duties of the clerk of the judge's court, oversees the duties performed by the appointed deputy clerks, and has exclusive jurisdiction to issue marriage licenses.
5. The Probate Court has consulted with the Ohio Supreme Court, judges of various other Ohio courts, the Ashtabula County Board of Commissioners, 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.

6. Based upon these findings of fact, the Probate Court has developed a continuum of flexible responses in the event this public health crisis escalates, and the same shall 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 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 effective March 18, 2020:

1. It is the intention of the Probate Court, to remain open and maintain court operations and functions, subject to further order of Court.
2. The local rules of court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
3. The Probate Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
4. The Probate 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.
6. The Probate Court authorizes the use of audiovisual devices and technologies for all actions and proceedings which would be feasible for use based upon the nature of the action or proceeding involved.
7. This public health emergency identified herein may be considered to be a finding of "just cause" for continuances deemed necessary on a case-by-case basis.
8. The Probate Court will have 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.
9. The Probate Court will maintain common sense procedures in dealings with the members of the bar and public such as social distancing as appropriate and conducting the business of the court remotely by telephone and/or videoconferencing means with the goal of maintaining the health and safety of litigants, attorneys, witnesses, court staff and other parties.
10. The Chief Deputy Clerk of the Probate Court shall conduct business in the clerk's office as determined by the judge or Chief Deputy Clerk, and may determine to

conduct the receipt of filings or other transactions via facsimile (440-576-3633), email (Probate@ashtabulacounty.us) or U.S. Mail (Probate Court, 25 W. Jefferson St., Jefferson, Ohio 44047) to advance the safety goals identified herein.

11. Judicial officers may file orders via email or facsimile, and serve orders by email or facsimile notification, an effort to reduce the number of people who come into the Probate Court each day.
12. Any proceeding conducted electronically shall be held and recorded, and the recording saved as the official record in the case. If a recording capability is not available or accessible, and a record is desired or necessary, the court and parties shall jointly craft a statement in lieu of a transcript of the proceedings in accordance with the appellate rules.
13. Court staff, attorneys, witnesses, jurors, and security personnel who exhibit signs of illness shall notify Court Administrator, Andrew Misiak or Chief Deputy Clerk of Court, Courtney Johnson, by telephone or email and shall not come into the courthouses or report for duty unless specifically instructed to do so by Court Administrator, Andrew Misiak or Chief Deputy Clerk of Court, Courtney Johnson. Any person employed by the Probate Court 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. The Probate Court shall use the Ohio Department of Health phone line, 1-833-4ASKODH (1-833-427-5634) as its first line of defense to determine if an employee or other person impacted by this policy should be tested under existing guidelines.
14. The Probate Court shall have three states of opening, use, and operations, as follows:
 - A. "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.
 - B. "Open with Restrictions" means judicial, court, and clerk personnel shall be on duty in the Probate Court, and if the judge determines 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.

- C. "Closed" means the Probate Court is closed for all operations, in which instance, all filings are preserved to the next business day that the courthouse is not closed, and all trials, hearings, and appearances are postponed unless the same can be conducted electronically.
15. When the emergency subsides, the court shall enter an order declaring an end to the emergency and resumption of normal operations.
16. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ashtabula County Court of Common Pleas, General Division, Ashtabula Municipal Court, Conneaut Municipal Court, Eastern County Court, Western County Court, Ashtabula and Lake County Bar Associations, Ashtabula County Prosecutor's Office, Ashtabula County Public Defender's Office, Ashtabula County Sheriff, Ashtabula County General Health District, Ashtabula City Health Department, Ashtabula County Board of Commissioners, Mental Health and Recovery Services Board, Catholic Charities of Ashtabula County, Ashtabula County Children Services Board, Ashtabula County Board of Developmental Disabilities, Adult Protective Services, Signature Health, Community Counseling Center and the media. A copy of this judgment shall be posted in the Probate Court Clerk's Office, and shall be published on the website of the Probate Court.

IT IS SO ORDERED.



JUDGE ALBERT S. CAMPLESE