

IN THE COURT OF COMMON PLEAS
JUVENILE AND PROBATE DIVISIONS
WAYNE COUNTY, OHIO

FILED
WAYNE COUNTY JUVENILE
AND PROBATE COURT
JAN 27 2020 PM 7:46

IN RE: :
: JUDGE LATECIA E. WILES
AMENDMENT TO GENERAL ORDERS :
FOR CONTINUED OPERATION OF THE :
WAYNE COUNTY JUVENILE AND : ADMINISTRATIVE ORDER
PROBATE COURT ISSUED MARCH 19, :
2020 :

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global “pandemic” requiring “urgent and aggressive action” to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, on March 27, 2020, the Governor of Ohio signed into law Am. Sub. H.B. 197, which immediately tolled all statutes of limitations and other criminal, civil, and administrative time limitations under the Ohio Revised Code set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, on March 27, 2020, the Ohio Supreme Court issued the order entitled “Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology,” which immediately tolled all time requirements imposed by rules promulgated by the Ohio Supreme Court set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, through the use of technology such as video conferencing, those portions of the hearing and consideration of cases that ordinarily necessitate personal interaction can be performed in a manner that complies with social distancing requirements;

WHEREAS, in response to the above, the Court of Common Pleas General Division judges jointly issued an Order Declaring A Judicial Emergency and Continuity of Operations of the Court Due to COVID-19 Pandemic governing courthouse procedures;

WHEREAS, on March 19, 2020, this Court issued its own Administrative Order governing the continued operations of the Wayne County Juvenile and Probate Court including hearings; and

WHEREAS, having operated under the administrative rules issued by this Court on March 19, 2020 and March 20, 2020, this Court finds that certain amendments are required for the efficient operation of the Court, procedural due process, and in order to clarify operations in a way that will be consistent with the stay at home orders, directives from the Ohio Department of Health and the local health department, existing legislation and the Ohio Supreme Court's administrative orders.

NOW THEREFORE, the Court hereby orders the following

1. This Court's March 19th order is amended at #2 to provide that all marriage licenses applications will be received and processed by appointment only.
2. This Court's March 19th order is amended at #9 to provide that: If a hearing is converted to a video hearing, counsel and the litigants will receive an email from the Court with a link to click on at the time of the hearing. All counsel/parties shall use a computer with a microphone and camera, or the Zoom app which is available for download on all smartphones, to participate if they are able. Alternatively, the party may be permitted to participate via phone only. Counsel is permitted to have their clients with them at their offices. Counsel can contact the Court Administrator in advance to test their equipment if desired. If the necessary equipment is not available in order to allow participation, the party/attorney shall notify the Court immediately in writing.
3. This Court's March 19th order is amended at #9 and #10 to provide that: This Court will consider whether hearings are taking place during the pendency of the Governor's Executive Order on a case by case basis. In making this decision the Court will consider all factors, including, but not limited to the constitutional and substantial rights of the parties, the legislation enacted by House Bill 197, the Ohio Supreme Court's administrative order enacted on March 27, 2020, and any subsequent amendments thereto, the technology capabilities of the parties, the best interest of the children involved, the nature of the proceeding, the statutory deadlines at play in the case.
4. The Court's March 19th order is amended at #14 to include any and all trainings scheduled to take place prior to May 27, 2020.
5. In addition to the amendments made heretofore, the Court also makes the following orders:
 - a. In all guardianship proceedings requiring notice to the proposed ward, the applicant shall file a motion and proposed order to appoint a process server for the purpose of serving the proposed ward. The applicant shall also provide instructions to the Court as to how the


court investigator can make contact with the proposed ward via video conference. This Court waives any requirement requiring a court investigator to make in person contact with the proposed ward during the duration of the Governor's Executive Order.

- b. In guardianship proceedings, the Court will allow the guardian to fulfill the pre-meeting requirement under Superintendence Rule 66.08(B) by meeting with the ward via Facetime, Zoom, or similar technology.
- c. All inventory hearings in estate proceedings will be stayed until the Governor's Executive Order is lifted, unless waivers are filed by all parties listed on both sides of Form 1.0.
- d. All account hearings in estate proceedings will be stayed until the Governor's Executive Order is lifted, unless waivers are filed by interested parties. Interested parties include, but are not limited to, creditors, surviving spouse, and all those listed on side 1 of Form 1.0 in Intestate Estates and all those listed on side 2 of Form 1.0 in Testate Estates.
- e. All inventory and account hearings in trust proceedings will be stayed until the Governor's Executive Order is lifted, unless waivers are filed by interested parties. Interested parties include, but are not limited to, creditors and beneficiaries.
- f. Superintendence Rule 48(D)(13)(a), (b), (d), and (g) are waived in so far as the rule envisions that meetings take place face to face. The guardian ad litem should make all reasonable attempts to meet these requirements through the use of social distancing and technology and shall not agree to take an appointment as a guardian ad litem if they do not have the technology available to them to conduct remote interviews through the use of Zoom, Facetime, or other software.
- g. All hearings should occur by Zoom, if possible, or phone until further order of the Court. It remains in the hearing officer's discretion whether to hold a hearing in person at the courthouse.
- h. For any hearing set to occur via Zoom, a party must inform the Court in writing prior to hearing, or at the beginning of the hearing, if that party does not wish to proceed via Zoom and would prefer for the hearing to take place in person.
- i. If any hearing takes place in person, all participants shall comply with social distancing requirements and all courtroom participants and attendees will be required to wear face coverings at all times. Attorneys should advise their clients accordingly. Each hearing officer has the authority to limit courtroom attendees to only necessary

participants so to protect the health and safety of others and allow for the efficient administration of justice.

- j. Juvenile & Probate Court waiting areas are restricted to individuals who need to file documents, attorneys, litigants, and necessary witnesses. All individuals in the waiting area are required to comply with social distancing requirements and use face coverings at all times. Attorneys are encouraged to schedule witnesses at specific times to avoid having witnesses congregating in the waiting area.

IT IS SO ORDERED.



Judge Latecia E. Wiles