

DELAWARE COUNTY PROBATE/JUVENILE COURT PANDEMIC OPERATIONS PLAN

Prepared: April 21, 2020

Implementation: June 1, 2020

Duration: Length of Pandemic

Purpose: The purpose of this plan is to guide the general operations of the Delaware County Probate/Juvenile Court for the duration of the Covid-19 pandemic. This plan will replace the operations of the Court following the 'Stay at Home' orderⁱ, during which all court hearings have been conducted by telephone or other electronic means, and the majority of court staff have been working from home with a rotational fraction of the staff in each day.

Necessity: This plan is necessary as Covid-19 is a highly contagious viral ailment for which there is no direct treatment, nor any vaccinationⁱⁱ. Early estimates of the contagiousness of the virus suggested that it had an overall R0 factor of 2.2 to 3.0. However, more recent estimates suggest that number is as high as 5.7ⁱⁱⁱ, meaning that each infected person gives the virus to nearly six others. Case fatality rate estimates are difficult as the total number of infected persons is unknown and, at present, difficult to estimate. However, estimates suggest that the rate is not lower than .5% and may be as high 1.5%^{iv}. The CFR of laboratory confirmed cases is approximately 5% in the United States.^v

Termination: The plan will remain in effect for the duration of the pandemic, estimated to last 18 to 24^{vi} months unless a vaccine or effective anti-viral treatment is found sooner. It is estimated that only 3-5% of the U.S. population will have been infected in the first wave, occurring from February to roughly June of 2020^{vii}. The U.S. Centers for Disease control warn that future waves, particularly during the winter months, could be significantly worse^{viii}, creating the need to maintain this plan until the pandemic ends. This is necessary to protect the health of the public, the court staff, and to ensure sufficient healthy court staff to operate the court at all times. This plan may be terminated at any time under the sole discretion of the Judge.

Amendment: Changes in the nature or severity of the pandemic may result in the amendment of this plan at any time at the discretion of the Judge.

OPERATIONAL CONDITIONS

Staffing: Staff will be divided into two or more operational 'teams'. These teams will work on an alternating schedule to avoid cross-contamination between the teams. The purpose of this team rotation is to permit the quarantining of either team for the Covid-19 incubation period, should an infection or infections be detected among members of that team. This is especially necessary given that the percentage of asymptomatic infections appears to be as high as 25-50%^{ix}. The presence of Covid-19 in a team member could necessitate the quarantine of close contacts for up to two weeks as the median incubation is 5.5 days, and 97% are symptomatic within 14 days if symptoms are to develop.^{xi} The team rotating out of the building will work from home as they did during the Stay at Home order, unless they become ill, at which time they will utilize the appropriate form of leave. Temperature checks should be conducted, if possible.

Hearings: Upon the implementation of this plan, certain hearings in which confrontation clause issues are implicated will move back to in-person status. Those hearings include adjudicatory hearings in abuse/neglect/dependency and delinquency matters, delinquency violation of probation hearings, permanent custody trials, bind-over proceedings, will contests, establishment of guardianships and other hearings as determined by the Judge and Magistrates. All other matters will continue to be conducted telephonically or by other electronic means. This is necessary to comply with federal and state guidelines requiring employers to reduce the number of persons coming into their workplaces, keep gatherings under ten people at a time, and maintain appropriate social distancing of six feet or more.^{xii} Special proceedings, including traffic matters that can be handled via the traffic violations bureau, and marriage licenses being handled under the court's emergency order, will continue to be conducted via those alternative means.

Public Access The Court remains open for all business. Filings will continue to be accepted via e-filing, e-mail filing, U.S. mail filing, and drop box filing. The Court will continue to be open and staffed during regular business hours. Public access to the lobby will be reinstated prior to the expiration of the Ohio Supreme Court's emergency order.^{xiii} To maintain the safety of the public and court employees, and to comply with state, federal, and Ohio Supreme Court guidelines^{xiv}, physical access to the internal portion of the Juvenile Court Clerk's Office will continue to be closed. In-person interaction with the Juvenile Court Clerk's office will be facilitated through the receptionist window, or through the main clerical window. Probate Court Clerk's Office access will continue to be through the Probate

Clerk's Office, however a physical barrier will be constructed across the Clerk's counter using Plexiglas or a similar material and through which documents may be passed in compliance with OSHA recommendations.^{xv}

Distancing: Physical distancing shall be strictly enforced, in accordance with federal and state guidelines.^{xvi} Because droplets containing live virus may travel six feet or more^{xvii}, seating in both waiting rooms shall be minimized or eliminated, and seating in courtrooms shall be rearranged to assure compliance with distancing guidelines. In all cases, use of the waiting rooms shall be discouraged, with parties taken to the courtroom immediately upon arrival, or taken to individual conference rooms in order to avoid comingling of parties from different matters. Tape, carpet squares, or other means shall be used to indicate to those attending court how far they should stand back from counters, clerk's windows and other places where interaction occurs.

Supervision: Intake and Probation supervision, contact and testing should continue to be conducted by electronic means whenever possible. In-person contact for drug testing, GPS monitoring, assessments and searches can be utilized where necessary. All non-essential in-person contact should be minimized. The reduction of these in-person contacts is in accordance with recommendations of the American Probation and Parole Association.^{xviii}

Programs: CASA^{xix}, Mediation^{xx}, Community Service^{xxi}, Victim's Services^{xxii}, Mentoring^{xxiii}, the Assessment Center and other court programs should continue to utilize telephonic and other electric services wherever possible. Individual changes in those programs may be necessary on a case-by-case basis as the pandemic unfolds.

Outbreaks: To the fullest extent possible within HIPAA regulations and labor laws^{xxiv xxv}, employees of the Court shall be informed when a co-worker is suspected to have or has been confirmed to have Covid-19. The ill employee and all close contacts shall be quarantined in accordance with guidance from state and local health officials^{xxvi}.

Publication: This pandemic operations plan should be communicated to the Delaware County Commissioners, the other divisions of the Delaware County Court of Common Pleas, the Delaware County Prosecutor's Office, the Delaware County Bar Association, the Delaware County Department of Job and Family Services, all other relevant state, county and local offices, and the general public. This document, and any amendments, will be available on the Court's website.

References:

- ⁱ <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/ohio-stay-at-home-order-extended-through-may-1>
- ⁱⁱ <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- ⁱⁱⁱ https://wwwnc.cdc.gov/eid/article/26/7/20-0282_article
- ^{iv} [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30243-7/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30243-7/fulltext)
- ^v <https://www.cdc.gov/nchs/nvss/vsrr/COVID19/>
- ^{vi} <https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf>
- ^{vii} <https://www.nejm.org/doi/full/10.1056/NEJMe2002387>
- ^{viii} <https://www.newsweek.com/cdc-director-coronavirus-wave-late-fall-substantial-portion-americans-will-susceptible-1495401>
- ^{ix} <https://www.npr.org/sections/health-shots/2020/03/31/824155179/cdc-director-on-models-for-the-months-to-come-this-virus-is-going-to-be-with-us>
- ^x <https://www.nejm.org/doi/full/10.1056/NEJMoa2006100>
- ^{xi} <https://www.jwatch.org/na51083/2020/03/13/covid-19-incubation-period-update>
- ^{xii} <https://www.whitehouse.gov/openingamerica/#criteria>
- ^{xiii} http://www.courtnewsorio.gov/bench/2020/tollingOrder_041420.pdf
- ^{xiv} <https://www.supremecourt.ohio.gov/coronavirus/resources/localCourtGuidance03.20.20.pdf>
- ^{xv} <https://www.osha.gov/Publications/OSHA3990.pdf>
- ^{xvi} <https://www.whitehouse.gov/openingamerica/#phase-one>
- ^{xvii} <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>
- ^{xviii} <https://www.exitprobationparole.org/covid19statement>
- ^{xix} <https://nationalcasagal.org/join-national-casa-gal-in-keeping-a-watchful-eye-on-our-children/>
- ^{xx} <https://www.mediate.com/articles/wilmet-covid-19.cfm>
- ^{xxi} <https://www.nationalservice.gov/serve>
- ^{xxii} <https://www.ocvjc.org/covidsurvey>
- ^{xxiii} <https://www.mentoring.org/new-site/wp-content/uploads/2020/03/COVID-19-Mentor-Tips-One-Pager-1.pdf>
- ^{xxiv} <https://www.natlawreview.com/article/employer-guidance-preparing-positive-covid-19-test-among-employees>
- ^{xxv} <https://hbr.org/2020/03/your-employee-tested-positive-for-covid-19-what-do-you-do>
- ^{xxvi} <https://www.osha.gov/Publications/OSHA3990.pdf>