



GUIDANCE TO LOCAL COURTS COVID-19 Public Health Emergency

The COVID-19 pandemic has created unprecedented times for the judiciary and the bar of Ohio. Now, more than ever, it is imperative that the judiciary, the bar, and all justice system partners work together to ensure access to the courts while also minimizing COVID-19 transmission to the public, litigants, bar, and court staff. While there is no one solution that will be appropriate for every court, there are a number of options that should be considered under existing authority.

EFFORTS TO MINIMIZE PHYSICAL APPEARANCES AT COURT

- Sua sponte granting of continuances for non-essential court appearances (an essential proceeding may be defined as one in which relief is necessary to protect a person's health, safety, housing, or to prevent some other imminent, serious harm that cannot be remedied if allowed to occur); or, in the alternative, rescheduling of non-essential court appearances as phone or video conferences.
- Temporarily continue eviction filings, pending eviction proceedings, scheduled move-outs, and the execution of foreclosure judgements (except in the instances where allegations of domestic violence are involved).
- Temporarily stay the filing and enforcing of any garnishment actions or orders.
- Leverage technology, such as video conferencing, web-based meeting platforms, and telephone, to conduct arraignments, hearings, pre-trials, treatment team meetings, probation meetings, mediations, and to provide interpreter services, etc.
- Waive appearances for pretrial hearings.
- Extend deadlines for court-ordered classes, community service, and community control conditions that require in-person attendance.
- Cancel or postpone probation/community control violation hearings if the alleged violation is not a new criminal offense.

ACCESS TO THE COURTS

- Encourage courts to avoid assessing fees pursuant to [Civ.R. 3\(D\)\(2\)](#), when an action is filed in an improper venue.
- Clerks of courts should continue to allow in-person filing of emergency or time-sensitive cases, particularly if e-filing is not available.

BAIL, BONDS, AND WARRANTS

- At bail hearings, issue recognizance bonds, unless there is clear and convincing evidence that recognizance release would present a substantial risk of harm.
- Temporarily refrain from issuing a capias warrant for failure to appear for traffic violations, minor misdemeanor, and non-violent misdemeanor offenses.
- Generally, refrain from issuing capias arrest (bench) warrants and instead reschedule court appearances.
- Impose sentences with a presumption the sentence will be noncustodial, unless there is clear and convincing evidence that release would present a substantial risk of harm.

INCARCERATED INDIVIDUALS

- Use discretion to release individuals held in jail.
- Release incarcerated individuals who are in a high-risk category for being infected with the virus (e.g., the elderly, those with asthma, cancer, heart disease, lung disease, and diabetes) unless there is clear and convincing evidence that release would present a substantial risk of harm.
- For individuals incarcerated for non-violent misdemeanor offenses, release and place them on community-control sanctions, including GPS or electronic monitoring, unless there is clear and convincing evidence that release would present a substantial risk of harm.

Resources Available at
sc.ohio.gov/coronavirus

COMMUNICATION

- Provide updates on access to the courthouse and case updates via the local court webpage, social media, etc.
- Provide public notification that hearings are available for emergency actions, such as civil protection orders, restraining orders, temporary orders, medical emergency filings, shelter care hearings or preliminary protective hearings for children alleged to be abused, neglected or dependent, adult protective services, emergency guardianship, and proceedings for a mentally ill person, etc.
- Send a memorandum to or call a virtual meeting with local attorneys, child welfare agencies, adult protective services, law enforcement, and other justice partners to make expectations clear.
- Post signs outside the courthouse to give current status updates.
- Coordinate with the county or city public health department.
- Regularly communicate with the court's funding authority to keep it informed of the court's current status and administrative operational decisions.
- Communicate with staff about essential operations and policies and keep them informed of expectations.
- Regularly check the Supreme Court's Coronavirus website for updated resources: sc.ohio.gov/coronavirus.