

**RULES OF COURT**  
**OTTAWA COUNTY JUVENILE COURT**

**KATHLEEN L. GIESLER, JUDGE**

Revised: November 15, 2005

Effective: January 1, 2006



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## **GENERAL PROVISIONS**

### **RULE 1. Adoption and Amendment of Rules**

The Ottawa County Juvenile Court hereby promulgates and adopts the following rules of practice pursuant to authority under Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Rules of Superintendence for the Courts of Ohio. These rules are effective January 1, 2006 and may be amended from time to time as necessary. These rules shall be known as the Rules of Practice of the Ottawa County Juvenile Court and maybe cited as "Ottawa Juv. R. \_\_\_\_\_".

### **RULE 2. Scope and Construction of Rules**

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

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

### **Rule 3. Hours of the Court**

Offices of the Ottawa County Juvenile Court located at 315 Madison Street, Port Clinton shall be open Monday through Friday from 8:30 a.m. to 4:30 p.m. The Court will be closed on all legal holidays and the day after Thanksgiving. The Court shall remain open on Columbus Day.

### **Rule 4. Servicemen's Civil Relief Act**

Actions involving a person on active duty in the Armed Forces of the United States may require application of the Servicemen's Civil Relief Act, Public Law 108-109, 117 State. 2835. The Court, in its discretion, may continue the case to accommodate a scheduled leave.

### **Rule 5. Courtroom Decorum**

Proper decorum in Court is necessary for the proper administration of the Court's business. Chewing gum, food, and beverages are prohibited in the Courtroom during all hearings.

Cellular telephones, pagers, radios, compact disc or cassette players, headphones, and other electronic devices shall be turned off prior to entering the Courtroom and not utilized except by consent of the Court.

All parties and witnesses shall wear appropriate attire. The following are not appropriate: excessively revealing attire, bare feet, cutoffs, tank tops, crop tops, and visible undergarments. All hats should be removed before entering the Courtroom.

Counsel and parties shall be present and before the Court at the assigned hearing time. If counsel or a party is unavoidably delayed, notice must be given to the judge or magistrate as early as possible. Counsel shall make all reasonable efforts to engage substitute counsel in the event of an unexpected absence.

Counsel and parties shall have all witnesses and evidence present at the scheduled hearing time unless the Court has specifically permitted an alternate schedule. Any delay in the appearance of a witness or change in the order of presentation shall be brought to the attention of opposing counsel and approved by the Court.

Counsel and parties shall act in a professional and respectful manner. Argument shall be directed to the Court and not to opposing counsel or parties.

Except for those who are witnesses, victims, or subjects of the proceeding, children are not permitted in the Courtroom unless by consent of the Court. Children who are permitted in the Courtroom must be accompanied by an adult who will be solely responsible for their safety, care, and behavior.

## **Rule 6. Appearances**

Any juvenile summoned to appear as an alleged Delinquent child, alleged Unruly child, alleged Juvenile Traffic Offender or alleged Juvenile Tobacco Offender shall appear and be accompanied by a parent, custodian or guardian, unless otherwise notified by the Court.

Any person summoned to appear before the Court who fails to do so may be punished as in other cases for contempt of Court.

## **Rule 7. Reserved**

# **RECORDS**

## **Rule 8. Court Records**

**8.1 Inspection of Case Files.** The following records are confidential and shall not be made available to the public, including any party to the case:

- (a) Child abuse, neglect and dependency investigative records. O. R. C. § 2153.17 and O. R. C. § 2151.421(H)(1);
- (b) Confidential law enforcement investigatory records. O. R. C. § 2151.141(B)(2)(b);
- (c) Victim impact statements. O. R. C. § 2152.19(D)(3);
- (d) Records relating to parental notification of abortion proceedings. O. R. C. § 2151.85(F) and O. R. C. § 149.43(A)(1)(c);
- (e) Fingerprints or photographs of a child arrested or taken into custody. O. R. C. § 2151.313;
- (f) Sealed or Expunged juvenile adjudications or arrests. O. R. C. § 2151.358; and
- (g) All confidential records maintained in the Court's unofficial files, including the following:
  - (1) Court-ordered diagnostic assessments, mental and physical examinations;
  - (2) Records and reports of the probation department;
  - (3) Guardian *ad Litem* reports;
  - (4) CASA Guardian *ad Litem* reports;
  - (5) Drug/alcohol assessments;
  - (6) School records and reports;
  - (7) Traffic records; and
  - (8) Reports from community agencies serving the Court.

All other records are contained in the Court's case file. The case file may be reviewed by the parties or their attorney. Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Clerk's Office.

**8.2 Copies of Case Files.** The Judge, as ex-officio Clerk of the Juvenile Court, is responsible for all pleadings and papers filed. No records shall be taken from the Court without the Court's permission. Copies of all pleadings and journal entries of record shall be available for counsel or representing any party to a case or to a *pro se* party. The clerk shall provide copies as requested, excepting official transcripts. Copies shall be provided during regular business hours within a reasonable time as determined by the clerk based upon the extent of the request. A fee for photocopying may be charged as the Court may determine from time to time.

## **Rule 9. Pleadings**

All pleadings, motions and memoranda filed with the Court shall contain the following information:

- (a) Name, address, telephone number and Supreme Court registration number of counsel;
- (b) Current address of all parties to the action on original and post-judgment pleadings.
- (c) A Court Information Form (see Appendix 1) for all cases involving custody and visitation.

## **Rule 10. Motions**

All motions, unless made during a hearing or trial, shall be made in writing in accordance with Juvenile Rule 19 and Juvenile Rule 22, unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

## **Rule 11. Record of Hearing**

**11.1 Official Record.** A complete record of all testimony or other oral proceeding shall be made in all official cases by means of an audio or audiovisual recording device provided by the Court. Any party may provide a Court reporter at his/her own expense to make a record of any proceeding before the Court.

**11.2 Inspection of the Audio or Audiovisual Record.** Any person who is a party to a case as defined by the Juvenile Rules or that person's attorney or guardian *ad litem* may listen to or view the record made in a case after a request is submitted and authorized. The judge, the Court administrator, or the magistrate may authorize such requests.

**11.3 Transcription of the Record.** If a request for a transcript is made for purposes of appeal or for purposes of objections filed pursuant to Juvenile Rule 40, the person seeking the transcript may directly request the official Court reporter to transcribe the record. No transcript will be started or provided until satisfactory arrangements for payment have been made.

All original transcripts shall be filed by the official Court reporter with the clerk and shall thereby become the official record of the case.

## **Rule 12. Deposit of Costs**

The Ottawa County Juvenile Court requires a security deposit for costs in the filing of any original action, except complaints alleging a child is delinquent, unruly, neglected, dependent, abused, or a juvenile traffic or tobacco offender and in criminal actions filed against adults. The amount of the security deposit will be established in the Court's fee schedule.

**12.2 Inability to Pay Costs.** If a litigant claims inability to either pre-pay or give security for costs, the litigant shall complete an Affidavit of Poverty required by O. R. C. § 2323.30 and O. R. C. § 2323.31, substantiating such inability, all of which shall be filed with the pleadings and treated as other papers in such case, and be subject to review by the Court at any stage of the proceedings.

## **Rule 13. Deposit for Fees of Guardian Ad Litem**

Any party requesting appointment of a Guardian Ad Litem in a proceeding involving custody, parenting time or visitation shall, at the time of the filing of the motion, deposit with the Clerk the sum of \$800.00, plus 2% processing fee, to be applied toward the satisfaction of the Guardian Ad Litem fees. The Court may reassess said fees to another party during and at the conclusion of the proceedings.

## **Rule 14. Filing by Facsimile**

**14.1 Applicability.** The following documents will not be accepted for fax filing:

- (1) any pleading which requires an accompanying filing fee;
- (2) any pleading that exceeds ten (10) pages, including attached exhibits;
- (3) parents' signatures on consents to wed; and
- (4) pleadings in parental by-pass proceedings.

**14.2 Original Filing.** A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production upon request by the Court, the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

The source document filed by fax shall be maintained by the person making the filing until the case is formally closed by the Court and all opportunities for post judgment relief are exhausted.

**14.3 Cover Page.** The person filing a document by fax shall also provide therewith a cover page containing the following information (see Appendix 2):

- (a) Name of the Court;
- (b) Title of the case;
- (c) The case number;
- (d) Title of the document being filed (e.g. Complaint for Custody, Motion to Modify Support);
- (e) Date of transmission;
- (f) Transmitting fax number;
- (g) Number of pages in the transmission, including the cover page;
- (h) Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document, if available.

If a document is sent by fax to the Juvenile Court, without the cover page information listed above, the document will not be filed.

The Juvenile Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk may inform the sending party of a failed fax filing. Burden of confirming receipt of a fax filing is on the sending party.

**14.4 Signature.** A party who wishes to file a signed source document by fax shall either:

- (a) fax a copy of the signed source document; or
- (b) fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

A party who files a signed document by fax represents that the physically signed source document is in her/her possession or control.

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

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

**14.6 Time of Filing.** All documents sent by fax and accepted by the Clerk shall be considered filed with the Juvenile Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The Juvenile Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business.

The Juvenile Court may, but need not, acknowledge receipt of a facsimile transmission.

The risk of transmitting a document by fax to the Juvenile Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk through whatever technological means are available.

**14.7 Fees and Costs.** No document filed by facsimile requiring a filing fee shall be accepted by the Clerk.

No additional fee shall be assessed for facsimile filings.

**14.8 Length of Document.** Facsimile filings shall not exceed ten (10) pages in length including attached exhibits. The filer shall not transmit service copies by facsimile.

## **Rule 15. Publication by Posting**

Pursuant to Ohio Juvenile Rule 16(A), service by publication shall be made by posting, unless otherwise ordered by the Court.

The Clerk may post service in a conspicuous place in the Courthouse and in the following two (2) public places within the county:

- 1.) Bureau of Motor Vehicles, Port Clinton, Ohio; and
- 2.) Bureau of Motor Vehicles, Oak Harbor, Ohio.

The notice shall contain the same information required to be contained in a newspaper publication. The notice shall be posted in the required locations for seven consecutive days. The clerk shall cause the summons and accompanying

pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served and shall obtain a certificate of mailing. If the clerk is notified of a corrected or forwarding address of the party to be served within the seven-day period that notice is posted, the clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarded address.

After the seven days of posting, the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

### **Rule 16. Jury Demand**

The Court shall hear and determine all cases involving Juveniles without a jury, except for the Adjudication of a serious youthful offender complaint, indictment, or information in which a trial by jury has not been waived.

In cases where an adult has been charged with a criminal offense in the Juvenile Court, the Defendant is entitled to a jury trial pursuant to Criminal Rule 23(A). An adult charged with a misdemeanor offense may demand a jury in writing, which demand shall be filed no later than thirty (30) days prior to the date set for trial or before the third (3<sup>rd</sup>) day following the receipt of the notice of the date set for trial, whichever is later. A Defendant's failure to demand a jury trial as stated in this rule shall be deemed a complete waiver of the rights thereto.

### **Rule 17. Reserved**

## **HEARINGS**

### **Rule 18. Counsel of Record**

Each attorney retained to represent a party in the Juvenile Court shall immediately file a written Entry of Appearance with the Court, and provide a copy of the Entry to all other counsel of record in the case and any unrepresented parties. Upon the filing of an Entry of Appearance, the attorney or his/her firm will be considered counsel of record until such time as a Judgment Entry of Withdrawal is approved by the Court and filed in the case.

An attorney shall be considered discharged as counsel of record when a final judgment has been rendered and no subsequent hearings are scheduled.

## **Rule 19. Withdrawal of Counsel**

An attorney seeking to withdraw as counsel of record shall timely file a written motion stating the grounds for withdrawing from the case; that the attorney has notified or made every possible attempt to notify the client of the intended action, the subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that the attorney has notified opposing counsel of the intended action.

The Court may deny said request but reconsider same upon the Entry of Appearance of new counsel or upon the written consent of the party affected.

## **Rule 20. Appointment of Counsel**

The Court shall maintain a list of appointees qualified to serve in the capacity designated by the Court. Any attorney licensed to practice in the State of Ohio may submit his/her name for consideration on the appointment list. Appointments shall be assigned in the order in which the names of the appointees are listed. The Court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The Court may maintain separate lists for different types of appointments.

**20.1 Fees and Expenses.** Reimbursement for assigned counsel fees shall be made in accordance with the Resolution of the Board of the Ottawa County Commissioners in effect at the time the legal services are performed and up to the maximum amounts stated in the Resolution. Applications for fees which are greater than the maximum allowed by the Ottawa County Fee Schedule for Assigned Counsel must be accompanied by a Motion for Extraordinary Fees and a proposed Judgment Entry.

Fees and expenses for representation shall be submitted to the Court on the forms established by the Office of the Ohio Public Defender within sixty (60) days of final disposition. Applications for fees submitted after 90 days shall not be paid.

## **Rule 21. Guardians *Ad Litem***

**Rule 21.01 When appointed.** The Court may appoint a CASA/Guardian ad Litem or Attorney/Guardian ad Litem to represent the best interests of minor children in Delinquency, Unruly, Dependent, Neglect and Abuse proceedings consistent with the Ohio Rules of Juvenile Procedure, Rule 4 and Ohio Revised Code Section 2151.281. In Custody, Parenting Time or Visitation proceedings the Court may appoint a Guardian ad Litem to represent the best interests of minor children consistent with Ohio Revised Code Section

3109.04 and this Court's Local Rules.

Any party requesting appointment of a Guardian ad Litem in a proceeding involving custody, parenting time or visitation shall, at the time of filing of the written motion, deposit with the Clerk the sum of \$800.00 plus processing fee, to be applied toward the satisfaction of the fees for the Guardian ad Litem. The assessment of the costs for the fees of Guardian ad Litem between the parties shall be made by the Court at the completion of the proceedings.

No deposit for fees of Guardian ad Litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly or delinquent.

The Guardian ad Litem shall remain on the case until his or her duty is effectively discharged pursuant to statute or by leave of Court. At the discretion of the Court, the same Guardian ad Litem may be re-appointed in any subsequent filings related to the child's best interest.

**Rule 21.02 Role.** The role of the Guardian ad Litem is to assist the Court by conducting an independent investigation of the issues raised by the pleadings and submitting recommendations which reflect and support the best interests of the minor children to which the Guardian ad Litem is assigned. The Guardian ad Litem shall actively participate in all Court proceedings, monitor Court orders to ensure compliance, and cause to be filed motions and other pleadings as appropriate under the applicable rules of procedure.

**Rule 21.03 Access.** The Guardian ad Litem shall have full access to Court records, including computer databases containing criminal records and information. Access to LEADS may be available by written request through designated Court personnel.

- (a) In all case wherein a Guardian ad Litem is appointed to represent the best interest of a child, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein:
  - (1) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child(ren).
  - (2) The person, agency or office from which the information is sought will not reveal referral sources except as provided in Ohio Revised Code 5101.
- (b) In all cases wherein a child is alleged to be abused, neglected or

dependent and where a dispositional hearing has been scheduled, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein:

- (1) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all psychological, social or legal matters of the parties.
  - (2) The person, agency or office from whom the information is sought will not reveal information which is controlled by 42 Code of Federal Regulation, Part 2; Ohio Revised Code Sections, 2945.38, 2945.39 or 2945.41 (except Court docket entries or Court journal entries (except upon presentation of an order in compliance therewith).
- (c) Any copies, summaries, abstracts or extracts of reports and records which are obtained or created pursuant to these rules are not to be disclosed by the Guardian ad Litem nor are they subject to discovery except as provide by further order of this Court.

**Rule 21.04 Discovery and trial procedure.** The Guardian ad Litem may subpoena and examine independent witnesses during Court proceedings. Additionally, this Court shall allow the Guardians ad Litem to examine any and all witnesses placed under oath presented by the parties during all Court proceedings subject to and consistent with the rules of evidence.

**Rule 21.05 Duties.** A Guardian ad Litem shall perform appropriate duties upon appointment. As the feasibility of some of the duties will depend on the age of the child and the specific circumstances of each case, it is within the discretion of the Guardian ad Litem to tailor each of the following duties to the individual case:

- (a) Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
- (b) Interview the children separately (or state in the report why such interviews would be unnecessary).
- (c) Observe each child's interaction with each parent.
- (d) Investigate all significant persons and interview them independently, either in person or by telephone.
- (e) Review pleadings and consult with each attorney as to position and issues.
- (f) Obtain relevant information such as school records, criminal records, medical and psychological information, children services' case notes, investigative reports, etc.
- (g) Contact any mental health providers involved in the case.
- (h) Contact the school of the child.
- (i) Contact health care providers, child services agencies, probation

department and law enforcement officials, etc.

- (j) Perform appropriate home visits (can be combined with interviews or observation).
- (k) Evaluate the necessity of psychological evaluations or counseling.
- (l) Communicate with the Children's Services caseworker.
- (m) Attend all hearings and depositions concerning the child.
- (n) File all motions or other pleadings necessary to further the child's interests.
- (o) Perform any other investigation necessary to make an informed recommendation regarding the best interests of the child.

**Rule 21.06 Request for evaluation.** For good cause shown, a guardian ad litem may request that the Court order the parties and/or child to submit to physical, psychological or psychiatric evaluation. The request must be timely made and the Court shall afford the parties and child a reasonable opportunity to respond. When the Court orders that an evaluation be done, it shall determine the party responsible for the payment of the charges for same.

Failure of a party to cooperate with an evaluation ordered by the Court may result in the application of sanctions, including the imposition of fines and incarceration; payment of attorney fees; reimbursement for lost wages; and payment of the charges of the evaluator. If the party bringing the action fails to cooperate, judgment may be entered against him.

**Rule 21.07 Notice.** A Guardian ad Litem is entitled to notice of all hearings and to receive copies of any and all filings made by the other parties to the action.

**Rule 21.08 Responsibilities.** The Guardian ad Litem shall commence his investigation as soon as possible, but not greater than fourteen (14) days, after receiving notice that the full deposit, if required, has been made with the Court. The Guardian ad Litem shall attend all Court hearings, including annual, semi-annual and reasonable efforts hearings where applicable.

Any Guardian ad Litem who makes a recommendation or conducts an investigation concerning the interests of the child in a proceeding in which the Guardian ad Litem is appointed shall be immune from civil or criminal liability as to that investigation or recommendation unless the Guardian ad Litem has acted in bad faith or with malicious purpose.

**Rule 21.09 Report.** Unless otherwise directed by the Court, the Guardian ad Litem shall prepare a written report and submit it to the Court not less than seven (7) days prior to the hearing. The report shall be available for review by counsel pursuant to statute or Rules. The report of the Guardian ad Litem is considered confidential and not part of the public records of the case. Copies of the report of the Guardians ad Litem shall not be provided to any party or party's attorney.

**Rule 21.10 Conflicts.** An Attorney/Guardian ad Litem has a duty to promptly notify the Court and the party/party's counsel if the child's wishes are in opposition to the Guardian's ad Litem recommendation. If the Court finds such a conflict to exist, the Court shall appoint a different Guardian ad Litem to represent the best interest of the child. At the discretion of the Court, the original Guardian ad Litem may continue to represent the child as his/her attorney.

The Guardian ad Litem shall maintain objectivity at all times during the appointment. Any relationship or activity, including but not limited to those of employment, business, professional or personal contacts with respect to parties or others involved in the case, may conflict with the Guardian ad Litem's responsibilities and shall be disclosed to the Court as soon as they are discovered. Since a conflict of interest may arise at any point in time, the Guardian ad Litem has an ongoing duty to disclose the existence of any actual or potential conflicts.

**Rule 21.11 Compensation.**

- (a) In private custody/visitation cases, the party requesting appointment of a Guardian ad Litem shall, at the time of the filing of a motion, deposit with the Clerk the sum of \$800.00, plus 2% processing fee. All Guardians ad Litem shall keep accurate time records. A final assessment of the costs for the fees of Guardian ad Litem between the parties shall be made by the Court at the completion of the proceedings.
- (b) In indigent dependent, neglect, abuse, unruly, delinquent and custody cases, compensation shall be according to the Ottawa County Fee Schedule.

**Rule 21.13 Qualifications.** In order for an attorney to be initially assigned as Guardian ad Litem for a minor child, he/she must attend (or view a video taped version of) a training program (minimum of six (6) hours) offered or approved by the Ottawa County Common Pleas Court, Juvenile Division. On an annual basis thereafter, the attorney must attend a minimum of three (3) additional hours of specific Guardian ad Litem training. An attorney wishing to view training video(s) may contact the Court in order to make the necessary arrangements.

The training of Guardians ad Litem shall be in accordance with the qualification criteria established by this Court. Qualifications requirements shall be reviewed at least annually and updated as necessary. Persons appointed as a CASA Guardian ad Litem shall be trained in accordance with the guidelines as established by the Ohio CASA/GAL Association . At a minimum and in addition to the training required above, such persons shall provide a resume or information sheet outlining the person's training, experience and expertise related to children. The Court shall conduct or cause to be conducted a criminal

and civil background check.

The Court shall review the appointment list on an annual basis to determine that the qualifications of all individuals on the list are maintained current and complete.

## **Rule 22. Continuances**

All requests for continuances shall be made in writing and shall provide verification that other counsel or *pro se* parties have been contacted and have no objection to a continuance. If a continuance is requested because an attorney is already scheduled to be in another Court of record, proof of such prior assignment shall be attached to the Motion for Continuance.

All motions for continuances shall state the reasons for the request and shall be filed with the Clerk's Office no later than 14 days before the hearing sought to be continued and served upon all other parties. Upon good cause shown, said 14-day period may be waived. Said motions shall be accompanied by a proposed judgment entry ordering the reassignment of said case in the event the motion is granted.

## **Rule 23. Exhibits**

All exhibits must be marked and identified if referred on the record. Once marked, all exhibits will be maintained in the sole possession of the Court until the conclusion of the case, including time for appeal, unless the Court otherwise orders return of the exhibit. Upon the conclusion of the case including time for appeal, the Court may dispose of exhibits pursuant to law and at such time as it deems feasible following notice to proponent, victim, or owner.

Where appropriate and by Court order, photographs as defined in Evid. R. 1001(2) may be taken of an exhibit and introduced as evidence in the hearing. The admission of such photographs is subject to the relevancy requirements of Evid. R. 401, Evid. R. 402, Evid. R. 403, the authentication requirements of Evid. R. 901, and the best evidence requirement of Evid. R. 1002.

When evidence requires the use of other devices to be seen or heard, the proponent of the evidence bears the responsibility for producing such equipment or device at the hearing. The following Court equipment may be utilized subject to availability through prior arrangement with a Court officer: VHS video tape player, video monitor, compact disc player, and dry erase board.

## **Rule 24. Hearing Closure**

A party to a proceeding may request that a hearing or hearings be closed to members of the public, the media, or other specified persons through a written or oral motion. Such requests shall be made as far in advance as is reasonably possible to allow the Court to conduct a hearing and rule on the request without unnecessarily delaying the proceedings.

The right of a victim to attend a hearing pursuant to R. C. 2930.09, the right of a foster parent, relative or prospective adoptive parent to attend a hearing pursuant to R. C. 2151.424, and the right of any other person who has a lawful right to attend a hearing shall be preserved.

## **Rule 25. Photographing and Broadcasting of Court Proceedings**

The taking of photographs or digital images in the Courtroom, corridors and other areas adjacent to the Courtroom and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless prior authorization has been received from the Court. Requests for permission to broadcast, televise, record or photograph in the Courtroom shall be made in writing to the Judge as far in advance as reasonably practical but in any event not later than 24 hours prior to the Courtroom session to be broadcast, recorded or photographed.

Use of cell phones with digital imaging capabilities are prohibited from being used in the Courtroom.

## **Rule 26. Judgment Entries**

The Court may order or direct either party to prepare a judgment entry. When so ordered, the party shall prepare a proper judgment entry and submit it to the opposing party within 14 days, unless the time is extended by the Court. The opposing party shall have 7 days in which to approve or reject the judgment entry. If the opposing party fails to take any action on the judgment entry within 7 days, the preparer shall submit the entry with the notation, "Submitted but not returned".

In the event of rejection or if the parties are unable to agree, each may prepare his/her version for consideration. The Court may:

- (a) Sign the entry that it deems a proper statement of the parties' agreement or the Court's decision;
- (b) Prepare its' own entry without submitting same to counsel for approval; or
- (c) Schedule the matter for hearing.

If no entry is furnished to the Court within 21 days of the Court's decision, upon notice of such failure to the parties and their counsel, the Court may:

- (a) Dismiss the action for want of prosecution;
- (b) Order the Clerk to enter judgment; or
- (c) Make such other Order as deemed appropriate under the circumstances.

Consent judgment entries may be presented to the Court on or before the date of hearing. In the event the parties notify the Court that an agreement has been reached and they wish to vacate the hearing date, the entry shall be submitted within 14 days of the vacated date.

**Rule 27. Reserved**

**DELINQUENCY, UNRULY  
AND JUVENILE TRAFFIC UNRULY CASES**

**Rule 28. Diversion of Cases**

Diversion conferences may be conducted in lieu of formal actions for certain cases. Generally, diversion may be available only for first-time misdemeanor charges, first-time traffic offenses, and status offenses. Although no formal finding or record shall result, to be eligible for diversion, a youth must be willing to admit to the operative facts of the complaint. If the youth denies the charge, the case will be referred to the official docket for hearing. Discretion regarding the availability of diversion shall be exercised by the Court's intake personnel.

**Rule 29. Detention**

Any law enforcement officer taking a child into custody who may need detention services shall contact an officer of the Court to discuss the need and location of detention. The child shall be released to a parent or guardian unless the circumstances clearly demonstrate the need for detention as described by Ohio Revised Code section 2151.31 (C) (1) (2) and Juvenile Rule 7. If detention is confirmed, the law enforcement officer will transport the child to the detention center as instructed by the Court officer.

### **Rule 30. Restitution**

When an order of restitution does not specify the amount, the probation officer will send a request to the victim to provide information regarding the amount of the loss and insurance coverage. The probation officer will notify the juvenile and parent of the amount submitted by ordinary mail. If the juvenile and/or parent seeks to dispute the amount, the juvenile and/or parent must submit a written request for a hearing on that issue alone within 30 days of the notice. If no request is received within 30 days, the amount claimed will be considered final and binding. If the victim does not respond within 90 days, the restitution order may be terminated.

### **Rule 31. Reserved**

## **CUSTODY, PARENTING TIME AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

### **Rule 32. Commencement of the Case**

**32.1 Commencement.** Before commencing an action for custody, parenting time, allocation of parenting rights and responsibilities, or modifications to existing orders of such nature, the person filing the complaint must make a good faith effort to identify the true and accurate names of the child, mother, father or fathers, and any other person who has a legal interest in the proceeding.

**32.2 Documents Required At Filing.** Original actions shall be initiated by sworn complaint. Requests to modify pre-existing orders shall be by motion. All documents must be typed or legibly printed on 8 ½ by 11-inch paper. A completed copy of the following documents must be filed with the complaint or motion:

- (a) Child Custody Affidavit (see Appendix 3)
- (b) Ottawa County Juvenile Court Information Form (see Appendix 1)

**32.3 Filing Fee.** The party initiating the action shall submit the filing fee at the time of filing. If the party is indigent and unable to pay the fee, the clerk may accept the filing if accompanied by an affidavit of indigence and some form of documentation in support of the affidavit such as payroll receipts, Social Security determinations, or public assistance determinations.

The judge or magistrate shall review all affidavits of indigence. If a party's financial status changes during the course of the proceedings, the party is under a duty to inform the Court. The Court may order subsequent payment of the filing fee.

**Rule 33. Mediation**

The Court may refer for mediation such cases that it deems appropriate. A mediation session is a docketed event requiring the appearances of all parties. The appearance of counsel is optional.

If parties fail to appear for mediation, if no agreement is reached in mediation, or if the agreement reached is not approved by the judge, the case will be scheduled for a pretrial conference and parties notified by mail.

**Rule 34. Parenting Time (Visitation and companionship)**

The Court has adopted a schedule of reasonable visitation and companionship (see Appendix 4, Form DR-3)

The Court has adopted a schedule of long distance visitation and companionship (see Appendix 5, Form DR-4).

**Rule 35. Payment of Health Care Expenses of Minor Children**

The Court has adopted a schedule for payment of ordinary and extraordinary health care expenses incurred on behalf of minor children (see Appendix 6, DR-5).

**Rule 36. Maintenance of Medical Insurance for Minor Children**

The Court has adopted a Health Insurance Order and Notice to govern the maintenance of medical insurance for minor children by their parents (see Appendix 7, DR-6).