

# **Court Operations During the COVID-19 Pandemic: Frequently Asked Questions**

**[Posted March 2020, Amended and Restated December 2020]**

The global public health crisis has forced courts across the state to radically alter how they function on a daily basis. The Franklin County Probate Court remains committed to preserving public access to essential functions of justice, while at the same time taking all steps necessary to help preserve the safety of the community as a whole.

The answers below respond to some common questions about current court operations. Please note that these answers are subject to change and do not necessarily reflect how the court will function after the state of emergency has ended.

## **General Questions**

### **Is the court still operating?**

Yes. The court is still conducting business from 8:00 a.m. to 5:00 p.m., Monday through Friday. These hours remain subject to change.

### **Can I still come to the court in person?**

Generally, no. Members of the public, including attorneys, will only be permitted inside the court for certain essential hearings.

### **What if I have a hearing or status conference scheduled?**

In order to maintain safe physical distancing, the court is conducting hearings and conferences by phone or videoconference. If you have an upcoming hearing or conference, please consult your paperwork for the log-in or call-in instructions. If you need assistance finding this information, please call the court's main phone number at 614-525-3894.

### **Have case deadlines changed?**

Certain temporary changes in law from March 9, 2020 until July 30, 2020 may have affected the deadlines in your case.

Retroactive to March 9, 2020, all statutes of limitation, time limitations, and deadlines in the Revised Code and Administrative Code were tolled until July 30, 2020. [2020 Am.Sub.H.B. 197, § 22](#). This law **did not** provide any mechanism for the court to amend or suspend the tolling of statutory deadlines.

The Ohio Supreme Court has also tolled all time requirements imposed by rules of the Court, for the same time period described in Am.Sub.H.B. 197. [03/27/2020 Administrative Actions, 2020-Ohio-1166](#). However, if a situation required immediate attention, this tolling provision was

superseded by a specific order in a case issued on or after March 9, 2020.

The court cannot provide legal advice as to how these changes may have affected your case in particular.

### **What if I have a question?**

Phone numbers for our various departments are available in the “[Contact](#)” page of this website. Professional appointments with our magistrates are still available by phone, as well.

## **Filing Documents**

### **Submitting Filings**

#### **How can I submit documents for filing?**

The court has **not** changed its requirements as to which kinds of cases require paper filing (such as estates and guardianships) and which require e-filing (such as adoptions, minors’ settlements, name changes, and civil actions).

E-filed documents may be submitted as usual through the [Franklin County Courts Electronic Filing system](#).

Paper documents may be submitted via mail or drop-box in the building lobby.

#### **Can I submit my paper filings by fax or email?**

No. At this time, the court will not review or file any documents received by fax or email.

#### **Do paper filings need original signatures?**

While the court strongly prefers all paper filings to have original signatures, original signatures will not be required for the duration of the COVID-19 pandemic, with the exception of wills and will codicils. The court is required by statute to accept only original wills and will codicils.

The court will currently accept **printed** copies of documents signed by some electronic means, such as by fax, email, or scan, as long as those documents remain easy to read. For example:

Acceptable:

- A document with a typed guardian’s signature, accompanied by an email from the fiduciary to the attorney indicating that guardian approves the document.
- A clear, legible fax or photocopy of a document signed by an estate administrator and sent to the attorney.

Unacceptable:

- A printed photograph of a signed document which is difficult to read.
- A clear, legible photocopy of a signed document which is sent to the court via fax or email.

The attorneys of record in a case are responsible for verifying any non-original signatures on filings which they submit.

### **Can the court process the documents I submit the same day they are received?**

The court's processing speed for all filings is limited by our skeleton crew operations, the need for court staff to physically walk all paper filings through the appropriate departments, and the sheer volume of filings being submitted every day. Your patience during these difficult times is appreciated.

While e-filed documents may still be processed the same day they are submitted, same-day processing is **not** available for paper filings, except under very specific circumstances. The court has been advised that the SARS-CoV-2 virus responsible for COVID-19 may survive on paper for up to 24 hours. For that reason, all paper filings received by the court will be held for 24 hours before they are sorted and reviewed.

If you have a paper filing that you believe requires attention sooner due to exigent circumstances, such as a threat to an individual's person or estate, please contact our magistrates' assistant at (614) 525-3896 to discuss arrangements. More specific instructions for urgent guardianship filings are discussed below.

### **What happens to my paper documents after the holding period ends?**

Court staff will sort incoming paper submissions twice a day, then physically walk them through to the appropriate departments for review.

If your submission is approved in its entirety, it will be filed. To account for the holding period, these documents will be deemed filed one business day prior to the date they are file-stamped.

### **What happens if there are problems with my paper filing?**

If there are problems with your submission, it may be rejected in its entirety and returned by mail with an explanation of why.

Alternatively, the court may hold your submission and ask you to provide additional documents or payment. Supplemental submissions should include a brief letter of explanation and should be addressed "Attn: Staff Attorney." Once the court has received all necessary documents and payment, your submissions will be filed.

### **Can I get file-stamped copies of the documents I submit?**

Yes. Certified copies of filed documents will be provided by mail. However, the court will only provide ordinary file-stamped copies if your submission includes customer copies, or if you specifically request and pay for the court to make copies itself (\$0.05 per page).

### **How can I make sure the filing process goes as smoothly as possible?**

A cover letter which outlines everything you are submitting helps to ensure that filings remain together, and nothing is overlooked. If you are submitting documents to more than one case at the same time, consider including a cover letter for each case.

Please include a return envelope with your submission.

If you know which department needs to review your documents, please address your submission to the attention of that department.

Please include payment for all of the documents you are submitting. If you are submitting documents to more than one case at the same time, please include separate payment for each case, and include the case name or number on each separate check or money order. Payment is discussed in more detail below.

## **Paying for Filings**

### **How do I pay for my filings?**

The court currently accepts cashier's checks, money orders, and attorney's checks. Please note that the court **cannot** accept blank checks. Any blank checks received will be destroyed.

Payment by cash or credit card is not available at the court until further notice, except in the marriage department, which is able to accept credit/debit cards or cash with exact change tendered (\$65.00).

For ease of processing, if your submission includes filings for more than one case, please include a separate check for each case, writing the case name or number on each check.

E-filing payments remain unaffected by these temporary changes.

### **How do I know how much to pay?**

A list of basic court costs is available in the "[Court Costs](#)" page of this website. You may also request an estimate of filing costs by calling our receptionist at (614) 525-3894 and asking to speak with the cashier.

Please know that the amount you owe may vary if, for instance, there is a past due balance on the case account, or if your filings contain extra pages.

### **What happens if I include too much or too little payment?**

Documents will not be processed in full without payment in full. The court will contact you if additional payment is required.

If you overpay in an estate case, the excess payment will be applied to the case account as a deposit. Otherwise, our bookkeeping department will issue you a refund for the excess amount.

## **Department-Specific Questions**

### **Guardianships**

#### **What if I need to establish a guardianship quickly?**

The court will continue to schedule hearings to establish guardianships on an expedited or emergency basis, as necessary to protect the health and safety of a person alleged to be incompetent.

When filing, please keep in mind that emergency guardianships are different from expedited guardianships. An **expedited** guardianship is, essentially, an ordinary guardianship created on a faster timeline because of pressing circumstances.

However, an **emergency** guardianship is an *ex parte* proceeding which occurs without notice to the person who is alleged to be incompetent. Emergency guardianships only last for 72 hours and, as a result, are granted sparingly—only when it appears likely that the person alleged to be incompetent is likely to be harmed in the next 72 hours if a guardianship is not established.

#### **How should I file an expedited or emergency guardianship case?**

The person applying to be appointed guardian, or their attorney, should contact the magistrates' assistant at (614) 525-3896 and indicate that they plan to file an emergency or expedited application. The magistrate will make a return call to discuss the case and determine whether the health and safety of the person alleged to be incompetent is of immediate concern.

If authorized by the magistrate, you should e-mail or fax the court a motion to expedite the guardianship hearing so that a hearing date court can be set. The original application for guardianship, including all required documents, should then be placed in the court drop box in an envelope clearly marked with "EXPEDITED" and the last name of the alleged incompetent. Please contact the court to let us know when these filings have been deposited so that our staff can exempt them from the usual 24-hour holding period.