

MUNICIPAL COURT  
FILED  
MAY 12 2020  
MARION, OHIO

IN THE MARION MUNICIPAL COURT  
MARION COUNTY, OHIO

IN RE: COVID-19  
TEMPORARY PROCEDURES

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REVISED ADMINISTRATIVE ORDER

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This Temporary Administrative Entry and Order is made upon this Court's own motion, and for good cause shown, in the interest of the health, welfare, and safety of the general public, and of this Court's employees. Administrative Judge Teresa Ballinger, makes the following findings of fact:

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in the State of Ohio; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global pandemic requiring "urgent and aggressive action" to control the spread of the virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to provide federal funding to fight the COVID-19 pandemic and empowered the Secretary of Health and Human Services to waive certain laws and regulations to ensure the virus can be contained and patients treated; and

WHEREAS, on March 27, 2020, Am Sub. H.B. 197 was enacted which tolls time limitations and deadlines in the Ohio Revised Code and the Ohio Administrative Code; and

WHEREAS, on March 27, 2020, Chief Justice Maureen O'Connor issued an Entry, complimentary to Am. Sub. H.B. 197, to toll time limitations and deadlines in the rules established by The Supreme Court of Ohio, which will expire wither when the emergency period ends and Executive Order 2020-01D expires, or on July 30, 2020, whichever is sooner; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recommended Americans wear cloth face coverings in public to help slow the spread of COVID-19. That recommendation was made based on studies that show a significant proportion of people with COVID-19 lack symptoms and can transmit the virus to others in close proximity, through speaking, coughing, sneezing, or other means; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor Mike DeWine, Ohio Department of Health Director Amy Acton, M.D., MPH a mandatory Stay-At-Home Order was issued lasting until 11:59 p.m. on April 6, 2020. Further, Dr. Acton issued a new Stay-At-Home Order that began on April 7, 2020 and lasts through May 1, 2020 and



WHEREAS, as of April 27, 2020, Governor DeWine announced details of Ohio's Responsible Restart Ohio Plan which requires general safe business practices for the reopening of businesses. But, because the danger of COVID-19 still exists, Ohio's Stay-At-Home Order remains in effect to encourage Ohioans to continue making reasonable, rational decisions about leaving home; and

WHEREAS, on April 30, 2020, under the direction of Governor Mike DeWine, ODH Director Dr. Amy Acton issued a new order called the "Stay Safe Ohio" order setting forth the new guidelines and safe practices, which will remain in effect until May 29, 2020 at 11:59 p.m.;

Therefore, Marion Municipal Court hereby requires safety measures be put into place, in accordance with the above-mentioned Orders effective May 5, 2020.

- All individuals are required to wear face coverings while in the Clerk's office, in the lobby and hallways of the 2<sup>nd</sup> floor, and in either courtroom (collectively referred to as the "Court Area"), unless one of the following apply:
  - The face covering is not advisable for health purposes;
  - The person is sitting alone in an enclosed space; or
  - There is a practical reason a face covering cannot be worn by a person

If any exceptions apply to an employee, written justification must be provided upon request.

- Employees must perform a daily symptom assessment to determine if they should work;
- Employee must always maintain good hygiene and are required to regularly wash their hands;
- Employees are required to clean and sanitize work areas throughout the day and at the close of business or between shifts;
- Employees must stay home if symptomatic;
- Occupancy capacity will be limited to meet social distancing guidelines;
- All individuals must be a minimum of 6 feet between each other unless a proper barrier exists, or the person is alone in an office;
- Individuals exhibiting symptoms of COVID-19 are not permitted to enter the Courthouse.

Further, Marion Municipal Court will continue to limit entrance to the Court Area to necessary parties to a case or those with business before the Court. Individuals may be required to wait in their vehicles before being allowed into the building if occupancy capacity has been met due to social distancing guidelines.

As of May 5, 2020, the Court will begin to reintegrate various types of hearings back onto the docket. Pretrial hearings will continue to be held using remote technology if the capability and consent is available. The Court will immediately begin to schedule the following for in-person hearings when possible: motion hearings, initial hearings for detained Defendants, arraignments for violent offenses and OVI cases, felony preliminary hearings, temporary protection order hearings, probation violation hearings where the defendant is in custody, weddings, and emergency hearings deemed appropriate by the Court.




Forcible Entry and Detainer cases will be scheduled beginning in mid-June. Landlords are encouraged to consult with an attorney regarding the implications of the CARES Act on Forcible Entry and Detainer cases. Traffic cases (excluding OVI's and Physical Control cases) and civil trials including small claims will be scheduled for the beginning of June.

The Court hereby continues to order that all criminal and civil pre-trials with Attorneys for both parties to be held via telephone or video conferencing. All matters with incarcerated Defendants will continue to be held remotely. Probationers will continue to meet with probation officers virtually when possible, at the discretion of the officers. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by the Judge on a case-by-case basis.

If not specifically mentioned, the Court will use discretion to determine if a matter needs addressed in order to protect an individual's health, safety, housing, or prevent other imminent, serious harm, that cannot be remedied otherwise. The Court shall ensure the orderly and efficient administration of justice for the duration of this emergency while continuously assessing the situation to determine if additional precautions are necessary. Time is tolled accordingly. This Administrative Entry and Order supersedes the previous Administrative Orders promulgated in response to the COVID-19 pandemic to the extent there are any conflicts.

**IT IS SO ORDERED.**

  
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Teresa Ballinger, Judge