

IN THE COURT OF COMMON PLEAS

GENERAL DIVISION

BUTLER COUNTY, OHIO

FILED BUTLER CO.
COURT OF COMMON PLEAS

MAY 19 2020

MARY L. SWAIN
CLERK OF COURTS

In Re: <u>AMENDED ORDER OF</u>	:	
JUDICIAL EMERGENCY	:	JOURNAL ENTRY &
AND CONTINUITY OF	:	ADMINISTRATIVE
OPERATIONS OF THE COURT	:	ORDER
BASED UPON COVID-19 PANDEMIC	:	

The Judges of Butler County Court of Common Pleas, General Division, make the following findings of fact:

1. The findings of fact enumerated in the March 19, 2020, Order Declaring a Judicial Emergency and Continuity of Operations of the Court Based Upon COVID-19 Pandemic remain in full effect and are incorporated herein by reference.
2. On March 27, 2020, The Supreme Court of Ohio Issued "In Re: Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology".
3. On April 2, 2020, Dr. Amy Acton, in her capacity as the Director of Ohio Public Health, issued an *Amended* Director's Stay at Home Order. This Order extended the previous stay at home order until 11:59 p.m. on May 1, 2020.
4. On April 16, 2020, Governor DeWine announced his plan for a phased re-opening of the state economy. On April 27, 2020, Lt. Governor Husted unveiled plans for Responsible RestartOhio.

5. On April 27, 2020, The Supreme Court of Ohio, in Case No. 2020-0547, issued an Entry which enumerated general health and social distancing protocols that would need to be followed before a jury trial should commence.

6. On May 5, 2020, The Supreme Court of Ohio issued principles to guide the operations of the Ohio judicial system and to protect the health of court employees and the public. This guidance was entitled “Responsible RestartOhio Court Access.”

7. As the COVID-19 virus continues to spread and impact Court operations, the health and safety of all Court employees and the community remains at risk.

Therefore, the Journal Entry and Administrative Order of this Court as issued on March 19, 2020 and the Orders extending said Entry are amended as follows:

It Is Hereby Ordered:

1. Anyone entering the Court premises will be subject to a health screen. Said screen will include a non-invasive forehead temperature scan. Any person whose temperature is above 100.4 degrees will be restricted from entrance. A person so restricted will have their name taken and the court they were attempting to visit will be notified.

2. All Court and Probation staff shall take their temperature and monitor their health before coming to work each day. If an employee has a temperature over 100.4 degrees, that employee should immediately notify their supervisor and should not come into the courthouse, probation department, or location so required for duty.

3. Based upon recommendation from Responsible RestartOhio, the Center for Disease Control and Prevention, and the Supreme Court of Ohio, all persons entering the Court premises will be required to wear a face covering while in public areas (including but not limited to the rotunda, hallways, stairwells, elevators, and bathrooms), and follow all social distancing and hygiene requirements. Upon the Court’s discretion, an exception to this order may be made for the following reasons:

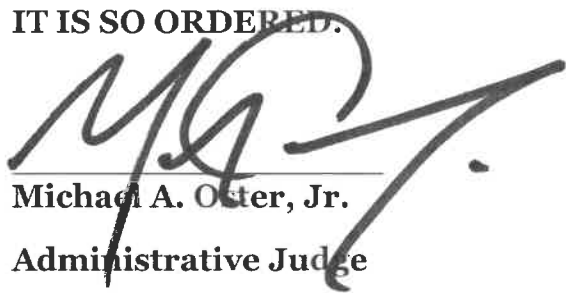
a. Facial coverings are not advisable due to a medically documented health reason, to comply with the Americans with Disabilities Act requirements, and for recognized good faith reasons, such as religious beliefs.

- b. Facial coverings should also not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
 - c. Facial coverings are not required when an employee works alone in an assigned work area, or is otherwise socially distant, i.e. six (6) feet.
 - d. There is a functional (practical) reason for an employee not to wear a facial covering in the workplace. This exception shall be approved in advance by the employee's supervisor.
4. All Common Pleas Court Judges shall have the individual discretion to make exceptions regarding face coverings in their respective courtrooms for the any of the following reasons:
- a. Health, safety or security of the courtroom.
 - b. The interests of justice cannot be served by parties, attorneys or witnesses wearing a mask.
 - c. When a participant is speaking or offering testimony.
 - d. A medically documented health reason, compliance with the Americans with Disabilities Act requirements, and for recognized good faith reasons, such as religious beliefs.
 - e. Any other valid reason approved by the Judge.

This Order shall remain in effect until expressly terminated by the Court. All remaining Orders enacted March 19, 2020 and their respecting orders extending, which are not amended by this Order shall remain in full force and effect. The Court herein expressly reserves the right and full authority to further extend the time suspensions set forth, for a greater period of time, to include the duration of the public health crisis and public emergency, if deemed necessary.

This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Butler County, Area Courts in Butler County, Butler County Clerk of Courts, Butler County Adult Probation Department, Butler County Bar Association, Butler County Prosecutor's Office, Butler County Public Defender's Office, Butler County Sheriff, Butler County Board of Health, City of Hamilton Board of Health, Butler County Commissioners, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

A large, stylized handwritten signature in black ink, appearing to read 'MAO', is written over a horizontal line. The signature is slanted to the right and has a long, sweeping tail that extends to the right edge of the page.

Michael A. Oster, Jr.

Administrative Judge