



WARREN COUNTY JUVENILE COURT
RULES OF PRACTICE AND PROCEDURE
“LOCAL RULES OF COURT”

2020



**IN THE WARREN COUNTY, OHIO COMMON PLEAS COURT
JUVENILE DIVISION**

In the matter of:

| | | |
|------------------------------|---|---------------------|
| THE ADOPTION OF | : | <u>ORDER</u> |
| RULES OF PRACTICE | : | |
| AND PROCEDURE OF THE | : | |
| COURT OF COMMON PLEAS | : | |
| JUVENILE DIVISION | : | |

The mission of the Warren County Juvenile Court is to resolve matters fairly and timely by providing an impartial, independent and dignified forum, in order to promote respect for the Rule of Law, instill public confidence and trust, protect individual rights and liberties, and ensure public safety. And, in order to effect the just determination of cases before the Juvenile Court, to secure simplicity and uniformity in procedure, and to eliminate unjustifiable expense and delay, it is necessary to publish these **RULES OF PRACTICE AND PROCEDURE (“LOCAL RULES OF COURT”)** of the Court of Common Pleas Juvenile Division.

Therefore, pursuant to the powers vested in this Court by Section 2151.17 of the Ohio Revised Code, it is **ORDERED** that the following **LOCAL RULES OF COURT** shall be adopted and shall be effective the 1st day of February 2020.

So ordered.



**Joseph W. Kirby, Judge
Juvenile Court
Warren County, Ohio**

NOTICE

The clerks in Warren County Juvenile Court are not permitted to provide you legal advice of any kind. This includes assistance with the completion of necessary forms/applications. You will need to seek assistance elsewhere.

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RULE 1. TITLE; SCOPE OF RULES; GENERAL PROVISIONS

(A) These rules shall be commonly referred to as the Warren County Juvenile Rules and may be cited as W.C. Juv. R. _____. These rules are to supplement the Ohio Rules of Juvenile Procedure, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Traffic Rules and Rules of Superintendence to the extent the same govern proceedings in the Warren County Juvenile Court. These rules shall govern practice and procedure in the Warren County Juvenile Court.

(B) Juvenile Court offices shall be open for ordinary business on all business days from 8:00 am until 4:00 pm, Monday through Friday, with the exception of legal holidays and emergency closures. The Court shall conduct its ordinary business on those days during such hours as may, from time to time, be established by the Court. Upon order of the Court, the offices may be open for business during other hours.

(C) Court sessions shall be held at the Warren County Probate-Juvenile Court facility, 900 Memorial Drive, Lebanon, Ohio 45036, or in such other place as designated by the Court. Sessions shall be held in the courtroom or in such other place as shall be directed by the Court and may be provided for by order of the Court.

(D) All Warren County Juvenile Court forms referred to herein are available on the Court's website at www.co.warren.oh.us/Probate_juvenile/juvenile/forms/default.aspx. All Warren County Juvenile Court Forms may be referred to and cited as WCJC Form _____.

(E) "Child protective services proceedings" or "child protective services case" as used in these rules means any hearing of a case brought pursuant to R.C. sections 2151.03, 2151.031, 2151.04, 2151.413, 2151.415 or any non-delinquency case in which the state is a party and seeks orders to require a child and/or the child's parent(s), guardian(s) and/or custodian(s) to engage in services, usually contained in the case plan required by R.C. section 2151.412, in an effort to remediate risks to the health, safety, morals or welfare of the child which are alleged to exist in the child's custodial environment.

(F) "Child protective services" as used in these rules means services which are Court ordered or otherwise made available to a child and/or the child's parent(s), guardian(s) or custodian(s) for the purpose of remediating risks to the health, safety, morals or welfare of a child alleged to be present in the child's custodial environment and usually contained in the case plan required by R.C. section 2151.412.

RULE 2. RECORD OF PROCEEDINGS; FILINGS AND OTHER PLEADINGS

- (A) Hearings, excepting those conducted in chambers, shall be recorded.
- (B) Any party may provide a record by court reporter paid for by the party requesting the attendance of said court reporter. In cases where a court reporter is in attendance the Court may designate such stenographic record of such court reporter as the official record of such proceeding.
- (C) Transcription of the record shall be made at the expense of the person requesting such transcription unless such person is indigent and entitled to transcription at state expense. The transcription may be made by a court reporter, court designated transcriptionist, other designated agent of the Court, or, with leave of the Court, by an agent of the attorney or party requesting a transcription. Such request shall be made by filing a Motion for Transcript (WCJC Form 4.0). The transcriber, whether a court reporter, court designated transcriptionist, other agent of the Court, or an agent of the attorney, shall attach a certificate of accuracy of such transcription and that the required fees have been paid. The original media containing the recording shall be maintained by the Court. The audio-electronic recording shall not be released from the court building unless specifically authorized by the Judge.
- (D) Every pleading, motion, or other document of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address, attorney registration number, telephone number, fax number, if any, and business e-mail address, if any, shall be stated. A party who is not represented by an attorney shall sign the pleading, motion, or other document and state the party's address and daytime telephone number.
- (E) When immediate judicial approval of an offered filing is sought, the filing must first be presented to the clerk's office so that the file and the requested filing may be presented to the assigned Magistrate or Judge for approval.
- (F) All documents filed with the Warren County Juvenile Court must be legible and, preferably, typewritten. All documents must be in proper format and must, where necessary, contain instructions to the clerk for proper service of notice on all necessary parties.
- (G) The pages of filings consisting of multiple pages shall be fastened together at the upper left hand corner. Filings, excepting transcripts, depositions and exhibit booklets, shall not be bound without leave of Court.
- (H) Filings shall be made on 8 ½ inch by 11 inch paper. Typewritten filings shall be not less than 12 point font and double spaced, excepting attached exhibits not prepared by the person filing and not prepared for purpose of the litigation in which such document is filed.
- (I) **Case Captions.**
- (1) Delinquency, serious youthful offender, unruly, traffic and criminal cases shall be captioned "State of Ohio v. (Name of person charged), Defendant".
- (2) Abuse, dependency and neglect cases ("D" case #s) shall be captioned "In re (First Name and First Initial of Last Name of child or children alleged to be or adjudicated abused, neglect or dependent, as applicable), Alleged Abused/Dependent/Neglected Child(ren)".
- (3) Permanent Custody cases ("D" case #s) shall be captioned "In re (First Name and First Initial of Last Name of child or children adjudicated abused, neglect or dependent, as applicable), Abused/Dependent/Neglected Child(ren)".
- (4) Custody cases ("C" case #s), parentage and support cases ("P" and "S" case #s) shall be captioned "In the Matter of (Name of child or children subject of the proceeding)".

(5) Cases, other than those identified above, shall be captioned "In the Matter of (Name of child or children subject of the proceeding)".

(J) **Personal Identifiers.** Personal identifiers, as defined in Sup. R. 44, omitted from a filing shall be submitted upon the Personal Identifiers Omission Form (WCJC Form 15.0).

(K) **Addresses.** All persons with matters pending before the Court are responsible for insuring that the Court has a valid, current address to which correspondence from the Court may be directed. The Court will direct correspondence to the person's address set forth upon the initial pleading or other filing by the person in the pending matter. If, during the pendency of a matter, a person experiences a change of address the person shall notify the Court of such change by filing with the Court a Notification of Address Change (WCJC Form 16.0). A person may informally inform the Court of a change of address by means other than the filing of the Notification of Address Change. However, in the event that there is any dispute or question concerning whether Court correspondence was directed to the proper address, such issue will be resolved by reference to the address set forth upon the person's initial pleading/filing or the Notification of Address Change, whichever was most recently filed with the Court.

(L) **Electronic Signature.** A Judge or Magistrate may elect to attach an Electronic Signature to his or her journal entries, notices, orders, opinions, and any other filings. The document containing the Electronic Signature of a Judge or Magistrate shall be effective upon filing with the Clerk of Courts for all purposes of the Ohio Civil Rules, Ohio Juvenile Rules and Rules of Superintendence.

(1) "Electronic Signature" has the same meaning as used in section 1306.01 of the Ohio Revised Code.

(2) The Electronic Signature shall have the time and date affixed.

RULE 3. CASE MANAGEMENT

(A) Cases arising within the Warren County Juvenile Court (except for cases described in Rule 17 hereof for which separate case management is provided in W.C. Juv. R. 17 (L)) will be heard and disposed of in accordance with the case management plan established in this rule.

(B) Case Management Schedule. The following case management schedule will be adhered to in all cases coming before the Warren County Juvenile Court unless the Court, for good cause, extends the time. Hearing/disposition shall be conducted within the number of days provided in the case management schedule as measured from the time of the filing of the complaint or other pleading which commences the proceeding.

| | Initial Arraignment / Pretrial Hearing | Adjudication Hearing / Trial | Disposition / Sentencing |
|---|---|---|--------------------------|
| Delinquency Cases | 60 | 179 | 180 |
| Unruly Cases | 60 | 89 | 90 |
| Juvenile Traffic Offender Cases | 60 | 89 | 90 |
| Dependency, Neglect and Abuse Cases | 30 | 60 | 90 |
| Permanent Custody Cases* | 60 | 120 (can continue for a reasonable period) | 200 |
| RC section 2151.415 Dispositional Order Cases | 60 | 120 | 180 |
| Criminal Cases | 60 | 89 | 180 |
| Other Cases | 60 | 179 | 180 |

*exceptions apply when permanent custody is requested in the original complaint

(C) **Pretrial Conference.** The purpose of the pretrial conference shall be to:

- (1) Identify those issues which are disputed and which may be stipulated;
- (2) Identify those issues requiring prehearing determination;
- (3) Discuss settlement;
- (4) Schedule further hearings; and
- (5) Do all such matters as may facilitate final disposition of the case within the time limits established in the case management schedule.

RULE 4. HEARINGS; MOTIONS; ATTORNEY RULES

(A) Pursuant to Juv. R. 27, the Court has the discretion to exclude the general public from any hearing unless a person has a direct interest in the case. Generally, juvenile court proceedings are open to the media unless ordered closed or otherwise restricted upon motion or *sua sponte* and after hearing.

(1) Conditions for Broadcasting and Photographing Court Proceedings:

- (a) This rule is to be read in conjunction with Rule 12 of the Rules of Superintendence.
- (b) No video, photographic or audio recording device, including cell phones when used for this purpose, may be used to record Court proceedings inside the courtroom without prior approval.
- (c) Anyone wishing to broadcast, record, or photograph of Court proceedings must receive prior approval of the Court Administrator. The Court Administrator will confer with the assigned trial Judge for approval.
- (d) Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client or between counsel and the Judge at the bench.
- (e) Attorneys shall inform witnesses and/or victims of their right to object to being filmed, videotaped, recorded or photographed. Upon objection, the trial Judge may make a ruling prohibiting the recording of the victim or witness.
- (f) The Court may further regulate the conduct of any broadcasting or recording activity so as to avoid distracting the participants and to guarantee a fair trial.

(2) Motions for closure are prehearing motions pursuant to Juv. R. 22(D) and must be filed in accordance with Juv. R. 22(E) unless the Court otherwise grants leave to file a closure motion.

(3) Documents relating to juvenile court proceedings shall also be open and accessible to the public unless such documents or information contained therein are not subject to release pursuant to Court order, statute, rule or other state or federal law.

(B) Parties have a right to attend any conferences or hearings. If a party represented by an attorney wishes to attend a conference that is scheduled to be held in chambers, that fact shall be communicated to the Court. The Court may conduct such hearing in the courtroom and on the record. Conferences or hearings with a *pro se* party may be conducted in the courtroom.

(C) Continuances shall be granted in accordance with the Rules of Superintendence for the Courts of Ohio and Juv. R. 23. Requests for continuances shall be made by written motion at least three (3) days before the time of the hearing (oral motions must be on the record). Counsel shall contact all opposing counsel to request a continuance by agreement, and if agreed to, an Entry/Order setting out that all parties are in agreement to such continuance shall be submitted to the Court for approval. If opposing counsel will not agree to a continuance, a motion for continuance, directed to the Judge or Magistrate assigned to the case shall be filed. All motions shall state with particularity why such continuance is necessary to secure fair treatment for the parties or why it is in the best interest of the party requesting such continuance. The Court, in its discretion, may require hearing on motions for continuance. Continuances shall be granted only if the Court finds that the interest of justice and the interests of the parties are best served thereby. The parties, or their counsel if represented by counsel, are responsible for advising their own clients and witnesses of the continuance, cancellation and rescheduling of any matter on the Court's docket.

(D) Individuals entering the courtroom will turn electronic devices such as cell phones, PDAs or portable computers to silent mode while using them, or off if not using them. No cellular telephone calls shall be initiated or received while in the courtroom while Court is in session, unless initiated by the Court.

(E) No food allowed in the building. Only bottled water or water in a closed container is permitted throughout the facility.

(F) A notice of appearance shall be filed by counsel, if new to the case, to ensure that Court mailings are sent to the appropriate counsel and address. This rule shall not apply to counsel appointed by the Court.

(G) Attorneys, parties, Court personnel, and all other persons shall conduct themselves in a courteous manner in the courtroom. Attorneys shall conduct themselves in accordance with Gov. Bar R. Appendix V – Statement on Professionalism, A Lawyer’s Creed, and A Lawyer’s Aspirational Ideals. All parties entering the courtroom must be properly attired: no shorts, cutoffs, tank tops, crop tops, etc. are permitted in the courtroom. Inappropriate graphics on clothing shall not be permitted in the courtroom.

(H) Attorneys practicing in Warren County Juvenile Court must be in good standing according to the Rules of the Supreme Court of Ohio.

(I) **Expert Witnesses.**

(1) A party may not call an expert witness to testify unless a written report has been procured from the expert and forwarded to all other parties or their attorneys if represented.

(a) It is counsel’s responsibility to take reasonable measures, including the procurement of supplemental reports, to ensure that each report adequately sets forth the expert’s opinion.

(b) Unless good cause is shown, all reports must be provided to other counsel/parties no later than thirty (30) days prior to the commencement of the hearing in which the expert will be called as a witness.

(c) The report of an expert must reflect his or her opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his or her report.

(2) Absent extraordinary circumstances, all experts must submit reports. If a party is unable to obtain a written report from an expert, counsel for the party must demonstrate that a good faith effort was made to obtain the report and must advise the Court and opposing counsel, in writing, of the name and address of the expert, the subject of the expert’s expertise, together with his or her qualifications, and a detailed summary of his or her testimony. The Court may exclude testimony of the expert if good cause is not demonstrated for the absence of a report.

(J) **Supervision of Children.** In the event that children must be brought to Court, adequate supervision must be provided for them. The Court will not be responsible for the care of children during hearings.

(K) **Special Accommodations.** Any person who requires special accommodations because of a handicap or disability shall notify the Court of his or her special requirements at least ten (10) days before a scheduled Court appearance. The Court shall comply with all reasonable requests for assistance without additional cost.

(L) **Interpretive Services.** When an interpreter (or multiple interpreters for longer hearings) is needed, the attorney or party requiring an interpreter shall inform the Court Administrator or Court Services Officer not less than ten (10) days prior to the hearing at which the interpreter is necessary, excepting hearings where parties have not received ten (10) days’ notice. The Court will arrange for an

objective interpreter to be present for the hearing. The interpreter will be compensated by the Court pursuant to our Court Interpreter Fiscal Policy (Appendix V). The requesting party's failure to appear at the hearing may result in the assessment of the costs of the interpreter's attendance at the hearing to that party.

(M) **Motions.** Upon the filing of a motion, the Judge or Magistrate to whom the case is assigned shall determine whether hearing is necessary to determine the issue(s) raised by the motion. Notice of the date and time of hearing shall be given to the attorneys for the parties or the parties if they are *pro se*. Unless otherwise ordered, any pleading responsive to the motion must be filed by the earlier of twenty (20) days after the filing of the motion or seven (7) days prior to hearing upon the motion. If such a responsive pleading is filed, the hearing may be used as a pre-trial and scheduling conference rather than a hearing on the merits.

(N) **Prehearing Motions.** Prehearing motions shall be filed and heard in accordance with Juv. R. 22(D) and (E), Civ. R. 7 or Crim. R. 47, as applicable. All Prehearing motions shall be in writing except with leave of Court. All motions shall state with particularity the grounds therefore and shall set forth the relief or order sought. All motions may be accompanied by a memorandum in support if such would be helpful to the Court. A memorandum shall be submitted upon order of the Court in the time and manner specified.

(O) **Telephone appearance.**

(1) The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in cases where such an appearance is permitted by these rules or Court order. To improve access to the courts and reduce litigation costs, the Court may permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in cases pending before the Court.

(2) **Application.** Except as provided in W.C. Juv. R. 4(N)(4)(a) below, a party may appear by telephone at the following conferences, hearings, and proceedings:

- (a) Case management/scheduling/status/review conferences, provided the party has made a good faith effort to meet and confer with her or his client before the conference date;
- (b) Non-evidentiary motion hearings;
- (c) Hearings on discovery motions;
- (d) Scheduling conferences and status conferences;
- (e) Pre-trial hearings; and
- (f) Any hearing approved in advance by the Court for appearance by telephone.

(3) **Required personal appearances.** Notwithstanding W.C. Juv. R. 4(N)(2) above and except as provided in W.C. Juv. R. 4(N)(6)(b) below, a personal appearance is required at the following hearings, conferences:

- (a) Trials and hearings at which witnesses are expected to testify;
- (b) Hearings on temporary restraining orders;
- (c) Settlement conferences;
- (d) Pretrial hearings in criminal cases and cases alleging that a child is delinquent, unruly a juvenile traffic offender;

- (e) Pretrial hearings in child protective services proceedings;
- (f) Hearings in which a party is proceeding *pro se*.
- (g) Hearings in which the presence of the parties is required.

(4) **Skype (or similar videoconferencing software).**

(a) A proceeding conducted by videoconferencing shall be conducted in the same manner as if the parties had appeared in person, and the jurist presiding over the matter may exercise all powers consistent with the proceeding.

(b) Anyone requesting the use of videoconferencing appearances shall first file a motion with the Court seeking permission. Additionally, the party requesting the use of videoconferencing shall make arrangements with the Court's bailiff prior to the commencement of the proceeding to ensure the equipment is in working order.

(c) In any proceeding conducted by videoconference, the remote location(s) shall be considered an extension of the courtroom and held before the jurist who is presiding. The jurist's pronouncements, instructions, and rulings shall have the same force and binding effect as if all participants had been physically present in the courtroom. The jurist shall consider and rule on any objections of a party or non-party witness prior to beginning the proceeding.

(d) An oath administered by the jurist, court bailiff, or other authorized person to a witness, interpreter, or a party in a proceeding conducted by videoconference shall have the same force and binding effect as if the oath had been administered to a person physically present in the courtroom.

(e) In any proceeding conducted by videoconference, an interpreter, who can see and hear the witness and other participants, may provide interpreter services without being physically present in the same locale as either the jurist or the remote participants.

(f) This Rule is intended to provide a jurist presiding over any matter in Warren County Juvenile Court with broad discretion regarding the use of videoconferencing.

(5) **Court discretion to modify rule.**

(a) **Court may require personal appearances.** The Court may require a party to appear in person at a hearing, conference, or proceeding in which a telephone appearance is otherwise authorized by this rule if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(b) **Court may permit appearances by telephone.** The Court may permit a party to appear by telephone at a hearing, conference, or proceeding for which a personal appearance is otherwise required if the Court determines that a telephone appearance is appropriate.

(6) **Need for personal appearance.** If, at any time during a hearing, conference, or proceeding conducted by telephone, the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(7) **Notice by party.** A party choosing to appear by telephone at a hearing, conference, or proceeding under this rule must either:

(a) Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or

(b) At least three court days before the appearance, notify the Court and all other parties of the party's intent to appear by telephone. Oral notice must be done on the record. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Telephone" with the Court at least three court days before the appearance and by serving the notice at the same time on all other parties by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.

(c) If after receiving notice from another party as provided under W.C. Juv. R. 4(N)(6)(a) or (b) above, a party that has not given notice also decides to appear by telephone, the party may do so by notifying the Court and all other parties that have appeared in the action of their intent to also appear by telephone. Said notification should be provided by noon on the day prior to the hearing.

(d) If a party that has given notice that it intends to appear by telephone under W.C. Juv. R. 4(N)(6)(a) or (b) above, subsequently chooses to appear in person, the party must so notify the Court and all other parties that have appeared in the action, by telephone, at least two court days before the appearance.

(e) The Court, on a showing of good cause, may permit a party to appear by telephone at a conference, hearing, or proceeding even if the party has not given the notice required under W.C. Juv. R. 4(N)(6)(a), (b) or (c) above, and may permit a party to appear in person even if the party has not given the notice required in W.C. Juv. R. 4(N)(6)(d) above.

(8) **Notice by Court.** After a party has requested a telephone appearance under W.C. Juv. R. 4(N)(6) above, if the Court requires the personal appearance of the party, the Court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The Court may direct the Court clerk, a court-appointed vendor, a party, or an attorney to provide the notification.

(9) **Private vendor; charges for service.** The Court may provide teleconferencing for Court appearances by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by telephone a reasonable fee, specified in the contract, for its services.

(10) **Audibility and procedure.** The Court will, to the extent that it can, ensure that the statements of participants are audible to all other participants and the Court staff and that the statements made by a participant are identified as being made by that participant.

(11) **Reporting.** All proceedings involving telephone appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

(P) **Juvenile Competency Proceedings**

(1) **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.

(2) **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.

(3) **Notice.** 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 each 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.

(4) **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.

(Q) Courtroom Use of Physical Restraints

(1) Physical restraints shall not be utilized unless the Judge or Magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

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

(2) The Judge or Magistrate shall permit any party, as defined in Juv. R. 2(Y), to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding;

(3) If physical restraint is found necessary by the Judge or Magistrate, require the restraint be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not necessarily restrict the movement of the child's hands.

RULE 5. JURISDICTION; COUNSEL; GUARDIAN AD LITEM

(A) Jurisdiction

“Juvenile cases” include all actions within the subject matter jurisdiction of the juvenile court, including, criminal actions, delinquency, unruly, child protective services proceedings, juvenile traffic offender actions, parentage actions and child custody, support and visitation proceedings. The provisions of this rule shall apply to all juvenile cases unless the context indicates otherwise or a rule of procedure is provided elsewhere in these rules to apply specifically to the particular kind of case.

Section 2151.233 of the Revised Code, enacted March 2019 states that juvenile court *shall not* exercise jurisdiction under R.C. 2151.23(A)(2) to determine custody regarding a child in three situations where a domestic relations court should be involved:

- (1) If the child’s parents are married;
- (2) If the child’s parents are not married, but there is an existing order for custody over which the juvenile court does not have jurisdiction (i.e. any custody order issued by a domestic relations court); or
- (3) If the determination of custody is going to be made as a part of a pending action for divorce, dissolution of marriage, annulment, or legal separation (i.e. in a domestic relations court).

Section 2151.233 only relates to petitions for custody of a child filed by private citizens, and does not limit any complaint filed by a public children service agency or by a private citizen alleging that a child is dependent, neglected or abused.

(B) Right to Counsel; Appointment of Counsel

- (1) The right to court-appointed counsel shall be as provided by law.

(2) Applications for court-appointed Counsel (WCJC Form 12.0 Financial Disclosure/Affidavit of Indigency) shall be accompanied by such income/asset verification as may be necessary to permit determination that the applicant qualifies for court-appointed counsel. An application fee may be charged unless waived by the Court.

(a) Applications for court-appointed counsel shall be completed and submitted with all supporting documentation within seven (7) calendar days after the party was advised by the Court of his/her right to court-appointed counsel unless the seventh day is a day upon which the Court is not open for business in which case the completed application shall be submitted upon the next day upon which the Court is open for business. Should an adult fail to submit the application for court-appointed counsel in accordance with this rule, absent good cause, such failure may be considered a waiver of the right to court-appointed counsel and/or may not serve as the basis for continuance of trial or hearing. A party may assert a right to court-appointed counsel at any stage of the proceedings. A prior waiver of the right to court-appointed counsel shall not prevent a party from subsequently asserting such right.

(b) The Court shall advise unrepresented parties of their rights and responsibilities provided in this rule at their initial appearance before the Court.

(3) Children’s right to be represented by counsel may not be waived when a serious youthful offender dispositional sentence has been requested; when there is a conflict or disagreement between the child and the parent, guardian, or custodian; the child’s parent(s), guardian(s), or custodian(s) or sibling(s) are the alleged victim(s); or if the parent, guardian, or the custodian requests that the child be removed from the home. A child alleged to be delinquent by reason of the commission of an offense which would be a felony if committed by an adult may not waive the right to be represented by counsel unless the child has met privately with counsel to discuss the child’s right to counsel and the disadvantages of self-representation. A child may waive the right to counsel only after consulting with their parent(s),

guardian(s) or custodian(s) and the Court determines that such a waiver is not contrary to the child's best interest. Any waiver of the right to counsel shall be made in open Court, recorded, and in writing.

(a) In those cases in which a child may not waive counsel and where the child does not qualify for court-appointed counsel and the child's parent, guardian or custodian does not retain counsel, then the Court will appoint counsel and tax as Court costs the fees of counsel. The Court will allocate such costs between the child's parent(s), guardian(s) and/or custodian(s) as the Court finds is appropriate.

(4) A court-appointed attorney may withdraw or be terminated/removed only with the consent of the Court upon good cause shown. It shall be the Court, and not the attorney seeking to withdraw, that will assign substitute counsel.

(5) The Court may fix compensation for the services of appointed counsel, tax the same as part of the costs, and assess them against the child, her/his parent, custodian, or other person in loco parentis of such child.

(6) Appointed counsel fees shall be based upon the Court's court-appointed counsel fee schedule approved by the Warren County Commissioners.

(7) Eligibility for court-appointed counsel shall be determined in accordance with the Indigent Client Eligibility Guidelines promulgated by the Office of the Ohio Public Defender.

(8) Appointed Counsel: in order to be considered and approved for, and to maintain placement on the Court's appointment list of attorneys, the following standards must be met:

- be an attorney in good standing with the Supreme Court of Ohio;
- inform the Court of any prior disciplinary complaints against the attorney which resulted in sanctions;
- maintain a working telephone with the ability to respond to calls from the Court or client;
- either maintain professional liability (malpractice) insurance in an amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct [ORPC], or comply with ORPC 1.4(c) at the time of the appointment;
- maintain a working email account to receive and respond to messages and attachments from the Court or client;
- attorneys are under an ongoing duty to notify the Court of changes in their status, address, or telephone number;
- attorneys must comply with the requirements outlined in Ohio Administrative Code 120-1-10 for the respective cases they wish to undertake; and
- Complete and return the Certification of Compliance with State Standards for Appointment of Counsel and/or Certification of Compliance with State Standards for Appointment of Counsel – Appeals ("Certifications") (Appendices VII & VIII).

To comply with the spirit of Rule 8 of the Rules of Superintendence for the Courts of Ohio, attorneys shall be appointed on the basis of a rotating schedule which the Court has in place which shall ensure, to the extent possible, that each attorney on the list is provided with an opportunity to obtain an equitable share of appointments. The Court strives to equitably distribute the appointments among all persons on the appointment lists commensurate with their training and experience as identified by the appointed attorney in the Certifications enumerated above. Attorneys accepting appointments are responsible for providing proof of their qualifications if asked to do so by the Court. *Acceptance of appointments to cases the attorney is not qualified to handle under this Rule disqualifies them from being compensated for the representation, may subject them to removal from the appointments list and could result in other consequences outside of the Court.* **In the event the attorney is assigned a case that does not meet the attorney's qualifications, the attorney shall immediately file a motion and proposed entry withdrawing from the case so that an attorney with the proper qualifications can be appointed by the Court to undertake representation of the case.** The Judge may, in his discretion, deviate from the rotating schedule

in order to assure the efficient and orderly administration of justice. Further, in the interest of justice, and for good cause, the Court may remove an assigned attorney as defense counsel.

Attorneys shall update their Certifications, as needed, or at a minimum every year by December 31st in order to remain on the appointed counsel list. Attorneys are under an ongoing obligation to notify the Court of changes to their status, qualifications and contact information.

(9) Attorneys who are appointed by the Court shall submit a Court-Appointed Counsel Fee Application (WCJC Form 13.0 Motion, Entry, and Certification for Appointed Counsel Fees). All fee applications must be filed within thirty (30) days after the last day of the month in which the most recent services indicated on the fee application were rendered. If fees are sought for services rendered after disposition and/or after the most recent hearing, the Court may require that the fee application be accompanied by a statement describing such services and their necessity. Failure to comply with this rule may result in partial payment or nonpayment of fees. The attorney/guardian ad litem filing the application shall retain a time stamped copy.

Attorneys who are seeking extraordinary fees are directed to make application with the Court and advise what the amount should be pursuant to the Court's local rule and practice, the amount requested, and what about the case that makes the case extraordinary.

Fees for dependent, neglect and abuse cases shall have the following caps:
\$1,000.00 through disposition;
\$1,000.00 from disposition until 360 day review;
\$1,000.00 from 360 day review until the next annual review, permanent custody, etc. (approximately 12 months).

(C) Withdrawal of Counsel

(1) An attorney seeking to withdraw as counsel in a pending case shall submit a motion with a proposed Entry. If the client has agreed to the withdrawal and has signed the entry, the Court may consider the motion forthwith. If not, the Court may schedule the matter for hearing with notice to the client.

(2) The motion must include information as to the date and time of any scheduled hearings in the case and that new counsel must be promptly obtained unless new counsel is already in the case. The certificate of service on the motion must include the withdrawing counsel's client as well as the opposing counsel or party if *pro se*.

(3) As an alternative to filing the motion and entry to withdraw as counsel, an entry providing for substitution of counsel may be filed (for non-court-appointed attorneys only unless expressly authorized by the Court).

(D) Guardian ad Litem

(1) The Court, for good cause, may appoint a guardian ad litem (GAL) to protect the interests of one or more of the parties or for any child who is subject of the proceedings. The Court may appoint a GAL with or without motion. The Court shall appoint a GAL when:

- (a) The child has no parent, guardian, or legal custodian;
- (b) The interests of the child and the interests of the parent/custodian/guardian may conflict;

(c) The parent/party is under eighteen (18) years of age or appears to be mentally incompetent;

(d) When the complaint or other pleading alleges that a child is in need of child protective services;

(e) Appointment is otherwise necessary to meet the requirements of a fair hearing.

(2) **Qualifications.** GAL's must comply with Sup. R. 48 as the same may, from time to time, be amended.

(3) **Duties.** The GAL shall have those duties and responsibilities set forth in Sup. R. 48, as the same may, from time to time, be amended.

Specifically, any GAL appointed to an abused, dependent, or neglect case shall:

(a) Communicate with every child, who is able to do so, confidentially, no less than thirty days before every Court hearing regarding the child, unless the Court grants exception to this requirement.

(b) Present independent and thorough recommendations to the Court made as a result of his/her independent investigation of the circumstances of the child.

(c) Submit a written report or supplemental recommendations if required to do so by Ohio Sup. R. 48 or as ordered by the Court.

(d) Be present at every hearing concerning the child except when said presence is excused by the Court and coverage is obtained.

(e) Ascertain the interests of every child taking into account the child's age and maturity, the need to provide the child with a safe home, and the need for family preservation and permanency planning.

(f) Advocate for the best interests of the child giving due regard to all of the factors required to be considered by the Court in determining the best interests of a child.

(g) Assist in the timely implementation of case plan services and dispositional orders.

(4) **Reports.** The GAL report shall be accepted into evidence as the GAL's direct testimony, and he or she may be subject to cross examination by any party. On all cases, the GAL's report shall be filed with the Court and distributed to all parties at least seven (7) days prior of the final hearing.

(5) **Guardian ad Litem – Fees**

(a) For private custody cases, the entry appointing a GAL shall specify whether a party shall make a deposit to defray the fees for the GAL and the date by which such deposit is to be made. In such cases the appointment of the GAL does not take effect nor does it bind the GAL to any duty or legal obligation until the fee is deposited. The basis upon which the GAL's fees shall be calculated and the manner in which payment allocated among the parties shall be set forth in the order of appointment of the GAL. The GAL may move the Court for disbursement of funds on deposit. If a GAL exhausts all of the funds paid on deposit, the GAL shall not continue their investigation until the parties have deposited additional funds.

(b) GAL fees may be assessed as Court costs and payment allocated among the parties in the final entry.

(c) GALs who are appointed by the Court and whose compensation, pursuant to the order of appointment is based upon the court-appointed counsel fee schedule, shall submit a Court Appointed Counsel Fee Application (WCJC Form 13.0 Motion, Entry, and Certification for Appointed Counsel Fees). All fee applications must be filed within thirty (30) days after the last day of the month in

which the most recent services indicated on the fee application were rendered. If fees are sought for services rendered after disposition and/or after the most recent hearing, the Court may require that the fee application be accompanied by a statement describing such services and their necessity. Failure to comply with this rule may result in partial payment or nonpayment of fees. The attorney/guardian ad litem filing the application shall retain a time stamped copy.

GALs who are seeking extraordinary fees are directed to make application with the Court and advise what the amount should be pursuant to the Court's local rule and practice, the amount requested, and what about the case that makes the case extraordinary.

Fees for dependent, neglect and abuse cases shall have the following caps:
\$1,000.00 through disposition;
\$1,000.00 from disposition until 360 day review;
\$1,000.00 from 360 day review until the next annual review, permanent custody, etc. (approximately 12 months);
\$1,000.00 from granting of permanent custody until adoption;
\$1,000.00 from the granting of PPLA until age of majority.

(6) A court-appointed GAL may withdraw or be terminated/removed only with the consent of the Court upon good cause shown.

(7) GAL fees in cases in which the State is a party and where a party would be entitled to court-appointed counsel if indigent, shall be based upon the Court's court-appointed counsel fee schedule and the standards and guidelines/maximum fee schedule/reimbursement standards of the Office of the Ohio Public Defender and the limitations and restrictions set forth therein, unless otherwise ordered by the Court.

(8) The Court shall appoint a person to coordinate the GAL application and appointment process, to keep the files and records required by Sup. R. 48, to maintain information regarding GAL training opportunities, to receive written comments and complaints regarding the performance of GAL's practicing before the Court and to perform such other duties as assigned by the Court. Persons who want to comment or make a complaint concerning a GAL may inquire in the clerk's office concerning the person to who such comment/complaint may be directed.

RULE 6. PROCEDURE IN CRIMINAL AND SERIOUS YOUTHFUL OFFENDER CASES

(A) The statutory procedures and Ohio Rules of Criminal Procedures shall be followed with respect to criminal actions wherein the Juvenile Court has jurisdiction.

(B) In the event that an adult charged in the Warren County Juvenile Court is detained in the custody of a law enforcement officer, such officer shall bring such person so charged before the next session of the Court for the purpose of setting bond. If the Court is not in session, the officer may allow the person to be released upon the posting of a bond to insure his appearance before the Court. Bond for any such offense shall be set in the manner and amount provided in W.C. Juv. R. 16 or by order of the Court.

(C) The Court shall advise an adult charged with a misdemeanor offense of the right to demand trial by jury, that such demand for a jury trial shall be made in writing and not less than three days before the date set for trial, or within three days after counsel has been retained, whichever is later. The Court shall also advise that failure to supply a written demand within that period shall constitute a waiver of the right to trial by jury.

(D) In addition to those rights and procedures to which a juvenile may be entitled under Revised Code chapters 2151. and 2152. and the Ohio Rules of Juvenile Procedure, the statutory criminal procedures of Revised Code Title 29 and the Ohio Rules of Criminal Procedure shall apply in the adjudication and disposition of serious youthful offender cases.

RULE 7. PROCEDURE IN JUVENILE TRAFFIC CASES

(A) The statutory procedures with respect to the hearing of traffic cases and the Ohio Traffic Rules will be followed insofar as they are applicable to juvenile court proceedings and not inconsistent with these Rules of Court.

(B) The Uniform Traffic Complaint forms may be used in cases; each person filing a complaint on said form will be required to provide thereon the names and addresses of parents or guardians or persons having custody of the alleged juvenile traffic offender.

(C) The use and filing of a traffic ticket that is produced by a computer or other electronic means is hereby authorized in the Warren County Juvenile Court pursuant to Traffic Rule 3 (F). The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by Traffic Rule 3(E). The Court record of the ticket shall be filed with the Warren County Juvenile Court on paper of sufficient quality to allow the Court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by the Rules of Superintendence for the Courts of Ohio.

The record of the ticket may also be filed electronically with the Court in lieu of the paper record. A law enforcement officer who files a ticket with the Court and electronically affixes the officer's signature thereto shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other traffic tickets pursuant to the authority granted by the Rules of Superintendence for the Courts of Ohio.

(D) Law enforcement officers shall provide the Court with a statement of facts which will provide sufficient information with respect to the juvenile and the alleged violation to assist the Court in making final disposition.

RULE 8. CUSTODY, SHELTER CARE AND DETENTION

(A) When a child is taken into custody and placed in the Juvenile Detention Center or shelter care, he or she shall be afforded a detention/shelter care hearing within seventy-two (72) hours, or on the next Court day, whichever is earlier. Such hearing shall comply with the provisions of Juv. R. 7(F). Hearings may be conducted on weekends or holidays in order to comply with this rule.

(B) Release from detention and the conditions of release will involve a consideration of all relevant factors, including, but not limited to the following:

(1) Juvenile's risk to reoffend pending disposition of the case, as indicated by risk assessments and other relevant information;

(2) Juvenile's access to alleged victims of offense;

(3) Juvenile's risk to persons who are characteristically similar to the alleged victim (i.e., age, gender, etc.).

(4) Cooperation/attitude of juvenile's parent(s), guardian(s)/custodian(s);

(5) Level of supervision necessary and available if juvenile is released;

(6) Severity of offense;

(7) Juvenile's prior juvenile court and school record;

(8) Mental health of juvenile;

(9) Allegation of force or threat of force used in commission of offense; and

(10) Juvenile's substance abuse history.

(C) Prior to releasing a child from detention, the Court may order such assessments as are deemed appropriate to obtain information relating to the above factors.

(D) The Court may impose conditions upon the pre-adjudication/pre-dispositional release of a child charged with a delinquency offense, including, but not limited to:

(1) House arrest, including electronically monitored house arrest or global positioning satellite monitored house arrest;

(2) No contact/communication with certain persons;

(3) No unsupervised contact with certain persons;

(4) Surveillance by probation department;

(5) Drug and alcoholic beverage use monitoring; and

(6) Notification and collaboration with school officials, employers and other persons to implement and facilitate no contact orders, other conditions of release and safety of the community;

(7) Any other order the Court finds to be in the Child's best interest, including but not limited to taking the Child for an immediate mental health or drug and alcohol evaluation, treatment, or counseling.

(E) Rehearing of shelter care and detention determinations.

(1) Motions for rehearing of shelter care and detention determinations shall be titled *Motion for Rehearing of Detention/Shelter Care, Juv. R. 7(G)* to facilitate scheduling in accordance with the time requirements of Juv. R. 7(G).

(2) Motions for rehearing of shelter care and detention determinations shall:

(a) set forth the change of circumstances in the situation of the child or the child's parent(s), guardian(s), or custodian(s) that have occurred since the last detention/shelter care hearing that justify release of the child from detention or shelter care; and/or

(b) if applicable, include a statement that the child's parent(s), guardian(s) or custodian(s) was not notified of the time, place and purpose of the initial hearing and did not otherwise waive appearance at the hearing.

(F) Failure to comply with subdivision (E) of this rule may result in delay in the scheduling of the hearing or dismissal of the motion without hearing.

RULE 9. ARRAIGNMENT/INITIAL APPEARANCE

(A) In criminal cases and serious youthful offender cases the Court shall conduct an arraignment hearing in accordance with Crim. R. 10.

(B) In delinquency, unruly and juvenile traffic offender cases the Court shall conduct an initial appearance hearing in accordance with Juv. R. 29.

(C) In child protective services cases the Court shall conduct an initial appearance hearing in accordance with Juv. R. 29.

(D) Unless the Court orders otherwise, children represented by legal counsel in delinquency/juvenile traffic offender/unruly cases need not appear for an arraignment hearing where legal counsel files an Entry of Appearance, Waiver, Denial and Request for Pretrial (WCJC Form 8.0).

(E) Unless the Court orders otherwise, parents represented by legal counsel in child protective services cases need not appear for an initial appearance hearing where legal counsel files an Entry of Appearance, Waiver and Denial (WCJC Form 9.0).

(F) Unless the Court orders otherwise, criminal defendants and juveniles charged as serious youthful offenders need not appear for an arraignment hearing where legal counsel files an Entry of Appearance, Waiver, Denial and Request for Pretrial (WCJC Form 8.0).

RULE 10. FILING OF COMPLAINTS

(A) Any private citizen having knowledge of a child who appears to be a juvenile traffic offender, a delinquent, unruly, abused, neglected, or dependent child may file a complaint with respect to such child. The Court may require that such citizen first obtain prior written approval from the Warren County Prosecutor prior to accepting the complaint for filing.

(B) Each complaint shall be accompanied by the full and proper name(s) of the child or children involved, the age and date of birth, the current address of each child. Such information must be provided before any hearing is conducted. The Court reserves the right to dismiss any complaint not accompanied by the required information or to amend the complaint to reflect the proper information.

(C) Unless the Court otherwise orders, probation officers may file a complaint with respect to a child without prior written approval of the prosecutor, provided such complaint is accompanied by a statement of facts, unless the offense charged would be a felony if committed by an adult. In that case, the probation officer must follow the same procedure as prescribed for private citizens.

RULE 11. DIVERSION

(A) If the best interests of the child and of the public require, the matter may be referred to unofficial status and the child subject to the complaint referred to diversion, in lieu of formal Court action. Likewise, cases which might otherwise qualify for diversion may remain in an official status where other circumstances indicate that the best interests of the child and the public are not served by a referral to diversion and unofficial status.

(B) In order to participate in the Diversion Program, you must be charged with a misdemeanor offense and have no prior criminal record.

(C) Successful completion of the diversion agreement will result in dismissal of the complaint.

(D) Failure to successfully complete performance of the diversion agreement may result in transfer of the case to the Court's official docket.

(E) If you are not accepted into the Diversion Program, your case will proceed through the Juvenile Court system like any other delinquency case.

RULE 12. ORDERS OF THE COURT and SERVICE

(A) Each citation or summons must include the full and proper name of the subject and a complete address, including directions to the residence, if necessary.

(B) Bench warrants shall be issued by the Court. Bench warrants shall command any law enforcement officer to take the person named therein or pursue the named person, to safely keep the named person, and to bring his or her body before the Court at the next session. A bench warrant may be issued for failure to appear for hearings, violation of conditions of community control, or for such other reason as lawfully permitted.

(C) A *capias* shall be issued by a deputy clerk of the Juvenile Court upon order of the Court. It shall command any law enforcement officer to take the named defendant and bring him or her before the Court. A *capias* may be issued by the Court for good cause shown and for any lawful reason.

(D) Subpoenas shall be issued in accordance with Juv. R. 17, Crim. R. 17 or Civ. R. 45, as applicable. A subpoena will be issued only upon the submission of a written praecipe by a party to the proceeding. Information on this praecipe must include the full names and complete and current addresses of persons to be subpoenaed, instructions for type of service, and if the address includes no house number, adequate directions to the residence must be provided.

(E) Praecipes for subpoenas must be submitted to the clerk not less than fourteen (14) calendar days prior to hearing at which the attendance of the person is desired for service within Warren County, Ohio and not less than thirty (30) days prior to hearing at which the attendance of the person is desired for service outside of Warren County, Ohio. Subpoenas may be served by the sheriff, a process server duly appointed by the Court, or an officer of the Court. The Court shall not enforce any subpoena not filed in accordance with this rule or otherwise properly filed with and issued by the Court.

(F) Requests for service by publication in child protective services cases shall be accompanied by a completed WCJC Form 5.0 (Juvenile Affidavit for Service by Publication: Abused, Dependent, Neglected).

(G) Service by publication shall be by posting and mail in accordance with Juv. R. 16. The clerk shall post the required notice conspicuously in the Warren County Juvenile Justice Center at 900 Memorial Drive, Lebanon, Ohio 45036, the Warren County Administration Building at 406 Justice Drive, Lebanon, Ohio 45036 and the at the Warren County Department of Human Services.

(H) A party may effect service of process, other than in a delinquency, unruly, juvenile traffic offender or child protective services case, by means of a special process server appointed pursuant to W.C. Juv. R. 12 (I) and (J) below. Subpoenas may be served by a special process server in any case.

(I) Special process server: Case specific Appointment - If a party desires personal service to be made by a special process server pursuant to Civ. R. 4.1 and/or Juv. R. 16, the party or counsel must file with the clerk an application supported by affidavit.

(1) The application and affidavit shall contain the following information:

(a) The name, address and telephone number of the person to be appointed as process server;

(b) That the person to be appointed as process server is 18 years of age or older; and

(c) That the person to be appointed as process server is not a party or counsel for a party in the action.

(2) The applicant shall also submit an order in which the Court makes those findings set forth in the application and grants the application.

(3) Persons who are designated as special process servers are subject to a criminal background check and may be required to provide their social security number and date of birth for such purpose.

(J) Special process server: Continuing Appointment - A person may apply to be designated as a “Standing Special Process Server” for cases filed in this Court by filing an application supported by affidavit.

(1) The application and affidavit shall contain the following information:

(a) The name, address and telephone number of the applicant;

(b) That the applicant is 18 years of age or older;

(c) That the applicant agrees not to attempt service of process in any case in which the applicant is a party or counsel for a party and;

(d) That the applicant agrees to follow the requirements of the Ohio Rules of Civil Procedure, The Ohio Rules of Juvenile Procedure, the Ohio Rules of Criminal Procedure, applicable local rules and specific instructions for service as ordered by the Court in individual cases.

(e) The applicant requesting designation shall also submit an order captioned “In re The Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court”. The clerk shall record such appointment on the Court’s General Docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such an order as satisfying the requirements for designation by the Court of a person to make service of process.

(2) Persons seeking appointment as a standing special process server are subject to a criminal background check and may be required to provide their social security number, date of birth and other identifying information for such purpose.

RULE 13. RECORDS

(A) For official cases there shall be maintained an appearance docket, a juvenile traffic docket, a journal, and a cash book. The records of official cases shall be maintained in the manner provided by law, by the Ohio Rules of Juvenile Procedure, the Ohio Rules of Criminal Procedure and the Ohio Rules of Civil Procedure, as applicable and by local Rules of this Court.

(B) The clerk shall keep any notes made by a judicial officer of the Court in a manila folder on the left side of the case file. These documents shall not be file stamped and shall not be public records of the Court.

(C) Transcripts of proceedings shall be requested by motion pursuant to WCJC form 4.0 to facilitate the Court's determination that the preparation and release of a transcript is authorized by Juv. R. 37 (B).

RULE 14. COMMUNITY CONTROL, SUPERVISION and TEMPORARY ORDERS

(A) The Court may place any child who has been adjudicated a juvenile delinquent, an unruly child, or a juvenile traffic offender on community control to the Juvenile Court. The child shall be placed on community control at a dispositional hearing held pursuant to Juv. R. 34. The child may be placed on community control for an indefinite period or for a stated period of time. The period of community control may be extended if the child fails to comply with the terms of community control or fails to make satisfactory progress toward his or her rehabilitation.

(B) Terms of community control may be set by the Court and/or the probation officer assigned to the child. In all cases the child shall receive a written statement of the terms of community control. The Court may revoke community control for a violation of a term of community control after conducting a hearing as required by Juv. R. 35(B).

(C) Supervision of any child may be ordered upon adjudication but before disposition. The terms and conditions of supervision shall be set by the Court and/or the probation department. The juvenile shall receive written notice of the terms of supervision.

(D) Temporary orders may be made by the Court pending hearing as provided by Juv. R. 13. All such orders shall be to protect the welfare, interest, and safety of the child concerned.

RULE 15. PROCEDURE FOR FILING and HEARING OF OBJECTIONS TO DECISION OF MAGISTRATE and APPEALS TO ORDERS OF MAGISTRATE

(A) The Magistrate shall announce his/her decision from the bench or shall file his/her written decision within a reasonable time after conclusion of the hearing of the case.

(B) A party objecting to a Magistrate's decision or seeking to set aside a Magistrate's order shall file the same in writing within the time provided by Juv. R. 40, Civ. R. 53 or Crim. R. 19, as applicable. The objection/motion to set aside shall specifically enumerate the portion or portions of the decision/order to which objection is taken. Objections/motions to set aside shall state with specificity the grounds for objection. Failure to comply with the specificity requirement may result in an order striking the objection/motion to set aside.

(C) It shall be the responsibility of the party objecting to a Magistrate's decision or seeking to set aside a Magistrate's order to file a typed transcript of the hearing prior to consideration of the objection/motion to set aside or demonstrate good cause why the transcript could not be provided to the Court. Transcripts of hearings before Magistrates may be requested in accordance with W.C. Juv. R. 13(B). The original recording of the hearing cannot be removed from the courthouse for transcription without order of the Court.

(D) Upon the filing of objections the Court will issue a scheduling order setting forth the time for the filing of the transcript and the briefing of the objections. The scheduling order may also advise the objecting party of contact information for the Court transcriptionist who is assigned to prepare the transcript to facilitate transcript preparation and filing. The objecting party shall be responsible for payment of the cost of the preparation of the transcript unless such party is entitled to a transcript at government expense. Generally, the objecting party must pay the Court a deposit based upon the estimated cost of transcript preparation within fourteen days following the issuance of the scheduling order. Payment of the deposit and any balance due shall be made in cash or by money order payable to Warren County Probate and Juvenile Court. Failure to pay the deposit in accordance with this rule and/or the scheduling order may result in the immediate submission of the objection to the Court for decision.

(E) In cases where the transcript of the proceedings before the Magistrate exceeds fifty (50) pages in length, the parties shall file written memoranda with reference to the transcript and record which supports their respective positions. References to the transcript and record shall be in the form and manner prescribed in App. R. 16(D). Failure to file a supplemental memorandum with transcript references may result in dismissal of the objection.

(F) No oral argument will be heard on any objection/appeal unless ordered by the Court.

(G) No additional evidence shall be offered upon objections without leave of Court. A party seeking to admit additional evidence shall file with the Court a motion for submission of such additional evidence which specifically describes the additional evidence sought to be admitted and demonstrates that the party, with reasonable diligence, could not have produced that evidence for the Magistrate's consideration.

RULE 16. BONDS and RECOGNIZANCE

Appearance bonds may be fixed by the Court in each individual case at the arraignment or bond hearing or at such other time as may be provided. The issuance of a warrant without the amount of bond specified indicates that the bond must be fixed according to the bond schedule or as the Court determines. When real property is offered as security for a bond, the Court shall require that the value of the real property as listed on the county tax list to be at least twice the amount of the bond.

RULE 17. PARENTAGE, CUSTODY, SUPPORT, PARENTING TIME/ VISITATION AND PARENTAL RIGHTS AND RESPONSIBILITIES PROCEEDINGS

(A) PLEADINGS AND GENERAL PROVISIONS

(1) All pleadings shall comply in form and content with Title III of the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, the Ohio Revised Code, and these Warren County Juvenile Rules.

(2) Throughout these rules the designation of plaintiff, defendant, petitioner or respondent shall mean the party and his/her attorney, if represented unless the context indicates otherwise.

(3) All pleadings and forms required by the Court shall be typewritten or printed legibly in ink and in compliance with W.C. Juv. R. 2(H) and (I).

(4) All filings with the Clerk of Courts must contain a top margin of at least two (2) inches.

(5) The Court requires an original plus one copy of all filings only. If an attorney or party wants file-stamped copies of any filing or pleading, he/she must provide additional copies as well as an envelope with postage for mailing.

(6) Pleadings shall refer to the parties as Mother/Father/Grandmother/Grandfather/Aunt/Uncle, etc. instead of Plaintiff/Defendant/Petitioner/Respondent, etc. in order to notify the Court of their relationship to the child(ren) involved.

(7) Child support shall be addressed contemporaneously with custody in any case in which an order of custody is established or modified unless the Court grants leave to address child support separately.

(B) INITIAL FILING

(1) In every action involving determination of the existence of a parent and child relationship there shall be filed with the complaint, motion or petition proof that the person has requested an administrative determination of the existence of the parent and child relationship pursuant to Section 3111.38 of the Ohio Revised Code.

(2) The information contained in WCJC Forms 2.0 and 3.0 shall be treated and considered in the action as though it were obtained in answer to questions propounded by the Court to the party filing such statements and shall be the subject of cross-examination.

(3) Initial Filings shall contain the names, addresses, dates of birth and of all parties and children subject of the action. Initial filings and final decrees/entries shall contain the names and dates of birth of all minor children who are subject of the proceeding.

(4) Social Security numbers (SSNs) shall not be included on any document that will be filed with the clerk. SSNs must still be provided on the Application for Child Support Services (WCJC Form 11.0) and Information for Notice to Income Provider (WCJC Form 10.0). These documents must be submitted to the clerk at the appropriate time (with initial pleadings for Application for Child Support Services and with final documents for the Information for Notice to Income Provider). The Court will then transmit these documents to the CSEA. Neither the Application for Child Support Services nor the Information for Notice to Income Provider should be filed with the clerk.

(a) Upon filings by the parties or their attorneys we will make every effort to redact the social security numbers that are contained in the filings in the event of a records

request or otherwise. As such, you are encouraged to ensure the documents submitted do not have this sensitive information.

(C) **ENTRIES**

(1) All journal entries and Magistrate's Decisions shall be filed as follows:

(a) Any judgment, entry, order or decree endorsed by all counsel may be left with the clerk for presentation to the Judge or Magistrate hearing the matter. If appropriate, it will be signed by the trial Judge or Magistrate and delivered to the clerk's office for filing.

(2) The Court may order counsel for a party to prepare the entry and mail copies to all other counsel and unrepresented parties.

(a) The original and copies shall bear a certificate attesting that copies have been furnished to other counsel or unrepresented parties and contain a notice that:

(i) The proposed entry will be presented for approval to the Court on the date and time specified in the notice, not to be sooner than fourteen (14) days following said notice; and,

(ii) All parties objecting to said entry shall file specific written objections with the Court at or before the specified time; and,

(iii) Failure to file objections will be construed by the Court as acquiescence to the filing of said entry.

(iv) If objections are filed the Court will determine the matter based upon the filings or schedule a hearing.

(3) Nothing in this rule precludes the trial Judge or Magistrate from preparing and filing an entry.

(4) If the Court orders that an entry be prepared by counsel, then nothing in this rule precludes the parties from filing an entry with the signatures of all parties or their counsel.

(5) Attorneys failing to comply with this rule may be cited for contempt of Court. The attorney for each side shall appear after notice to show cause why the required filing has not been timely filed.

(D) **FINAL ENTRIES REGARDING SUPPORT, CUSTODY AND PARENTING TIME/VISITATION**

(1) **Filings requiring compliance review.** All final decrees/entries/Magistrate's decisions that include orders relating to support, custody, parenting time or visitation must be submitted for compliance review prior to filing pursuant to the check list set forth in Appendix II to these rules. The documents will be reviewed to determine compliance with these local rules, mandatory statutory language and completion and inclusion of all required Court forms. Approved documents will be filed with the Clerk of Courts. If the documents are not approved, the person responsible for their preparation will be notified and may resubmit documents for review.

(2) In the event a final entry is filed with the Court that fails to provide for the payment of Court costs, all Court costs shall be paid by the plaintiff/petitioner or moving party within thirty (30) days of the filing of the final entry.

(3) **Decrees and Judgment Entries in Agreed Matters.** When a matter scheduled for hearing is settled by agreement, the attorneys shall present an agreed entry endorsed by all counsel, or

parties if not represented, within thirty (30) days of the hearing. The Court may require that all parties involved sign the agreed entry. If counsel (or a party) cannot agree on the entry, they shall schedule a conference with the Court. If the agreement was recorded, the Court may require a transcript be obtained and presented at the conference.

(4) **Failure to Timely Submit Entries.** Attorneys who fail to timely submit entries will be given notice to appear to present entry or face attorney contempt and/or dismissal of the pending matter. Attorney attendance is compulsory unless excused by the Court.

(5) **Other Filings.** All Court filings not subject to compliance review and requiring a Judge or Magistrate's signature shall be delivered to the clerk of Courts for presentation to the appropriate Judge or Magistrate for signature. Documents that are signed will be filed with the Clerk of Courts.

(6) **Notifications.** All decrees, entries and decisions that address child support and/or health insurance shall adopt the Notifications (see Appendix IV) and they shall be attached thereto.

(7) **Agreed Modification of Parental Rights.** Parties who agree to a modification of parental rights and responsibilities shall file a joint motion accompanied by an agreed entry with the appropriate attachments for compliance review.

(E) **DOCUMENTS REQUIRED WITH FILINGS.** Filings which involve establishment or modification of child support and/or child custody or the establishment of parenting time/visitation/companionship with a child must be accompanied by certain other documents as set forth upon Appendix III to these rules. The parties shall supplement the information contained in the documents as additional information becomes available.

(F) **CHANGE OF RESIDENCE OF MINOR CHILDREN**

(1) **Notice of intent to relocate.**

(a) If a custodial parent, non-parent legal custodian, or non-residential parent who has an existing child support and/or parenting order of a child intends to relocate, the relocating party must file a "Notice of Intent to Relocate" (WCJC Form 7.0) with the juvenile court clerk of courts and mail a copy to other parties and the child support enforcement agency.

(b) If the relocating party is relocating within Warren County, Ohio the notice of intent to relocate shall be filed and served upon all other parties with custodial/parental/visitation rights and the CSEA not less than thirty (30) days prior to relocation.

(c) If the relocating party is relocating outside of Warren County, Ohio, then the notice of intent to relocate shall be filed and served upon all other parties with custodial/parental/visitation rights and the CSEA not less than sixty (60) days prior to relocation.

(d) Any party seeking a modification of custody, visitation, child support or parental rights and responsibilities due to the relocation shall file a motion with the Court.

(G) **CHILD CUSTODY ASSESSMENT; PSYCHOLOGICAL/PSYCHIATRIC EVALUATIONS.**

(1) **Child Custody Assessment.** The Court may order a child custody assessment in any disputed child custody, parenting time or visitation case. The parties shall cooperate in the assessment. The Court may require the parties to post a deposit of the estimated cost of the investigation, or some portion thereof, with the Clerk of Courts for the cost of conducting said investigation.

(2) **Psychological/Psychiatric Evaluation.**

(a) **Appointment.** The Court may appoint a psychologist or psychiatrist to conduct an evaluation on the issues of custody/parenting time/visitation in order to assist the Court. The Court will allocate the costs of the evaluation between the parties. The Court may require the parties to post a deposit of the estimated cost of the evaluation, or some portion thereof, with the Clerk of Courts for the cost of conducting the evaluation. The psychologist or psychiatrist will be the Court's witness and neither attorney shall provide any documents to such person, other than a trial notice, or communicate, or cause any third party to communicate, with the psychologist or psychiatrist except as may specifically ordered by the Court.

(b) **Report.** The psychologist or psychiatrist will provide the Court with the original written report and recommendations (including case name and number, the date of hearing and the name of the assigned Judge or Magistrate) no less than seven (7) days prior to the hearing unless otherwise ordered, with copies mailed to counsel for each party, or to a party if unrepresented. The report shall be accepted into evidence as the psychologist's or psychiatrist's direct testimony, and he or she may be subject to cross examination by either party. A party desiring to cross examine shall arrange for the psychologist's or psychiatrist's appearance at the hearing and is responsible for paying the fee for that appearance. No party shall disclose the contents of the report except as may be necessary for the prosecution/defense of the pending matter for which the evaluation was ordered.

(H) CHILD SUPPORT ENFORCEMENT AGENCY; ENTRIES

(1) The Child Support Enforcement Agency will not make disbursements of child support in the absence of a journal entry.

(2) When filing any entry containing a child support order counsel shall provide the clerk of courts with an extra copy and a request to deliver such copy to the Child Support Enforcement Agency.

(I) WAIVER OF SUPPORT ARREARAGES

(1) An obligee seeking to waive support arrearages must file a written request and schedule a hearing. The child support obligor and obligee must appear in person before the Court unless the Court waives such appearance for good cause shown. If both parties are represented by counsel, an agreed entry may be presented to the Court for consideration in lieu of a hearing. Any waiver of arrearages has no effect on money that may be owed to any governmental agency unless specifically provided in the entry granting the waiver of arrearages. Waiver of child support arrearages shall be permitted only where it is demonstrated that such a waiver is in the child's best interest.

(J) PARENTING TIME; MODEL PARENTING SCHEDULE

(1) PARENTING TIME/VISITATION

(a) The Court may consider an order granting parenting time/visitation in an original parentage action, upon motion of a parent, at the time of the issuance of an order for child support pursuant to Revised Code section 3119.08, pursuant to R.C. sections 3109.11 or 3109.12 and/or as otherwise provided by law. Parties in parentage proceedings shall be prepared to address parenting time issues in all parentage proceedings.

(b) The Court may grant parenting time/visitation pursuant to the Model Parenting Schedule contained in Appendix I to these rules or make a special order of parenting time/visitation where application of the Model Schedule is not appropriate to the situation.

(K) SERVICE BY PUBLICATION

(1) Service by publication shall be in accordance Civil Rule 4.4. Requests for service by publication shall be accompanied by WCJC Form 6.0 (Affidavit for Service by Publication for civil cases).

(L) CASE MANAGEMENT

(1) Scheduling Conferences.

(a) When a responsive pleading to a complaint/petition/motion is filed, the Court will schedule the case for a scheduling conference and notify counsel, or the parties if unrepresented, of the date and time.

(b) The purpose of the scheduling conference is to identify the issues in controversy, establish a timetable for discovery, schedule a pretrial conference and schedule an evidentiary hearing.

(c) At the conclusion of the scheduling conference, a scheduling order may be issued.

(d) The Court may conduct a scheduling conference in conjunction with any hearing on other pending motions in order to expedite the case.

(e) If a pretrial conference is scheduled the Court may require the parties to file pretrial statements as set forth below.

(2) Pretrial Conferences.

(a) All discovery shall be completed thirty (30) days prior to trial, unless for good cause shown, the time period may be modified by the Court. Nothing in this rule shall nullify a discovery request unless it is prohibited by the Court.

(b) Upon request by the Court, a pretrial statement shall be filed and served upon all other parties not less than seven (7) days prior to the date of the pretrial. The pretrial statement shall contain all of the following information:

(i) A statement of pertinent facts;

(ii) A statement of the contested issues of fact and law;

(iii) Names and addresses of all witnesses;

(iv) A list of all exhibits;

(v) If shared parenting is requested, a written-shared parenting plan must be filed on or before the pre-trial date.

(c) If a pretrial statement is not filed in accordance with this rule, the Court may continue the pretrial in progress and entertain a motion for attorney fees against the non-complying party.

(d) Unless excused by the Court, trial counsel and the parties must attend the pretrial. Failure to abide by this rule may result in a second pretrial with opposing counsel's attorney fees paid by the non-complying attorney.

(3) Cases shall be heard within 180 days of the filing of a responsive pleading to that pleading initiating the proceeding or default in such response, except for good cause shown to extend hearing of the case beyond 180 days. All cases shall be completed within 360 days of filing. The foregoing time periods shall be extended during the period of time that a warrant for the arrest of any party is outstanding during the pendency of a case.

(4) Cases pending for more than 180 days with no activity are subject to dismissal for want of prosecution after notice to the parties.

(5) Pursuant to Civ. R. 53 and/or Juv. R. 40, the Court may refer matters to a Magistrate.

(6) Exhibits: the parties shall prepare their trial exhibits prior to the hearing.

(a) Plaintiff shall use numbers

(b) Defendant shall use letters.

(c) Counsel shall supply a witness list, exhibit list and a copy of each exhibit to the Court at any time prior to the commencement of the trial and/or hearing.

(M) MOTION PRACTICE

(1) Upon the filing of a motion the Judge or Magistrate to whom the case is assigned shall determine whether hearing is necessary to determine the issue(s) raised by the motion. Notice of the date and time of hearing shall be given to the attorneys for the parties or the parties if they are pro se.

(2) Unless otherwise ordered, any pleading responsive to the motion must be filed by the earlier of twenty (20) days after the filing of the motion or seven (7) days prior to hearing upon the motion. If such a responsive pleading is filed, the hearing may be used as a pre-trial and scheduling conference rather than a hearing on the merits. Clients must be present.

(3) All motions to modify prior orders of the Court shall contain a statement of the order sought to be modified, the date of such order, the nature of the modification sought, and the specific change in circumstances which justifies modification.

(4) **Health Care Expenses.** Any motion seeking reimbursement for health care expenses shall contain a statement that the movant has previously forwarded the medical bills and a calculation of the amount due to the respondent and that timely payment has not been made.

(5) **Contempt.** All motions requesting a contempt finding shall contain a statement of the Court order alleged to have been violated, the date of the Court order, and the facts constituting the violation. At the hearing on a motion for contempt of a support order, a CSEA account summary must be presented by the moving party. An audit may be submitted, if available, but is not required.

(a) Whenever a motion for contempt is filed, the caption must so indicate so that the Clerk of Courts may issue a summons.

(6) Whenever the parties or counsel inform the Court that an agreement has been reached on an issue previously in controversy, they must submit written verification of the agreement or appear for the hearing and place the agreement into the record.

(a) An agreed entry reflecting the agreement shall be filed within thirty (30) days thereafter.

(7) The Court may dismiss any motion that does not comply with the requirements of these Local Rules.

(N) SEMINAR FOR PARENTS/CUSTODIANS

(1) The Court may order parents or others seeking custody/parenting time/visitation to attend and successfully complete parenting education or other course of counseling as a prerequisite to the award of custody/ parenting time/ visitation or prior to scheduling hearing upon the motion.

(O) TRANSFER OF JUVENILE COURT SUPPORT CASES TO DOMESTIC RELATIONS COURT.

(1) If at the time of the filing of a complaint for divorce, petition for dissolution or complaint for legal separation in the Warren County Domestic Relations Court there is a Warren County Juvenile Court child support order for the benefit of one or more of the children who are subject to the divorce or dissolution, and if the orders should be consolidated in Domestic Relations Court, a motion for transfer to the Domestic Relations Court must be filed in this Court. You must provide the domestic relations case number to be transferred to.

(2) If the Oblige is requesting the transfer, the motion may be ruled on without a hearing. If the Obligor is requesting the transfer, and the Obligee has not consented to it, then the matter will be set for hearing.

(3) In addition, the transfer can be accomplished by an agreed entry.

(P) MEDIATION

(1) Mediation Order: At any time after service of summons in an action for allocation of parental rights and responsibilities, the Court may order parties into mediation or the parties may voluntarily request to participate in the mediation process. The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule.

(2) Scope and Purpose

(a) The Court may mediate parenting time and visitation issues pursuant to R.C. section 3109.052.

(b) The purpose of mediation is to promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for Warren County Juvenile Court cases.

(3) Criteria:

(a) In considering whether to order a case to mediation or whether to continue with mediation once it is ordered, the Court and/or mediator will consider relevant factors, including the following:

(i) whether either party has been convicted of or pled guilty to a violation of R.C. section 2919.25, or whether either party has committed an act resulting in a child being adjudicated to have been abused; in either case, mediation will be ordered only if the Court determines that it is in the best interests of the parties for mediation to proceed and supports that determination with specific written findings of fact;

(ii) whether one party is genuinely in fear of the other where domestic violence is alleged, regardless of whether there is a conviction;

(iii) whether one or both parties are alleged to have a significant drug and/or alcohol dependency;

(iv) whether one of the parties is mentally ill or has significant psychological problems that might interfere with mediation;

(v) whether the physical distance between the parties is so great that it is not feasible for them to maintain a consistent mediation schedule.

(b) Mediation will not be used:

- (i) as an alternative to the prosecution or adjudication of domestic violence;
- (ii) in determining whether to grant, modify or terminate a protection order;
- (iii) in determining the terms and conditions of a protection order;
- (iv) in determining the penalty for violation of a protection order.

However, nothing in this rule shall prohibit the use of mediation in a subsequent custody case, even though that case may result in the termination of the provisions of a protection order.

(c) When violence and/or fear of violence is alleged, suspected, or present, mediation may only occur if the mediator has specialized training as set forth in the Ohio Rule of Superintendence 16(C)(2) and all the conditions contained in Ohio Rule of Superintendence 16(B)(2) are met.

(i) the Court shall have appropriate procedures 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.

(ii) the mediator may terminate mediation if he or she believes there is a continued threat of domestic violence or coercion between the parties.

(4) Procedure:

(a) The Court may refer disputed issues to mediation in whole or in part. A party can request mediation but must file a motion with the Court requesting same. Both parties shall complete a mediation intake form. The mediation intake form will include information to facilitate screening for domestic violence and conflicts of interest.

(b) An order to mediate will not stay the implementation of any temporary orders issued by this Court nor any scheduling order, discovery matter, or hearing.

(c) Each party to the case who has full settlement authority shall attend the mediation conference.

(d) A mediator may schedule multiple mediation sessions if necessary and mutually agreeable for the resolution of the issues. At the conclusion of mediation, the mediator shall submit a mediation report to the Court (which shall not be filed in the Court's case file) and provide copies to the parties and their attorneys if represented. A mediation report shall indicate whether agreement has been reached on any of the issues that were the subject of the mediation.

(e) Any written mediation agreement shall be forwarded to counsel and a copy given to the parties. Mediation agreements shall not be filed with the Court.

(f) Any agreements reached during mediation shall not be binding upon the parties until approved by the parties' attorneys, if any, and by the Court, which shall consider the best interest of the children when allocating parental rights and responsibilities and/or establishing a parenting schedule.

(g) Pursuant to Ohio Rules of Superintendence 16, parties are permitted to have their attorneys and other individuals they designate accompany them and participate in mediation. Attorney attendance, or attendance by anyone other than the parties, although not expected or encouraged, will be allowed only if sufficient advance notice is given so that opposing counsel may be notified and given an opportunity to attend.

(h) Children shall not be brought to the mediation session.

(i) The mediator 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.

(5) Cost of Mediation:

(a) Court-connected mediation is provided at no cost to the parties.

(b) If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but are not limited to, contempt proceedings.

(6) Mediator Qualifications: Mediators shall have minimum qualifications as set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio. All mediators are encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation.

(7) Confidentiality: Mediation communications are confidential only to the extent agreed by the parties or provided by other sections of the Revised Code. Parties desiring 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.

(8) Privilege: Statements made during the course of mediation assessment or the mediation sessions are privileged and shall not be admissible as evidence in any subsequent proceedings in this Court except as required by law. R.C. section 2317.02 and section 2710.01 et seq. This rule does not require the exclusion of any evidence which is otherwise discoverable merely because it is presented in the course of mediation.

RULE 18. TEMPORARY EX PARTE ORDERS REGARDING CUSTODY, PARENTING TIME/VISITATION and CHILD SUPPORT; EMERGENCY HEARINGS/ORDERS

(A) At the time of filing, if there are any orders from another court that may affect the issuance of temporary orders in this Court, the orders must be referenced and a copy attached (i.e. juvenile, probate, domestic violence orders, domestic relations, etc.).

(B) Except in extraordinary circumstances, allocation of parental rights and responsibilities shall not be ordered prior to a determination of parentage.

(C) Temporary orders allocating parental rights and responsibilities, changing legal custody or establishing visitation shall not be granted ex parte or without hearing except in the case of an emergency and only upon a showing from specific facts that such an emergency exists.

(D) Motions for ex parte temporary orders shall only be considered for allocation of parental rights and responsibilities, changing legal custody or establishing visitation. Each motion shall be accompanied by an affidavit of movant's attorney, or from movant if not represented by legal counsel, which certifies efforts which have been made to give notice to any opposing party or why such notice should not be given.

(E) "Emergency" as used in this rule, for purposes of seeking ex parte orders allocating parental rights and responsibilities, changing legal custody or establishing visitation, means that there is an imminent or immediate risk of injury or damage to the health, safety or welfare of the child who is the subject of the pleading which necessitates some action be taken to address the risk before the adverse party or his attorney can be heard in opposition or a hearing may be conducted.

(F) Hearings on motions for ex parte "emergency" orders shall be scheduled at 1:30 p.m. on the business day immediately after the filing date of the motion, unless otherwise ordered by the Court. The Court may deny motions without a hearing for ex parte orders and/or emergency hearings where the pleadings do not show that there is an emergency or where the motion is not accompanied by the affidavit required by W.C. Juv. R. 18(D).

(G) When the Court designates a temporary residential parent/custodian for children, the Court may consider granting temporary child support.

(1) The amount of the temporary child support order shall be calculated pursuant to O.R.C. chapter 3119 and a child support computation worksheet shall be attached to each temporary order.

(2) Temporary child support orders shall be effective on the date stated or, if none, on the date the order is filed. Temporary child support shall be payable directly to the payee or through the Child Support Enforcement Agency (CSEA). If paid through the CSEA, all required statutory language must be included in the order. (See Notifications attached as Appendix IV to these Local Rules.)

(H) Temporary parenting time/visitation shall be granted on a case by case basis upon motion of the party seeking such parenting time/visitation.

(I) Ex parte orders shall only be issued at the time of the filing of the complaint/petition/motion initiating the proceedings. If circumstances change after the filing of the ex parte orders and service has been perfected, the parties must seek a new order by motion and hearing or by the filing of an agreed entry.

(J) RELIEF FROM EX PARTE ORDERS

(1) Any party who believes that an ex parte order issued in accordance with these rules is incorrect or inappropriate may file a motion for relief. Any motion to set aside a Magistrate's ex parte order shall be construed as a motion for relief.

(2) Motions for relief from ex parte temporary orders shall be given priority on the Court's docket. In the event an ex parte order is found to be incorrect or inappropriate, any modification may be made retroactive to the effective date of the ex parte order.

RULE 19. CONSENT TO MARRY

Applications for consent to marry shall be made upon WCJC Form 18.0.

RULE 20. MAGISTRATES

The Court may appoint Magistrates in accordance with Juv. R. 40, Crim. R. 19 and/or Civ. R. 53. Such Magistrates shall have all power and authority as is permitted by the rule authorizing appointment unless the order of appointment otherwise limits or restricts such power or authority.

RULE 21. COURT COSTS

Court costs deposits, shall be required upon the filing of any action, proceeding or pleading in accordance with the Court's schedule of costs, as the same may, from time to time, be amended. The schedule of costs is available from the clerk's office upon request or at the Court's website at http://www.co.warren.oh.us/Probate_juvenile/juvenile/court_costs.aspx.

RULE 22. JURY MANAGEMENT

Rule 8.00 “Jury Management Plan” of the Rules of Practice for the Warren County Common Pleas Court, General Division is hereby adopted and incorporated herein by reference.

RULE 23. JUVENILE CIVIL PROTECTION ORDERS; JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS

Persons seeking the issuance of juvenile civil protection orders or juvenile domestic violence civil protection orders shall use the “Petition for Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order” form (WCJC Form 17.0). The petition form is accompanied by the instructions for completion of the petition.

RULE 24. ELECTRONIC SEARCH WARRANTS

- (A) The issuance and contents must comply with Crim. R. 41.
- (B) The affidavit, warrant, and investigative subpoena must be on a form approved by the Court and sent to an e-mail account designated by the Court.
- (C) Prior to submitting affidavit, the law enforcement officer shall call the judge and advise that an affidavit for search warrant or investigative subpoena is forthcoming.
- (D) The law enforcement officer must send the affidavit, warrant, or investigating subpoena from the e-mail address issued by the employing law enforcement agency.
- (E) The e-mail message must contain the law enforcement officer's title, name, badge number, agency, assigned unit, and telephone number where the officer will answer the Judge's call to be placed under oath. No investigative subpoena will issue until it has been determined that the subpoena has been requested in furtherance of an ongoing criminal investigation.
- (F) The Judge will return any signed search warrant or investigative subpoena to the law enforcement officer's agency issued e-mail address.
- (G) The return of the warrant, inventory and journal entry shall follow procedures as if the warrant was issued by traditional methods.

RULE 25. EFFECTIVE DATE

These rules shall take effect on the 1st day of February 2020. These rules govern all proceedings and actions brought after they take effect and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

APPENDICES

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WARREN COUNTY COURT OF COMMON PLEAS JUVENILE DIVISION

APPENDIX I

PARENTING TIME; MODEL PARENTING SCHEDULE

INTRODUCTION

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Revised Code section 3119.08 and/or as an order in the best interests of the child as authorized by Revised Code section 3111.13 (C). Parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

The Court may grant a model order of parenting time as set forth herein or a special order of parenting time.

Parents/legal custodians are encouraged to create parenting schedules tailored to the specific needs of the child(ren), taking into account their respective work schedules and the individual needs of the child(ren).

This parenting schedule is not intended to apply in all cases where there is disagreement upon a parenting schedule. Rather, this schedule is to provide a model parenting schedule that addresses most parenting time issues.

Parenting time issues in juvenile court cases oftentimes present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are subject(s) of the case. Additionally, the Court will also consider situations in which a child's legal custodian is not a parent of the child. These situations oftentimes make application of a model parenting time order problematical.

This schedule should not be considered by a party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting schedule is appropriate in any given case based upon the totality of the circumstances and the best interests of the child(ren). In cases where this schedule is not appropriate the Court shall issue a special parenting time schedule. The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting schedule as may be appropriate.

These schedules are intended to further two goals: (1) preservation of or development of a close relationship between child(ren) and each parent; and (2) consideration of the changing developmental needs of the child(ren).

Note: For purposes of interpreting this order and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent provided that the shared parenting plan does not contain any provisions to the contrary.

A. INFANTS - BIRTH TO 2 MONTHS: (Parenting time is spent in the residential parent's residence)

For infants up to two months of age, the non-residential parent may spend time with the baby in the residential parent's home three days per week, for two hours per visit. If the

parties cannot agree as to days and time, the following schedule shall be followed: 2:00 p.m. to 4:00 p.m. on each Sunday and each Tuesday and Thursday evening from 6:00 p.m. to 8:00 p.m.

B. INFANTS - 2 MONTHS TO AGE 2 (Commencing at age 2 months, parenting time is spent away from residential parent's residence.)

1. **Beginning at two months through nine months**, the non-residential parent may spend time with the child away from the residential parent's residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m. and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.
2. **From ten months to two years**, the non-residential parent may spend time with the child as follows: every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m. and on alternating weekends from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.
3. **Holidays:** In odd numbered years, the non-residential parent may spend time with the child(ren) from 10:00 a.m. to 6:00 p.m. on President's Day, Memorial Day, Thanksgiving and Christmas Eve. In even numbered years, the non-residential parent may spend time with the child(ren) from 10:00 a.m. to 6:00 p.m. on Easter, July 4th, Labor Day and Christmas Day.
4. **Older Siblings:** If there are older brothers and sisters of the infant child(ren), the parenting time (including holidays) set forth below for children ages two years through twelve years shall govern infant visitation once the infant is two months old.

C. CHILDREN - AGE 2 THROUGH AGE 12 The non-residential parent shall spend time with the children according to one of the following schedules as designated in the current Court order:

Model I:

1. **Weekends:** Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m.
2. **Weekdays:** Every Wednesday (or other day by agreement) from 5:30 p.m. to 8:30 p.m.

Model II:

1. **Weekends:** Alternate weekends beginning Friday at 6:00 p.m. and ending Monday morning at school or 9:00 a.m. if no school.
2. **Weekdays:** Every Wednesday (or other day by agreement) from 5:30 p.m. to the following morning at school or 9:00 a.m. if no school.

D. TEENAGERS - AGE 13 THROUGH 15:

Weekends and Weekdays: It is recommended that the above schedule for children age two through twelve be continued through age fifteen if possible. However, parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes as long as the parents agree. At a minimum, the non-residential parent may spend time with children in this age bracket every Wednesday from 5:30 p.m. to 8:30 p.m. and at least one overnight and day on alternating weekends.

E. TEENAGERS - AGE 16 UNTIL 18:

Parenting time for children in this age bracket shall be fixed between the child and the non-residential parent. Parenting time shall not be limited other than as the child and the non-residential parent choose.

F. HOLIDAYS (for children aged 2-18 and subject to sections C, D and E above):

1. In **odd** numbered years, **Mother** will have the child(ren) and in **even** numbered years **Father** will have the children on:

July 4th : from 9:00 a.m. to 11:00 p.m.

Labor Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Christmas Break: from December 24th at 9:00 p.m. to January 1st at 6:00 p.m.

2. In **odd** numbered years, **Father** will have the child(ren) and in **even** numbered years **Mother** will have the children on:

Martin Luther King Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

President's Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Memorial Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Halloween: from 30 minutes prior to and 30 minutes after the conclusion of the community's scheduled hours. In the event Beggar's Night occurs on different days in Mother's and Father's communities, each parent shall have parenting time during their respective communities' observance of Beggar's Night.

Thanksgiving: from Wednesday night at 6:00 p.m. to Thursday at 7:00 p.m. unless the following weekend is that parent's regularly scheduled weekend, in which case the parenting time shall continue until the regular termination of the visiting party's weekend visitation/parenting time.

Christmas: from December 21st or the last day of school, whichever is later, at 6:00 p.m. to December 24th at 9:00 p.m.

Spring Break: commencing at 9:00 a.m. the day after school recesses to 6:00 p.m. the day before school resumes. (Only applies to school age children).

3. Other important days:

Mother's Day: With the mother from 9:00 a.m. to 7:00 p.m.

Father's Day: With the father from 9:00 a.m. to 7:00 p.m.

Birthdays: No special provision is made for the children's birthdays unless otherwise agreed.

Other Cultural

Holidays: Any other religious holidays, cultural holidays or days of significance not referenced herein shall be addressed by agreement of the parties or Court order.

If any of the above holidays falls on a Monday following that parent’s regular weekend, then the parenting time will be continuous through the holiday.

G. Extended Parenting Time, Summer Vacations and Travel:

The non-residential parent shall have extended parenting time with the child(ren) to coincide with his or her work vacation if possible. The parenting time may extend to two weeks (non-consecutive) for ages two to four years; it may extend to two consecutive weeks for ages four and five years; and it may extend for up to four weeks (with no more than two weeks being consecutive) for ages six through twelve years. The residential parent may also have an extended vacation with the child(ren) not to exceed two weeks. All parenting/vacation time taken under this section must be taken in blocks of time of at least seven days. Each parent must give the other parent thirty days prior written notice of the dates he or she intends to have extended parenting time or vacation with the child or children. In the case of conflict, the schedule of the parent who first gives written notice to the other parent shall prevail. For any vacation or holiday travel, each parent must provide the other parent with destination, times of arrival and departure, and methods of travel. If there are children in different age brackets, the provisions set forth for the oldest age bracket shall govern as to all children, except that there shall be no extended parenting time/vacation for children under two years of age. NOTE: Child support will not be reduced during summer vacation periods specified in this provision.

H. RULES REGARDING PARENTING TIME:

1. **Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:

- a. Holidays
- b. Vacation periods or extended parenting times
- c. Weekends and mid-week days

For example, one parent may not schedule his or her summer vacation to include July 4th if July 4th is the other parent’s holiday that year. In these cases, the non-residential parent’s weekend shall conclude at 6:00 p.m. on Saturday evening.

2. **Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent’s home, in which event immediate notice shall be given to the non-residential parent. Any weekend parenting time that is missed under this provision shall be made up the following weekend.

3. **Telephone and Mail:** Both parents may have reasonable telephone contact with the child(ren) not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the children are not available, the child(ren) should return the telephone call. Both parents shall encourage free communications between the child(ren) and the other parent and shall not do anything to impede or restrict reasonable communications by telephone or mail between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Any mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.

4. **Cooperation:** Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the child(ren).

5. **Exchange of Phone Numbers:** Unless this Court orders otherwise each parent must keep the other parent informed of his or her current telephone number and a telephone number where the child(ren) may be reached.

6. **Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall arrange transportation. For example, if the parents are following the Model Order of this Court, the non-residential parent will pick up the children from the residential parent's home on Friday evenings. Likewise on Sunday evenings the residential parent will pick up the children from the non-residential parent's home. In the event that either party moves and thereby increases the distance that existed between the parties at the time of the last Court order by more than 25 miles, that party must provide all of the transportation or file a motion to have the transportation duties reviewed. Until such hearing, the moving parent shall provide all the transportation.

7. **Grace Period:** The transporting parent for parenting time shall have a grace period of fifteen minutes for pick up and delivery if both parties live within thirty miles of each other. If the one way distance to be traveled is more than thirty miles, the grace period shall be thirty minutes. In the event the non-residential parent exceeds the grace period, that period of parenting time is forfeited unless prior notification and arrangements have been made and excepting cases where the non-residential parent lives in excess of thirty miles away and suffers an unavoidable breakdown, or delay en route and the non-residential parent promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent shall be cause for granting a modification of the parenting order.

8. **Clothing and Supplies for Children:** The residential parent shall send with the child(ren) on parenting time sufficient clothing and outerwear appropriate for the season and for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two extra sets of play clothes, one dress outfit and underwear, in addition to the clothes the children are wearing at the time of the start of the weekend. In the case of infants, the residential parent shall send with the child(ren) sufficient bottles, formula and diapers and shall inform the non-residential parent of the child's sleeping and eating schedules. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time.

9. **Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss extra-curricular activities of the child(ren) in advance, including time, dates and transportation needs, so that the child(ren) are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e. activity schedules, maps, instructions) that are distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and/or other arrangements. Both parents are encouraged to attend all their child(ren)'s activities.

CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) and the employment schedules of the parents is encouraged. HOWEVER, absent an order of this Court, the foregoing schedule shall be followed absent a clear, mutual understanding between parents to deviate. Any modification shall be in writing, if feasible.

Experts uniformly agree that the *absence of conflict* between parents is more critical to a child's welfare than the *amount of time* either parent spends with the child.

Passing Compliance Checklist

Warren County Juvenile Court

Case #: _____
Name of Parties or Children: _____
Jurist: _____
Revisions Due: _____

1. CAPTION

- Is it titled Warren County Juvenile Division?
- Is it captioned correctly?
- Did you include child/children's DOB?
- Did you include ALL other parties' names, addresses and Dates of Birth?
- Is it stated whether it is an Agreed Entry, Shared Parenting Plan or Magistrate's Decision?
- Is this a temporary agreement? *please title it as such, because these do not need to go through compliance*
- Is this a Shared Parenting Plan? *Please supply a Decree of Shared Parenting, signed by the attorneys, and a line for the Jurist's signature. If any of the parties are unrepresented, they should sign the decree as well.*

2. CUSTODY

- Is an effective date of custody stated?
- Is this a change of custody? *Then child support must be addressed*

3. PARENTING/VISITATION

- Is an effective date of the parenting time stated?
- Is the child between the ages of 2 and 12? *Please choose Model I or Model II Parenting Time (unless you have composed your own schedule)*

4. SHARED PARENTING / AGREED ENTRY DETAILS

- Who is the residential parent for school purposes?
- Who is the residential parent for purposes of interpreting the Model Order (Sections G and H)?
- Who pays for daycare, clothes, school fees, extracurricular activities?

5. CHILD SUPPORT

- Is an effective date of support stated?
- Is this a new or modified support order? *Please state in the entry what the worksheet says undeviated support should be, both with and without cash medical support. ****Non-parents' income is not to be included in the calculation worksheet*****
- Deviation from the guidelines? *Please state that there is a deviation, the basis for the deviation, and the deviated numbers, including the cash medical amounts.*
- No Deviation? *Please state that it is not a deviation from the worksheets/guidelines*
- \$0 support? ***Magistrate pre-approval needed: Juvenile Court clerk will check with magistrate***
- Are there different periods of time with different support amounts? *Include a worksheet for each time period.*
- Is there a termination of support? *State the effective date of termination.*
- Arrearages? *Please state whether there are, or are not arrearages and the effective date. If there are arrearages, also state the amount and how it will be repaid OR alternatively, whether CSEA should do an audit to determine the amount. The effective date of arrearages and effective date of child support should be the same.*

6. HEALTH INSURANCE

- Is private medical insurance provided? *Please state who is providing it*
- Who pays uncovered medical expenses? *Please state the percentages.*
Also located at bottom of "Notice of Income" form.
- Is a health insurance obligor named?

7. INCOME TAX EXEMPTION

- Has this been addressed in a previous entry? *If not, please state who can claim it and the effective year.*

8. RELOCATION

- Please use the language from our Local Rule 17(F)(1): *"If a custodial parent or non-parent legal custodian of a child intends to relocate, the relocating party must file a 'Notice of Intent to Relocate' (Warren County Juvenile Form 7.0 on the website) with the Juvenile Clerk of Courts and mail a copy to the other parties and the Child Support Enforcement Agency. If the relocating party is relocating within Warren County, Ohio, the Notice of Intent to Relocate shall be filed and served upon all other parties with custodial/parental/visitation rights and the CSEA not less than thirty (30) days prior to relocation. If the relocating party is relocating outside of Warren County, Ohio then the Notice of Intent to Relocate shall be filed and served upon all other parties with custodial/parental/visitation rights and the CSEA not less than sixty (60) days prior to relocation. Any party seeking a modification of custody, visitation, child support or parental rights and responsibilities due to the relocation shall file a motion with the Court.*
- The above language is also in the Notifications, so if Notifications are attached to the entry, it does not need repeated inside the entry.

9. SCHOOL DISTRICT RESPONSIBLE FOR CHILD'S EDUCATION

- Did custody change to a **non-parent**? *Sample language: "The minor child(ren) shall attend school in the school district where the child(ren) is placed or where the minor child(ren) resides. Tuition shall be paid by the _____, which is the district where the parent resided at the time of the initial grant of custody."*

10. ACCESS TO RECORDS

- Is there language similar to this? *"Both parents shall have equal access to school, medical, and/or daycare records of the child or children unless otherwise specifically limited herein. Any record keeper of any applicable school, day care or medical records, is ordered to furnish said information to each parent upon request. A knowing failure to comply with this order may subject the offender to sanctions for contempt of Court."*

11. SIGNATURES

- Signatures of all parties and attorneys? *Agreed Entries need signatures of all parties and their attorneys. On the Shared Parenting Plan, only signatures of the mother and father are needed. (Email authorizations will not be accepted)*

- If Agreed Entry, is there a line for the Jurist to sign?

12. ATTACHMENTS

- Notifications needed *Yes, they are needed if the entry addresses child support and/or health insurance. Attach Appendix IV on our website – ** dated 2/1/2014** - or include this language within the entry.*
- Warren County Model Parenting Schedule needed? *Yes, if you referred to it within the entry. Use the Juvenile Court version (Appendix I on our website – ** dated 4/1/2015**), not DR Court – they are different.*
- Child Support Worksheets needed? *At a minimum we always need an undeviated worksheet. Include parties' names and case number. Check the appropriate box designating residential parent and legal custodian.*
- Health Insurance Information Form needed? *Yes; include front and back of card; info at bottom matches the entry exactly (**use Form 2 from our website)?*
- Notice of Income Withholding Information Form needed? *Yes, if there is a new or revised child support order (**use Form 10 from our website – please no DR Forms**)*

13. MISCELLANEOUS

- Are all open motions/objections/complaints/etc. addressed by this entry? *Please state this if it applies*
- If you imputed income to an unemployed obligor, include the following language: *“Obligor is unemployed and has no funds or assets from which to secure support. As a result, it is Ordered that obligor seek and obtain full-time employment within thirty days from date of filing this Order. He/she is ordered to notify the Warren County CSEA, PO Box 440, Lebanon, Ohio 45036, in writing every two (2) weeks of six (6) different places as to where he/she has tried to obtain employment.”*
- Do not include any Objection/Appeal language. Compliance department will generate the Objection/Appeal language for the Judge to sign.
- We do not need extra copies of the entry and forms. We will generate the extra copies once the entry is signed by the judge and time-stamped.

Link to Local Rules: http://www.co.warren.oh.us/probate_juvenile/juvenile/rules.pdf

Link to Local Forms: http://www.co.warren.oh.us/probate_juvenile/juvenile/forms/default.aspx

APPENDIX III
WARREN COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

DOCUMENTS REQUIRED FOR FILINGS

Warren County Juvenile Court Forms may be found on the Court's website at http://www.co.warren.oh.us/probate_juvenile/juvenile/forms/default.aspx.

"Petitioner" as used herein refers to the party or parties who initiate the proceeding whether designated as plaintiff, movant, petitioner or otherwise. "Respondent" as used herein refers to the party or parties who are named by the Petitioner as an opposing party or who enters an appearance to oppose or be heard upon the issues raised in Petitioner's pleadings and other filings.

Any proceeding in which a child support order is sought to be established or modified.

Initial Filings (including pleadings and other filings responsive to the Petitioner's pleadings and filings if the Respondent does not agree with the information alleged in the Petitioner's pleadings and filings).

Petition/complaint/motion

Child Support Computation Worksheet (only where the filing party is represented by counsel)

Application for Child Support Services (WCJC Form 11.0)

Final (approved by Compliance Officer)

Entry

Health Insurance Information Form (WCJC Form 2.0)

Information for Notice to Income Provider (WCJC Form 10.0)

Child Support Computation Worksheet (or copy of previously filed worksheet if still applicable)

Any proceeding in which a child custody order is sought to be established or modified.

Initial Filings (including pleadings and other filings responsive to the Petitioner's pleadings and filings if the Respondent does not agree with the information alleged in the Petitioner's pleadings and filings).

Petition/complaint/motion

Information for Parenting Proceeding (custody affidavit) (WCJC Form 3.0)

Shared Parenting Plan (if applicable)

Child Support Computation Worksheet (only where the filing party is represented by counsel)

Application for Child Support Services (WCJC Form 11.0)

Final (approved by Compliance Officer)

Entry

Decree approving Shared Parenting Plan, if applicable

Child Support Computation Worksheet (or copy of previously filed worksheet if still applicable)

Health Insurance Information Form (WCJC Form 2.0)

Information for Notice to Income Provider (WCJC Form 10.0)

Model Parenting Schedule (if applicable)

Any proceeding in which visitation/companionship/parenting time with a child custody order is sought to be established or modified.

Initial Filings (including pleadings and other filings responsive to the Petitioner's pleadings and filings if the Respondent does not agree with the information alleged in the Petitioner's pleadings and filings).

Petition/complaint/motion

Information for Parenting Proceeding (custody affidavit) (WCJC Form 3.0)

Final

Entry

Model Parenting Schedule (if applicable)

APPENDIX IV

NOTIFICATIONS

Revised 4/5/19

SUPPORT

IT IS ORDERED that the obligor is hereby restrained from making any payments directly to obligee. All current support payments and arrearage payments must be made through the Warren County Child Support Enforcement Agency ("CSEA") or the Ohio Child Support Payment Central ("OCSPC"). Any payments not made in this manner shall be deemed a gift.

All child support and spousal support under this order shall be withheld or deducted from the wages or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with Chapters 3119, 3121, 3123 and 3125 of the Ohio Revised Code ("ORC") and shall be forwarded to the obligee in accordance with Chapter 3121 of the ORC.

All child support and spousal support paid under this order shall include a two percent (2%) processing charge.

If child support arrearages are determined by the Court or the CSEA, repayment shall be at the rate of twenty percent (20%) of the current order, plus two percent (2%) processing charge, absent any Court ruling as to a different repayment schedule.

Any income provider who receives a Notice to Income Provider to Withhold Obligor/Income/Assets from the CSEA must immediately commence withholding in the amount and manner directed in the notice. Any income provider who fails to comply with the notice is subject to a finding of contempt of Court.

Support payments shall be forwarded to the OCSPC, P.O. Box 182372, Columbus, Ohio 43218. Until such time as the Notice to Income Provider To Withhold Income/Assets becomes effective, the obligor shall be responsible to make the appropriate payments directly to the OCSPC by certified check, cashier's check, or money order only. Cash payments may be made to the Warren County CSEA, 500 Justice Drive, Lebanon, Ohio 45036.

Child support for each child shall continue until that child reaches the age of eighteen and pursuant to ORC §3103.03 no longer continuously attends on a full-time basis any recognized and accredited high school, is otherwise emancipated, or unless otherwise ordered by the Court. Notwithstanding the foregoing, except in cases in which a child support order requires the duty of support to continue for any period after the child reaches age nineteen, the order shall not remain in effect after the child reaches age nineteen.

The Court retains jurisdiction to address the issue of support and to enter an order at any time in the future upon motion of either party based on changed circumstances. The Court also retains jurisdiction to enter a support order in the future at any time as either party may request and receive any public assistance for a child or children herein.

The obligee shall notify the Warren County CSEA, 500 Justice Drive, P.O. Box 440, Lebanon, Ohio 45036-0440, in writing, of any change in the status of the minor children of the parties which would terminate the duty of the obligor to pay any portion of the child support order. In the event of a reconciliation or remarriage of the parties, both parties are also required to notify the Warren County CSEA in writing of such a change. The parties are hereby ordered to notify the Warren County CSEA in writing of any change of his or her current mailing or residence address, or change of name. Willful failure to provide a change of address to the CSEA is contempt of Court. The obligor shall notify the Warren County

CSEA in writing immediately upon any change of employment. This duty to notify shall continue until further order of the Court.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECT TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUEST TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

If the court determines that the parent who is not the residential parent and legal custodian may claim the children as dependents for federal income tax purposes, the residential parent is ordered to take whatever action is necessary pursuant to §152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes. Any willful failure of the residential parent to comply with the order of the court is contempt of court.

HEALTH INSURANCE AND EXPENSES

The person required to provide health insurance coverage shall designate the parties' minor children as covered dependents under any health insurance policy, contract, or plan for which that party contracts no later than 30 days after issuance of this order. Written verification of compliance with this order must be provided to the Warren County CSEA at P.O. Box 440, 500 Justice Drive, Lebanon OH 45036 immediately, but no later than 30 days after complying with this order.

If private health insurance coverage for the children covered by this order becomes available to either parent through any group policy, contract or plan, that parent shall immediately inform the CSEA of the available coverage.

The person required to provide health insurance coverage shall provide the other party with all information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards no later than 30 days after the issuance of this order.

The individual who is to be reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for the parties' minor children is the person who incurred the expense. Absent unusual circumstances, or court order to the contrary, request for reimbursement of health care expenses

should be made within 30 days of the date when payment is made or due. Reimbursement should be made within 30 days of the request.

Nothing contained in this order prevents the health plan administrator that provides the health insurance coverage for the children from continuing to make payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan.

Pursuant to ORC §3119.56, an obligor or obligee who fails to comply with a child support order issued in accordance with §3119.30 of the ORC is liable to the other for any medical expenses incurred as a result of the failure to comply with the order.

Upon written request, an employer of any person required to obtain health insurance coverage is required to release to the other parent, any person subject to an order issued under §3109.19 of the ORC, or the CSEA, any necessary information on the health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with §3119.32 of the ORC and any order or notice issued under this section.

If the person required to obtain private health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.

APPENDIX V

Court Interpreter Fiscal Policy

Pursuant to Ohio Sup. R. 88, the Court appoints a foreign language or sign language interpreter when requested and/or when deemed necessary to ensure the meaningful participation of a party or witness.

Effective September 1, 2013 all interpreters will be compensated for their services at uniform rates established by the Court.

The Court will compensate interpreters for their (1) mileage accrued while driving to and from destination and (2) interpreter services provided for a hearing or Court function.

| | |
|----------------|------------------|
| Mileage | .50¢ per mile |
| Interpretation | \$50.00 per hour |

Interpreters will be compensated for a minimum of two (2) hours of interpretation on every occasion which the Court requests their services.

Upon completion of the hearing or Court function, the interpreter shall send an invoice (see enclosed sample invoice) to the attention of the fiscal office at the Court. Said invoice must include a signature of a Court employee that verifies the interpreter's presence at the hearing or Court function.

In the event an interpreter is scheduled to appear at a hearing that is continued or dismissed, the Court will make every attempt possible to notify the interpreter their services are no longer needed.

Bill to: Warren Co Probate-Juvenile Court
900 Memorial Drive
Lebanon Ohio, 45036

Invoice #: _____

Court Interpreter Services

Date of service: _____

Time of service: _____

Case #/Name : _____

| | | |
|-------------------------------|---------------------------------------|-----------------------|
| <u>Interpreter Fee</u> | | |
| Hours _____ | Hourly Rate@ <u>\$50.00/hr</u> | Total \$ _____ |
| Mileage _____ | Rate @ <u>.50/mile</u> | Total \$ _____ |
| | | Total \$ _____ |

Please list the type of court function(s) at which your services were provided:

Additional Information:

Remit to

Name: _____

Address: _____

Court Contact Signature: _____

APPENDIX VI

JUVENILE COURT SHADOWING REQUIREMENTS FOR NEW ATTORNEYS ON THE COURT-APPOINTED LIST

- MUST BE COMPLETED BY COURT-APPOINTED APPLICANTS WHO ARE SEEKING CASES INVOLVING DEPENDENCY, NEGLECT AND ABUSE (“DNA”) WHO HAVE LESS THAN ONE YEAR OF EXPERIENCE AS AN ATTORNEY
- OPTIONAL TO ALL OTHER APPLICANTS WHO DESIRE TO GAIN JUVENILE COURT EXPERIENCE

| Hearings Required | Date | Time | Hearing Officer |
|---------------------------|------|------|-----------------|
| Adjudication of DNA case | | | |
| Disposition of a DNA case | | | |

In order to schedule your shadowing requirements, please contact the Assignment Commissioner at 513-695-1774 *or* the Assistant Chief Deputy Clerk at 513-695-1136.

This form shall be completed and returned to the Court Administrator if you have been licensed for less than one year and desire to be placed on the Court-appointed List for Dependency, Neglect and Abuse cases.

APPENDIX VII

WARREN COUNTY COURT OF COMMON PLEAS Juvenile Division

Certification of Compliance with State Standards for Appointment of Counsel (Trial Court)

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for Court appointments in Warren County Juvenile Court. I understand the following standards must be complied with to obtain Court appointments on cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court.

_____ **Dependency, Neglect and Abuse:** counsel must have shadowed an attorney and observed an adjudication and disposition and documented same to the Court Administrator using the form provided under Appendix VI.

_____ **Unruly, Truancy, Violation of Court Order, and Misdemeanors:** counsel must have: Minimum six hours of CLE in Juvenile Delinquency practice and procedure OR successful completion of clinical education program on juvenile law OR one year experience as an attorney.

_____ **Misdemeanor OVI:** counsel must have: Minimum of six hours of continuing legal education focused on OVI practice and procedure.

In all **Aggravated Murder or Murder** cases, the Judge must approve the appointment in advance of the arraignment.

_____ **Aggravated Murder or Murder:** counsel must have: Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure AND at least three years of experience as attorney practicing in juvenile delinquency law AND within 10 years preceding appointment, prior experience as lead trial counsel in at least four bench trials in juvenile court, at least three of which involved a felony-level charge OR as lead counsel in three bench trials, two of which involved a felony-level charge AND as co-counsel in three additional bench trials.

All Attorneys appointed to represent indigent clients in felony cases must meet the following requirements: Within two years prior to the appointment, completion of a minimum of twelve hours of continuing legal education in criminal practice and procedure, at least six of which must be in Juvenile Delinquency practice and procedure; AND

_____ **Third, Fourth or Fifth degree felony:** counsel must have: At least one year of experience as an attorney practicing in the area of Juvenile Delinquency law.

_____ **First and Second degree felony:** counsel must have: (1) At least two year of experience as an attorney practicing in the area of Juvenile Delinquency law; and (2) Within ten years preceding the appointment, prior experience as lead trial counsel in at least two bench trials in Juvenile Court, at least one of which involved a felony level charge OR as lead counsel in one felony level bench trial AND co-counsel in two additional bench trials.

_____ **Bindover and Serious Youthful Offender (SYO):** counsel must have: Requisite experience to be appointed to a Juvenile case based upon the highest degree of charge in the case AND requisite experience to be appointed to an adult case based upon the highest degree felony charged.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have initialed where appropriate the categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements by immediately filing a Motion and (Proposed) Entry to Withdraw as Counsel.

I understand I may be requested to document my qualifications for appointment.

I understand I have a continuing obligation to update this certification annually by December 31st, or as my circumstances or qualifications change.

I certify that I have malpractice insurance.

Date

Printed Name

Signature

Attorney Registration No. _____

Telephone No: _____

Email Address: _____

APPENDIX VIII

WARREN COUNTY COURT OF COMMON PLEAS Juvenile Division

Certification of Compliance with State Standards for Appointment of Counsel (Appeals)

By signing this certification, I represent that I am a licensed attorney in good standing with state requirements governing the legal profession. I am requesting to be considered for Court appointments in Warren County Juvenile Court. I understand the following standards must be complied with to obtain Court appointments on cases pursuant to Revised Code Chapter 120, Ohio Administrative Code Section 120-1-10, and the Local Rules of Court. For all Appellate cases, filing of an *Anders* brief does not count as prior experience.

_____ **Dependency, Neglect and Abuse:** counsel must have shadowed an attorney and observed an adjudication and disposition and documented same to the Court Administrator using the form provided under Appendix VI.

_____ **Unruly, truancy, violation of a Court order, misdemeanors, and felonies of the third, fourth, and fifth degree:** counsel must have: Completed a minimum of nine hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, in the areas of appellate practice and procedure and juvenile delinquency practice and procedure; OR successfully completed a clinical education program focusing on appellate practice and procedure and a minimum of six hours of continuing legal education in the area of juvenile delinquency practice and procedure; OR successfully completed a clinical education program focusing on juvenile delinquency practice and procedure and a minimum of six hours of continuing legal education in the area of appellate practice and procedure.

_____ **Felonies of the first and second degree:** counsel must have: Within two years immediately prior to the appointment, completed a minimum of twelve hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, at least six of which must be in the area of juvenile delinquency practice, and at least six of which must be in the area of appellate practice; AND at least two years of experience as an attorney practicing in the area of juvenile delinquency and appellate law; AND within six years preceding the appointment, filed appeals of three juvenile delinquency cases.

_____ **Bindover and Serious Youthful offender (SYO):** counsel must have: The requisite experience under this rule to handle the appeal of a juvenile case based upon the highest degree of the charge in the case; AND the requisite experience under this rule to handle the appeal of an adult case based upon the highest degree felony charged.

By my signature, I certify that I have read and understand these requirements for appointment of counsel. I have initialed where appropriate the categories for which I am eligible for appointment under these standards. I will notify the Court if an appointment is made in a category where I do not meet the above requirements by immediately filing a Motion and (Proposed) Entry to Withdraw as Counsel.

I understand I may be requested to document my qualifications for appointment.

I understand I have a continuing obligation to update this certification annually by December 31st, or as my circumstances or qualifications change.

I certify that I have malpractice insurance.

_____ _____ _____
Date Printed Name Signature

Attorney Registration No. _____

Telephone No: _____

Email Address: _____

APPENDIX IX

ADDENDUM TO

Certification of Compliance with State Standards for Appointment of Counsel

I have previously submitted to the Court my “wish list” of the category of cases that I wanted to undertake for Court appointments in Warren County Juvenile Court.

For some of the categories, I already have the qualifications necessary to accept those cases.

For the other category of cases that I want to be considered for, but do not have the qualifications already completed, I pledge that I will work towards meeting the requirements by completing the appropriate training/continuing legal education courses as soon as I reasonably can.

This ADDENDUM applies to:

- Trial Court Appointments
- Appeals

_____ _____ _____
Date Printed Name Signature

Attorney Registration No. _____

Telephone No: _____

Email Address: _____