

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

IN THE MATTER OF: DURING THE COVID-19 CRISIS

MISCELLANEOUS DOCKET

JUDGE N. ROBERT GRILLO

**FILED**

**MAR 15 2020**

*N. Robert Grillo*  
JUVENILE JUDGE  
VINTON COUNTY, OHIO

ENTRY/ORDER

Introduction/Background/Findings:

1. The United States of America and State of Ohio are in uncertain times due to the COVID-19 CRISIS aka as the CORONA VIRUS.
2. The Vinton County Court of Common Pleas, Probate-Juvenile Division, has many probate and juvenile cases set during the weeks of March 16, 2020 through April 17, 2020.
3. The Ohio Supreme Court has partnered with experts from the Ohio Department of Health to update and expand the Judicial Guide to Public Health. The most recent version of that guide, released on January 23, 2020, contains recommendations for allowing remote appearances of individuals in court hearings. See Chapter VI. Judicial Operations During a Public Health Emergency, Section G. Remote Appearances of Individuals and Telecommunication Preparedness of the Court located here:  
<http://www.sc.ohio.gov/Publications/JCS/PublicHealthJudicialGuide.pdf>.
4. To quote Ohio Supreme Court Justice Maureen O'Connor in a letter sent out to the judiciary via e-mail on March 13, 2020 "COVID-19 has disrupted our lives, our workplace, our scheduling, and our children's education. To complicate things further, there is no end in sight. So, as members of the judiciary we must formulate plans to respond in a manner that allows courts to meet both our purpose and essential functions. Closing the courthouse and disrupting services is not a plan. The Supreme Court of Ohio is open and will continue to be. Some modifications have been put into place but we will continue to conduct the Court's business".
5. Thus, our balancing act during this corona virus crisis is to make sure that our State of Ohio and Vinton County citizens' constitutional rights are protected while at the same time protecting the health of the employees in the Vinton County Courthouse, those associated with the Court System and the general public. As political leaders and public health officials throughout the nation and in Ohio, led by Governor Mike DeWine, ask that we maintain social separation for a period of time (for example, keeping six feet away, not being in a large group, etc.) as a way to help curb the outbreak of the virus. We, in the Vinton County Court system, want to do our part to help slow the rate of infection so that our local hospitals (Holzer, Adena, Hocking Valley, O'Bleness, King's Daughters, local clinics, etc.) are not overwhelmed by the corona virus pandemic, while at the same time keeping our court system operating to ensure justice for our citizens.
6. Because of the above, the Court hereby sets forth orders as set forth below as to the operation of the court during the weeks of Monday, March 16, 2020 through Friday April



17, 2020 to be reviewed on a monthly basis during the pendency of the COVID-19 CRISIS and of course, subject to change as the pandemic progresses. If necessary and for example, the Court can review and modify these orders at any time per its discretion should the need occur.

Orders.

7. The Court reincorporates Introduction/Background/Findings 1-6 above as if fully set out herein.
8. As of now, hearings will go on as scheduled with parties, counsel, pro se litigants, etc. to appear in person unless the Court orders otherwise. However, the Court encourages all hearings to be conducted by phone, if possible, and will consider granting such upon request that the parties not have to appear during this crisis, so there can be social separation of people to help stop the potential spread of the corona virus. If any of the aforementioned individuals are in at at-risk class, for example due to age, medical conditions, **ARE SICK, FEEL THAT THEY MAY HAVE BEEN INFECTED WITH THE COVID-19 VIRUS (EMPHASIS ADDED)** etc., then they may petition/ask the Court to be allowed to appear by phone. In all likelihood, said request will be granted, the person shall be allowed to appear by phone or the case continued.
9. If just attorneys appear at a hearing, their clients (if excused) shall be available if at all possible to discuss the case by phone.
10. However, if a party in any kind of case short of an evidentiary type hearing (in most instances), can set up the hearing to be conducted by phone, skype, etc. with everyone participating, the Court will conduct the hearing that way as long as everyone is in agreement.
11. If Defendants in delinquency hearings are in custody/detention and have not yet had their initial appearance/been arraigned, an attempt to conduct any such hearing shall be made through video arraignment which is available in the Vinton County Court. As this Court suspects that many Courts using Regional Jail/JDC where our prisoners/juveniles are generally held may be now using video arraignments due to the crisis, the Court understands and respects the fact that this may not be feasible in every situation to do this as JDC (or whatever facility the juvenile may be held in) may not have the capabilities to do such or if they do, be able to have a Vinton County detained juvenile available for video initial appearance/arraignments when he have the hearing scheduled. Likewise, the Court has been advised that JDC during this crisis is not allowed to transfer juveniles to court. In these scenarios, a request for a continuance can be made until such a time as the juvenile may be available. Furthermore, the Court reserves the right to have the juvenile's custodian appear in court or by phone and to have the juvenile appear by phone at the detention facility where they may be detained and to conduct the hearing that way to keep the court process moving.
12. The above procedure may also be used for status conferences, pre-trials, etc. or by other hearings by agreement of counsel (for example, adjudicatory, dispositional hearings, etc.). In other words, the Court will conduct any hearing via phone, skype, etc. if it is requested to by a party and ALL parties are in agreement to doing so. The Court will also allow witnesses to appear by phone if all parties agree.
13. The Court realizes and respects the very important right for all parties to attend any and all hearings concerning them.



14. Because of the COVID-19 CRISIS and the possibility of it spreading, this Court is entirely open to conducting any type of hearing in an alternative matter to having the parties, counsel, etc. appear as long as all parties agree, to possibly avoid the spread of the disease while keeping the Probate and Juvenile Court process moving.
15. Thus, if cases cannot be resolved without the parties being present, the Court reserves the right to have all parties to appear personally at hearings in the future once things involving the Corona Virus have settled down.
16. Case by case exceptions to any continuances being provided herein may be ordered at the discretion of this Court after consultation with Counsel and/or the parties if the party is pro se.
17. This ORDER does not affect the Court's consideration of criminal or civil motions that can be resolved without oral argument.
18. For now, all status conferences, pre-trial, non-evidentiary proceedings, guardian ad litem conferences, trials, adjudications, permanency cases, civil protection orders, criminal cases (contributing cases) etc. will be as conducted in the past with the exception of them being able to be conducted upon written request by telephone if all parties agree and one of the parties can set up such a conference call including all parties. If a party is representing themselves, the party must provide the Court's office with their phone number at least a day in advance of the proceeding. Until further notice, *in camera* interviews of children will continue to be conducted in person.
19. In probate cases where a proposed ward is in a nursing home, the Court will allow its court investigator to conduct said interview by phone, skype, etc. if the proposed ward is capable of doing so and the facility is. If not, the Court may have to issue temporary orders (if possible) until the concerns of the Covid 19 virus dissipates. The Court wants to make sure that the proposed ward and other inhabitants of the nursing home are not potentially exposed as well as the Court investigator not being exposed.

#### General.

The Court adopts Ohio Department of Health recommendations that the Court, its employees and those appearing in front of it:

20. Emphasize respiratory etiquette and hand hygiene by all employees, counsel and parties at all times;
21. Encourage employees and any person (counsel, parties, witnesses, etc.) with symptoms of acute respiratory illness to stay home and to notify a supervisor, the Court, etc. if the employee or an employee's family member has been tested for or exposed to COVID-19;
22. Place posters at the entrance to the Courthouse that encourage staying home when sick, cough or sneeze etiquette, and hand hygiene;
23. Maintain adequate supplies of soap and water and alcohol-based hand rubs in the workplace and in places where the general public is found;
24. Routinely clean all frequently touched surfaces, such as countertops, doorknobs, workstations, courtrooms, and office equipment;
25. Plan for the cancelling of large in-person meetings, training, and non-essential travel; and
26. Implement plans to continue essential court functions with limited resources should you operate with higher than usual absenteeism or if critical supply chains are interrupted.

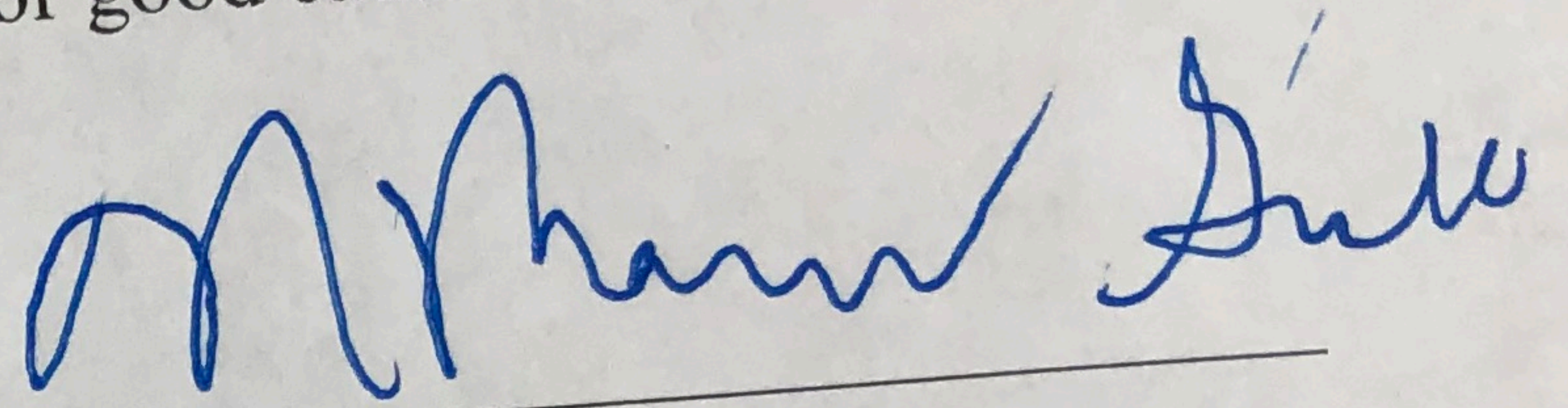
As we learn more about the Covid-19 crisis, additional orders relative to proceedings in the Vinton County Court of Common Pleas, Probate-Juvenile Division may follow.



This rule shall be reviewed on a monthly basis (or more frequently at the Court's discretion) during the pendency of the COVID-19 CRISIS and of course, subject to change upon notice from the Ohio Supreme Court.

Any Judge (Administrative, Appointed or Otherwise) hearing cases in this Court shall have authority and power to vary from any terms of this order for good cause.

This ORDER takes effect March 16, 2020.



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N. Robert Grillo, Judge