

IN THE COURT OF COMMON PLEAS OF UNION COUNTY, OHIO
JUVENILE DIVISION

**Local Rules of
Juvenile Practice and Procedure**



HON. RICK RODGER, JUDGE
UNION COUNTY JUVENILE COURT

Rules Effective
February 2, 2022

UNION COUNTY JUVENILE COURT
Local Rules of Practice and Procedure

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Rule 1.0 Local Rules – Introduction

These following local rules of practice and procedure are adopted pursuant to the authority of Rule 45 of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152 of the Ohio Revised Code and Rule 5 of the Rules of Superintendence for Courts of Ohio, as amended from time to time. These local rules are supplemental to the Rules of Superintendence for the Courts of Ohio, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, and the Ohio Rules of Criminal Procedure and must be read in conjunction therewith.

Rule 2.0 Effective Date

The effective date of these rules is February 2, 2022. These rules supersede any other previously adopted rules and the same are hereby repealed

Rule 3.0 Hours of Court

The offices of the Union County Juvenile Court are open for business from 8:30 a.m. to 4:00 p.m. daily, Monday through Friday, with the exception of legal holidays, emergency closures and other dates and times as ordered.

Rule 4.0 Court Deposits and Costs for Juvenile Court

Advance deposits for costs shall be required in accordance with the schedule attached hereto as **Appendix A** and as it may be amended from time to time. The Juvenile Court may assess other costs on a case-by-case basis as permitted by the Ohio Revised Code and applicable law.

Rule 4.0 Payment of Fines and Costs

(A) **Costs Deposit.** If court costs are required, the Clerk of Courts shall not accept any action or proceeding for filing without a deposit as security for costs as set forth in **Appendix A**. The Juvenile Court will assess other costs not specifically listed in that schedule as required by the Ohio Revised Code and applicable rules of procedure. The Court may require additional deposits during the pendency of an action.

(B) **In Forma Pauperis.** The deposit for costs shall be considered to be met if a party files to proceed in forma pauperis, swearing that the party is without funds or assets to pay the deposit. If represented by counsel, the party's attorney will file a certification that no attorney fees have been paid. After the filing of such an affidavit, the Court may examine the party to determine if there are sufficient facts to support a conclusion that substantial justice requires that the party be relieved from liability for deposit upon filing or from judgment for court costs. Nothing herein shall be construed to prevent the Court from assessing costs. During the course of a proceeding, if the Court determines that a party who has filed an Affidavit of Poverty is or has become able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a reasonable period of time commensurate with the circumstances.

(C) **Court Deposits Applied.** Upon final judgment, the Court will apply the deposit to the costs in the case, regardless of the party against whom costs are assessed. As required by law or in the discretion of the Court, the Court will assess the costs against the proper party or parties, may reimburse the depositor any excess funds, or may assess costs among the parties for payment final costs.

Rule 5.0 Copies and Charges for Copies; Confidentiality

(A) **Pleadings.** A party who files a pleading, a copy of which is to be served through the Clerk's office, shall furnish a sufficient number of copies for service, and shall file a praecipe for service.

(B) **Copy Costs; Certification.** Copies of all non-confidential pleadings, process, record, or files, including certificate and seal may be purchased by any party in accord with the costs set forth in **Appendix A**, “Court Deposits and Costs for Juvenile Court.”

(C) **Copying of Certain Records; Confidentiality.** Court records regarding delinquent, unruly, abused, neglected or dependent children maintained in the Clerk’s office of the Union County Juvenile Court are confidential and **may not** be copied by any means or viewed without the oral permission of a Judge or a Magistrate.

Rule 6.0 Filing Standards

(A) **Top Margin of Three Inches on First Page.** The first page of any pleading, motion or proposed entry filed with the Court will display a blank, 3-inch top margin to accommodate the Court’s official time and date file stamp. Standard forms promulgated by the Supreme Court of Ohio or a local, state or federal agency is exempt from this requirement. The Court will not accept for filing any documents that do not comply with this requirement.

(B) **Mechanical Print Standards.** If typed, the text of all pleadings and documents filed by the parties or their attorneys shall be at least 12-point, double-spaced, noncondensed type. Footnotes and quotations may be single spaced and shall also be in 12-point, noncondensed type. As used in this provision, “noncondensed type” means a serif font with not more than eighty characters to a line of text.

(C) **Facsimile Filing Standards.** Except for the initial filings in an action, the Court will accept filings by facsimile transmission. Any filing faxed to and received by the Clerk shall be considered filed with the Court as of the date and time a deputy clerk time-stamps the filing, as opposed to the date and time of the fax transmission. Any faxed filing received by the Clerk prior to 4:00 p.m. on any business day will be time-stamped the same business day. Filings received by the Clerk after 4:00 p.m. will be time-stamped the next business day. The facsimile machine is available to receive filings daily (including weekends and holidays), unless barred by equipment or transmission errors. Time-stamped filings may be placed in local counsel’s mailbox in accordance with Local Rule 6.2. Otherwise, the time-stamped filing will be return faxed to the filing party and electronic transmission fees may be assessed as permitted by law.

(D) **Email Filing Standards.** Except for the initial filings in an action, the Court will accept filings by email transmission to juvenilecourt@co.union.oh.us. Any filing emailed to and received by the Clerk shall be considered filed with the Court as of the date and time a deputy clerk time-stamps the filing, as opposed to the date and time of the email transmission. Any emailed filing received by the Clerk prior to 4:00 p.m. on any business day will be time-stamped the same business day. Filings received by the Clerk after 4:00 p.m. will be time-stamped the next business day. Email can be received daily (including weekends and holidays), unless barred by equipment or transmission errors. Time-stamped filings may be placed in local counsel’s mailbox in accordance with Local Rule 6.2. Otherwise, the time-stamped filing will be return emailed to the filing party and electronic transmission fees may be assessed as permitted by law.

Rule 6.1 Service or Delivery of Court Documents

(A) **Manners of service or delivery.** Service or delivery of Court-generated documents upon parties or counsel shall be by ordinary U.S. Mail sent to the last address reflected in the case file for the individual or entity served, unless service is made personally by a deputy clerk, placed in the clerk’s office mailbox pursuant to Local Rule 6.2, or sent by certified mail.

(B) **Exceptions to Juvenile Rule 20(B).** Even if represented and unless otherwise restricted by law, the clerk may also provide service or delivery directly to a represented party or that party's parent/guardian/custodian, via U.S. Mail of the following:

- (1) Notices of hearing;
- (2) Entries or orders granting continuance of hearing or conference dates;
- (3) Magistrate's decisions; and
- (4) Journal entries adopting or containing final appealable orders.

(C) **Clerk's notation of delivery.** The serving deputy clerk shall indicate on the original filing by writing the following, next to each attorney, party or agency that requires delivery:

- (1) the date of service;
- (2) the means of delivery or service employed for each party or counsel, indicating either: "C" (certified U.S. mail); "F" (facsimile); "M" (ordinary U.S. Mail); "MB" (mailbox in clerk's office); "P" (personal service); or any other reasonable notation that sufficiently communicates the manner of delivery; and
- (3) the initials of the serving deputy clerk.

Rule 6.2 Service and Delivery via Clerk's Office Mailboxes

(A) **Mailbox in the Juvenile Clerk's Office.** Mailboxes in the office of the Juvenile Clerk are available as a courtesy for firms, attorneys and represented Union County governmental agencies that desire to accept delivery or service of pleadings, notices and other documents filed or relating to an action in which said firm, attorney or agency is either counsel or a party. Both the Court or other parties in the appropriate matter pending before this Court are permitted to utilize the mailboxes for delivery or service. The physical form and location of the mailboxes shall be at the discretion of the Court.

(B) **Permission.** Firms, attorneys and represented agencies who wish to receive delivery or service through a mailbox will submit a written and signed *Request for Clerk's Office Mailbox* form (see **Appendix**) to authorize use. The submission of the form shall be deemed to constitute a waiver of any alleged imperfections of service. Permission can be revoked upon written notice to the Chief Deputy Clerk.

(C) **Use of mailboxes for delivery or service.** Unless otherwise controlled by rule or statute, it shall be sufficient delivery or service by the Court for any employee, official or deputy clerk of this Court to place a copy of a Court-generated document in the mailbox maintained in the office of the clerk. Any party or attorney of record in a matter may serve or deliver documents upon a firm, attorney and represented agencies in that matter through delivery to the mailbox. Any such delivery or service via the mailbox shall be considered complete on the next business day following placement therein.

(D) **Limits of mailbox service.** Service through an attorney's mailbox shall be deemed to apply only as to service upon counsel in counsel's representative capacity as counsel of record, guardian ad litem, or fiduciary in pending matters before this Court, and not to counsel individually.

(E) **Availability, access.** Attorneys, agencies or their designees may access the contents of the mailbox during the Clerk's Office normal hours of operation. The firm, attorney or agency is responsible to check their mailbox, by appearing personally or by agent, at the clerk's office to request and retrieve the documents.

Rule 6.3 Signatures Required; Electronic Signatures Authorized

(A) **Signature required.** Every pleading or document filed shall be signed by an attorney representing the party on whose behalf the pleading or document is filed. A party who is not represented by an attorney shall sign the pleading or document being filed.

(B) **Electronic signature defined.** An electronic signature shall be defined as (1) a digital image of the person's original signature or (2) a signature line with an "s" and a forward slash followed by the person's name in print (e.g., s/ "John T. Smith").

(C) **Electronic signature permitted.** Subject to the exclusions in section (D), attorneys and unrepresented parties are permitted to sign pleadings with an electronic signature. Any electronic signature on a pleading or document shall be considered that of the attorney or party it purports to be for all purposes associated with the document or pleading. If subsequently established that the electronic signature was utilized without authority, the Court shall order the pleading or document stricken from the record.

(D) **Electronic signature not permitted.** Agreed entries or decisions dispositive of a matter and submitted for the Court's approval shall be originally signed by the party and originally signed his/her attorney. Original signatures are required for petitions for or renewals of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order; for any affidavit; and for documents that require the notarization of an original signature (including, but not limited to poverty affidavits; affidavits in support of any action; and Uniform Child Custody Jurisdiction and Enforcement Act affidavits).

(E) **Multiple electronic signatures permitted.** If a document requires more than one signature, such as an agreed order or entry, the filer shall confirm with all required parties or their legal counsel that the content of the document is acceptable or accurate under the circumstances, specifically request permission to use an electronic signature for said attorney or party. If the signatory agrees, the filer shall reflect that person's signature with signature line with an "s" and a forward slash followed by the person's name in print (e.g., s/ "John T. Smith") followed by a brief statement that confirms when and how permission was granted (e.g. Nov. 1, 2020, via email) and indicates any restrictions (e.g. "as to form only.")

Rule 6.5 Service by Publication or Posting

Pursuant to Rule 16(A) of the Ohio Rules of Juvenile Procedure, if the residence of a party is unknown and cannot be ascertained with reasonable diligence, service shall be authorized by either newspaper publication or by posting and mail.

(A) Service by Newspaper Publication.

(1) A party seeking to serve a party, whose residence is unknown and cannot be ascertained with reasonable diligence, by publication of legal notice in a newspaper of general circulation, shall file the following with this Court:

(a) An **affidavit** of the party or the party's counsel that shall aver:

- (i) The affiant is a party, or counsel for a party to the action filed in the Union County Common Pleas Court, Juvenile Division, as well as the affiant's address and telephone number;
- (ii) The caption of the case, the case number, and a brief statement of the nature of the action before the Court;
- (iii) The full name (if known) and date of birth (if known) of the party whose residence is unknown and is sought to be served by newspaper publication;

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- (iii) A specific chronology of the reasonable and diligent efforts of the affiant to locate the party sought to be served by newspaper publication. Exhibits may be attached;
- (iv) A statement that service of summons cannot be made because the residence of the person is unknown to the affiant and cannot be ascertained with reasonable diligence; and
- (v) The last known address of the party to be served (if known).

(b) A **certificate of service** to all parties and their respective counsel,

(c) A **praecipe for service** by newspaper publication, and

(d) A **proposed legal notice** that comports with Rule 16(A) of the Ohio Rules of Juvenile Procedure. The proposed legal notice shall also be submitted electronically via email to JuvCtLegalNotice@co.union.oh.us at the time of the filing of the hard copy of the proposed legal notice. With leave of Court, an affiant may be permitted to file a physical copy of the notice only, if the affiant states why the notice cannot also be submitted electronically.

(2) The Clerk shall serve notice by publication to *Marysville Journal Tribune*, which is the newspaper of general circulation in Union County, Ohio.

(3) The notice shall be published in accordance with the Civil Rules and Juvenile Rules shall be complete on the last date of publication. The publisher or publisher's agent shall file with the Court an affidavit showing the fact of publication together with a copy of the notice of publication. The affidavit and copy of the notice shall constitute proof of service.

(B) Service by Posting and Mail.

(1) A party seeking to serve a party, whose residence is unknown and cannot be ascertained with reasonable diligence, by publication of legal notice via posting and mail, shall file the following with this Court:

(a) An **affidavit** of the party or the party's counsel that shall aver:

- (i) The affiant is a party, or counsel for a party to the action filed in the Union County Common Pleas Court, Juvenile Division, as well as the affiant's address and telephone number;
- (ii) The caption of the case, the case number, and a brief statement of the nature of the action before the Court;
- (iii) The full name (if known) and date of birth (if known) of the party whose residence is unknown and is sought to be served by posting and mail;
- (iv) A specific chronology of the reasonable and diligent efforts of the affiant to locate the party sought to be served by posting and mail. Exhibits may be attached;
- (v) A statement that service of summons cannot be made because the residence of the person is unknown to the affiant and cannot be ascertained with reasonable diligence; and
- (vi) The last known address of the party to be served (if known).

(b) A **certificate of service** to all parties and their respective counsel;

(c) A **praecipe for service** by posting and mail, and

(d) A **proposed legal notice** that comports with Rule 16(A) of the Ohio Rules of Juvenile Procedure. The proposed legal notice shall also be submitted electronically via email to JuvCtLegalNotice@co.union.oh.us at the time of the filing of the hard copy of the proposed legal

notice. With leave of Court, an affiant may be permitted to file a physical copy of the notice only, if the affiant states why the notice cannot also be submitted electronically.

(2) Location and manner of posting.

(a) The clerk shall post the legal notice for seven (7) consecutive days:

(i) Upon the **legal notices bulletin board** located on the ground level of the Union County Courthouse, 215 W. Fifth St., Marysville, Ohio; and

(ii) Upon the **Union County Juvenile Court's website** under the section designated as "LEGAL NOTICES." The notice shall appear as an electronic image of the certified copy of the legal notice that is also posted to the bulletin board.

(b) After the conclusion of the seven-day posting period, the clerk shall cause the removal of the notices from both locations and enter a notice of service in the docket of the matter that describes both where and when the notices were posted. Service shall be deemed complete upon entry of the notice of service into the docket of the matter.

(c) **Clerk to attempt service by ordinary mail.** The clerk shall cause summons and accompanying pleadings to be mailed by ordinary mail, with certificate of mailing and address correction requested, to the last known address of the party to be served as required by Rule 16(A) of the Ohio Rules of Juvenile Procedure. If notified of a corrected or forwarding address of the party sought to be served pursuant to this rule, the clerk shall proceed with service as required by Rule 16 (A) of the Ohio Rules of Juvenile Procedure.

Rule 7.0 Forwarding Copies

The Court will not return file-stamped copies of any pleadings or documents by mail unless submitted with a return, self-addressed, stamped envelope.

Rule 8.0 Disposition of Exhibits

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be placed in the Court case file, unless otherwise ordered by the Court. Upon agreement of the parties or by order of the Court, copies or photographs may be substituted for the original exhibit.

Rule 9.0 Payment of Fines and Court Costs

Judgment entries will contain a provision allocating payment of costs. Unless otherwise ordered by the Court, all fines and court costs shall be paid within (30) days from the date the Court orders the same unless there is on file a written agreement to make periodic payments or a court order indicating otherwise. In the absence of any provision, after application of deposits to costs incurred by the Court as a result of the filing of the action, the balance of costs shall be paid as follows: by the Plaintiff in an uncontested paternity, or custody proceeding; equally between the parties in a contested paternity or custody proceeding; by the Juvenile in a delinquency, unruly, juvenile traffic offender or juvenile tobacco offender proceeding; by the Obligor in any proceeding relating to the enforcement or modification of a support order, and by the moving party in a post-decree proceeding.

Rule 10.0 Retention of Court Records

The Court will follow the retention schedule set forth by the Ohio Rules of Superintendence.

Rule 11.0 Conduct in Court

(A) **Decorum.** Proper decorum in the Court is necessary for the administration of justice.

(B) **Attendance.** In any preliminary juvenile matter presented to the Court, the Court may restrict the attendance at said hearing to next of kin, interested parties, and their counsel.

(C) **Recording Devices.** No radio, television, voice, or photographic recording or transmitting equipment other than equipment supplied by the Court for purposes of maintaining a record of proceedings shall be permitted without the express consent of the Court in advance and pursuant to Sup. R. 12.

Rule 11.1 Use of Physical Restraints

(A) Juveniles who appear before the Court in any proceeding shall not be physically restrained by any method, unless the judge or magistrate conducting the proceeding determines on the record that:

(1) The juvenile represents a current and significant threat to the safety of the juvenile's self or other persons in the courtroom, and there are no less restrictive alternatives to the use of restraints; or

(2) There is a significant risk that the juvenile will flee the courtroom; and there are no less restrictive alternatives to the use of restraints.

(B) The judge or magistrate conducting the proceeding shall permit any party to the proceeding as defined in Juv.R. 2(Y) to be heard on the issue of whether the use of physical restraint is necessary for that juvenile at that court proceeding. The hearing on the issue of restraint shall be held as soon as possible upon the juvenile being brought into the court proceeding. Restraints may be left in place until the hearing on the use of restraints is completed.

(1) When it is determined that a juvenile must be physically restrained, the least restrictive method of restraint to meet the risk shall be utilized. The restraint should not unnecessarily restrict the movement of the child's hands unless the need for restraint of the hands has been demonstrated.

(2) This rule shall not limit the ability of law enforcement, security personnel or other court staff from physically restraining a juvenile during transport to or from the court or during recess of the court proceeding to ensure proper functioning of the courtroom and/or to maintain the safety and security of court facilities, personnel or the public therein.

Rule 12.0 Correspondence

Copies of all correspondence addressed to the Court, and every pleading, motion, brief, memorandum, or argument in writing filed with the Court, by any party or counsel shall be served upon all opposing counsel, a Guardian ad litem, if one is appointed, and upon all parties not represented by counsel. The correspondence or filing shall certify to whom copies were furnished and otherwise comport with the Ohio Rules of Civil Procedure and Juvenile Procedure. Correspondence not in compliance with this rule may be disregarded by the Court, unless the party or counsel complies with this rule, or the Court on its own provides such copies.

Rule 13.0 Delinquency and Unruly Actions and Tobacco Offenses

(A) **Applicable Rules.** In all actions involving charges of delinquency, unruliness, or tobacco offenses, the Ohio Rules of Juvenile Procedure and the Ohio Rules of Criminal Procedure, where applicable, shall apply.

(B) **Complaint.** Prior to filing, a complaint alleging delinquency, unruliness, or a juvenile tobacco offense shall be approved and certified by the Union County Prosecuting Attorney or an assistant prosecuting attorney before it is presented to the Juvenile Court.

(C) **Screening.** Juvenile court personnel will review each complaint for screening pursuant to Juv. R. 9(B) and Loc. R. 13.1.

(D) **Appointment of Indigent Representation in Unruly/Delinquent Actions.** If a juvenile desires an attorney and does not have an attorney at the initial appearance or at any other stage of the proceedings, the Court shall refer the juvenile to the Union County Public Defender's Office for determination of eligibility of indigent services. If the juvenile is eligible for such services, the Union County Public Defender's Office shall file an entry of appearance on behalf of the appointed attorney within ten (10) days of the referral. Pursuant to current law, contribution and/or application fees may be required.

Rule 13.1 Diversion Accountability Program

(A) **Complaints; Review.** Pursuant to Juv. R. 9(A), and in lieu of formal court action before this Court, an alleged unruly or delinquent juvenile offender may be referred for eligibility assessment and admission to the Court's voluntary diversion program. All complaints submitted to the Court will be filed, provided a case number for tracking purposes, and screened for participation.

(B) **Criteria.** Each matter and alleged juvenile offender will be evaluated individually. Typically, the following criteria disqualify participation in the diversion program:

- (1) This or another court previously adjudicated the juvenile as either unruly or delinquent.
- (2) The offense charged would constitute a felony if committed by an adult.
- (3) The offense charged is a crime of violence.
- (4) The offense resulted in more than \$500 of damage to persons or property.
- (5) An exception to these criteria can be permitted by the Chief Probation Officer with approval by the Judge of the Juvenile Court.

(C) **Approval required.** If the matter/juvenile appears eligible for diversion, the complaint will be assessed for further eligibility screening.

(D) **Eligibility screening.** The diversion program will issue a letter to the youth and parent/guardian. The youth and at least one parent or legal guardian must voluntarily participate in a screening and interview process, the results of which determine eligibility for the diversion program.

(E) **Terms of diversion.** Each youth accepted into diversion, and their parent/guardian, must voluntarily sign a diversion contract to agree to terms that will include:

- (1) a requirement that the youth and parent/guardian acknowledge the truth of the facts alleged in the complaint;
- (2) payment of a program fee to the Office of the Juvenile Clerk, including fees for specialized programming and instruction, if necessary;

(3) tasks and requirements designed to help remediate the offense, provide a learning opportunity for the youth and to serve as a consequence or deterrent for further illegal behavior;

(4) a required completion date not more than 90 days from the date of the contract; and

(5) an acknowledgement that failure to complete diversion successfully will result in the filing of the complaint.

(F) Case Management.

(1) Matters accepted into the diversion program shall be categorized as unofficial, pursuant to R.C. 2151.27(F), and shall not be subject to other provisions of these rules. With the exception of this Court's staff in furtherance of their official duties, no person shall have access to records of open unofficial matters without the prior authorization of the Court.

(2) The unruly or delinquency complaint or report will be placed upon unofficial status and held in abeyance until the eligibility assessment is complete and remain so until the individualized terms of diversion are satisfied. If the matter is closed with the successful completion of the terms of diversion, this Court shall promptly order the immediate sealing of the entire record of the matter, pursuant to R.C. 2151.356(B)(1)(b).

(3) The unruly or delinquency complaint will be filed on the formal docket upon failure to comply with eligibility screening, refusal to participate in diversion or failure to comply with the terms of diversion.

Rule 14.0 Serious Youthful Offender Proceedings

In Serious Youthful Offender Proceedings, Title 29 of the Ohio Revised Code, the Ohio Rules of Criminal Procedure, and the Rules of Juvenile Procedure apply, with the exception of proceedings governing the invocation of the adult portion of a blended sentence.

Rule 15.0 Detention, Detention Hearings, Shelter Care Hearings

(A) **Central Ohio Youth Center.** The Court designates the Central Ohio Youth Center (COYC), located at 18100 State Route 4, Marysville, Ohio, as the proper place of detention for juveniles taken into custody within the borders of Union County, Ohio.

(B) **Detention Report.** When a duly authorized officer places a juvenile in detention, they shall give the admissions officer at the facility a written, signed report that: provides a detailed explanation of why the child was taken into custody; states why the child was not released to a parent, guardian or custodian; recommends appropriate terms that the Court should consider when contemplating the child's release from detention; and the basis for the officer's recommendations. If the signed report is not complete or does not contain all these elements, the officer shall appear at the subsequent detention or shelter care hearing to testify to this information.

(C) **Hearing.** All juveniles received into detention or shelter care shall be brought before the Court for a detention or shelter care hearing in accordance with the Court's orders.

Rule 16.0 Juvenile Traffic Offender Complaints

The complaint in a Juvenile Traffic Offender matter shall be a Ohio Uniform Traffic Ticket. Tickets produced by computer or other electronic means will be accepted if they conform in all substantive respects to the Ohio Traffic Rules. The Court will accept filing of computer-generated traffic tickets directly from the issuing law enforcement agency through the Court's electronic filing and docketing system. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer

shall provide the juvenile with a paper copy of the ticket. Unlike delinquency, unruly, abuse, neglect, and dependency complaints, Juvenile Traffic Offender complaints need not be approved by the Union County Prosecutor prior to filing.

Rule 16.1 Juvenile Traffic Violations Bureau

(A) **Purpose.** The Juvenile Traffic Violations Bureau shall operate in accord with R.C. 2152.20, 2152.21 and Ohio Traffic Rules 13 and 13.1. As set forth herein, a juvenile charged as a juvenile traffic offender may elect to proceed to adjudication and disposition of the violation without a formal, in-person court appearance.

(B) **Eligibility Review.** After a traffic ticket is filed, a traffic violations bureau clerk will review the ticket to determine if the juvenile and the violation charged appear eligible for processing through the bureau.

(1) **Eligible.** Upon the determination that the ticket is eligible for processing through the bureau, the clerk will mail the written documentation to the juvenile and the juvenile's parent, guardian or legal custodian as set forth in section (D) of this rule.

(2) **Ineligible.** A ticket will be ineligible for processing through the bureau if the violation charged requires a mandatory court appearance as set forth in Traf.R. 13.1 or as otherwise provided in section (F) of this rule.

(C) Option to proceed through Traffic Bureau.

(1) **Elect to proceed.** If an eligible juvenile elects to proceed through the bureau to complete adjudication and disposition of the traffic ticket, before the date and time stated on the notice, the juvenile and the juvenile's parent, guardian or legal custodian shall: complete, sign and submit to the Court the "Juvenile's Waiver of Rights and Consent to Adjudication and Disposition through the Juvenile Traffic Violations Bureau," proof of financial responsibility and pay fines and court costs in full.

(a) **Late or incomplete forms, failure to pay fines and court costs in full.** The bureau will not accept untimely, incomplete or unsigned forms or untimely or incomplete payment of fines and court costs. If not accepted, a court appearance shall be required. The documents received will be returned, including a brief statement that explains why the forms were returned, and a Hearing Notice with a new court date set fourteen days from the prior court date will issue.

(2) **Decline to proceed.** If an eligible juvenile declines to proceed through the bureau, the bureau will issue a notice of hearing, for which the juvenile and the juvenile's parent, guardian or legal custodian shall personally appear.

(D) **Standard Information.** The bureau will provide documentation and information to any juvenile deemed eligible to process their traffic ticket through the bureau.

(1) **Notice of Eligibility.** A notice states that the juvenile is eligible to process their ticket through the bureau and provides the date on or before which the juvenile's waiver of rights, proof of insurance, admission, consent to disposition and full payment of fines and court costs must be completed and submitted to the Court.

(2) **Instructions.** Instructions that explain how to: utilize the bureau to process the ticket; sign and submit required forms; and pay fines and court costs.

(3) **Notice of Financial Responsibility.** The form contains an acknowledgment that the juvenile complied with Ohio's financial responsibility laws, to which the juvenile shall append sufficient proof of the insurance coverage in effect for the juvenile on the date and time the citation was issued.

(4) **Statement of Rights, Waiver of Rights.** The statement and waiver contain a recitation of the juvenile's rights and the consequences of waiving said rights.

(5) **Admission, Consent to Adjudication and Disposition.** The form allows the juvenile to enter an admission to the allegations as charged in the citation; consent to adjudication as a juvenile traffic offender; and consent to the terms of disposition, including the payment of fines and court costs.

(E) Ineligibility.

(1) All violations of the Ohio Revised Code or similar municipal ordinances are eligible to be processed through the Juvenile Traffic Violation Bureau, with the exception of the following ineligible offenses.

- (a) Indictable offenses.
- (b) Operating a motor vehicle while under the influence of alcohol or any drug of abuse.
- (c) Leaving the scene of an accident.
- (d) Driving while under suspension or revocation of a driver's or commercial driver's license when jail is a possible penalty, if the Juvenile were an adult.
- (e) Driving without being licensed to drive when jail is a possible penalty, if the Juvenile were an adult.
- (f) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child.
- (g) Willfully eluding or fleeing a police officer.
- (h) Drag racing.
- (i) Any speed violations alleging a rate of speed of 20 m.p.h. or greater over the posted limits.
- (j) Any alleged traffic law violations during which a collision occurred.
- (k) Any alleged traffic law violations that cannot be waived and require a mandatory court appearance.
- (l) Any alleged traffic law violations, if adjudicated, would result in the imposition of more than 2 points upon the juvenile's driver's license.

(2) A Juvenile who was previously adjudicated as a Juvenile Traffic Offender of at least one prior moving offense is ineligible.

(3) If more than one moving offense is alleged to arise from a single incident or series of incidents, all are ineligible.

Rule 17.0 Complaints in Abuse, Neglect, and Dependency Cases

Prior to filing, a complaint alleging abuse, neglect, or dependency shall be approved and certified by the Union County Prosecuting Attorney or by an assistant prosecuting attorney before it is presented to the Juvenile Court.

Rule 18.0 Notice of Relocation of Children

If a juvenile within the continuing jurisdiction of the Union County Juvenile Court through a abuse, neglect, dependency, delinquency or unruly matter is also in the custody of a public children's services agency or a private child placement agency, that agency shall notify the Court and all parties of record in writing of any change of residence or placement of that juvenile and shall disclose the residential address

of the child, unless otherwise ordered by this Court. Notice shall be provided within three (3) business days. For purposes of this rule, a “change of residence or placement” shall be defined as any such change that exceeds twenty-four (24) hours and is not reflected in the case plan.

Rule 19.0 Voluntary Case Plans and Safety Plans

(A) **Voluntary Case Plans.** In any case in which a public children’s services agency or private child placement agency has court-ordered involvement with a minor child or family, that child welfare agency shall not enter into voluntary case plans or agreements with the parties unless a motion to modify the Court’s disposition, together with a praecipe for service, is filed with the Court. The agency shall attach a copy of the voluntary case plan to the motion. The Court will set the motion to modify disposition for an evidentiary hearing.

(B) **Safety Plans.** In any case in which a public children’s services agency or private child placement agency has court-ordered involvement with a minor child or family, and that child welfare agency enters into a safety plan for the benefit of the minor child subject of the case before the Court, the agency shall file a copy of said safety plan with the Court within three (3) business days of the signing of the safety plan.

Rule 20.0 Attendance of Children at Neglect, Abuse and/or Dependency Hearings

Children ages 13 and younger who have been adjudged to be neglected, abused, and/or dependent and who are in the custody of a public children’s services agency or private child placement agency shall not be required to attend post-dispositional hearings in such matters, unless otherwise directed to do so by this Court. A public children’s services agency or private child placement agency having custody of adjudged neglected, abused, and/or dependent children ages 14 and older shall facilitate the attendance of said children at all post-dispositional hearings, unless otherwise directed by this Court.

Rule 21.0 Parentage Actions

(A) **Administrative Determination.** Prior to the filing of a parentage action in the Union County Juvenile Court, the Plaintiff is encouraged to request an administrative determination of paternity from the Child Support Enforcement Agency of the county in which the child, guardian, or legal custodian of the child resides.

(B) **Application of Civil Rules.** In all actions involving paternity, the Ohio Rules of Civil Procedure shall apply.

(C) Denial of Parent-Child Relationship.

(1) Upon the filing of a complaint to establish paternity, any denial of the existence of a parent-child relationship must be made by a written answer that conforms to the Ohio Rules of Civil Procedure.

(2) A person may file a motion for relief from final judgment, court order or administrative determination of paternity as set forth in R.C. 3119.961. Said motion must conform to the Ohio Rules of Civil Procedure.

(D) Complaint to Establish Paternity; Procedures.

(1) Upon the filing of a complaint to establish paternity, where there has been proper service upon the defendant and no answer has been filed pursuant to the Ohio Rules of Civil Procedure, the Court, upon request of the complaining party, or upon the Court’s own motion, shall set the matter for hearing upon a motion for default judgment at the Court’s earliest convenience.

(2) Upon the filing of a complaint to establish paternity, where the service has been proper and an answer has been filed, the Court shall set the matter for a pretrial conference at the Court's earliest convenience.

(3) After entry of judgment or order determining parentage, the father may petition for parenting time with the child in a proceeding separate from the parentage proceeding.

Rule 22.0 Allocation of Parental Rights and Responsibilities

(A) In all actions involving custody, parenting time/visitation and child support, each party seeking such relief shall file the following documents with the Court with the initial pleading:

(1) If the pleading is a complaint, an affidavit in support of the complaint must be filed. If the pleading is a motion, a memorandum in support of the motion must be filed. The affidavit or memorandum shall identify why the moving party has a legal right to receive custody and/or parenting time.

(2) A Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, as described in R.C. 3127.23.

(3) A Title IV-D Application Packet, which is available at the Office of the Juvenile Clerk or the offices of the Union County Child Support Enforcement Agency.

(4) An Administrative Paternity Determination, issued by an Ohio Child Support Enforcement Agency, if applicable. If paternity was determined by other means (i.e., by court proceeding, by presumption through marriage, by acknowledgement of paternity, by a comparable agency in another state, etc.), the complaint or motion must disclose this information and copies of any pertinent documents must be included in the initial filing.

(5) An Administrative Child Support Order, if such an order exists.

(6) A praecipe for service upon all necessary parties.

(B) The Court adopts both schedules of the Union County Juvenile Court Standard Parenting Time/Visitation Guidelines, attached in (see **Appendix**). Said guidelines are subject to modification based upon the specific facts of each case.

Rule 23.0 Adult Criminal Matters

In all actions involving criminal charges against adults in the Juvenile Division, the Ohio Rules of Criminal Procedure shall apply.

Rule 24.0 Actions for Contempt

(A) All actions for contempt, whether involving the failure of payment of support or for any other reason, shall be set for hearing by the Court immediately upon the filing of the complaint or motion. An order setting the matter for hearing shall be served upon the alleged contemnor together with a summons and a copy of the initial pleading alleging contempt.

(B) Any person filing a contempt action shall file therewith an affidavit that shall set forth the claimed reasons for the contempt, as well as a notice of the possible penalties and consequences in accord with Ohio law. If the claim is a failure of payment of support, the affidavit shall include the amount of arrearage claimed. If the claim is for failure to pay medical expenses, the party filing the action must include the amount of such medical expenses in the affidavit. The party against whom the contempt action has been filed shall be served in accordance with the Ohio Rules of Civil Procedure with a copy of the affidavit along with the motion for an order of contempt.

(C) Continuances of contempt hearings will only be granted upon a request in writing made by counsel of either party, if represented, or by the parties, themselves, if unrepresented.

Rule 25.0 Arrest

When a party is taken into custody pursuant to an order of the Court, other than upon execution of sentence, he or she shall be brought before the Court on the next regular court day or as soon thereafter as possible. If the arrested party is an adult, posting bond shall be in accord with the Ohio Rules of Criminal Procedure.

Rule 26.0 Continuances and Advancements

Requests for continuances or advancements will be made in accordance with Rule 41 of the Rules of Superintendence for the Courts of Ohio and Rules 19 and 23 of the Ohio Rules of Juvenile Procedure. All motions for continuances or advancements shall be made as far in advance of hearing dates as is practicable, except as herein provided. All requests shall be in writing accompanied by a proposed Journal Entry. Requests shall be granted only after notice to all other counsel and/or parties involved have been effectuated. No case will be continued on the day of hearing except for good cause shown. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date. If a continuance is requested due to an attorney's conflicting assignment, the attorney shall attach proof of the assignment and provide three alternative hearing dates (and times) verified as suitable to all parties, counsel of record and the Court.

Rule 27.0 Magistrates

(A) **Powers and Duties.** The powers and duties of the Juvenile Division Magistrates shall be as defined in Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and Rule 53 of the Ohio Rules of Civil Procedures, as are applicable, and this Court's General Orders of Reference.

(B) **Objections to Magistrate's Decisions.** A decision of a Magistrate may be reviewed by the Judge of this Court by filing one or more objections in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure. The objections shall be accompanied by a memorandum in support.

(1) If a finding of fact or weight of the evidence is part or all of the basis for the objections, a written transcript of the testimony is necessary to support the objection to the Magistrate's Decision and must be filed with the Court, unless the Court has made other orders regarding a transcript and in accord with Local Rule 37 herein. Failure to file a transcript when one is required by this Rule is a basis for dismissal of the objections, unless the Court has made other orders regarding a transcript.

(2) Memoranda Contra Objections may be filed by any party within seven (7) days of the filing of objections to the Magistrate's Decision.

(B) **Motions to Set Aside Magistrate's Orders.** Magistrates may issue orders as provided by Juvenile Rule 40. Parties may file a motion to set aside the order, which shall be heard by the Judge. The motion shall be filed no later than ten (10) days after the Magistrate's Order is entered. The motion shall be accompanied by a memorandum stating the party's position with particularity.

(1) If a finding of fact or weight of the evidence is part or all of the basis for the motion, a transcript of the proceeding before the magistrate must be filed with the Court unless the Court has made other orders regarding a transcript. Partial transcripts may be permitted upon leave of Court. Failure to file a transcript when one is required by this rule is a basis for dismissal of the motion.

(2) All motions to set aside Magistrate's Orders shall be set for oral hearing; however, oral hearings may be waived by agreement of all parties and the Judge.

Rule 28.0 Jury Management Plan

The Union County Juvenile Court adopts the Jury Use and Management Plan as identified in Local Rule 31 of the General Division of the Union County Court of Common Pleas.

Rule 29.0 Attorney Registration Number

All attorneys shall include their Supreme Court of Ohio registration number on documents they file in this Court.

Rule 30.0 Attorneys; Appointment of Indigent Counsel

Indigent parties have the right to appointed counsel in Juvenile Court to the extent provided by law. Indigent parties may be a child charged with delinquency, unruliness, a juvenile tobacco offense, or a juvenile traffic offense; a parent of such a juvenile; a child who is allegedly abused, neglected, or dependent; the parent of a child who is allegedly abused, neglected, or dependent; the parent of a minor parent of a child who is allegedly abused, neglected, or dependent; respondents in actions for juvenile civil protection orders; minor females seeking an abortion without parental notification; or any other indigent person or party specifically designated by the Court.

Attorneys employed by or contracted with the Union County Public Defender's Office shall be appointed to represent all indigent parties who request counsel in the Union County Juvenile Court. If a conflict exists within the office of the Union County Public Defender that would prevent any of the attorneys contracting with that organization from representing one or more of the above-named individuals, the Court will appoint an attorney to represent an indigent party.

Rule 31.0 Guardians ad litem

(A) Minimum duties. All Guardians ad litem shall comply with the relevant Ohio Rules of Superintendence, sections of the Ohio Revised Code regarding Guardians ad litem, and these Local Rules. Guardians ad litem shall perform all minimum, mandatory duties as set forth in Sup. R. 48.03(D).

(B) Orders of Appointment. Orders of appointment shall state whether the non-attorney or attorney is appointed as only the Guardian ad litem, or if the attorney is appointed as both the Guardian ad litem and the attorney of the child.

(C) Conflict. Upon determination that the best interest recommendations of the Guardian ad litem differ from the wishes of the child, the Guardian ad litem shall immediately file a written notice of said conflict to inform the Court and serve the notice upon all parties and counsel of record.

(D) Non-Attorney CASA/Guardians ad litem.

(1) A non-attorney appointed to serve as Guardian ad litem shall act in the best interest of the child.

(2) Only non-attorneys who are also appointed to serve as a child's volunteer Court-Appointed Special Advocate (through the CASA Program of Delaware & Union Counties) shall be appointed to serve as Guardian ad litem for that child. The CASA/Guardian ad litem shall comply with the requirements of the Rules of Superintendence for Guardians ad litem and conduct themselves in accordance with the directives and requirements of the CASA Program of Delaware & Union Counties. There shall be no compensation for CASA/Guardians ad litem.

(3) Non-attorney Guardians ad litem shall avoid engaging in conduct that constitutes the unauthorized practice of law.

(E) Attorney Guardians ad litem.

(1) An attorney appointed to serve as Guardian ad litem, but not as attorney for the child, shall act in the best interest of the child.

(2) An attorney appointed to serve as both the Guardian ad litem and as attorney for the child shall act as legal counsel for the child and advocate for the wishes of the child.

(3) In matters involving the allocation of parental rights and responsibilities, only attorneys shall be appointed, and shall serve only as Guardian ad litem, not as both attorney and Guardian ad litem for the child.

(F) Records and Interview Access.

(1) Orders of appointment shall be displayed by the Guardian ad litem, in addition to personal identification (if requested) to permit access to:

(a) Review, obtain and copy all relevant criminal, civil, educational, mental health, medical and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case (as excepted by section (E)(2), below); and

(b) Interview relevant school personnel, medical and mental health providers, child protective services workers, and relevant court personnel and obtain copies of relevant records.

(2) The records of a child protective services agency are protected in accordance with R.C. 5153.17. The Guardian ad litem may file a subpoena for such records. The court will not permit access to such records until hearing upon the agency's motion to quash the subpoena and this court's in camera review to determine if the documents contain relevant evidence.

(3) If access to records or to interview is not granted by any person or agency presented with the order of appointment, the Guardian ad litem may file a motion requesting this court to order the alleged contemnor to show cause why the person or agency should not be held in contempt of this court. The motion shall be personally served upon the alleged contemnor and noticed to all parties and counsel of record.

(G) Request for Evaluations. For good cause, a Guardian ad litem may request that the Court order the parties to submit to physical, psychological, psychiatric or parenting evaluations. Notice of the request shall be timely filed with the Court and served upon all parties and counsel of record. The court will provide all parties a reasonable opportunity to respond and may order the issue set for hearing. Written responses shall be filed not more than 14 days after notice is served. If the Court orders an evaluation, the Court will apportion the charges for such evaluation between the parties and may tax the charges as costs.

Rule 32.0 Written Guardian ad litem and CASA Reports

(A) Mandatory language regarding disclosure.

(1) In accordance with Sup.R. 48.02(A)(4), each written report generated by a CASA/ Guardian ad litem or attorney Guardian ad litem shall include the following language, on the first page of the document, after the caption and before the body of the report: "The Guardian ad litem report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

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(2) If a Court-Appointed Special Advocate is serving as only the CASA and not as the Guardian ad litem, the CASA's written reports shall include the following language, on the first page of the document, after the caption and before the body of the report: "This report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of this report must be approved in advance by the Court. Unauthorized disclosure of this report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

(B) Disclosure, filing and service of written reports. Written reports shall be timely filed with the Court, and all counsel of record and unrepresented parties shall each be served by the Guardian ad litem or CASA with one copy of the report. Any further disclosure of a written report must be approved in advance by the Court.

(1) Disclosure defined. For the purposes of these rules, disclosure of a report shall be defined as "the discussion, reproduction or distribution of a written Guardian ad litem or CASA report, in total or of any portion, by any means, to any persons or entities not parties to the matter, without the express prior authorization of the Court."

(2) Represented parties declared authorized recipients. By this rule, the Court expressly authorizes counsel to disclose the report directly to their own client who is a party to the matter, however the client shall be subject to sanction, including contempt of court, if any unauthorized disclosure is thereafter made. Counsel who provide the report shall advise their clients accordingly against unauthorized disclosure.

(C) General requirements. Guardians ad litem and CASAs shall conform their reports to the requirements established by Sup.R. 48.06, and as relevant to the proceeding.

(D) Interim Reports. Interim reports may be presented orally during pre-trial proceedings. Upon order of the Court, an interim written report shall be filed and served not less than seven (7) days before a hearing. Interim oral and written reports may address the substantive allegations before the Court but will not be considered conclusive on the issues without the express agreement of the parties.

(E) Filing date for final written reports. Final written reports shall be filed and served not less than seven (7) days before dispositional hearing or final hearing upon the complaint or motion.

(F) Filing date for post-dispositional reports. Prior to each annual review hearing, the Guardian ad litem and/or CASA shall file and serve an updated written report not less than seven (7) days before the review hearing. Unless otherwise ordered by the Court, for other interim review hearings the Guardian ad litem and/or CASA may file and serve a written report or may orally present an updated report on the record of the hearing.

(G) Leave to file written report out of rule. If a written report will not be timely filed, the Guardian ad litem and/or CASA shall file a motion and set forth good cause why the Court should grant leave to file the written report out of rule. The motion also shall indicate that the Guardian ad litem and/or CASA has contacted counsel for the parties and any unrepresented parties and report whether the parties intend to waive timely filing and service, accept the report and proceed with the hearing as scheduled.

(H) Appearance required at dispositional and final hearings. Guardians ad litem and CASA shall be available to testify at dispositional hearings. Guardians ad litem shall be available to testify at final hearings regarding the allocation parental rights and responsibilities. The Guardian ad litem and/or CASA may orally supplement the final written report at the conclusion of the evidence, upon call of the Court.

(I) Evidence. The court shall consider the recommendation of the Guardian ad litem and/or CASA in determining the best interest of the child or children only when a written report or a portion of a written report has been admitted as an exhibit.

Rule 33.0 Guardian ad litem: Scope and Duration of Appointment

(A) **Scope.** The Guardian ad litem may be appointed and ordered to investigate the matter in total or one or more specific issues.

(B) **Duration.** The Guardian ad litem's duties commence upon issuance of an order of appointment and remain in effect until discharged by order of the Court.

(1) **Delinquency, unruly, abuse, neglect, dependency and termination of parental rights.** The appointment of the Guardian ad litem continues until a court order terminates the involvement of the children services agency, the juvenile's probation or the Court otherwise orders termination of the appointment.

(2) **Parental rights and responsibilities.** The Guardian ad litem's appointment terminates upon the Court's filing of a judgment entry and final appealable order dispositive of all pending matters, inclusive of the time necessary to rule upon objections filed to a magistrate's decision, if any. Upon the filing of a notice of appeal, the Guardian ad litem's appointment terminates. If a matter is remanded by appellate court or is reopened, the Guardian ad litem is not considered a party to the new action unless specifically reappointed by the Court.

Rule 33.1 Court List of Approved Attorney Guardians ad litem

(A) **Generally.** Acceptance to and retention upon the Court's current appointment Guardian ad litem lists shall be at the discretion of the Court and upon application and proof of the maintenance of eligibility for appointment. Non-attorneys will not be placed on the lists. The court will maintain three separate Guardian ad litem appointment lists: for private custody matters; for abuse, neglect, dependency and termination of parental rights matters when a CASA/GAL is unable to be appointed; and for delinquency/unruly matters. Application forms for the lists are contained within the Appendices of these rules.

(B) **Application.** To be considered for placement upon the Court's Guardian ad litem appointment list, an attorney shall apply to the Court, utilizing the Court's form (see **Appendix**), and submit a resume; Ohio Bureau of Criminal Investigation background check; proof of valid driver's license; proof of Ohio minimum driver's insurance coverage; and completion of all pre-service education requirements set forth in Sup. R. 48.04 and 48.05.

(C) **Acceptance.** Upon acceptance to the list, the attorney shall complete and submit to the Office of the Juvenile Clerk of Court an IRS Form W-9 and an OPERS Independent Contractor/Worker Acknowledgement (Form PEDACKN). The directives that govern billing procedures are set forth herein, and by accepting an appointment, the Guardian ad litem agrees to be bound by and comply with said directives as to billing.

(D) **Selection for appointment.** Appointments shall be made upon agreement of the parties or at the discretion of the Court. The court will equitably distribute appointments among all attorneys on the list in an objectively rational, fair, neutral and nondiscriminatory manner, in consideration of the complexity of the issues, parties, counsel and the children involved, as well as the experience, expertise, and demeanor of available Guardians ad litem. Placement upon the list does not guarantee appointment.

(E) **Retention.** To remain on the list, an attorney shall, by January 31st of any year, submit to the Court a certification sheet (see Appendix) stating that the attorney is unaware of any circumstances that would disqualify them from serving as a Guardian ad litem, together with proof of completion of continuing education for Guardians ad litem.

(F) **Removal from appointment list.** Upon report of any of the following and/or for good cause shown, the Court may remove an attorney from the appointment list(s).

(1) Failure to comply with applicable Ohio Rules, the Ohio Rules of Superintendence; the Code of Professional Responsibility; or the Local Rules of Practice of the Union County Court of Common Pleas, Juvenile Division.

(2) Refusal to accept appointments.

(3) Failure to follow the Court's billing procedures, including: failure or refusal to file appropriate billing forms; failure to respond to requests for information by the Court, Union County Auditor, Union County Treasurer or the Ohio Public Defender; submission of inaccurate or incomplete billing forms; failure to timely file billing forms; or repeatedly filing motions for extraordinary fees that are denied by the Court.

(4) Unprofessional behavior, including: lack of preparation; tardiness; contentiousness, failure to complete responsibilities; failing to treat court personnel with respect; seeking to withdraw, without cause, prior to the completion of a matter; failure to timely file necessary reports or paperwork; and any pending disciplinary action before a local bar association or the Disciplinary Counsel.

(G) **Complaints, comments.** The Chief Deputy Juvenile Clerk is designated as the individual who will accept written comments and complaints regarding the performance of Guardians ad litem practicing before the Court. All comments and complaints will be provided promptly to the subject Guardian ad litem and forwarded to the Juvenile Judge for prompt consideration and appropriate disposition. The court will maintain a written record in the Guardian ad litem's file regarding the nature and disposition of any comment or complaint and will notify the person who filed the comment or complaint and the subject Guardian ad litem of the disposition.

Rule 33.2 Attorney Billing Procedures and Compensation: abuse, neglect or dependency, termination of parental rights, and delinquency/unruly matters

(A) **Approval Required.** The court will review all motions for fees, expenses and extraordinary fees. The court reserves the right to decline to approve fees and expenses and to reduce fees and expenses.

(B) **Rate of Compensation.** The rate of compensation for attorneys shall be the current rate for such services as determined by resolution of the Union County Commissioners in accordance with R.C. 120.33, as amended from time to time, and upon court review and approval of the requested compensation.

(C) **Maximum fees, billing intervals.**

(1) **Abuse, neglect and dependency matters.** The maximum allowable fees are not more than \$1,500 until and including hearing upon disposition of the complaint; not more than \$1,500 until and including hearing upon the first annual review; and not more than \$1,500 until and including each subsequent annual review hearing, until the matter concludes.

(2) **Delinquency matters.** The maximum allowable fees are not more than \$1,500 until and including hearing upon disposition of the initial complaint; not more than \$750 until and including hearing upon disposition of a probation violation or post-dispositional matter; and not more than \$750 until and including hearing upon each subsequent annual review hearing, until the matter concludes.

(3) **Unruly matters.** The maximum allowable fees are not more than \$1,000 until and including hearing upon disposition of the initial complaint; not more than \$750 until and including hearing

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upon disposition of a probation violation or post-dispositional matter; and not more than \$750 until and including hearing upon each subsequent annual review hearing, until the matter concludes.

(D) Process for approval of fees and expenses. Attorneys appointed as Guardians ad litem in abuse, neglect, dependency, termination of parental rights, delinquency or unruly matters shall accurately complete and file with the Court the most recent versions of the following forms promulgated by the Office of the Ohio Public Defender (“OPD”) in accordance with the OPD’s “Standards and Guidelines for Appointed Counsel Reimbursement.”

(1) A “Motion, Entry, and Certification for Appointed Counsel Fees” (OPD-1026R) and (if necessary) an “Itemized Fee Statement Continuation Sheet” (OPD-1027);

(2) A file-stamped copy of the Court’s order of appointment; and

(3) A file-stamped copy of the child’s “Financial Disclosure Form” (OPD-206R) appended thereto, which is provided by the Court to the attorney upon appointment.

(E) Deadline to File for Fees and Expenses. The Guardian ad litem shall submit a “Motion, Entry, and Certification for Appointed Counsel Fees” to the Court for approval not more than 30 days after the date of the last hearing. If the Court has not issued the dispositional order when the Guardian ad litem files the motion, the Guardian ad litem may enter “pending” or “other” under “Disposition” in the “Summary of Charges, Hours, Expenses, and Billing” section.

(1) **Periodic Billing.** Filing a motion for fees and expenses after disposition or after completion of the annual review(s) is not considered periodic billing. Periodic billing will only be granted with prior leave of court; the Guardian ad litem must file a motion with the Court to request leave to file at any time other than after disposition or after completion of the annual review(s).

(2) **Late filing.** Motions are considered untimely if filed at any time after the deadline for timely filing. If filed late, the amount of fees granted by the Court will be reduced by the reimbursement rate in effect for the current fiscal year (as reported by the Ohio Public Defender). Motions submitted more than 60 days after the initial deadline will not be granted.

(F) Extraordinary Fees. Extraordinary fees are any fees requested in excess of the maximum fees allowed for the billable period. Extraordinary fees will be considered only in complex cases that require an extraordinary amount of trial preparation time, involve unique legal issues, or require extended days of trial. Motions for extraordinary fees should set forth in detail the reason for the request, the amount in excess of the fee schedule requested and an itemized statement of services rendered. Motions for extraordinary fees shall be filed together with a copy of the “Motion, Entry, and Certification for Appointed Counsel Fees” and with a proposed magistrate’s decision (if a magistrate presided over the matter) and judgment entry.

(1) **Timely filing.** Motions for extraordinary fees will not be considered prior to disposition of the initiating complaint or motion. The deadline to file any motion for extraordinary fees is 30 days after the filing of the magistrate’s decision or journal entry that disposes of the initiating complaint or motion.

(2) **Late filing.** Motions for extraordinary fees are not timely if filed at any time after the deadline for timely filing. If filed late, the amount of extraordinary fees granted by the Court will be reduced by the reimbursement rate in effect for the current fiscal year (as reported by the Ohio Public Defender). Motions submitted more than 60 days after the initial deadline will not be granted.

(G) Records Maintenance. All Guardians ad litem are required to maintain records for each appointed case showing the date of service, nature of services rendered, and hours worked. Although such records should not be submitted with a standard motion for fees, the records may be requested if the Court, the

Union County Auditor or Treasurer, or the Ohio Public Defender require additional information about the billing. Such records should be retained by the attorney for a minimum of five (5) years from the date the related motion is submitted to the Court.

Rule 33.3 Attorney Billing Procedures and Compensation: allocations of parental rights and responsibilities.

(A) **Approval required.** The court will review all motions for fees, expenses and extraordinary fees. The court reserves the right to decline to approve fees and expenses and to reduce fees and expenses.

(B) **Rate of compensation.** Upon appointment, an entry will issue that states the Guardian ad litem's rate of compensation and the terms and the amount of any installment payments and deposits. The minimum deposit required for appointment is \$500.00, unless otherwise ordered.

(C) Apportionment of payment of deposit, fees and expenses.

(1) **Affidavit required upon motion for appointment of Guardian ad litem.** All parties shall complete and file Uniform Domestic Relations Form Affidavit 1 ("Affidavit of Basic Information, Income and Expenses") when appointment of a Guardian ad litem is demanded or considered by the Court.

(2) **Apportionment of payment for deposit for fees.** Prior to appointment, the Court will determine the parties' ability to pay a deposit and apportion payment upon consideration of affidavits and other available evidence in accordance with the factors set forth in Sup.R. 48.02(H)(1). The court may set the issue for pre-trial hearing. The apportionment is subject to review and amendment for cause.

(3) **Apportionment of payment for final fees.** The information provided by the parties in their financial affidavits, together with evidence adduced at hearing (if any) upon ability to pay, will be considered in accordance with Sup.R. 48.02(H)(3) to apportion each party's responsibility to pay the final fees and expenses of the Guardian ad litem.

(D) **Monthly statements.** The Guardian ad litem shall file written monthly statements of fees and expenses and serve upon all parties and counsel of record until the matter is terminated in accordance with Sup.R. 48.03(H)(2).

(E) **Motions for payment of fees and expenses.**

(1) **Periodic billing.** At any time prior to the conclusion of a case, a Guardian ad litem may submit a motion for payment of fees and expenses.

(2) **Upon conclusion.** A Guardian ad litem shall submit a motion for payment of fees and expenses not more than 60 days after the date of the final hearing on the matter. Fees and expenses may be approved even if objections, issuance of final appealable order or appeal are pending, absent further order of the Court.

(3) **Form of motion.** Motions for fees and expenses shall itemize the dates and duties performed, time expended, and costs and expenses incurred pursuant to Sup.R. 48.03(H)(1).

Rule 34.0 Discovery

(A) The scope of all discovery shall be governed by Rule 24 of the Ohio Rules of Juvenile Procedure.

(B) A definite discovery schedule will be agreed upon at the pretrial hearing.

(C) Subsequent to compliance with a request or order of discovery, and prior to or during a trial and the initial dispositional hearing, if a party discovers additional matter which would have been subject to

discovery or inspection under the original request or order, he shall promptly make such matter available for discovery or inspection, or notify the other party or his attorney or the Court of the existence of the additional matter, in order to allow the Court to modify its previous order, or to allow the other party to make an appropriate request for additional discovery or inspection. After the dispositional hearing, a party has no duty to provide continuing discovery absent a motion by the requesting party and written order of the Court.

Rule 35.0 Entries

(A) Unless the Court otherwise directs, counsel for the party in whose favor an order, decision, decree, or judgment is rendered, shall, within seven (7) days thereafter, prepare the proper judgment entry, magistrate's decision or magistrate's order, and submit it to counsel for the adverse party and/or any unrepresented party, who shall approve or reject the same within five (5) days after receipt thereof. When an entry, decision, or order has been approved by all counsel and/or unrepresented parties, it shall then be submitted to the Court.

(B) Approval, in this context, is defined as the party's agreement that the content of the proposed entry, decision, or order is consistent with the Court's ruling.

(1) If on the fourteenth (14) day after an order, decision, decree, or judgment is rendered, the prepared entry has not been approved, it shall be filed with the notation "submitted but not approved" in place of the signature of the respective counsel or party.

(2) If counsel and/or unrepresented parties are unable to agree upon the form of the entry, decision, or order, each party shall file a memorandum with the Court which identifies the disputed portions, as well as a proposed entry correcting any alleged errors or misrepresentations.

Rule 36.0 Fingerprinting and Photographing of Juveniles

(A) Fingerprinting and photographing of juveniles who have been arrested or otherwise taken into custody for the commission of an act that would be an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult, will only be accomplished by law enforcement officers in strict compliance with R.C. 2151.313. A law enforcement officer who takes fingerprints or photographs of a child pursuant to R.C. 2151.313(A)(2) shall immediately inform the Juvenile Court of this action and provide the Court with the required information, pursuant to this section, setting forth the identity of the child, the number of fingerprints and photographs taken, and the name and address of each person who has custody and control of the fingerprints or photographs or copies of the fingerprints or photographs.

(B) A law enforcement officer may apply to the Judge of the Juvenile Division for an order to obtain fingerprints or photographs of a juvenile, pursuant to R.C. 2151.313, by filing a written application, setting forth the identity of the child, the number of fingerprints or photographs desired, the names of each person who will have custody of the fingerprints and photographs and copies of the same, and the reason for the request. A proposed journal entry granting the request must be submitted with the request.

(C) Upon expiration of all applicable time limits for retaining fingerprints and photographs, the same shall be delivered to the Juvenile Court, as required by R.C. 2151.313, by the law enforcement officer placing the items in a plain envelope, not larger than 8½" by 11", sealing the same, with the envelope labeled to indicate the identity of the child, the date the photographs and/or fingerprints were taken, and the contents of the envelope. The envelope will be delivered to the Juvenile Court by placing the same in the hands of a deputy clerk during the normal business hours of the Court.

Rule 37.0 Transcripts; Recording of Proceedings

(A) Pursuant to Rule 37(B) of the Ohio Rules of Juvenile Procedure, no public use shall be made by any person, including a party, of any juvenile court record, including a transcript or a digital, audio recording of any proceedings, except in the course of an appeal or as authorized by order of the Court or by statute.

(B) Transcript preparation.

(1) Requests for transcripts shall be submitted to the Court. The cost of transcript preparation will be the sole responsibility of the requester, unless otherwise ordered by the Court.

(2) Requests for transcripts for the benefit of indigent parties shall be submitted to the Court and supported by an order of the Court directing that the transcript be prepared at public expense.

(3) All original transcripts shall be filed with the Juvenile Clerk's Office and shall thereby become part of the official record of the case. A copy will be provided to the ordering party, upon request, at a cost to be determined by the Court.

(C) **Digital audio recording.** Digital audio recordings of the proceedings are the record of proceedings before the Court. Parties may request a copy of the audio recording of a hearing. The request shall state the title of the case, the case number, and the date and time the hearing occurred. The cost of the copy of the audio record shall be paid by the requesting party.

(D) **Stenographic record.** Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The costs of the stenographic record shall be paid by the requesting party unless otherwise ordered by the Court. Arrangements must be made with the Court to have proceedings transcribed by a stenographer approved by the Court.

Rule 38.0 Juvenile Competency

(A) **General Purpose.** The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

(B) **Expedited Hearings.** Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

(C) **Notice.** Upon the conclusion of each hearing, the Court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

(D) **Stay of Proceedings.** Upon the filing of a motion for a determination regarding a child's competency or upon the Court's own motion the Court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the Court determines that the child is not competent but could likely attain competency, the Court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

Rule 40.0 Case Management Plan

This rule is adopted in compliance with the mandate of Rule 5 of the Rules of Superintendence for the Courts of Ohio to achieve the timely disposition of cases. This rule shall be applied and interpreted to the achievement of that goal and consistent with all applicable statutes and Rules promulgated by the Supreme Court of Ohio and this Court. The time schedules included in this rule may be modified by the Court when appropriate and when the Court finds such modification necessary to further the interests of justice.

(A) Scheduling: Unruly, Juvenile Tobacco, Juvenile Traffic Offender Cases, and Uniform Interstate Family Support Act (U.I.F.S.A.) cases. After the filing of an Unruly, Juvenile Tobacco, Juvenile Traffic Offender, and U.I.F.S.A. case, the initial appearance shall be set on the first available court date. All Unruly, Juvenile Tobacco, Juvenile Traffic Offender, and U.I.F.S.A. cases shall be managed according to the following time schedule:

- (1) Within six (6) weeks of the filing of the case, an initial hearing shall be held;
- (2) Within ten (10) weeks of the filing of the case, the trial date shall be confirmed and a final pre-trial conference shall be held;
- (3) Within twelve (12) weeks of the filing of the case, the trial shall be completed.

(B) Scheduling: Abuse, Neglect, and Dependency Cases and Permanent Custody Cases. A complaint alleging that a child is Abused, Neglected, or Dependent or a motion for permanent custody will be managed by this Court according to the following time schedule:

- (1) In an abuse, neglect, dependency case, an adjudicatory hearing shall be held within six (6) weeks of the filing of the complaint, with a focus on holding the adjudicatory hearing within the first thirty (30) days after the filing of the complaint.
- (2) In an abuse, neglect, dependency case, the dispositional hearing shall be completed within ninety (90) days of the filing of the case, with the exception of cases extended in accordance with R.C. 2151.35(B)(1).
- (3) Motions for permanent custody filed subsequent to the dispositional hearing shall comply with the time constraints of R.C. 2151.413 and 2151.414.

(C) Scheduling: Motions/Complaints for Custody, Change of Custody, Parenting Time and Visitation. After the filing of a motion for permanent custody, or a motion or complaint for custody, change of custody, parenting time and visitation, the initial appearance or pretrial hearing shall be set on the first available court date. Such motions or complaints will be managed by this Court according to the following time schedule:

- (1) Within eight (8) weeks of the filing of the case, an initial hearing shall be held;
- (2) Within twenty-four (24) weeks of the filing of the case, the trial date and final pre-trial conference shall be held;
- (3) Within thirty-six (36) weeks of the filing of the case, the trial shall be completed.

(D) Scheduling: Support Enforcement/Modification and Parentage Cases. After the filing of an action for support enforcement or modification or the filing of a parentage case, the initial appearance or pretrial hearing shall be set on the first available court date. Such actions will be managed by this Court according to the following time schedule:

- (1) Within twelve (12) weeks of the filing of the case, an initial hearing shall be held;
- (2) Within twenty-four (24) weeks of the filing of the case, the trial date shall be confirmed and a final pre-trial conference shall be held;

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(3) Within forty-eight (48) weeks of the filing of the case, the trial shall be completed.

(E) **Scheduling: All Other Cases.** Except as required by R.C. Chapters 2151 and 2152 and Rule 29(A) of the Ohio Rules of Juvenile Procedure, all other cases not specifically mentioned herein will be managed by this Court according to the following time schedule:

(1) Within six (6) weeks of the filing of the case, an initial hearing shall be held;

(2) Within sixteen (16) weeks of the filing of the case, the trial date shall be confirmed and the final pre-trial conference shall be held;

(3) Within twenty-four (24) weeks of the filing of the case, the trial shall be completed.

(F) **Initial Hearing.** Notice of the initial hearing shall be given to all parties and counsel of record by regular mail and/or Juvenile Court mail slot not less than seven (7) days prior to the hearing. Any application for a continuance of the conference shall be in writing and filed with the Court in a timely manner.

(G) **Pre-Trial Conference.** Pretrial conferences shall be conducted in all actions where the issues are contested prior to trial. The following apply to all actions before the Juvenile Court:

(1) **Notice; continuance.** Notice of the pretrial conference shall be given to all counsel of record by not less than seven (7) days prior to the conference. Any application for a continuance of the conference shall be in writing and filed with the Court in a timely manner.

(2) **Location of pretrial conference.** Except as otherwise noted herein, the pretrial conference shall take place in chambers, with counsel, CASA, Guardian ad litem (if any), and the presiding judicial officer participating. In delinquency and unruly cases, the pretrial conference may take place at a location other than chambers.

(3) **Attendance.** All counsel and parties shall appear for said conference(s) to confer with legal counsel, discuss possible resolutions, and participate in a temporary orders hearing.

(4) **Pretrial Report/Agreement in delinquency and unruly matters.** Immediately following the pretrial, the parties shall file a Pretrial Report/Agreement indicating a change of plea and a plea agreement or a statement that no agreement could be reached and a request for a trial date. All parties (prosecutor, defense counsel, youth/family) must sign the Report/Agreement which should also include further actions needed such as plea, dismissal, trial date, pretrial motion requiring hearing prior to trial, estimated time required for motion hearing, estimated time required for trial, whether the parties are in agreement that a Risk Assessment may be completed prior to adjudicatory hearing, the date of the Risk Assessment, any psychological evaluation/voice disk assessment needed, the dates/times of the adjudicatory and dispositional hearings and any agreements that the parties have reached.

(5) **Agreement reached.**

(a) **Change of Plea in delinquency and unruly matters.** If there is a change of plea, the prosecutor and defense counsel must check in with the assigned Judicial Officer immediately after the pretrial, if the Judicial Officer is available, and the adjudicatory hearing may take place at that time.

(b) **Settlement.** If the action involves other contested issues which result in a settlement agreement, the Court shall direct one of the parties or counsel to prepare an Agreed Journal Entry or Magistrate's Decision, which shall be circulated, approved by all parties and counsel, and filed with the Court no later than ten (10) days following the pretrial conference.

(6) **No change or plea or settlement.** If no change of plea or settlement agreement is reached, the following decisions shall be made at the pretrial conference and all counsel attending must have authority to enter into a binding pretrial order:

- (a) A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.
- (b) A definite date for exchange of expert witness reports shall be determined.
- (c) A definite date for filing of all motions, which date shall not be later than seven (7) days before the final pretrial.
- (d) The date for a final pretrial, if necessary, shall be set by the Court and shall be held approximately one (1) week prior to trial.

(H) **Final Pre-Trial Conference.** During the final pretrial conference, the following decisions shall be made. Further, all counsel attending must have full authority to enter into a binding final pretrial order.

- (1) The Court will rule on all pretrial motions.
- (2) Briefs on any legal issues shall be submitted unless otherwise ordered.
- (3) Proposed jury instructions (if applicable) shall be submitted.
- (4) Proposed jury interrogatories (if applicable) shall be submitted.
- (5) No motion shall be heard after the final pretrial without leave of the Court and without good cause shown.
- (6) The trial date shall not be changed nor continued without the order of the Court and after showing of good cause.

(I) Traffic Actions.

- (1) In all traffic actions where the alleged juvenile traffic offender admits the offense as charged or is adjudicated a juvenile traffic offender, the matter shall immediately proceed to disposition, unless the juvenile requests a continuance for dispositional hearing.
- (2) In all traffic actions where the alleged juvenile traffic offender denies the charge in the complaint, the Court, at its discretion, shall set the action for pretrial conference, consistent with the procedures described above.

(J) Parentage Actions.

- (1) At the initial pretrial conference, if the parties have not consented to genetic testing, the Court will order genetic testing.
- (2) If a parentage complaint is filed in Court, the Court may assess the costs of genetic testing to one or both parties. If genetic testing has been completed and a party requests retesting, costs associated with the second genetic test shall be assessed to the requesting party.
- (3) After the results of the genetic tests are known, a second pretrial conference shall be scheduled at the Court's earliest convenience.

Rule 41.0 Withdrawal of Counsel

Counsel for any party shall be permitted to withdraw if they comply with the Ohio Rules of Professional Conduct and obtain the written consent of the Court. Counsel must file a written motion accompanied by a proposed journal entry.

Rule 42.0 Specialized Docket: Union County Family Treatment Court

(A) **Establishment of the Union County Family Treatment Court Docket.** Established in 2007, the Union County Family Treatment Court is a Specialized Docket designed in accordance with the Specialized Docket Standards of the Rules of Superintendence for the Courts of Ohio. As a Specialized Docket, the Union County Family Treatment Court offers a therapeutically oriented, judicial approach to providing court supervision and appropriate treatment for substance-dependent parents/guardians of children who have been or are likely to be adjudicated abused, neglected or dependent by the Juvenile Court. The Union County Family Treatment Court strives to help each participant attain sobriety and complete the participant's individualized Case Plan objectives.

(B) **Placement in Union County Family Treatment Court Docket.** Referrals to the Family Treatment Court may come from a judicial officer, the Union County Prosecuting Attorney, defense counsel or Children's Services staff. Said persons may refer a potential participant to the Union County Family Treatment Court by contacting the Treatment Court Coordinator and completing a referral form. In addition, a potential participant may personally apply for admission. Potential participants must meet the following eligibility requirements for participation in the program.

(1) Clinical Eligibility Criteria

- (a) After assessment, it is determined by the assessor that the potential participant is substance dependent (addicted to drugs and/or alcohol or other chemicals).
- (b) If mental health issues exist, it is believed that those conditions can be effectively controlled by treatment and/or medication.
- (c) Potential participants who are actively suicidal, homicidal or psychotic will not be admitted until those conditions have been assessed by a licensed mental health professional as being adequately managed by medication and/or mental health treatment.
- (d) Potential participants whose developmental disability or mental health issues are so significant that the individual may not be able to parent despite achieving sobriety will not be admitted.

(2) Legal Eligibility Criteria

- (a) A Neglect or Dependency complaint was filed in Juvenile Court with underlying parental substance dependency in issue.
- (b) The Union County Family Treatment Court follows the parallel model. While in Family Treatment Court, the participant will appear on a regular basis for status review hearings before the Family Treatment Court Judge or Magistrate. The underlying Neglect or Dependency case will remain assigned to the original Magistrate assigned to the case. All subsequent hearings on the underlying Neglect or Dependency case, such as the Annual Review or Permanent Court Commitment, will be heard by the original Magistrate assigned to the case.
- (c) Participant must be a Union County resident.
- (d) Participants may be legally ineligible to participate if they have a history of violence as evidenced by convictions for violent or sexually related crimes.
- (e) No registered Tier II or Tier III sex offenders will be permitted to participate. Tier I registered sex offenders will be considered on a case-by-case basis.
- (f) Individuals with drug trafficking history will be considered on a case-by-case basis.

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(g) The participation of individuals with allegations of abuse will be considered on a case-by-case basis.

(C) Union County Family Treatment Court Docket Case Management. As described fully in the Union County Family Treatment Court Program Description, the following is a general description of the plan to provide services to participants.

(1) **Initial Referral and Screening.** Upon referral, potential participants are initially screened by staff. Screening may lead to assessment by appropriate licensed providers. Assessment results will be discussed with the Treatment Team, who will make recommendations to the Judge or Magistrate. While potential participants may meet the clinical and legal eligibility requirements, this does not create a right to participate in Union County Family Treatment Court. The Judge or Magistrate shall have the discretion to decide admission into the Union County Family Treatment Court. The Union County Family Treatment Court is a voluntary Specialized Docket. No person can be ordered to enter, but once admitted, the participant can and will be sanctioned for non-compliance with Court orders.

(2) **Admission.** The participant will read the Participant Handbook and execute appropriate waivers, as well as the Participation Agreement, Drug Testing Agreement, and Consent for Release and Exchange of Confidential Information, to enter the Specialized Docket.

(3) **Participation.** Individualized Treatment Court case plans will be developed for every participant and the participant is expected to comply with every aspect of the Treatment Court case plan, or face sanction or termination from the Specialized Docket. Each participant's substance use shall be monitored by random, frequent and observed drug testing protocols that meet the requirements. Progress shall be closely monitored by judicial interaction and oversight.

(4) **Completion.** Compliance with all case plan goals and court orders is required for successful completion. The Judge or Magistrate shall have the discretion to determine if the participant has achieved successful completion of the Treatment Court case plan.

(D) Termination from Family Treatment Court Docket. Participants can be terminated from the Union County Family Treatment Court at the discretion of the Treatment Court Judge or Magistrate in three ways: unsuccessful completion of case plan, neutral discharge or suspension.

(1) **Termination.** The participant may be terminated from the Specialized Docket for failure to appear for Status Review hearings without just cause, failure to participate in treatment, continued, willful non-compliance with program expectations, persistent use of illegal drugs and/or alcohol, continued disrespect to other participants or Treatment Court staff and failure to comply with Case Plan.

(2) **Neutral Discharge.** The participant may be neutrally discharged from the Union County Family Treatment Court for inability to participate in Treatment Court due to (but not limited to): death, incarceration for an extended period of time, injury, illness, communicable disease, relocation, military deployment; or if the participant's mental health problems develop to the point that Treatment Court can no longer meet his/her needs or other factors.

(3) **Inactive Status.** Participants may also be suspended from active status in the Union County Family Treatment Court due to placement in a residential facility that cannot transport the participant for drug court hearings or for an outstanding warrant for noncompliance from the Treatment Court and the issue has not been resolved. Upon resolution of either issue, the participant's case plan will become active again, at which point the participant will either comply with the plan or face termination.

(4) **Result of Termination or Discharge.** If terminated or discharged from the Union County Family Treatment Court, any stay of any other ancillary legal matter upon which completion of the Specialized

Docket was predicated will be lifted, and the matter shall proceed as otherwise required by law. Termination or Discharge shall be noted by the Union County Family Treatment Court through a Journal Entry filed in the Juvenile Court's file of the underlying legal matter.

(E) Use of Information from Family Treatment Court.

(1) Pursuant to Evidence Rule 408, statements made in the Union County Family Treatment Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.

(2) Pursuant to Evidence Rule 410, statements made in the Union County Family Treatment Court hearings will be treated as statements made during plea discussions and will not be admissible to prove the underlying cause of action.

(3) This Rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

Rule 42.1 Specialized Docket: Union County Juvenile Treatment Court

(A) Establishment of the Union County Juvenile Treatment Court Docket. Established in 2009, the Union County Juvenile Treatment Court is a Specialized Docket designed in accordance with the Specialized Docket Standards of the Rules of Superintendence for the Courts of Ohio. As a Specialized Docket, the Union County Juvenile Treatment Court offers a therapeutically oriented, judicial approach to providing court supervision and appropriate treatment for youth with substance use disorders who have been adjudicated delinquent or unruly by the Juvenile Court. The Union County Juvenile Treatment Court strives to help each participant attain sobriety and complete the participant's individualized Case Plan objectives.

(B) Placement in Union County Juvenile Treatment Court Docket. Referrals to the Juvenile Treatment Court will issue from a Judicial Officer, upon the recommendation of the Union County Prosecuting Attorney's Office, Defense Counsel, or Juvenile Court Probation Officers. In addition, a potential participant or the parent/guardian of the potential participant may personally apply for admission directly to the Juvenile Treatment Court. Potential participants must meet the following eligibility requirements for participation in the program:

(1) Clinical Eligibility Criteria

(a) It is determined that the youth has a substance use disorder (DSM-V).

(b) If mental health symptoms exist, it is believed that those symptoms can be effectively managed by treatment and/or medication.

(c) Youth who are actively suicidal, homicidal or psychotic will not be admitted until those symptoms have been assessed by a licensed mental health professional as being effectively managed by medication and/or mental health treatment.

(d) Youth whose developmental disabilities are so significant that the individual may not be able to successfully participate in the Juvenile Treatment Court Docket will not be admitted to the Juvenile Treatment Court.

(2) Legal Eligibility Criteria

(a) An adjudication of delinquency was made in Juvenile Court, and the dispositional order places the youth on probation and either imposes or suspends a referral to the Juvenile Treatment Court. If the dispositional order suspends the referral, a subsequent order must impose the referral.

(b) Participant must be a Union County resident.

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(c) Participant may be legally ineligible to participate if participant has a history of violence as evidenced by previous adjudications for violent or sexually related crimes.

(d) No registered Tier II or Tier III sex offenders will be permitted to participate. Tier I registered sex offenders will be considered on a case-by-case basis.

(e) Individuals with drug trafficking history will be considered on a case-by-case basis.

(C) Union County Juvenile Treatment Court Docket Case Management. As described fully in the Union County Juvenile Treatment Court Program Description, the following is a general description of the plan to provide services to participants.

(1) Initial Referral and Screening. Upon referral, potential participants are initially screened by staff. Screening will lead to assessment by appropriate licensed providers. Assessment results will be discussed with the Treatment Team, who will make recommendations to the Judge or Magistrate. While potential participants may meet the clinical and legal eligibility requirements, this does not create a right to participate in Union County Juvenile Treatment Court. The Judge or Magistrate shall have the discretion to decide admission into the Union County Juvenile Treatment Court. The Union County Juvenile Treatment Court is a voluntary Specialized Docket. No person can be ordered to enter, but once admitted, the participant can and will be sanctioned for non-compliance with Court orders.

(2) Admission. The participant will read the Participant Handbook and execute appropriate waivers, as well as the Participation Agreement, Drug Testing Agreement, and Consent for Release and Exchange of Confidential Information, to enter the Specialized Docket.

(3) Participation. Individualized Treatment Court case plans will be developed for every participant and the participant is expected to comply with every aspect of the Treatment Court case plan, or face sanction or termination from the Specialized Docket. Each participant's substance use shall be monitored by random, frequent and observed drug testing protocols. Progress shall be closely monitored by judicial interaction and oversight.

(4) Completion. Compliance with all case plan goals and court orders is required for successful completion. The Judge or Magistrate shall have the discretion to determine if the participant has achieved successful completion of the Treatment Court case plan.

(D) Termination from Juvenile Treatment Court Docket. Participants can be terminated from the Union County Juvenile Treatment Court at the discretion of the Treatment Court Judge or Magistrate in three ways: unsuccessful completion of case plan, neutral discharge or suspension.

(1) Termination. The participant may be terminated from the Specialized Docket for failure to appear for Status Review hearings without just cause, failure to participate in treatment, continued, willful non-compliance with program expectations, persistent use of illegal drugs and/or alcohol, continued disrespect to other participants or Treatment Court staff and/or failure to comply with Case Plan.

(2) Neutral Discharge. The participant may be neutrally discharged from the Union County Juvenile Treatment Court for inability to participate in Treatment Court due to (but not limited to): death, incarceration for an extended period of time, injury, illness, communicable disease, relocation, military deployment; or if the participant's mental health problems develop to the point that Treatment Court can no longer meet his/her needs or other factors.

(3) Inactive Status. Participants may also be suspended from active status in the Union County Juvenile Treatment Court due to placement in a residential facility that cannot transport the participant for drug court hearings or for an outstanding warrant for noncompliance from the Treatment Court and the issue

has not been resolved. Upon resolution of either issue, the participant's case plan will become active again, at which point the participant will either comply with the plan or face termination.

(4) Result of Termination or Discharge. If terminated or discharged from the Union County Juvenile Treatment Court, termination or discharge shall be noted by the Union County Juvenile Treatment Court through a Journal Entry filed in the Juvenile Court's file of the underlying legal matter.

(E) Use of Information from Juvenile Treatment Court.

(1) Pursuant to Evidence Rule 408, statements made in the Union County Juvenile Treatment Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.

(2) Pursuant to Evidence Rule 410, statements made in the Union County Juvenile Treatment Court hearings will be treated as statements made during plea discussions and will not be admissible to prove the underlying cause of action.

(3) This Rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

Rule 43.0 Exceptions to the Rules

Upon application, and for good cause shown, the Union County Juvenile Court may grant exceptions to these rules.

Rule 44.0 Mediation

(A) Purpose. This rule shall be in effect in accordance with Ohio's codification of the Uniform Mediation Act as contained within Chapter 2710 of the Ohio Revised Code, R.C. 3109.052 regarding the mediation of differences as to the allocation of parental rights and responsibilities, and Rule 16 of the Ohio Rules of Superintendence, all of which are incorporated by reference herein.

(B) Mediation Services. The court shall provide mediation services for current actions within the jurisdiction of the Court and actions that the Court seeks to divert from its jurisdiction. Whether participation is court-ordered or voluntary, all persons who participate in mediation shall proceed in good faith. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

(C) Referral to Services. The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse and mental health services.

(D) Matters Eligible for Mediation.

(1) Formal, Open Matters. At any time after service of summons in an action within the jurisdiction of this court, a case may be referred to mediation at the discretion of the assigned Judge or Magistrate, either sua sponte or upon motion or request of a party. The order to attend mediation does not stay the proceedings or any prior court orders in effect, unless otherwise granted and journalized as an order of the Court. The court may order parties to return to mediation at any time in formal matters. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute but has not yet been joined as a party in the pleadings, counsel shall promptly inform the mediator as well as the Court.

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(a) **Objection to Mediation.** A party opposed to either the referral to mediation or the appointed mediator must file a written objection with the Court within seven (7) days of receiving notice of the referral and explain the reasons for any opposition.

(b) **Notice of Mediation.** The mediator will coordinate the date, time and location of mediations with necessary parties and file a notice to the Court that a mediation is occurring in the case, including the time and place for mediation, which shall be distributed to all parties and custodians. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions.

(c) **Counsel shall be present at mediation unless waived by the party.** Parties to formal matters who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a *Waiver of Counsel at Mediation* form prior to participation in mediation. Waivers may be rescinded at any time.

(2) **Informal Matters.** For matters proceeding informally through the Court's Diversion Accountability Program, the Court's probation and diversion office personnel may refer such matters to mediation, if mediation appears appropriate, in the best interests of the juvenile and is made a condition of the juvenile's diversion contract. Party attendance is voluntary.

(3) **School Truancy and Behavior.** Local school districts may refer students who reside in Union County to mediation designed to address and ameliorate truancy and school-related unruly behaviors, which the Court intends to divert from formal court proceedings, if possible. With regard to truancy, school officials may refer the student and his or her family to mediation upon the anticipated or actual failure of a student's written truancy intervention plan. Party attendance is voluntary.

(E) Reporting of the Results of a Mediation.

(1) **Formal, Open Matters.** Upon conclusion of a court-ordered mediation:

(a) The court shall be informed as to the attendance of the parties at the mediation session(s); whether an agreement was reached on all, some or none of the issues; whether any future mediation will occur; and any additional information the parties mutually consent to be disclosed to the Court.

(b) Separately, the mediator will reduce to writing any agreed terms and provide that document to the parties and their counsel, if any. The parties and/or their counsel are responsible to bring agreements properly before the Court for consideration and possible adoption as an order of the Court. If properly before the Court, and the Court finds that the terms are appropriate under applicable law, the settlement may be made an order of the Court.

(2) **Informal Matters.** Upon conclusion of a voluntary mediation conducted for a matter diverted from the jurisdiction of the Court, the mediator shall report attendance and whether agreements were reached to the referring court employee. If agreements were reached, the mediator shall reduce the agreements to writing and provide the document to the referring court employee as well as the parent, guardian or custodian of the juvenile.

(3) **School Truancy and Unruly Behavior.** Upon conclusion of a voluntary mediation conducted upon referral from a local school district, the mediator shall report attendance at the mediation, reduce any agreements to writing, and provide the document to the designated school district official as well as the parent, guardian or custodian of the student.

(F) **Privileged and Confidential Mediation Communications.** Communications made during mediation are confidential to the extent agreed by the parties or provided by law, privileged against disclosure and

therefore not subject to discovery or admissible in evidence. Parties who desire confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation. This rule does not require the exclusion of evidence that is otherwise discoverable. This rule shall not prevent the mediator from complying with any law that requires the reporting of child abuse, neglect or dependency. Exceptions to the privilege are only as provided by law (ref. R.C. 2710.03, 2710.04).

(G) Nonparty participation during Mediation sessions.

(1) By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and R.C. 2710.04(A)(2). Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

(H) Disclosures; Domestic Violence; Prohibitions.

(1) **Disclosure of current or prior relationship or common residence.** In all matters, if the opposing parties are (a) related by blood, adoption or marriage or (b) have resided in a common residence, both the parties and their counsel have a duty to disclose such information to the mediator and shall participate in any screening required by the Court.

(2) **Disclosure of Domestic Violence.** In all matters, if the opposing parties have known or alleged domestic violence at any time prior to or during the mediation, both the parties and their counsel have a duty to disclose such information to the mediator and the parties shall participate in any screening required by the Court and as directed by the mediator.

(3) **Referral to Mediation Prohibited.** Pursuant to R.C. 3109.052, the Court shall not refer matters to mediation prior to the issuance of written findings of fact if:

(a) Either parent has pled guilty to or been convicted of either a violation of R.C. 2919.25 or an offense that caused injury to the victim and the victim, at the time of the violation, was a member of the family or household now subject to the instant proceeding; or

(b) Either parent was previously found to be the perpetrator of an abusive act that led to an adjudication that a child is an abused child.

(4) **Screening for Domestic Violence, Procedures.** The mediator shall screen for domestic violence both before and during mediation. The mediator may terminate a mediation session upon belief of continued threat of domestic violence or coercion between the parties. When appropriate, the mediator will encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence. If violence or fear of violence is alleged, suspected, or present, the mediation will proceed only if the mediator has specialized training as set forth in Sup. R. 16 and all the following conditions are satisfied:

(a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have counsel or a support person present at mediation sessions;

(b) The parties have the capacity to mediate without fear of coercion or control; and

(c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.

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(5) **Prohibitions.** Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence; to determine whether to grant, modify or terminate a protection order; to determine the terms and conditions of a protection order; or to determine the penalty for violation of a protection order. Nothing in this division shall prohibit the use of mediation in a subsequent custody matter, even though that matter may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

(I) **Qualifications of the Mediator.** Any mediator to whom the Court refers matters for mediation shall comply with and have met the qualifications and training requirements set forth in Sup. R. 16 and shall provide proof of having met all qualifications and training requirements to the Court upon request.

(J) **Mediator Selection and Assignment.** The following methods may be used to determine the mediator for the case:

(a) The court may assign a court mediator.

(b) Specific appointments may be made by the Court upon consideration of the qualifications, skills, expertise and caseload of the mediator in addition to the type, complexity and requirements of the case.

(c) Parties may request leave to select a mediator without guidance from the Court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the Court and who does not meet the qualifications, education and training requirements set forth in section (I) above.

Appendix

Appendix A Schedule of Court Costs, Filing Fees & Deposits

Appendix B Union County Common Pleas and Juvenile Court Standard Parenting Time Guidelines

Schedule A: For Parents Traveling Under 175 Miles One Way

Schedule B: For Parents Traveling Over 175 Miles One Way

Appendix C Application for Guardian ad litem Appointment List
For Abuse, Neglect and Dependency Matters and Delinquency Matters

Appendix D Application for Guardian ad litem Appointment List
For Private Custody Matters

Appendix E Annual Certification for Guardians ad litem

Appendix F Request for Clerk's Office Mailbox Form