

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

**KATHLEEN L. GIESLER, JUDGE**

Revised: May 30, 2019

Effective: May 30, 2019



## Table of Contents

	Local Rule Number	Page
Adoption and Amendment of Rules	Rule 1	4
Appearances	Rule 6	5
Appointment of Counsel	Rule 20	12
Commencement of the Case	Rule 32	38
Continuances	Rule 22	21
Counsel of Record	Rule 18	11
Court Records	Rule 8	6
Courtroom Decorum	Rule 5	4
Deposit for Fees of Guardian Ad Litem	Rule 13	8
Deposit of Costs	Rule 12	8
Detention	Rule 29	26
Diversion of Cases	Rule 28	25
Electronic Tickets	Rule 27	25
Exhibits	Rule 23	21
Filing by Facsimile	Rule 14	8
Guardians Ad Litem	Rule 21	13
Hearing Closure	Rule 24	22
Hours of the Court	Rule 3	4
Judgment Entries	Rule 26	24
Jury Demand	Rule 16	11
Magistrate	Rule 7	5
Maintenance of Medical Insurance for Minor Children	Rule 36	43
Mandatory Statutory Notices	Rule 38	44
Mediation	Rule 33	39
Motions	Rule 10	7
Mutual Restraining Order	Rule 37	43
Parenting Time (Visitation and companionship)	Rule 34	42
Payment of Health Care Expenses of Minor Children	Rule 35	43
Photographing and Broadcasting of Court Proceedings	Rule 25	22
Pleadings	Rule 9	7
Publication by Posting	Rule 15	10
Record of Hearing	Rule 11	7
Reserved	Rule 17	11
Restitution	Rule 30	27
Scope and Construction of Rules	Rule 2	4
Servicemen’s Civil Relief Act	Rule 4	4
Specialized Dockets	Rule 31	27
Withdrawal of Counsel	Rule 19	12
APPENDIX		44

## **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 February 1, 2010 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 may be 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. Magistrate**

Pursuant to Rule 40 of the Rules of Juvenile Procedure, Rule 19 of the Rules of Criminal Procedure, and Ohio Revised Code Section 2151.16, the Magistrate is empowered and authorized to conduct hearings, make orders, and render decisions in any case assigned to the Magistrate.

## 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. § 5153.17 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) Affidavit of General Information (see Appendix 3, form JC-2) 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 \$1,200.00, 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** "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits, and reconstructs the signals to print a duplicate of the source document at the receiving end.

"Facsimile machine" means a machine that can send and receive a facsimile transmission either as a stand alone device or as part of a computer system.

**14.2 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.

**14.3 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.

**14.4 Cover Page.** The person filing a document by fax shall also provide therewith a cover page containing the following information (see Appendix 1):

- (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.

**14.5 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.

**14.6 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.

**14.7 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.

**14.8 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.

**14.9 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 public place within the county:

- 1.) Ottawa County Municipal Court, Port Clinton, Ohio; and
- 2.) Ottawa County Department of Job and Family Services, Port Clinton, 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. The Court may consider the skill and expertise of the appointee in the designated area of the appointment, the management by the appointee of his or her current caseload and the complexity and requirements of the case. The Court may maintain separate lists for different types of appointments. The Court shall review Court appointment lists at least annually to ensure the equitable distribution 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**

### **(A) Applicability**

This rule shall apply in all domestic relations and juvenile cases in the courts of common pleas where a court appoints a guardian ad litem to protect and act in the best interest of a child.

### **(B) Definitions**

For purposes of this rule:

(1) “Guardian ad litem” means an individual appointed to assist a court in its determination of a child’s best interest.

(2) “Child” means:

- (a) A person under eighteen years of age, or
- (b) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(5) or section 2152.02(C) of the Revised Code.
- (c) A child under R.C. 3109.04 or a disabled child under R.C.3119.86 who falls under the jurisdiction of a domestic relations court or of a juvenile court with a paternity docket.

### **(C) Appointment of guardian ad litem**

(1) When appointing a guardian ad litem under this rule the court shall enter an Order of Appointment which shall include:

- (a) A statement regarding whether a person is being appointed as a guardian ad litem only or as a guardian ad litem and attorney for the child.
- (b) A statement that the appointment shall remain in effect until discharged by order of the court, by the court filing a final order in the case or by court rule.
- (c) A statement that the guardian ad litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(2) Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

(3) 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 \$1,200.00 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.

#### **(D) Responsibilities of a guardian ad litem**

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. In order to provide the court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.

(1) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.

(2) A guardian ad litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex parte communications with the court regarding the merits of the case.

(3) A guardian ad litem is an officer of the court and shall act with respect and courtesy to the parties at all times.

(4) A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.

(5) A Court Appointed Special Advocate (CASA) non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise employ the services of an attorney,

to undertake appropriate legal actions on behalf of the guardian ad litem in the case.

(6) A guardian ad litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.

(7) When a court appoints an attorney to serve as both the guardian ad litem and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly.

(8) When a guardian ad litem determines that a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the court promptly resolve the conflict by entering appropriate orders. 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.

(9) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except from compensation for services as a guardian ad litem.

(10) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this division.

(11) Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.

(12) A guardian ad litem shall be responsible for providing the court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements so the court may maintain the files required in division (G) of this rule. The compliance statement shall include

information detailing the date, location, contents and credit hours received for any relevant training course.

(13) A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

- (a) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;
- (b) Visit the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;
- (c) Ascertain the wishes of the child;
- (d) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
- (e) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;
- (f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- (g) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;
- (h) 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.

- (i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

(14) A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(15) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(16) A guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(17) A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

- (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 \$1,200.00, 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.

(18) 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.

### **(E) Training requirements**

In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of the appointing court, be a course at least six hours in length that covers the topic areas approved by the court.

(3) Persons appointed as a CASA Guardian ad Litem shall be trained in accordance with the guidelines as established by the Ohio CASA/GAL Association:

- (a) Human needs and child development including, but not limited to, stages of child development;
- (b) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;
- (c) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;
- (d) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;
- (e) Legal framework including, but not limited to, records checks, accessing, assessing and appropriate protocol, a guardian ad litem's role in court, local resources and service practice, report content, mediation and other types of dispute resolution.

(4) The continuing education course must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the appointing court, be a training that complies with division (5) of this rule.

(5) To meet the requirements of this rule, the three-hour continuing education course shall:

- (a) Be specifically designed for continuing education of guardians ad litem and not pre-service education; and
- (b) Consist of advanced education related to topics identified in division (E)(3) (a)–(e) of this rule.

(6) If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

(7) An individual who is currently serving as a guardian ad litem on the effective date of March 1, 2009 or who has served during the five years immediately preceding the effective date, shall have one year from the effective date to obtain the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(8) Attendance at an Ohio Guardian ad Litem Training Program approved by the Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program at any time prior to the effective date of this rule shall be deemed compliance with the pre-service training requirement.

## **(F) Reports of guardians ad litem**

A guardian ad litem shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following provisions shall apply to guardian ad litem reports in the juvenile and domestic relations divisions of Courts of Common Pleas:

(1) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

- (a) All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code.
- (b) Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.
- (c) Unless waived by all parties or unless the due date is extended by the court, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the court at the hearing.
- (d) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
- (e) A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.
- (f) Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the interim report shall be provided to the court at the hearing.

### **(G) Responsibilities of the court**

The court will ensure that only qualified individuals perform the duties of guardians ad litem and that the requirements of this rule are met.

- (1) The court's process for accepting and considering written comments and complaints regarding the performance of guardians ad litem practicing before the court are as follows:
  - (a) Any comments or complaints regarding the performance of guardians ad litem practicing before the court should be submitted in writing to the Court Administrator.

- (b) A copy of the comments and/or complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment.
- (c) The Court Administrator will forward any comments and complaints to the judge for consideration and appropriate action.
- (d) Dispositions by the court shall be made within 14 days of receipt.

The court shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

## **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 devise 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. Court Guidelines For Photographing, Recording, And Broadcasting In the Courtroom**

##### (1) General Provisions

Unless otherwise authorized by the judge of the Juvenile Court, coverage of proceedings in open Court is permissible only in accordance with the following guidelines, as provided by Ohio Law.

- (a) Three business days' advance notice is required from the media for any request to be present to broadcast, televise, record electronically, or take photographs, at a particular court session. Such requests must be submitted in writing to the Court Administrator on news organization letterhead. The judge of the Juvenile Court may waive the three business-day requirement under appropriate circumstances.
- (b) Upon timely receipt of a media request, the Court Administrator will notify the judge and counsel of record of such request. Subject to the requirements of law, the judge of the Juvenile Court shall have the sole authority to determine which court proceedings, or portions thereof, will be subject to media or public access.
- (c) The judge of the Juvenile Court may limit or terminate media coverage, and/or may direct the removal of media coverage personnel or equipment, when deemed necessary or appropriate to protect the rights of the parties, to serve the best interests of any child who is the

subject of the proceedings, or to assure the orderly conduct of the proceedings and court decorum.

- (d) No direct public expense is to be incurred by the Court for equipment, wiring, or personnel needed to provide media coverage.

(2) Limitations

- (a) Subject to the above general provisions, coverage of proceedings in open court is generally permitted unless otherwise prohibited by rule or statute. Camera coverage must be conducted in conformity with applicable statutes, rules and specific instructions from the judge.
- (b) There shall be no audio pickup or broadcast of conferences between attorneys and their clients, between co-counsel, or in-court sidebar conferences between the judge and legal counsel.

(3) Equipment and Personnel

- (a) A maximum of one television camera and two still photographers will be permitted in the courtroom. The Court Administrator, or designee, shall identify the location in the courtroom for the camera equipment and operators.
- (b) Equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible. Loud motorized drives, moving lights, flash attachments, or sudden light changes may not be used. Still shots are to be kept to a minimum and cameras that do not operate quietly may be prohibited at any time when court is in session.
- (c) Except as otherwise approved by the Court Administrator or designee, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphones and related wiring essential for media purposes shall be unobtrusive but clearly visible, and shall be located in places designated or approved in advance by the Court Administrator or designee.
- (d) All equipment must be set up prior to the opening of the court session. Such equipment may not be removed until after the conclusion of the court sessions or, at the discretion of the judge, may be removed during a court recess. Camera operators and other media representatives shall wear appropriate attire in the courtroom.

- (e) Media personnel shall also adhere to the direction of the Court Administrator, or designee, in such matters as security, parking, noise avoidance, and other related issues.
  - (f) Unless otherwise authorized by the judge, media personnel may not interview participants in the courtroom until the conclusion of the court session and the judge has left the bench. Subject to availability, the Court may make space available for news reporters and photographers to conduct their business, subject however, to the consent of persons willing to participate in any interviews.
- (4) News Media Pooling
- (a) Camera coverage will be permitted by any person or entity regularly engaged in the gathering and dissemination of news. If coverage is sought by more than one person or entity, a pool system may be requested. Each media representative is asked to submit an application on behalf of its organization.
  - (b) It will be the responsibility of the news media to agree upon a pooling arrangement for their respective news medium. Such pooling arrangements shall include the designation of pool operators, the use of a mult box, procedures for cost sharing, access to and dissemination of material, and selection of a lead pool representative if appropriate.
  - (c) The court may not be called upon to mediate or resolve any dispute as to such arrangements. The Court Administrator shall be notified of any pooling arrangements at a sufficient time prior to the court proceeding.

## **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.

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

### **Rule 27. Use of Electronically Produced Ticket.**

**(A)** The use and filing of a traffic ticket that is produced by computer or other electronic means is authorized in the Ottawa County Juvenile Court. Such ticket shall conform in all substantive respects, including layout and content, to the "Ohio Uniform Traffic Ticket," except that standards for the color and weight of paper and method of binding shall not apply. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the juvenile with a paper copy of the ticket as required by the Ohio Traffic Rules. The issuing officer shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

**(B) Applicability.** The purpose and scope of this rule is limited to the use and filing of a ticket other than an e-ticket or paperless ticket.

### **Rule 28. Diversion of Cases**

- (1) Pursuant to Juvenile Rule 9(A), if the best interests of the child and of the public require, a matter may be referred to unofficial status and the

child subject to the complaint referred to diversion, in lieu of formal Court action.

- (2) Unofficial cases considered by the Court shall not be subject to the other provisions of these rules.
- (3) Unofficial cases shall not be part of the permanent record of the child and shall be removed from the child's file when he/she is no longer subject to the jurisdiction of the Juvenile Court.
  - (a) No person, except for Court staff, shall have access to records of unofficial matters, without the consent of the Court.
- (4) Cases that might otherwise qualify for diversion may remain in an official status where there are multiple offenders not all of whom are eligible for diversion or where family or other circumstances indicate that the best interests of the child and the public are not served by a referral to diversion and unofficial status.

## **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.

### **29.1 Child Restraint Rule**

- (A) A presumption exists that physical restraint shall not be utilized on children appearing in court proceedings 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 restraining and that the physical restraint of the child is necessary because of either of the following:
  - (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
  - (2) There is a significant risk the child will flee the courtroom.

- (B) 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;
- (C) If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

### **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. Specialized Dockets**

#### **Establishment of Specialized Dockets**

For the purpose of decreased recidivism and increased family stability, the Court on its own motion may refer cases of appropriateness to any special court program. Each program will coordinate agency collaboration, provide regular judicial oversight, and assess progress on goals.

The court establishes Specialized Dockets in conformance with Sup. R. §36.02 of the Rules of Superintendence for the Courts of Ohio. Each program will coordinate agency collaboration, provide regular judicial oversight, and assess progress. Each Specialized Docket is effective upon certification by the Supreme Court of Ohio, on or after January 1, 2013.

**31.1 Family Dependency Treatment Court.** For cases of abuse, neglect and/or dependency whereas the parent or guardian has been assessed as having one or all of the following, mental illness, alcohol abuse/dependence and drug abuse/dependence:

A Judge may refer a case to the Family Dependency Treatment Court program known as Helping Our Parents Excel (HOPE). The HOPE Treatment Team will determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the HOPE Judge. The HOPE Judge shall then determine whether to accept the individual into the program. If admitted, the case shall be diverted to the specialized docket of the HOPE program for further proceedings.

All parties involved with the case in HOPE are to comply with all aspects of the program and all orders of the Court. If unsuccessfully terminated from HOPE, the individual shall be returned to the Abuse, Neglect and/or Dependency traditional docket for further proceedings.

**31.2 Juvenile Intervention Court.** For cases alleging a child is a delinquent child, juveniles and their families may be referred to the Juvenile Intervention Court. The Juvenile Intervention Court Treatment team will determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the Juvenile Intervention Court Judge. The Juvenile Intervention Court Judge shall determine whether to accept the family into the program. Each participant and their family are to comply with all aspects of the program and the orders of the Court. If unsuccessfully terminated, the case will be returned to the docket for further proceedings.

**31.3 Truancy Court.** This Court works with juveniles and their families to improve school attendance, to reduce delinquent behavior through a pro-active partnership with the schools, and to make referrals to social service agencies when needed. For cases of truancy a juvenile may be referred to the Truancy Intervention Court. The Truancy Intervention Court treatment team will determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the Truancy Court Judge. The Truancy Court Judge shall determine whether to accept the family into the program. Each participant and his/her family are to comply with all aspects of the program and the orders of the Court. If unsuccessfully terminated, the case will be returned to the docket for further proceedings.

### **31.4 Specialized Docket Standards.**

The following standards and recommended practices were adopted pursuant to Sup. R. §36.02 of the Rules of Superintendence for the Courts of Ohio.

#### **Standard 1. Planning Process.**

A specialized docket shall utilize a comprehensive and collaborative planning process that results in all of the following:

(A) Development of an agreement among relevant parties setting forth the terms of the specialized docket operations. Relevant parties may include, but are not limited to, the judge; the court; the prosecutor; defense counsel; treatment providers; children services for family dependency treatment dockets; and the probation department and law enforcement agencies for criminal and juvenile specialized dockets.

(B) Establishment of written policies and procedures defining the goals and objectives for the specialized docket and providing written roles and responsibilities of each treatment team member.

(C) Creation of a written participation agreement detailing the rights and responsibilities of participants in the specialized docket.

*Recommended Practices:*

(A) Advisory committee

- (1) A judge should create an advisory committee comprised of key officials and policymakers to provide input to specialized docket policies and operations and to communicate regularly with local officials and the community.
- (2) An advisory committee should typically take three to six months to plan and prepare for implementation of a specialized docket. This amount of time allows for a cohesive team to effectively and collaboratively reach consensus on the variety of issues inherent in the implementation of a specialized docket and to address any special needs or resource limitations.
- (3) An advisory committee should develop a written agreement or memorandum of understanding setting forth the terms of a specialized docket and the responsibilities of relevant parties to specialized docket operations.

(B) Treatment team members

A treatment team is responsible for implementing daily operations of a specialized docket and may include, but is not limited to, each of the following members:

- (1) A judge;
- (2) Probation officers;
- (3) Treatment providers;
- (4) A prosecutor;
- (5) Defense counsel;

- (6) A specialized docket program coordinator;
- (7) Case managers;
- (8) Law enforcement personnel;
- (9) Jail personnel;
- (10) Children services personnel;
- (11) Representatives of other community-based stakeholders.

(C) Membership term

For consistency and stability in specialized docket operations, treatment team members should serve on the treatment team for a minimum of one year.

(D) Community outreach

A treatment team should work with local community members to ensure the best interests of the community are considered. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support specialized docket sustainability. The advisory committee should develop and regularly review a community outreach and education plan.

(E) Sustainability plan

Each year, an advisory committee should develop and review a written sustainability plan.

**Standard 2. Non-Adversarial Approach.**

A specialized docket shall incorporate a non-adversarial approach while recognizing all of the following:

- (A) A prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights;
- (B) A defense counsel's distinct role in preserving the constitutional rights of specialized docket participants;
- (C) A participant's right to a detailed, written participation agreement outlining the requirements and process of the specialized docket.

*Recommended Practices*

(A) Prosecutor and defense counsel training

For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes.

(B) Attendance of counsel

Counsel should be allowed to attend specialized docket treatment team meetings.

### **Standard 3. Legal and Clinical Eligibility and Termination.**

#### (A) Criteria

A specialized docket shall have written legal and clinical eligibility and termination criteria that have been collaboratively developed, reviewed, and agreed upon by the relevant parties identified in paragraph (A) of Standard 1 of these standards.

#### (B) Decision on admission or termination

A judge shall have discretion to decide the admission into or termination from a specialized docket in accordance with the written criteria for the specialized docket.

#### (C) No right to participate

The written legal and clinical eligibility and termination criteria do not create a right to participation in a specialized docket.

#### *Recommended Practices*

#### (A) Legal eligibility screening

A specialized docket should have legal eligibility screening based on established written criteria.

#### (B) Eligibility criteria factors

In developing eligibility criteria, an advisory committee should take into consideration all of the following factors:

- (1) A process to consider the inclusion of eligible repeat and high-risk participants;
- (2) A provision to evaluate mitigating and aggravating circumstances of current or prior court involvement;
- (3) Careful examination of the circumstances of prior juvenile adjudications and the age of the participant at the time of the offense;
- (4) The age of prior disqualifying offenses;
- (5) A mental health assessment to determine if the individual is legally competent to participate in the specialized docket program, should the mental health competence of the individual be in question.

#### (C) Unsuccessful termination and neutral discharge

As part of the written termination criteria, a specialized docket should have clear policies regarding unsuccessful termination and neutral discharge.

### **Standard 4. Assessment and Referral.**

A specialized docket shall promptly assess individuals and refer them to the appropriate services to do all of the following:

(A) All chemical dependency, mental health, and other programming assessments shall include available collateral information to ensure the accuracy of the assessment;

(B) The participant or the participant's guardian shall complete a release of information form to provide communication about confidentiality, participation/progress in treatment, and compliance with the provisions of relevant law, including but not limited to the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. §300gg-42, as amended, and §2151.421 and §2152.99 of the Revised Code;

(C) Participants shall be placed as soon as possible in appropriate treatment services and programs and shall be placed under supervision to monitor compliance with court requirements.

#### *Recommended Practices*

(A) Licenses and credentials

Individuals providing screening and assessment for treatment determinations should possess appropriate licenses and credentials to provide such services.

(B) Clinical assessments and treatment recommendations

A treatment team should consider, but is not obligated to follow, clinical assessments or treatment recommendations.

### **Standard 5. Individualized Needs and Evidence-Based Practices.**

A specialized docket shall have a plan to provide services that meet the individualized needs of each participant and incorporate evidence-based strategies for the participant population. Such plans shall take into consideration services that are gender-responsive and culturally appropriate and that effectively address co-occurring disorders.

#### *Recommended Practices*

(A) Appropriateness and clinical necessity of case plans and services

Case plans and services should be appropriate and clinically necessary to the degree that available resources allow.

(B) Ancillary services

Ancillary services include but are not limited to:

(1) Education;



- (2) Vocational training;
- (3) Employment;
- (4) Transportation;
- (5) Housing;
- (6) Domestic violence programming;
- (7) Physical and dental health.

### **Standard 6. Participant Monitoring.**

A specialized docket shall monitor each participant's performance and progress and incorporate all of the following:

- (A) Regular treatment team meetings prior to the status review hearings;
- (B) Status review hearings, as established by Standard 7 below;
- (C) Ongoing communication among the relevant parties, including frequent exchanges of timely and accurate information about the participant's overall performance;
- (D) Progression through the specialized docket based upon the participant's performance in the treatment plan and compliance with requirements of the specialized docket phases. A participant's progress through the specialized docket phases is not to be based solely upon pre-set timelines.
- (E) Explanation to the participant of responses to compliance and noncompliance, including criteria for termination.

#### *Recommended Practices*

##### (A) Appearance at single court session

Having a significant number of specialized docket participants appear at a single court session gives the opportunity to educate the participant as to the benefits of court compliance and consequences for noncompliance.

##### (B) Sharing of decision-making and conflict resolution

Mechanisms for sharing decision-making and resolving conflicts among treatment team members should be established, emphasizing professional integrity and accountability.

### **Standard 7. Status Review Hearings.**

##### (A) Ongoing judicial interaction

A specialized docket shall incorporate ongoing judicial interaction with each participant as an essential component of the docket.

(B) Appearance before specialized docket judge

(1) At a minimum, a specialized docket participant shall appear before the specialized docket judge at least twice monthly during the initial phase of the specialized docket.

(2) Thereafter, a specialized docket participant shall regularly appear before the specialized docket judge to review the participant's progress through the specialized docket.

*Recommended Practices*

(A) Appearances before specialized docket judge during initial phase

A specialized docket participant should appear before the specialized docket judge weekly during the initial phase of the specialized docket, and thereafter, at least monthly. Frequent status review hearings establish and reinforce the specialized docket's policies and ensure effective supervision of the participant.

(B) Judicial knowledge of treatment and programming methods

The specialized docket judge should be knowledgeable about treatment and programming methods and their limitations.

(C) Hearings before the same specialized docket judge

Hearings should be before the same specialized docket judge for the length of each participant's time in the specialized docket.

**Standard 8. Substance Monitoring.**

A specialized docket shall monitor a specialized docket participant's substance use by random, frequent, and observed alcohol and other drug testing protocols which include all of the following:

(A) Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures shall address elements that contribute to the reliability and validity of the testing process.

(B) Individualized drug and alcohol testing plans. All testing shall be random, frequent, and observed.

(C) Clearly established plans for addressing a participant who tests positive at intake or who relapses. The plans shall include treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the judge.

(D) Immediate notification of the court when the participant tests positive, has failed to submit to testing, has submitted the sample of another individual, diluted the sample, or has adulterated a sample. Failure to submit to testing,

submitting the sample test of another individual, and adulterated samples shall be treated as positive tests and immediately sanctioned.

(E) Testing sufficient to include the participant's primary substance of dependence, as well as a sufficient range of other common substances.

#### *Recommended Practices*

When testing for alcohol, specialized dockets should strongly consider devices worn by the specialized docket participant, portable breath tests, saliva tests, and the use of scientifically validated technology used to detect ethyl alcohol.

### **Standard 9. Treatment and other Rehabilitation Services.**

(A) Prompt access

A specialized docket shall provide prompt access to a continuum of approved treatment and other rehabilitation services.

(B) Treatment plan and activities record

A specialized docket shall maintain a current treatment plan and record of activities.

(C) Licensing and training

All required treatment and programming shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of their profession.

#### *Recommended Practices*

(A) Treatment team knowledge

Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs to gain confidence in the services provided and to better understand the treatment and programming process.

(B) Separate tracks for specialized docket participants

Whenever possible, service providers should have separate tracks for specialized docket participants.

### **Standard 10. Sanctions and Incentives.**

Immediate, graduated, and individualized sanctions and incentives shall govern the responses of a specialized docket to a specialized docket participant's compliance or noncompliance.

## *Recommended Practices*

### (A) Adjustment in treatment services

Adjustment in treatment services, as well as participation in community-based mutual support meetings, should be based upon only the clinically-informed interests of the participant.

### (B) Revision of time between status review hearings

Time between status review hearings should be increased or decreased based upon compliance with treatment protocols and progress observed.

### (C) Incentives for compliance

Incentives for a specialized docket participant's compliance vary in intensity and may include all of the following:

- (1) Encouragement and praise from the judge;
- (2) Ceremonies and tokens of progress, including advancement in specialized docket phases;
- (3) Reducing supervision contacts;
- (4) Decreasing frequency of court appearances;
- (5) Reducing fines or fees;
- (6) Increasing or expanding privileges;
- (7) Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work, or other positive hobbies;
- (8) Gifts of inspirational items, including books, pictures, and framed quotes;
- (9) Assistance with purchasing clothing for job interviews;
- (10) Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- (11) Gifts of small personal care items, hobby or pet supplies, plants or small household items;
- (12) Dismissing criminal charges or reducing the term of probation;
- (13) Reducing or suspending jail or prison days;

(14) Graduating from the specialized docket.

(D) Sanctions for noncompliance

Sanctions for a specialized docket participant's noncompliance vary in intensity and may include but are not limited to all of the following:

- (1) Warnings and admonishment from the judge;
- (2) Demotion to an earlier specialized docket phase;
- (3) Increasing frequency of drug or alcohol testing and court appearances;
- (4) Refusing specific requests, such as permission to travel;
- (5) Denying additional or expanded privileges or rescinding privileges previously granted;
- (6) Increasing supervision contacts and monitoring;
- (7) Individualized sanctions, such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior;
- (8) Imposition of suspended fines and costs;
- (9) Requiring community service or work programs;
- (10) Escalating periods of jail or out-of-home placement, including detention for juveniles;
- (11) Filing of a community control or probation violation;
- (12) Termination from the specialized docket.

**Standard 11. Professional Education.**

A specialized docket shall assure continuing interdisciplinary education of treatment team members to promote effective specialized docket planning, implementation, and operations.

*Recommended Practices*

(A) Continuing education plan

A specialized docket should establish and maintain a viable continuing education plan for specialized docket personnel.

(B) Assessments and reviews

At a minimum of once every two years, a specialized docket should assess specialized docket team functionality, review all policies and procedures, and assess the overall functionality of the specialized docket.

(C) Treatment team member transition

A specialized docket should plan for the transition of a treatment team member and provide sufficient training and program documentation for new treatment team members.

(D) Mentor courts

A specialized docket should identify and build a relationship with a mentor court of its specific model.

(E) Observation of other specialized dockets

A specialized docket should regularly observe other specialized dockets.

(F) Ohio Specialized Dockets Practitioner Network

Specialized docket personnel should participate in the “Ohio Specialized Dockets Practitioner Network” by attending sub-network meetings, trainings, and the annual conference.

**Standard 12. Effectiveness Evaluation.**

A specialized docket shall evaluate effectiveness by doing each of the following:

(A) Reporting data as required by the Supreme Court, including information to assess compliance with these standards;

(B) Engaging in on-going data collection in order to evaluate whether the specialized docket is meeting its goals and objectives.

**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) Information for Parenting Proceeding (see Appendix 2, JC-1)
- (b) Affidavit of General Information (see Appendix 3, JC-2)

**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**

### **33.1 General Information**

- (a) After service of summons in an action filed in Juvenile Court requesting custody, parenting time or other child related matters, the Court may order the parties to participate in Mediation. The decision to refer parties to Mediation will be made by the Judge or assigned Magistrate in accordance with the provision of the Local Rules.
- (b) Mediation will not be used as an alternative to the prosecution or adjudication of domestic violence nor will it be used to determine whether to grant a protective order, or to determine the terms and conditions of a protective order, or to determine the penalty for violation of a protective order.
- (c) When a case is referred to Mediation, all parties will be allowed to participate in the process, and if the parties wish, their attorneys are allowed to participate in the process. The Court will notify the parties and non-party participants of the referral and will advise the parties of their right to attend Mediation with legal counsel and of their right to waive presence of legal counsel, which may be rescinded at any time.
- (d) If an agreement is reached as a result of mediation during regular Court hours or when a Judge or Magistrate is available, the parties will place their agreement upon the record immediately following the mediation.

- (e) If an agreement is reached as a result of mediation, the parties may submit an agreed entry to the Court for approval within thirty (30) days.

### **33.2 Qualifications and Training for Juvenile Court Mediation.**

- (a) The Court will only assign mediators who have completed the training as set forth in the Local Rules, and who are on the Court's list of approved mediators.

- (g) General Qualifications

A Mediator to whom the Court makes referrals for Mediation of custody; allocation of parental rights and responsibilities; the care of, the visitation with minor children; or abuse, neglect, and dependency cases, must satisfy all of the following:

- (1) Possess a law degree and an active license to practice law in the State of Ohio, is in good standing, and has at least two (2) years of professional experience with families. "Professional experience with families" includes counseling, case work, legal representation in family law matters, juvenile law, or such other equivalent experience satisfactory to the Court.
  - (2) Complete at least twelve (12) hours of basic mediation training or equivalent experience as a Mediator that is satisfactory to the Court.
  - (3) After completing the training in accordance with the Local Rules of Practice and Procedure 33.2 (b)(2), complete at least forty (40) hours of specialized family or divorce mediation training that is provided by a training program approved by the Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution.
- (c) Specific Qualifications and Training, Abuse, Neglect and dependency Cases.

In addition to the requirements of Local Rules of Practice and Procedure 12. 2 (b), a Mediator to whom the Court makes referral for mediation of abuse, neglect or dependency cases must satisfy both of the following:



- (1) Possess experience in mediating family disputes;
  - (2) Complete at least thirty-two (32) hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Dispute Resolution Section in accordance with the standards established by the Supreme Court Advisory Committee or Dispute Resolution.
- (d) Aspiration Standards

Mediators providing services for the Court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

### **33.3 Domestic Violence**

- (a) Screening
- (1) Before referring a case to Mediation, the Court will review the complaint, all case filings and all facts and allegations presented during the course of the case to determine if domestic violence or fear of violence is alleged, suspected or present in the case. A case will not be referred to Mediation for the purpose of determining any of the prohibited issues set forth in Local Rules of Practice and Procedure. 33.1 (b).
  - (2) After a case is assigned to Mediation, the assigned Mediator will review all of the filings, facts and allegations presented during the course of the Mediation proceeding to determine if domestic violence or fear of violence is alleged, suspected or present. If the Mediator makes the determination that domestic violence or fear of violence is alleged, suspected or present, and it appears the Mediation is being used to determine any of the prohibited issues set forth in Local Rules of Practice and Procedure 33.1 (b), the case will be returned to the docket of the referring Judge or Magistrate.
  - (3) When domestic violence or fear of violence is alleged, suspected or present, the Court or Mediator will encourage the victim or suspected victim of domestic violence to obtain legal counsel and will encourage

indigent parties, including the victim or suspected victim of domestic violence, to engage other support services.

- (4) When domestic violence or fear of violence is alleged, suspected or present, Mediation on issues other than those prohibited under Local Rules of Practice and Procedure 33.1 (b), may proceed only if the assigned Mediator has specialized training as set forth in Local Rules of Practice and Procedure 33.2(c), and the Court determines that all of the following conditions are satisfied:
- a. The person who is or may be the victim of domestic violence is fully informed about the Mediation process and his or her right to decline participation in the Mediation process;
  - b. The person who is or may be the victim of domestic violence is informed he or she has the option to have a support person present at all sessions;
  - c. The parties have the capacity to mediate without fear of coercion or control;
  - d. That appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence; and
  - e. That procedures are in place for issuing written findings of fact, as required by ORC 3109.052, to refer certain cases involving domestic violence to Mediation.

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

The Court has adopted a form for gathering information for parenting proceedings (see Appendix 2, Form JC – 1)

The Court has adopted a form for gathering general information, income, monthly expenses, and financial disclosure (see Appendix 3, Form JC – 2)

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

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

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

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

The Court has adopted a schedule for payment of standard health care and cash medical orders for minor children (see Appendix 7, JC-6).

### **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 8, JC-7).

The Court has adopted a Health Insurance Order and Notice to govern the maintenance of medical insurance for minor children by their parents with a deviation (see Appendix 9, JC-7.1).

### **Rule 37. Mutual Restraining Order**

In all cases for custody of children, upon the initial filing of the Complaint, the Court will automatically issue a MUTUAL RESTRAINING ORDER as set forth on this Court's standard form JC-8.

Upon Plaintiff's filing of a Complaint, Plaintiff is deemed to have notice of and be bound by the MUTUAL RESTRAINING ORDER. Plaintiff shall acknowledge receipt of a copy of the MUTUAL RESTRAINING ORDER on this Court's standard form JC-1.

The Clerk of Courts shall attach a copy of the MUTUAL RESTRAINING ORDER to the summons so that both documents shall be served simultaneously upon Defendant.

Any party may file a Motion and supporting Affidavit to modify this standing MUTUAL RESTRAINING ORDER for good cause shown (see Appendix 10, JC-8).

[NOTE: This will require an affirmative statement on the parenting affidavit that the Plaintiff has received the MUTUAL RESTRAINING ORDER.]

**Rule 38. Mandatory Statutory Notices**

The Court has adopted an order for Mandatory Statutory Notices (see Appendix 11, JC-9).

**APPENDIX**

- Fax Filing Cover Page
- Form JC-1
- Form JC-2
- Form JC-3
- Form JC-4
- Form JC-5
- Form JC-6
- Form JC-7
- Form JC-7.1
- Form JC-8
- Form JC-9