

**IN THE PROBATE COURT OF FRANKLIN COUNTY, OHIO  
ROBERT G. MONTGOMERY, JUDGE**

IN THE MATTER OF: : Case No. 603535  
: :  
COVID – 19 Public Health Emergency :  
and Court Operations. :

**FILED #1**  
**MAY 20 2020**  
Robert G. Montgomery, Judge  
Franklin County Probate Court

**AMENDED JOURNAL ENTRY & COURT ORDER**

The matter of the current public health emergency and responses to the COVID - 19 virus, and current declarations of the Governor and Director of Health of the State of Ohio are before the Court this 23<sup>rd</sup> day of March 2020 on its own motion. In order for the Court to assist all state and local agencies in maintaining public health and safety, to protect Court personnel and the public, and to assist our local law enforcement and healthcare community in preserving all available resources, the following Temporary Emergency Court Operations Protocol for Marriage License Applications is hereby adopted as a Temporary Emergency Order effective immediately. The Court adopts this Order in accordance with its inherent authority and Local Rule 54, Conduct in Court.

The Court finds as fact and takes judicial notice of the following:

- March 9, 2020: Governor's Executive Order 2020-01D, Declaring an Emergency for the Entire State;
- March 13, 2020: The President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;
- March 17, 2020: ODH Director's Order to Limit and/or Prohibit Mass Gatherings in the State of Ohio (Amended);
- March 18, 2020: The Mayor of Columbus declared a state of emergency;
- March 20, 2020: County Administrator Kenneth N. Wilson ordered the closure of all non-essential government functions at all county government complexes in Franklin County, and all other offices within Franklin County government complexes are hereby closed to the public, including the Franklin County Courthouse, 373 South High Street, Columbus, Ohio, except for the courts;
- March 22, 2020: ODH Director's Order that All Persons Stay at Home Unless Engaged in Essential Work or Activity.

Further, the Court has consulted with the Commissioner of Franklin County Public Health about conducting court operations during this emergency. The Court further finds that marriage license applicants closely interact with the Court's deputy clerks, by having to provide identification documents to them, court documents and other papers, by having an oath administered to them and then the applicants must sign and then receive paperwork from the clerks.

The Court further finds that at this time, such up close and personal contact without screening the applicants for symptoms of COVID – 19 infection presents an unnecessary and unacceptable risk to the Court's personnel, other County employees and the public, based on Ohio Department of Health and CDC guidance on how the COVID – 19 virus is transmitted. The Court has already taken significant measures to reasonably curtail public access to the Court and thus exposure to COVID – 19, as set forth in the Special Notice RE: COVID – 19<sup>1</sup> and the Special Citation Notice RE: COVID – 19.<sup>2</sup> Further, the Court finds that many Probate Courts around the State of Ohio have taken measures to prevent the spread of COVID – 19 during the marriage license process, including closing altogether.

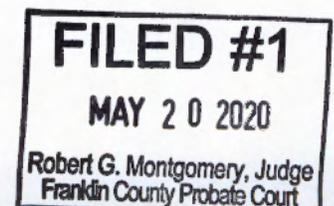
Therefore, it is ORDERED, ADJUDGED and DECREED that the following Protocol will be employed at the Court:

- 1.) Only marriage license applicants may enter the Probate Court's Marriage License Department, no visitors, except the news media.

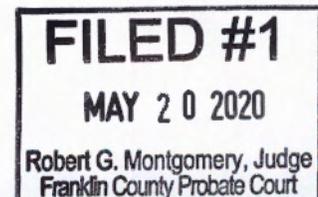
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<sup>1</sup> <<https://probate.franklincountyohio.gov/PBCT-website/media/Documents/PDF/WEBSITE-COVID-19-notice-FINAL.pdf?ext=.pdf>>

<sup>2</sup> <<https://probate.franklincountyohio.gov/PBCT-website/media/Documents/PDF/COVID-19-citation-notice.pdf?ext=.pdf>>

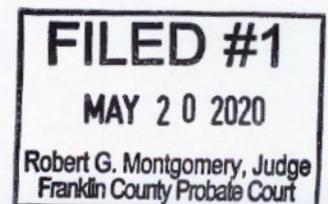


- 2.) All marriage license applicants shall be screened by either court personnel or Franklin County Sheriff's Office (FCSO) personnel for the presence of a fever and asked about whether they have been exposed to COVID – 19, have any recent travel history or have any symptoms (fever, cough, difficulty breathing). The Court may utilize non-touch thermometers to conduct this screening, if these resources is available. CDC considers a person to have a fever when he or she has a measured temperature of 100.4° F (38° C) or greater. No person with recent exposure to the infection or who presents one or more symptoms will be admitted to the Probate Court and will be Ordered to leave the courthouse immediately. That person is not to return until they are symptom-free for 14 days or have a verified negative test for COVID – 19 infection. No person who refuses to answer the questions truthfully will be admitted.
- 3.) All marriage license applicants will wait in the designated area until directed by Court personnel to enter the Marriage License Department. They will go directly there and depart the courthouse immediately upon concluding their business.
- 4.) All marriage license applicants will be required to sanitize their hands prior to entering the designated waiting area and again upon entering the Court's Marriage License Department.
- 5.) All marriage license applicants shall practice social distancing (6 feet of separation), shall cover their coughs/sneezes, not touch their face/eyes/nose/mouth and shall obey all signage and the instructions of Court



and/or FCSO personnel for prevention of infectious disease during the process.

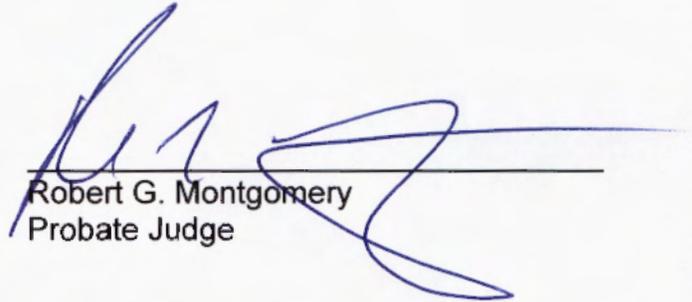
- 6.) The Court may permit applicants to appear before the court via video conferencing to complete a marriage license application. The applicants must meet all of the requirements of the statute to obtain a marriage license in the state of Ohio, and must also have the necessary technological specifications to communicate with the court via this method. The court reserves the right to require applicants to appear in-person at the court if the application process cannot be completed via video conferencing in order to issue a license.
- 7.) The court has the ability to obtain certified divorce decrees directly from the Franklin County Domestic Relations Court for applicants who have terminated previous marriages in that court. Applicants who were divorced outside Franklin County must still obtain certified divorce decrees for their most recent previous marriage and provide the document(s) during the application process.
- 8.) Any party aggrieved by this Temporary Emergency Order shall be permitted to file their objections in writing, subject to further review by the Court at a time to be scheduled by the Court.
- 9.) The Court's Bailiff / Court Security Department may adopt additional temporary policies and procedure as necessary to protect the health of the public, Court employees, and others, in the best interest of the public safety, for anyone entering or seeking to enter the Probate Court facilities.



10.) This Temporary Emergency Order shall be subject to modification as necessary or otherwise in the discretion of the Court, and it shall continue until vacated by Order of this Court.

IT IS SO ORDERED.

Date: 5-20-20

  
Robert G. Montgomery  
Probate Judge

cc: Franklin County Sheriff  
Franklin County Public Facilities Management Department  
Franklin County Board of Commissioners  
Franklin County Administrator  
Franklin County Public Health Commissioner  
Franklin County Prosecutor  
Columbus Bar Association  
Columbus Dispatch  
Daily Reporter

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