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**IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO  
PROBATE & JUVENILE DIVISIONS**

GLENDA DERRY, JUDGE  
JUVENILE DIVISION  
COURT OF COMMON PLEAS  
ALLEN COUNTY, OHIO

IN THE MATTER OF:

Second Special Court Security Orders  
Regarding Certain Restrictions on the Use,  
Occupancy, and Traffic within the Allen  
County Common Pleas Court,  
Probate and Juvenile Divisions

June 19, 2020

JOURNAL ENTRY

This matter is before the Court for consideration of the continuation and modification of the Temporary Security Order issued by the Court on March 17, 2020 in response to the COVID-19 (Coronavirus) public health crisis. The following shall govern Court operations in the Probate and Juvenile Divisions of the Allen County Common Pleas Court until modified.

For the purpose of this entry and order, 'the Court' shall refer to the Juvenile Division of the Allen County Common Pleas Court and, 'the courthouse' shall refer to the David O. Steiner Juvenile Services Center, a facility located at 1000 Wardhill Avenue in Lima, Allen County, Ohio; 'Community Control' shall refer to the Community Control Department of the Allen County Juvenile Court located at 529 South Elizabeth Street in Lima, Allen County, Ohio; 'JDC' shall refer to the Juvenile Detention Center located at 3050 North Cole Street in Lima, Allen County, Ohio; 'Probate' shall refer to the Probate Division of the Allen County Common Pleas Court located on the 3<sup>rd</sup> floor of the main courthouse at 301 North Main Street in Lima, Allen County, Ohio.

**CONDUCT WITHIN THE COURTHOUSE:**

1) Only attorneys, parties, victims and witnesses (and limited media when requested and approved) will be permitted into the Courthouse for scheduled proceedings. All individuals entering the Courthouse shall be subject to the following:

- a. No individual, including but not limited to court employees, county employees, attorneys, litigants, or members of the public, shall enter or remain in the Courthouse if ANY of the following apply:
  - He or she has a fever of 100.4°F or higher;
  - He or she exhibits all three of the following symptoms:
    - Respiratory Symptoms such as chronic cough
    - Sore throat
    - Shortness of breath
  - He or she has traveled out of the country in the last 14 days
  - He or she has been in contact with a person who is under observation or has tested positive for the coronavirus.

2) Any person entering the courthouse facility may be subject to a brief health care screening or non-invasive testing including, but not limited to, the taking of body temperature using a touch-free thermometer, and may be excluded from admission based upon the results of such screening or testing.

3) All persons entering the courthouse facility shall maintain appropriate social distancing of 6 feet wherever possible to do so.

4) To the extent possible, interaction between individuals, including counsel, the public, and court staff shall be done electronically by phone, fax, email, text, Skype, Zoom and similar technology.

**CONDUCT OF IN PERSON HEARINGS:**

1) only the parties and counsel will be permitted in the courtroom during the hearing unless with the prior approval of the Court.

2) all persons entering the courtroom will be required to wear a mask or other face shield covering the nose and mouth unless individually excused by the Court for medical reasons documented by a written statement from a physician, certified nurse practitioner, or other licensed medical provider. The wearing of a mask or face covering by an individual may be excused by the assigned Hearing Officer if the individual provides the Court with documentation that he or she has submitted to testing for the presence of COVID-19 within the 48 hours immediately preceding the scheduled proceeding, and that the results of that testing were negative for the presence of the virus.

3) masks may be lowered in the courtroom when the participant is testifying or otherwise addressing the court as a part of the proceeding.

4) all persons entering the courtroom are to maintain a minimum of six feet of social distancing and are to comply with the directives of the Court Bailiff or the Court Administrator regarding courtroom seating arrangements unless modified by the Judge or assigned Magistrate.

5) witnesses will be permitted in the courtroom only while testifying and should not enter the court facility until called to testify. Counsel are to arrange for any witnesses to be available in the parking lot or otherwise in the immediate vicinity of the Courthouse so that the witness can be called by counsel utilizing text messaging or by phone call to direct the witness to immediately appear in the courtroom to offer testimony.

6) all exhibits shall be marked by counsel prior to the Hearing with the Plaintiff or Petitioner's Exhibits labelled with letters (i.e., A-Z) and the Defendant or Respondent's Exhibits labelled with numbers (i.e., 1-20). Counsel shall bring the marked original exhibits to the Hearing with each exhibit enclosed in a plastic sleeve along with a sufficient number of copies to provide to each opposing counsel and the Court.

7) Counsel shall remain seated at counsel table while questioning witnesses, shall approach the witness stand only when necessary to hand the witness an exhibit, and otherwise only with the prior approval of the Court.

### **UTILIZATION OF ALTERNATIVE TECHNOLOGY**

1) Unless otherwise ordered by the Court or the assigned Magistrate, non-evidentiary Hearings will be conducted utilizing alternative technology and without the personal appearance of the parties and counsel.

### **MANAGEMENT OF JUVENILE COURT DELINQUENCY, UNRULY, AND TRAFFIC CASES:**

1) Unless otherwise ordered by the Judge or assigned Magistrate, all Delinquency Pre-trials will be held by phone call between the Prosecuting Attorney and Defense Counsel. The Assistant Prosecuting Attorney and Defense Counsel will be directed to hold a Pre-trial Conference by phone, and to complete and submit the Pre-trial Conference Report Form in the same manner as described herein. Unless otherwise ordered, the Court will not schedule the specific date and time for the telephonic Pre-trials to be held by the Prosecuting Attorney and Defense Counsel, but will simply establish the date by which the Pre-trial Conference is to be held and the Form submitted.

a) The Court will not directly participate in the Pre-trial Conference unless requested by counsel or otherwise at the discretion of the Judge or assigned Magistrate .

b) The Prosecuting Attorney will complete and sign the Pre-trial Conference Report Form, note Defense Counsel's approval, and send the Form to the Court and Defense Counsel via email or facsimile.

c) Upon receipt, the Pre-trial Conference Report Form will be reviewed by the Judge or assigned Magistrate, signed as reviewed, file-stamped by the Deputy Clerk, and assigned accordingly (i.e., for adjudicatory hearing, change of plea, or otherwise).

### **MANAGEMENT OF JUVENILE COURT CUSTODY, PARENTING TIME, VISITATION, AND SUPPORT CASES:**

1) The Court will address motions for temporary orders, including custody, parenting time, and child support without evidentiary hearing in the manner prescribed in Local Rule 8.

a) Under the Court's Local Rule 8, the Movant is to submit supporting Affidavits with the Motion and the Respondent is afforded until 14 days after service in which to file any Response with contra Affidavits.

b) After the Court has ruled on the Motion based in the supporting Affidavits, if a party then requests a Hearing on temporary orders pursuant to Local Rule 8.4, an evidentiary Hearing on Temporary Orders will be scheduled as time is available and will be conducted in accordance with the Court's Local Rule 8.5.

**MANAGEMENT OF JUVENILE COURT DEPENDENT, NEGLECT, AND ABUSE CASES:**

1) Unless otherwise ordered by the Judge or assigned Magistrate, Preliminary Conferences will no longer be scheduled or assigned. Cases will be assigned for Adjudicatory and Dispositional Hearings within the time limits prescribed by statute and rule.

**MANAGEMENT OF PROBATE COURT GUARDIANSHIP PROCEEDINGS:**

1) The Court will continue to address Emergency 72 Hour Guardianship Application in the manner prescribed in Local Rule 66.03(A).

2) Motions for 30 Day Extension of the Emergency Guardianship will continue to be assigned and heard in Court with an evidentiary hearing within 72 hours of the issuance of the Emergency Order.

3) The Court will consider any additional extensions of the Emergency Order beyond the 30 days on a case by case basis, with or without formal evidentiary hearing, and based on the supporting Affidavits submitted in support of each requested extension.

4) Applications for Appointment of Guardian which are not requested as an emergency will be assigned as time is available.

**MANAGEMENT OF PROBATE COURT INVOLUNTARY MENTAL HEALTH TREATMENT CASES:**

1) There will be no change in the process for handling involuntary mental health treatment cases and hearings.

**MANAGEMENT OF PROBATE COURT ESTATE CASES:**

1) Estate cases, including releases and summary releases, will largely be handled as in the past. Hearings on most matters that do not need to be expedited will be assigned as time is available.

2) Informal hearings which need to be assigned in order to establish deadlines for Exceptions and other filings (Hearings on Inventory, Hearings on Accounts) may continue to be scheduled on a case by case basis as determined by the Court, but with the understanding that appearance will not be required of counsel or the parties unless otherwise directed by the Court.

3) Counsel are asked to indicate on any Notices sent out on behalf of the Fiduciary for those specific types of hearings that the party receiving the Notice is permitted, but not required to attend, unless attendance is necessary to address any objections or exceptions to the action proposed in the filing before the Court.

**MANAGEMENT OF PROBATE COURT NAME CHANGES:**

1) There will be no change in the process for handling name change cases and hearings. Applications for Change of Name will be assigned as time is available.

**MANAGEMENT OF PROBATE COURT ADOPTIONS:**

1) There will be no change in the process for handling adoption cases and hearings. Petitions for Adoption will be assigned as time is available.

**COURT COSTS:**

1) The Court will now accept payments and cost deposits by online credit card payments through the web site of each Court, by check sent by mail, or by check or cash at the respective Clerk's offices.

a) Payments through the web sites can be made by accessing each Court's home page and clicking on the box on the right side of the page below the language "Make a Payment."

b) For those without computer access, there is a laptop located in the lobby of each Court which can be utilized to make the credit card payments online.

**ADDITIONAL INFORMATION:**

1) In order to reduce traffic in the buildings, and minimize exposure to the staff and the public, the Court will continue to accept the filing of documents, including initial pleadings, via facsimile and email, and all persons are encouraged to submit such filings to the Probate and Juvenile Courts at the following:

- JUVENILE:
  - fax – 419. 222.7403
  - Email – [juvenilefilings@allencountyohio.com](mailto:juvenilefilings@allencountyohio.com)
- PROBATE:
  - fax – 419.221.3432
  - Email – [probatefilings@allencountyohio.com](mailto:probatefilings@allencountyohio.com)

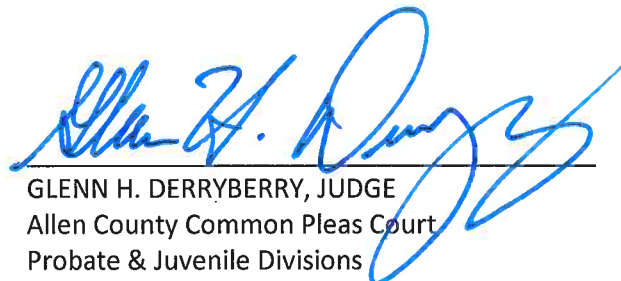
2) For those without fax or email capability (including pro se litigants) a kiosk has been placed in each court lobby which will enable documents to be scanned and filed without direct personal contact with the Deputy Clerks.

3) If documents are filed by fax or email, counsel must retain the original document in his or her records to be produced at the request of the Court (Juvenile Court Local Rule 17.1(C) and Probate Court Local Rule 3.09(A)(3)).

4) In an effort to reduce traffic in the court facilities, the Court encourages the parties to continue to utilize facsimile and e-mail filing of documents, and to limit the filing of hard copy documents. However, at this time, both the Probate and Juvenile Courts are accepting hard copy filings by mail and in person.

This entry and order is intended to modify and replace the Court's prior Special Court Security Order issued on March 17, 2020 and is made effective June 19, 2020 and until further order of the Court.

**IT IS SO ORDERED.**

  
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GLENN H. DERRYBERRY, JUDGE  
Allen County Common Pleas Court  
Probate & Juvenile Divisions