

MAY 14 2020

DENISE HERMAN McCOLLEY
EX-OFFICIO CLERK
HENRY COUNTY, OHIO

**IN THE COURT OF COMMON PLEAS
GENERAL, CRIMINAL, DOMESTIC RELATIONS,
PROBATE AND JUVENILE DIVISIONS,
HENRY COUNTY, OHIO**

**IN RE: Temporary Orders Necessitated
By the COVID-19 (Coronavirus) Public
Health Emergency in the United States and
State of Ohio**

The Judges of Henry County Court of Common Pleas, General, Criminal, Domestic Relations, Probate and Juvenile Divisions (Henry County Common Pleas Court), make the following Findings of Fact:

1. 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.
2. On March 11, 2020 the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus.
3. On March 12, 2020 the State of Ohio Director of Public Health issued a ban on “mass gatherings” and Ohio Governor Mike DeWine ordered the closure of schools in the State of Ohio to control the spread of the virus.
4. On March 13, 2020 President of the United States Donald Trump declared a National Emergency pursuant to the Stafford Act as a result of the Coronavirus pandemic.

5. On March 15, 2020 the State of Ohio Director of Health issued orders limited access to Ohio's jails to control the spread of the virus.
6. Various Federal, State and Local Health Agencies continue to urge limitations on public interactions in an effort to control the spread of the virus from person to person.
7. Temporary modification of the current rules, practices and procedures of the Henry County Common Pleas Court are necessary in order to ensure the orderly and efficient functioning of the Court, to ensure that all essential functions of the Court are carried out, and to ensure the health and safety of the staff, parties, attorneys and general public.

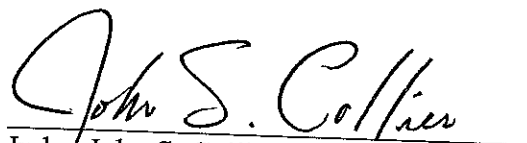
Based upon these Findings of Fact, the Henry County Common Pleas Court has developed and will continue to develop a continuum of flexible responses in response to this public health emergency. The continuum of responses is intended to protect health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.

THEREFORE, IT IS HEREBY ORDERED that:

1. All Local Rules of this Court may be temporarily adapted, modified or suspended to allow Court flexibility, within Constitutional limits, in response to the public health emergency.
2. The security policies and procedures of the Court may be temporarily amended or supplemented to protect public health safety while maintaining essential court functions.
3. The Court's Employee Handbook provisions may be temporarily adjusted to maintain essential court operations and functions.
4. The Court authorizes, on a case-by-case basis unless otherwise approved, the use of audiovisual devices and technologies for Court actions and proceedings.

5. The public health emergency may be considered to be a finding of good cause for any purposes, including continuances deemed necessary by assigned Judges, on a case-by-case basis.
6. 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 and such time after the declaration is ended deemed necessary by this Court.
7. For all hearings, the Court shall be notified prior to the scheduled hearing if any of the following apply to any party, attorney or witness: has traveled outside of the United States and returned to the United States within 21 days prior to the scheduled hearing; has been exposed to the COVID-19 virus or anyone infected with the COVID-19 virus within 21 days prior to scheduled hearing; or has been quarantined, isolated or otherwise restricted by any health department, director of health, or similar entity.
8. All pre-trials that are not designated as a final pre-trial, unless otherwise specifically ordered by the Judge or Magistrate handling the case, shall be conducted by telephone (conference call or web platform, as directed). The parties, unless appearing *pro se* or otherwise approved by the Court in advance, shall NOT participate in the telephone pre-trial, unless directed to do so by the Court, but shall be available to counsel either in person (but not listening in on the pre-trial) or by telephone. All final pre-trials, if a trial date has already been scheduled, will be addressed on a case-by-case basis. In criminal cases defense counsel shall, prior to the pre-trial occurring, have had appropriate contact with their client and shall have reviewed with the defendant all discovery provided by the State of Ohio up to that time.

9. For all pre-trials other than final pre-trial in cases where the Defendant is currently incarcerated, the Defendant shall not, unless specifically ordered by the assigned Judge, be transported to the Court from the Corrections Center. Counsel for the Defendant shall meet with the Defendant prior to the pre-trial with the Court and again within 48 hours following the pre-trial with the Court.
10. The Court may make such modifications and authorizations in any manner deemed reasonable by the Court and need not follow formal processes for modification of Rules of Court and Rules of Procedure, and shall provide notification of any modifications and authorizations in such manner as may be deemed reasonable by this Court, including by not limited to posting same to the website maintained by the Court or Clerk of Courts, posting same in public spaces of the Henry County Courthouse, and by providing same to parties or members of the Bar by mail or email.
11. This Order shall remain in full force and effect until such time as same is modified or rescinded by the undersigned Judges.



Judge John S. Collier



Judge Denise Herman-McColley

THE CLERK OF COURTS SHALL CAUSE A COPY OF THIS ORDER TO BE POSTED IN A CONSPICUOUS LOCATION IN THE OFFICE OF THE CLERK OF COURTS AND SHALL PLACE A COPY IN THE MAIL DRAWERS OF ALL ATTORNEYS LOCATED IN THE OFFICE OF THE CLERK OF COURTS.