

**CLARK COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION
JUVENILE SECTION**

KATRINE M. LANCASTER, JUDGE



**Local Rules of
Practice**

Adopted Date: June 1, 2020

Effective Date: June 1, 2020

101 E. Columbia Street, Springfield, Ohio 45502
(937) 521-1600

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RULE 1. Adoption of Rules

1.01 The Clark County Common Pleas Court, Domestic Relations Division, Juvenile Section, hereafter the court hereby adopts the following rules for the governance of the practice and procedures in the Clark County Court of Common Pleas, Domestic Relations Division, Juvenile Section until otherwise provided pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 5 of the Rules of Superintendence for the Courts of Ohio promulgated by the Supreme Court of Ohio and Ohio Revised Code Section 2123.15. Matters not specifically covered by these rules shall be governed by the appropriate state and local rules.

RULE 2. Scope and Construction of Rules

2.01 These rules are intended to provide for the management of proceedings and other functions of the court and to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, and the Rules of Superintendence for the Courts of Ohio and controlling statutes.

2.02 These rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings of this court. In their application, they shall be construed and enforced so as to provide fairness and secure just, expeditious and inexpensive determination of all proceedings.

2.03 The judge or magistrate presiding over a hearing may permit exception from a rule upon specific request and for good cause shown.

RULE 3. Sanctions

3.01 Failure to abide by the rules governing this court may result in the imposition of sanctions. Sanctions that may be imposed include, but are not limited to, the following:

- (A) A case may commence without counsel, be continued, or be dismissed, as the court deems appropriate.
- (B) The court may order security personnel to remove persons in violation from the courtroom, hallway or building.
- (C) The court may impose fines and/or incarceration pursuant to a finding of contempt.
- (D) The court may remove a person from the list of those eligible for appointment as counsel or guardian ad litem.

RULE 4. Conduct in Court

4.01 Proper decorum in the court is necessary to the administration of the court's business.

4.02 Any person entering court facilities is subject to scanning by a metal detector and to a search of any bag, case or parcel by security personnel.

4.03 All persons entering the court shall dress in appropriate clothing. No one will be permitted in a courtroom dressed in any of the following: shorts, halter tops, midriffs, hats, bandanas, clothing with obscene or derogatory language, or any other clothing deemed inappropriate by the court.

4.04 No radio or television transmission, making or taking of pictures, or voice recording device (other than a device used by the court reporter for making a record of the proceeding before the court) shall be permitted without court approval.

4.05 All cellular phones, pagers and other communication devices must be turned off when in the court.

4.06 Children must be accompanied by an adult in all areas of the Clark County Juvenile Center.

4.07 Food and beverages are prohibited in the courtroom

4.08 Smoking is prohibited throughout the entire Clark County Juvenile Center.

RULE 5. Terms of Court

5.01 The term of court is one calendar year. All actions pending at the expiration of any term are automatically continued without further order. The judge may adjourn court or continue any case whenever, in his or her opinion, such adjournment or continuance is warranted.

RULE 6. Court Hours

6.01 The court facility and clerk's office at the Clark County Juvenile Center, 101 E. Columbia Street, where delinquency, traffic, adult contributing, abuse, neglect and dependency proceedings are held shall be open for the general transaction of business Monday through Friday from 8:00 a.m. to 4:30 p.m., excepting legal holidays or court order.

6.02 The court facility and clerk's office at the A.B. Graham Building, 31 N. Limestone Street, where paternity, support, visitation and custody proceedings are held shall be open for the general transaction of business Monday through Friday from 8:00 a.m. to 4:30 p.m., excepting legal holidays or court order.

6.03 The sessions of the court shall be conducted Monday through Friday from 8:00 a.m. to 12:00 p.m. and from 1:15 p.m. to 4:30 p.m., excepting legal holidays. The court shall be in session at such other times and hours as the judge shall prescribe to meet special situations or conditions.

6.04 Official sessions of court may also be conducted in various community facilities, as the court may deem appropriate.

RULE 7. Official Law Journal

7.01 The Springfield News-Sun shall be the official journal wherein shall be published all notices, advertisements and matters referred to in the Ohio Revised Code, absent a court order to the contrary.

RULE 8. Magistrates

8.01 Pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure and Rule 19 of the Ohio Rules of Criminal Procedure, magistrates will preside over all matters assigned by the judge, including but not limited to hearings, pre-trials, and trials and issue any and all magistrate's decisions and magistrate's orders.

8.02 The magistrate's decision shall be effective when adopted by the court.

8.03 A party may file written objections to a magistrate's decision with fourteen (14) calendar days of the filing of the decision. The objection must be specific and state with particularity the grounds for objection.

RULE 9. Journal Entries

9.01 All judgment/journal entries shall become effective when time stamped and filed with the clerk.

RULE 10. Attorney Registration

10.01 Pursuant to Rule 6 of the Rules of Superintendence for Courts of Common Pleas, all documents filed with the court shall include the attorney's registration number issued by the Supreme Court of Ohio.

RULE 11. Recommendations of Bondsmen or Attorneys

11.01 No officer or employee of the court shall recommend bondsmen or attorneys to persons charged in the court, litigants, their friends or representatives, except that they may assist in procuring counsel for indigent persons.

RULE 12. Court Appointments of Counsel and Guardian ad Litem

12.01 Adult Contributing and Juvenile Delinquency, Unruly and Traffic Offenders and Contributing Actions

The Clark County Public Defender shall be appointed to represent all youth charged with an act of delinquency and unruly and all adults charge with contributing to the delinquency or the unruliness of a minor who qualify financially for Public Defender's services. If a conflict exists within the office of the Clark County Public Defender, the Court shall appoint counsel to represent the indigent youth or adult. The appointed counsel shall be compensated through the Court's indigent defense fund.

The youth or adult who requests appointed counsel shall pay a \$25.00 application fee prior to receiving the application from the Public Defender's Office. The Court, in its discretion, may choose to waive that fee or request payment at the time of disposition. This shall be paid to the Clark County Juvenile Court Clerk's Office. The Public Defender will determine if the youth or adult qualifies for appointed counsel.

12.02 Contempt Actions

The Clark County Public Defender shall be appointed to represent a party charged with a contempt action who qualifies financially for Public Defender's services. If a conflict exists within the office of the Clark County Public Defender, the Court shall appoint counsel to represent the indigent party. The appointed counsel shall be compensated through the Court's indigent defense fund.

A party who requests appointed counsel shall pay a \$25.00 application fee prior to receiving the application from the Public Defender's Office. The Court, in its discretion, may choose to waive that fee or request payment at the time of disposition. This shall be paid to the Clark County Juvenile Court Clerk's Office. The Public Defender will determine if the party qualifies for appointed counsel.

12.03 Abuse, Neglect and Dependency Actions

An indigent parent, legal custodian/legal guardian from whom the child was removed, and in certain circumstances, the child involved in an abuse, neglect or dependency case shall be entitled to appointed counsel.

Any child or minor parent who appears in the juvenile court may be entitled to a guardian litem. In an abuse or neglect case, the child shall have a guardian ad litem appointed. In cases where there are multiple children, the same guardian ad litem may serve all the children.

A party who requests court appointed counsel shall pay a non-refundable \$25.00 application fee prior to receiving the application from the Clark County Juvenile Clerk's office. The Court, in its discretion, may choose to waive that fee or tax the fee as costs at the completion of the case. This fee shall be paid at the Clark County Juvenile Court's Clerk's Office. The judge's administrative assistant shall determine if the party qualifies for the court appointed counsel.

12.04 Parenting Time

A guardian ad litem shall be appointed in all child custody cases where a request is made by any party for a guardian ad litem. The guardian ad litem may be appointed in a visitation matter upon request and at the discretion of the Court. The determination on the payment of the fees for the guardian ad litem remain in the discretion of the judge or magistrate assigned to decide the matter.

12.05 Civil Protection Orders

A youth who is a respondent in a Petition for Juvenile Civil Protection Order filed in juvenile court is entitled to court appointed counsel.

A respondent who requests court appointed counsel shall pay a non-refundable \$25.00 application fee prior to receiving the application from the Clark County Juvenile Clerk's office. The Court, in its discretion, may choose to waive that fee or tax the fee as costs at the completion of the case. This fee shall be paid at the Clark County Juvenile Court's Clerk's Office. The judge's administrative assistant shall determine if the party qualifies for the court appointed counsel.

12.06 Procedure for Appointments

The judge's administrative assistant shall be responsible for maintaining the list of qualified attorneys to serve as court appointed counsel. The CASA Director shall maintain the list of qualified CASA volunteers who can serve as guardian ad litem.

Those attorneys who wish to serve as a guardian ad litem or as court appointed counsel shall submit a resume or information sheet to the judge's administrative assistant stating the applicant's training,

experience and expertise demonstrating the person's ability to successfully perform the responsibilities of the guardian ad litem or court appointed counsel. Additionally, a criminal and civil background check relevant to the applicant's fitness to serve as a guardian ad litem should be provided with the resume or information sheet.

Those individuals who volunteer with CASA and who wish to serve as a guardian ad litem shall submit a resume or information sheet to the CASA Director stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of the guardian ad litem or court appointed counsel. Additionally, a criminal and civil background check relevant to the applicant's fitness to serve as a guardian ad litem should be provided with the resume or information sheet.

The Court may choose to deny the application for court appointed counsel or may choose to remove the applicant's name from the court appointed list. The applicant will be notified in writing of the denial application or removal of the applicant's name from the Court Appointed List with the specific reason for the denial or removal. The applicant may resubmit an application for reconsideration by the Judge no sooner than six months from the denial or removal.

Court appointed counsel and guardian ad litem will be selected by the Judge's Administrative Assistant in a rotating fashion. In order to provide the best representation for the youth and families that the court serves, the court may select court appointed counsel and guardian ad litem based upon the specific circumstances of the case. Excluded from the rotating appointments are companion cases, cases that are dismissed and refiled, multiple cases involving the same client, appointments made from the bench and cases where consideration is given to area of specialty or expertise.

The judge's administrative assistant will review the court appointed counsel and guardian ad litem lists annually to determine if the individuals on the list are in compliance with training and education requirements set forth in Rule 48 of the Rules of Superintendence.

Guardian ad litem shall certify annually that they are unaware of any circumstances that would disqualify them from service. If either a guardian ad litem or attorney on the appointed counsel list wishes to be removed they shall submit that notification in writing to the Judge's Administrative Assistant.

CASA will be appointed whenever one is available and the appointment is appropriate. In the event that a CASA is unavailable, the judge's administrative assistant shall appoint an attorney in the rotating fashion as described above.

12.07 Complaints

Any written complaints or other written comments regarding appointed counsel's or a guardian ad litem's performance shall be submitted to the judge's administrative assistant. A copy of the complaint or comment shall be forwarded to the appointed counsel or guardian ad litem. A copy of the complaint or comment shall also be submitted to the judge or magistrate assigned to the case for consideration and disposition. The appointed counsel or guardian ad litem shall be notified of the disposition of the complaint or comment. The judge's administrative assistant shall maintain a written record of all complaints and/or comments and the disposition of those complaints in the file of appointed counsel or guardian ad litem.

12.08 Fees and Expenses

Appointed counsel and guardian ad litem shall submit a properly completed Fee Application and their final billing to the Judge's Administrative Assistant no later than thirty (30) days following the final disposition of the case. If the Fee Application and final billing is not received within the 30 days from disposition, the reimbursement for the bill will be reduced by 45%.

Any bills received after ninety (90) of date of disposition may not be reimbursed.

Reimbursement for representation in juvenile court proceedings will be based on the current county maximum rate for out-of-court services and in-court services.

The maximum fee per case permitted in juvenile court cases is \$1000.00 unless extraordinary fees are granted.

12.09 Extraordinary Fees

Cases that warrant fees in excess of the maximum fee (\$1000.00) are considered extraordinary. Appointed counsel or a guardian ad litem who request extraordinary fees shall file a motion and memorandum detailing the necessity for those fees. The court shall review each request and shall exercise its discretion in approving or denying the request.

RULE 13. Case Files

(A) Inspection of Case Files

13.01 A child's case file, as defined in Sup. R. 26, shall be open for inspection by the parents, guardians, or if deceased, next of kin, or by an attorney or guardian ad litem for any child or party to the proceedings. Otherwise, such records shall not be available to any person except by order or permission of the judge, by legal process from a court of competent jurisdiction, or by the written consent of the child who has reached majority and is no longer under the jurisdiction of the court. A record may also be released where otherwise required or authorized by law. A person requesting inspection of a child's case file shall provide to the clerk adequate proof of identification and/or relationship to the case before being permitted access. Inspections and examination of a case file and its contents may be conducted during regular business hours of the court. No original document, case file or any part of its contents may be removed from the court by any party.

13.02 Upon permanent termination of parental rights, the parent and the parent's representatives named above are prohibited from inspecting that portion of the child's case file generated after the termination.

(B) Copies of Case Files

13.03 Any person entitled to inspect a child's case file may request of copy of any document in the file. The clerk shall provide copies as requested, excepting official transcripts. Copies shall be provided during regular business hours within a reasonable time as determined by the clerk based upon the extent of the request. A fee for photocopying may be charged, as the court deems appropriate.

RULE 14. Probation Files

14.01 Reports and records of the Probation Department shall be considered confidential and shall not be made public. Rule 32(C) of the Ohio Rules of Juvenile Procedure shall govern the inspection of probation reports and records by attorneys and other interested parties. Any probation report, social history, or report prepared after a physical or mental examination at the direction of the court shall not be copied without approval of the court. The court may limit or deny inspection for good cause shown.

RULE 15. Record of Hearing

(A) Official Record

15.01 A complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device. This record shall be the official record of the case unless a transcript is filed pursuant to division (B) of this rule.

(B) Transcription of the Record

15.02 The transcription of a stenographic record or record taken by other mechanical or electronic device shall be the responsibility of the official court reporter or the person assigned by the judge to transcribe the record.

15.03 All requests for transcripts must be made in writing and require completion of the court's Request for Transcript of Proceedings form. The appropriate form shall be filed with the clerk and a copy of the request delivered to the court reporter.

15.04 The cost of a transcript shall be at the per page amount as the court shall from time to time determine to be appropriate and journalize in an entry of the court. Upon review of a request for transcript by the court reporter, an estimate for the cost of the transcript will be provided to the ordering party. An advance deposit of 100% of the estimated costs shall be posted with the clerk with the balance being due prior to delivery of a copy or filing of an original with the court. No transcript will be begun or provided until satisfactory arrangements for the payment have been concluded.

15.05 Requests for transcripts for the benefit of indigent parties other than those represented by the office of the Public Defender shall be submitted to the court and supported by an order of the court directing that a transcript be prepared at public expense.

15.06 No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of an appeal or as authorized by the court.

15.07 All original transcripts shall be filed by the court reporter or person responsible for transcription with the clerk 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 as determined by the court.

(C) Reproduction of Audio and Audiovisual Record

15.08 No copy of an audio or audiovisual record shall be made unless by order or permission of the judge. Any party requesting reproduction of an audio or audiovisual record shall file a motion with the clerk.

(D) Exhibits and Evidence

15.09 All exhibits must be marked and identified if referenced on the record. Once marked, all exhibits will be maintained in the sole possession of the court until the conclusion of the case, including time for appeal, unless the court orders return of the exhibit.

15.10 When evidence requires the use of other equipment or devices to be seen or heard, the proponent of the evidence bears the responsibility for producing such equipment or device at the hearing. The following court equipment may be utilized, subject to availability through prior arrangement with the bailiff: DVD and CD player and other such devices, video monitor, viewing screen for movies, slides or overhead projections, audio cassette player, dry erase board and flipchart.

RULE 16. Retention of Records

(A) Index, Docket and Journal

16.01 The index, docket and journal of the court are permanent records of the court and are not subject to destruction or disposal. The court may preserve these records on traditional paper media and/or electronic media, as the court deems appropriate.

(B) Administrative Records

16.02 The administrative records of the court shall be retained by the court pursuant to the retention schedule set forth in Rule 26.01 of the Rules of Superintendence for Courts (Appendix 1), or longer, as the court may deem appropriate. Traditional paper administrative records exceeding the required retention period(s) may be transferred to other media and/or destroyed by order of the court.

(C) Case Files

16.03 Case files will be retained pursuant to the retention schedule set forth in Rule 26.03(H) of the Rules of Superintendence for Court (Appendix 2), or longer as the court may deem appropriate. Documents contained in case files exceeding the required retention period(s) may be transferred to other media and/or destroyed by order of the court.

(D) Exhibits and Evidence

16.04 Upon the conclusion of a case, including time for appeal, the court may dispose of exhibits and evidence pursuant to law and at such time as it deems feasible following notice to the proponent, victim or owner as required by Rule 26(F)(1) of the Rules of Superintendence for Courts.

RULE 17. Security for Costs

17.01 Except as otherwise provided by the court, no pleading, action or proceeding shall be accepted by the clerk for filing unless the party initiating the action shall first deposit the costs of filing. A listing of such deposits shall be contained in the Schedule of Filing Fees and Costs (Appendix 3) established from time to time by this court and shall be posted in a conspicuous place in the clerk's office.

17.02 A poverty affidavit filed in lieu of an advance deposit must state the reason for the inability to prepay costs and is subject to court review at any stage of the proceedings.

17.03 In cases of delinquent, unruly, adult criminal and traffic offenses, court costs and fines shall be assessed as part of final disposition and are payable in full within 30 days of the filing of a dispositional order.

RULE 18. Payments Made in Excess of Amount Due

18.01 It occasionally happens that a party paying court costs, fines or other monies payable through the court will pay more than the amount due and this overpayment may not be discovered until such time that it is not practical to give change to the overpaying party.

18.02 When an overpayment that is less than \$1.00 in value is discovered, the court shall make no refund and that money shall be paid by the clerk of this court into the General Fund as local costs.

18.03 In those situations in which the amount of the overpayment is \$1.00 or greater, all reasonable attempts will be made by the clerk of this court to refund the amount of the overpayment to the paying party.

RULE 19. Motions

19.01 In accordance with Criminal Rule 47, Civil Rule 7, and Rules 19 and 22 of the Ohio Rules of Juvenile Procedure, all motions other than ones made during trial shall be in writing unless permitted by the court to be made orally.

19.02 Motions shall be supported by a memorandum containing citations of authority and may also be supported by affidavit. Motions may be ruled upon by the court without oral hearing, unless otherwise ordered by the court. Additionally, the court may rule upon motions after the presentation of evidence or upon brief statements of the reasons in support and opposition thereof.

19.03 A child custody affidavit must be filed in all child custody proceedings except complaints for neglect, dependent and/or abused children.

RULE 20. Facsimile Filings

20.01 The provisions of this local rule are adopted under Juvenile Rule 8. Pleadings and other papers may be filed with the Clerk of this Court by facsimile transmission to: (937) 521-3200 or such other number as directed by the court.

20.02 Facsimile filing rules do not apply to appellate proceedings. In these proceedings no facsimile transmission of documents will be accepted.

20.03 A document filed by fax shall be accepted as the original filing. The person making a fax filing need not file any source document with the Clerk of this Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, until the case is closed and all opportunities for appeal are exhausted.

20.04 The person filing a document by fax shall also provide therewith a cover page containing the following information: the name of the court; the case caption; the case number; the title of the document being filed; the date of transmission; the number of pages included in the transmission; and the name, address and telephone number of the person filing the fax document.

20.05 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

20.06 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number and the title of the exhibit being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

20.07 Subject to the provisions of these rules, all documents sent by fax and accepted by the clerk shall be considered filed with the clerk as of the date and time the clerk filestamps the document received, as opposed to the date and time of the fax transmission. The office of the clerk will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business. Faxes received after regular business hours shall be deemed filed the next business day.

20.08 The risks of transmitting a document by fax to the clerk of this court shall be borne entirely by the sender. Anyone using facsimile filing is urged to verify receipt of such filing by the clerk through whatever technological means are available.

20.09 No document filed by facsimile that requires a filing fee shall be accepted by the clerk for filing until court costs and/or fees have been paid. Documents tendered to the clerk without payment of court costs and/or fees will not be filed.

20.10 Additional fees may be assessed for facsimile and other electronic filings as ordered by the court.

RULE 21. Service

21.01 Unless otherwise requested, all service shall be by certified mail. It remains the responsibility of the party seeking the action to secure service of process in accordance with the Ohio Rules of Civil Procedure and/or Juvenile Procedure.

21.02 In all cases when service of process is to be accomplished by publication, it shall be the responsibility of the party to file a motion and affidavit for publication. No notice of publication will be initiated until the party has first deposited a sum to secure the payment of the costs, excepted as otherwise provided by law. Such advance deposit shall be in accordance with the Schedule of Filing Fees and Court Costs, which schedule shall be posted in a conspicuous place in the clerk's office.

21.03 Pursuant to Rule 16 of the Juvenile Rules of Procedure, service by publication may be accomplished through posting. A party seeking service publication through posting shall file with the court a motion requesting service by publication through posting, an affidavit which avers that the residence of the person to be served is unknown and cannot be ascertained with due diligence and the efforts which evidence due diligence in finding a current address or why such efforts are impossible and a last known address, if available and an entry authorizing service by publication through posting.

21.04 The following locations are hereby designated as locations for posting of notices for service by publication through posting: Clark County Juvenile Center, 101 E. Columbia Street, Springfield, Ohio; Common Pleas Court of Clark County, Ohio, 101 N. Limestone Street, Springfield, Ohio and the Child Support Enforcement Agency, 1346 Lagonda Avenue, Springfield, Ohio.

RULE 22. Mediation

22.01 The Ohio Uniform Mediation Act as exacted in Ohio Revised Code Chapter 2710 and Ohio Superintendence Rules 16.21 through 16.43 are incorporated by reference.

22.02 All matters under the jurisdiction of the Court may be referred to mediation. However, mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify or terminate a protection order; in determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order.

22.03 The contents of the mediation are confidential. The files maintained by a mediator but not filed with a clerk or submitted to the court are not available for public access. The mediator shall not disclose the contents of the mediation except as agreed to by all parties or in accordance with applicable statutes and rules governing mediator disclosures.

22.04 Referral to Mediation

A. At the Court's discretion or upon a motion of any party requesting a mediation be scheduled, the Court shall screen the parties' capacity to mediate prior to referring the matter to mediation.

B. In an entry or order referring a matter to mediation, the Court shall include the initial date of mediation, a notification that legal counsel and supportive services are permitted to assist a party during mediation and an order for the mediator to complete a domestic violence screening prior to mediation if domestic abuse or domestic violence is alleged, suspected or present.

C. Referral Procedures in specific matters or circumstances

(1) Abuse, Neglect and Dependency

(a) Abuse, neglect and dependency cases shall only be set for mediation if parties are represented by counsel or waived their right to counsel in open court. Parties who are represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived in open court or in writing and filed with the Court.

(1) Cases may be referred to mediation upon adjudication. Issues for a post-adjudication, pre-disposition mediation shall include, but are not limited to, placement of child(ren), case plan objectives and parenting time/visitation.

(2) Cases may be referred to mediation by the Court, if appropriate, upon the filing of any post dispositional motion.

(3) Cases may be referred to mediation upon the motion of any party for a mediation. The motion shall contain the issue(s) to be mediated.

(b) Juvenile Civil Protection Orders cases may be referred to mediation by the Court or upon the request of a party. These cases shall only be set for mediation if parties are represented by counsel or waived their right to counsel in open court. Parties who are represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived in open court or in writing and filed with the Court. Waivers may be rescinded at any time.

(c) Mediation when domestic abuse or domestic violence is alleged, suspected or present.

(1) Mediation when domestic abuse or domestic violence is alleged, suspected or present shall not occur unless all of the following conditions are satisfied:

(a) Screening is conducted before and during mediation for domestic abuse and domestic violence and for the capacity of the parties to mediate;

(b) The person who is or may be the victim of domestic abuse or domestic violence if fully informed about the mediation process, right to decline participation in the mediation process and of the option to have a support person, in addition to an attorney, present at the mediation session(s); and

(c) The parties have the capacity to mediate without fear of coercion or control.

(2) When scheduling a mediation under this subdivision, the court's order shall contain language advising parties of their right to legal counsel and other support services.

(3) If a threat of domestic abuse, domestic violence or coercion between the parties occurs during a mediation session, the mediator shall notify court security and immediately terminate the mediation session.

(d) Allocation of Parental Rights and Responsibilities

(1) Order and Referrals

(a) The court may order parents to mediate is the issue of specific parenting time for the children. If either parent has been convicted of or pleaded guilty to a violation of [ORC §2919.25](#) involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or

pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the court may order mediation only if the court determines that it is in the best interests of the parties to order mediation and makes specific written findings of fact to support its determination.

(b) The court may refer to mediation all other issues regarding the allocation of parental rights and responsibilities.

(2) When determining if it is appropriate to refer an allocation of parental rights and responsibilities matter to mediation, the court shall consider whether either parent previously has been convicted of or pleaded guilty to a section of ORC §2919.25 involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, whether either parent previously has been convicted of or pleaded guilty to an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, and whether either parent has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child.

22.05 Costs of mediation

In allocation of parental rights and responsibilities cases, each party shall pay a fee of \$100.00 for mediation, payable at the time of the mediation session to the juvenile clerk of courts by case, check or money order. Parties may be required to pay additional fees depending on the complexity of the mediation. In all other juvenile court matters, all parties or participants must complete all paperwork necessary for the billing of mediation services.

22.06 Responsibilities of the Court and Mediator

The court shall take reasonable precautions to create a safe mediation environment for the parties and all other persons involved in the mediation process.

The court shall provide a mediator who meets all qualifications set forth in Ohio Sup. R. 16.22 and 16.23.

Any complaints or comments regarding a mediator's performance shall be submitted in writing to the Judge's Administrative Assistant. A copy of the complaint or comment shall be forwarded to the Mediation Director and the mediator subject to the complaint or comment. The court shall promptly make a disposition of the complaint or comment and shall notify the person making the complaint, the mediator and the Mediation Director of the disposition. The court shall maintain a written record of the nature and disposition of the complaint or comment in the mediator's file.

Upon the completion of mediation, the mediator shall provide a copy of the signed mediation report to all participants in the mediation, regardless of their status as a party. The mediator shall file the mediation

report in the case file. A filed mediation report is not binding until incorporated into a court order, entry or decision.

At no time shall the mediator provide legal advice.

The Mediation Director shall monitor and evaluate the qualifications of all Court mediators and ensure all training requirements are completed on an annual basis. Additionally, the Mediation Director shall provide to the court a report detailing the mediation program's statistics on at least an annual basis.

RULE 23. Ex Parte Communication

23.01 No attorney shall discuss the merits, either orally or in writing, of any litigation with a judge or magistrate presiding over the matter without the presence of opposing counsel or the party if not represented.

23.02 All unsolicited written communications received by the court shall be forwarded to all parties to an action with a notice of ex parte communication signed by the judge or magistrate receiving the communication.

RULE 24. Failure to Appear

24.01 If a moving party or counsel fails to appear at a scheduled hearing time, the judge or magistrate may dismiss the action, without prejudice.

24.02 If a responding party fails to appear at a scheduled hearing time, the judge or magistrate may proceed to hear and determine all issues.

24.02 Failure of counsel or a party to appear at a scheduled hearing time may result in sanctions being imposed pursuant to Clark County Juvenile Rule 3.

24.03 Failure of a party to appear at a scheduled hearing time may result in a warrant for apprehension being issued.

RULE 25. Orders of Apprehension and Warrants

25.01 No order of apprehension for a youth shall be issued from this court or by the clerk of this court absent an order from the judge or magistrate directing the issuance of the order of apprehension. Probation officers, law enforcement officers and others with information in this regard may make verbal or written recommendations to the court in a particular case, but no order of apprehension shall be issued unless the judge or magistrate has signed an order to do so.

25.02 Orders of apprehension for a youth may be recalled only upon an order signed by the judge or magistrate to do so.

25.03 No order for a capias or warrant for an adult shall be issued from this court or by the clerk of this court absent an order from the judge or magistrate directing the issuance of the same.

25.03 Orders for a capias or warrants for an adult may be recalled only upon an order signed by the judge or magistrate to do so.

RULE 26. Bonds and Recognizance

26.01 Bonds for adults shall be fixed by the judge or magistrate in each case upon arraignment or at such other time as may be determined.

26.02 Bonds or recognizance to appear as may be provided by the judge or magistrate shall be in the form as provided by law, order of this court or other court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.

26.03 The sufficiency of sureties shall be determined by the judge or magistrate in each case.

RULE 27. Renumbered

RULE 28. Competency Proceedings

28.01 The purpose of this rule is to expedite proceedings under sections 2152..51 to 2152.59 of the Ohio 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.

28.02 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 this rule.

28.03 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 of other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

28.04 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 29. Use of Child Restraints in Court

29.01 Physical restraint of the appearing youth shall not be utilized during court proceedings unless the judge or magistrate has made a determination that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the youth is necessary because of either of the following:

- (1) The youth represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
- (2) There is a significant risk the child will flee the courtroom.

29.02 To assist in making this determination on the above factors, the court will prepare a risk assessment tool prior to the court appearance or, if necessary, at the court proceedings, that conforms to the guidelines of the Ohio Department of Youth Services and other sources of information regarding the behavior and development of youth;

29.03 If physical restraint is found to be necessary by the judge or magistrate, the restraint will be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands;

29.04 Any party, as defined in Juv.R.2.(Y) has the right to be heard on the issue of whether the use of physical restraint is necessary for that particular youth at that particular court proceeding.

RULE 30. Parenting Time

30.01 The Court has adopted a standard order of parenting time for the non-residential parent, unless the parties agree or the Court orders otherwise. (Appendix 4)

RULE 31. Juvenile Traffic Bureau

31.01 Pursuant to Ohio Traffic Rule 13.1, the Court has established a Juvenile Traffic Violations Bureau as a function of the Juvenile Court Clerk's Office which shall be operated in accordance with the procedures outlined in Ohio Traffic Rules 13 and 13.01 as well as those stated in this rule.

31.02 All juveniles with traffic violations that meet the criteria for waiver and written plea of admission will receive a notice which explains the option to waive appearance; describes how to properly execute the waiver of appearance and enter a plea of admission; states the fines and costs required to waive appearance; and states the date and time to appear for a hearing if the juvenile opts not to waive.

31.03 The following offenses may **not** be disposed of by the Juvenile Traffic Violations Bureau:

- (1) Any offense that involves an accident
- (2) A second or subsequent moving violation
- (3) Distracted driving
- (4) Indictable offenses
- (5) Operating a motor vehicle while under the influence of alcohol or of any drug of abuse
- (6) Leaving the scene of an accident
- (7) Driving while under suspension or revocation of a driver's license
- (8) Driving without being licensed to drive
- (9) Failure to stop and remain stopped upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child
- (10) Willfully eluding or fleeing a police officer
- (11) Drag Racing
- (12) Any traffic offense otherwise eligible to be disposed of by the Juvenile Traffic Violations Bureau that the Court in its discretion determines should not be disposed of by the Juvenile Traffic Violations Bureau

31.04 The receipt of full payment of fines and costs prior to the scheduled appearance date will be treated as an admission to the offense regardless of whether an executed waiver and plea are returned to the court.

RULE 32. STATUS CONFERENCES

DELINQUENCY

32.01 In all delinquency/unruly matters where a youth has denied the pending charge(s) and has requested appointed counsel; is charged with a felony related offense and is required to have counsel; or has retained private counsel to assist him/her, the matter will be scheduled for a telephone status conference.

32.02 The telephone status conference for detained youth will occur within ten (10) days of the arraignment. The telephone status conference for non-detained youth will occur within fourteen (14) days of the arraignment. Counsel for the youth will meet with the youth and his/her custodian prior to the telephone status conference. The Prosecutor and the counsel for the youth shall discuss the charges prior to the telephone conference.

32.03 The telephone status conference will be initiated by the Court on the time and date set forth by entry and served upon the parties. The Prosecutor and counsel for the youth shall be prepared to advise the Court as to whether a plea will be made; more time is needed before a decision can be made on a plea or a trial and why that time is needed; the status of discovery; or if the matter will be set for trial. To the extent possible, the Court will provide the prosecutor and counsel for the youth with the date and time of the plea date, next conference call, or trial date during the telephone conference.

32.04 In instances where it is appropriate and the youth has waived the 24 hour waiting requirement for disposition, the Court will proceed to disposition at the time of the plea hearing on the pending charges.

TRAFFIC

32.05 In instances where a youth who is charged with a traffic violation has entered a denial and has requested or obtained counsel, the matter will be scheduled for a telephone status conference.

32.06 A telephone status conference will be scheduled within thirty (30) days of the arraignment. Counsel for the youth will meet with the youth and his/her custodian prior to the telephone status conference. The Prosecutor and the counsel for the youth shall discuss the charges prior to the telephone conference.

32.07 The telephone status conference will be initiated by the Court on the time and date set forth by entry and served upon the parties. The Prosecutor and counsel for the youth shall be prepared to advise the Court as to whether a plea will be made; more time is needed before a decision can be made on a plea or a trial and why that time is needed; the status of discovery; or if the matter will be set for trial. To the extent possible, the Court will provide the prosecutor and counsel for the youth with the date and time of the plea date, next conference call, or trial date during the telephone conference.

APPENDIX A Retention Schedule for the Administrative Records of the Courts

The following retention schedule shall apply for the administrative records of the courts:

- (A) Administrative journal. Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.
- (B) Annual reports. Two copies of each annual report shall be retained permanently.
- (C) Bank records. Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
- (D) Cash books. Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
- (E) Communication records. Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
- (F) Correspondence and general office records. Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
- (G) Drafts and informal notes. Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes.
- (H) Employment applications for posted positions. Employment applications for posted or advertised positions shall be retained for two years.
- (I) Employee benefit and leave records. Employee benefit and leave records, including court office copies of life and medical insurance records, shall be retained by the appropriate fiscal officer for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
- (J) Employee history and discipline records. Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.
- (K) Fiscal records. Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later. (L) Grant records. Records of grants made or received by a court shall be retained for three years after expiration of the grant. (M) Payroll records. Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later. (N) Publications received. Publications received by a court may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications. (O) Receipt records. Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later. (P) Requests for proposals, bids, and resulting contracts. Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

APPENDIX 2 Retention Schedule For Case Files – Juvenile Division

(1) Delinquency and adult records. Delinquency and adult records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the juvenile division. (2) Juvenile by-pass records.

(2) Juvenile by-pass records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant. Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought, for two years after the filing of the appeal.

(3) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records. Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or the date specified for case files in division (H)(3) of this rule, whichever is later.

(4) Search warrant records. Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

(5) Traffic, unruly, and marriage consent records. Unruly and marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-five years after the final order of the juvenile division. All other traffic records shall be retained for fifty years after the final order of the juvenile division.

APPENDIX 3 Schedule of Filing Fees and Court Costs

FILING FEES:

Complaints/New Actions (Civil).....	\$250.00
Post-decree motions/Motions on cases not currently activated....	\$150.00
Notice of Appeal.....	\$100.00
Jury Demand.....	\$100.00

(Please note: These are the fees to file.

If the action is subsequently dismissed, no part of these monies will be refunded without authorization of the Judge.)

COURT COSTS:

Felony Cases.....	\$150.00
Misdemeanor Cases.....	\$119.00
Unruly Cases.....	\$ 90.00
Traffic Cases – Moving Violation.....	\$129.00
Traffic Cases – Non-moving Violation.....	\$ 80.00
Additional charges within a case (each).....	\$ 40.00
Certified Mail Fee.....	\$ 6.48
Witness Fee.....	\$ 6.00
Copies (per page).....	\$.25
Certification and Seal.....	\$1.00

DEPOSITS:

Deposit for Service by Publication.....	\$175.00
Deposit for Transcript.....	to be determined by Court Reporter

Effective: January 2, 2020

APPENDIX 4 Standard Order of Parenting Time

The following is the standard order of parenting time for the non-residential parent, unless the parties agree or the Court orders otherwise. The child(ren) and the residential parent have a duty to await the visiting parent for thirty (30) minutes past the visitation time. A parent more than thirty (30) minutes late shall forfeit that visitation period. The parent receiving the child(ren) shall be responsible for transportation from the other parent unless otherwise ordered by the Court.

(1) Except as set forth below, the non-residential parent shall have parenting time every Wednesday from 5:30 p.m. until 8:30 p.m. and on alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m., beginning on the first Friday following the filing date of the last court order regarding custody. The non-residential parent shall not receive Wednesday mid-week parenting time for the months of June and July each year.

(2) The non-residential parent shall have parenting time from 9:00 a.m. to 9:00 p.m. on the following holidays in the left column in even years, and shall have parenting time from 9:00a.m. to 9:00 p.m. in the right column in odd years:

January 1	Memorial Day
July 4	Labor Day
Thanksgiving Day	Martin Luther King Day
	Presidents Day

The first holiday visitation by the non-residential parent shall take place on the first holiday following the filing date of the last entry regarding custody.

If any holiday upon which a non-residential parent has the right to have parenting time according to the above schedule follows the weekend visitation of the non-residential parent, then the said non-residential parent shall be entitled to hold the child(ren) over until 9:00 p.m. of such holiday so that parenting time is continuous with the weekend visitation.

(3) The child(ren) shall spend Mother's Day Father's Day with the appropriate parent from 9:00 a.m. until 6:00 p.m.

(4) The non-residential parent shall have parenting time on the child's birthday from 5:30 p.m. to 8:30 p.m.

(5) The child(ren) shall spend spring break with the non-residential parent from 6:00 p.m. the day school district in which the child resides recesses to 6:00 p.m. the day before school resumes during odd numbered years.

The non-residential parent shall have parenting time each summer from June 15 at 6:00 p.m. until June 30 at 6:00 p.m. and from July 15 at 6:00 p.m. until July 30 at 6:00 p.m. unless the parties agree otherwise in writing.

(6) Each year at Christmas time, the residential parent shall have the child(ren) on Christmas Day and the non-residential parent shall have the child(ren) from 1:00 p.m. to 9:00 p.m. on December 24.

The parties shall endeavor to split the week between Christmas and New Year's. In the event that the parties cannot mutually agree on such visitation, the non-residential parent shall have parenting time from 6:00 p.m. December 26 to 6:00 p.m. on January 1 in odd numbered years.

CASE MANAGEMENT PLAN

Pursuant to Sup. R. 5, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Deviation from the established time frames is permissible to assure a just result.

DELINQUENCY AND UNRULY CASES

Complaint filed – Youth held in detention

1. A detention hearing and/or arraignment will be held not later than 72 hours or the next court day, whichever is earlier, after a youth is placed in detention. Either a determination to set the matter for possible relinquishment of jurisdiction or a plea to the charges will be taken at this hearing.
2. If the youth admits the charges or is adjudicated after a trial, the court will proceed to a dispositional hearing immediately if appropriate, or a dispositional hearing will be held within 14 days of the adjudication.
3. If the charge was filed at the same time the child entered into detention and the youth denies the allegations, a trial will be held no later than 10 days after placement in detention. If the youth is detained after the charge is filed, the trial will be held no later than 10 days after placement in detention. If a charge is filed and the youth is already detained on other charges, the trial will be held within 10 days of the filing of the charge.
4. Continuances of any of the above may be granted upon showing of good cause, but the continuances should be no longer than the period necessary to resolve the good cause or for a period not greater than 14 days.
5. Final disposition for any youth in detention will be completed within 90 days of the youth's entering into custody.

Complaint filed – Youth not in detention

1. An arraignment will be held within 21 days of a complaint being filed, and if possible, within 14 days.
2. If the youth admits to the charge, the court will proceed to immediate disposition if appropriate, or a dispositional hearing will be held within 21 days.
3. If the youth denies the allegations, a trial will be held within 30 days of the arraignment, and if possible, within 15 days.
4. Final disposition will be completed within 6 months of the filing of the charge.
5. Continuances of any of the above stages may be granted upon showing of good cause, but continuance should be for no longer than the period necessary to resolve the good cause.

TRAFFIC CASES

1. An arraignment shall be held within 15 days of the filing of the charge.
2. If the youth admits to the charge, the court will proceed to immediate disposition if appropriate, or a dispositional hearing will be held within 30 days.
3. If the youth denies the allegations, a trial will be held within 30 days of the arraignment, and if possible, within 15 days.
4. Final disposition will be completed within 90 days of the filing of the charge.
5. Continuances of any of the above stages may be granted upon showing of good cause, but continuances should be for no longer than the period necessary to resolve the good cause.

PARENTAGE AND CHILD SUPPORT CASES

1. Service of process will be sent within 72 hours of the filing of the complaint.
2. A hearing will be scheduled within 45 days of the filing of the complaint to allow for completion of service on the parties.
3. At the pre-trial hearing, if the court finds that a party was properly served and failed to file an answer and failed to appear at the hearing, the court may grant on oral motion to proceed with a default judgment.
4. If a party admits the allegations, the court will proceed immediately to the determination of a support order.
5. If a party denies the allegation, the court will set the date for genetic testing within 21 days.
6. If genetic tests show exclusion, the court may entertain a motion to dismiss.
7. If genetic tests show inclusion:
 - a. If the party changes plea to admit, the court will proceed immediately to the determination of a support order.
 - b. If the party continues to deny, a trial will be held.
8. If service of the complaint is not completed within 6 months of the filing, the complaint may be dismissed for lack of service.
9. Continuances may be granted upon showing of good cause, but the continuances should be for no longer than is necessary to resolve the good cause.

CUSTODY AND PARENTING TIME CASES

1. Service of process shall be sent within 72 hours of the filing of the complaint along with notice of a preliminary hearing. The hearing shall be held within 60 days of the filings.
2. Pre-trial matters, including completion of discovery, should be resolved at preliminary hearings.
3. A trial shall be scheduled within 90 days of the last preliminary hearing.
4. Continuances may be granted upon showing of good cause, but the continuance should not be longer than necessary to resolve the good cause.
5. All custody/visitation complaints will be resolved within 9 months of the filing of the complaint, unless otherwise extended by the court for good cause shown.

ABUSE, NEGLECT AND DEPENDENCY CASES

1. Absent a voluntary agreement for care, when a child is removed from the home, a hearing will be held the next court date or within 72 hours, whichever is earlier.
2. When a private agency files a request for permanent commitment based on a permanent surrender, a hearing will be held within 30 days from the filing.
3. In all other cases, a hearing will be held within 14 days of the complaint being filed.
4. An adjudicatory hearing will be held within 30 days of the complaint being filed.
5. Disposition will occur no later than 90 days from the date a complaint was filed, unless the parties waive such period.
6. Continuances may be granted upon showing of good cause, but the continuances should be no longer than is necessary to resolve the good cause.

TEMPORARY ORDERS

1. Motions for emergency orders will be referred for hearing upon filing.
2. When an ex parte temporary order has been granted, a hearing will be scheduled as soon as practicable. The respondent may request an earlier hearing.

JURY MANAGEMENT PLAN

The opportunity for jury service should not be denied or limited on basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in this jurisdiction.

JURY SOURCE LIST

1. The jury source list shall be obtained from the Board of Elections list of registered voters.
2. The jury commissioner appointed by the Clark County Common Pleas Court shall select the electors in accordance with the rules of practice of that court. The jury source list shall be representative and inclusive of the adult population of Clark County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate corrective action.
3. Serious youthful offender cases may be presented to a grand jury impaneled by the Clark County Common Pleas Court or to a grand jury impaneled by the Clark County Juvenile Court.

RANDOM SELECTION PROCEDURES

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner set forth in the Rules of Practice of the Clark County Common Pleas Court.

ELIGIBILITY FOR SERVICE

1. All persons are eligible for jury service except those who:
 - Are less than 18 years of age.
 - Are not citizens of the United States.
 - Are not residents of Clark County.
 - Are not able to communicate in the English language.
 - Have been convicted of a felony and not had their civil rights restored.
2. The Clark County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in the Rules of Practice of the Clark County Common Pleas Court.

TERM OF AND AVAILABILITY OF JURY SERVICE

1. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
2. Jurors for juvenile court cases are to report to the jury commissioner's office in the Clark County Common Pleas Court in accordance with the procedures of the jury commissioner.

3. The juvenile judge's staff or the juvenile court administrator shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

EXEMPTION, EXCUSE AND DEFERRAL

1. There shall be no automatic excuses or exemptions with the exception of statutory exemptions set forth in the Ohio Revised Code.
2. Persons who no longer reside in Clark County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.
3. The term of juror service is to be determined by the Clark County jury commissioner.
4. The term of service shall be at a minimum sufficient to complete the trial in juvenile court in which the juror is impaneled.
5. The juvenile court judge presiding over the trial has the discretion to grant excuses or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

VOIR DIRE

1. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.
2. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which jury selection is to begin.
3. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
4. The judge should ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purpose of the voir dire process.
5. In all cases, the voir dire process shall be held on the record.

REMOVAL OF THE JURY PANEL FOR CAUSE

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

PREEMPTORY CHALLENGES

Rules determining procedure for preemptory challenges shall be in accordance with the Ohio Rules of Civil and Criminal Procedure adopted by the Supreme Court of Ohio and applicable statutory authority.

ADMINISTRATION OF THE JURY SYSTEM

1. The responsibility for administration of the jury system is vested in the court and the jury commissioner.
2. All procedures concerning jury selection and service shall be governed by applicable Ohio rules as promulgated by the various courts.
3. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the Rules of Practice of the Clark County Common Pleas Court and are administered by the jury commissioner.

MONITORING THE JURY SYSTEM

The jury commissioner shall collect and analyze information regarding the performance of the jury system as is set forth in the Rules of Practice of the Clark County Common Pleas Court.

JUROR USE

1. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.
2. The jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

JURY FACILITIES

1. The court shall provide an adequate and suitable environment for jurors.
2. The jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The court shall ensure the safety and security of the deliberation room.
3. To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel and the public.

JUROR COMPENSATION

1. Persons called for jury service shall receive compensation as established by the Clark County commissioners pursuant to Ohio Revised Code Section 2313.34
2. Fees for juror compensation shall be paid promptly.

3. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

JUROR ORIENTATION AND INSTRUCTION

1. The judge's staff shall conduct a juror orientation that is designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors.
2. The orientation shall be presented in a uniform and efficient manner and may use a combination of written, oral and audiovisual materials.
3. The court may provide additional orientation or instructions to persons called for service upon first appearance in the court and upon reporting to the courtroom for voir dire.
4. The trial judge should:
 - a. Give preliminary instructions to all prospective jurors.
 - b. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures, including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principles.
 - c. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. These instructions should be made available to the jurors during deliberations.
 - d. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.
 - e. Use written instructions when feasible.
 - f. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
 - g. Before dismissing a jury at the conclusion of a case, the trial judge should:
 1. Release the jurors from their duty of confidentiality;
 2. Explain their rights regarding inquiries from counsel or the press;
 3. Either advise them that they are discharged from service or specify where they must report; and,

4. Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

JURY SIZE AND UNANIMITY OF VERDICT

Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

JURY DELIBERATION

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.
2. The judge should instruct the jury concerning appropriate procedures during deliberations.
3. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required.
4. Training should be provided to court personnel who escort and assist jurors during deliberations.

SEQUESTRATION OF JURORS

1. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.
2. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.
3. The judge's courtroom staff and the juvenile court administrator shall have the responsibility of providing for the safety and comfort of the jurors.
4. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.
5. Training shall be provided to court personnel who escort and assist sequestered jurors.