

**COURT OF COMMON PLEAS  
JUVENILE DIVISION  
SUMMIT COUNTY, OHIO**

**LINDA TUCCI TEODOSIO, JUDGE**

**LOCAL RULES OF PRACTICE AND PROCEDURE  
Adopted: May 6, 2004  
Effective: May 17, 2004**

**Including Amendments through February 1, 2012**

**LOCAL RULES OF PRACTICE AND PROCEDURE**

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**RULE 1: GENERAL INFORMATION**

1.01 COMPLIANCE WITH OTHER RULES

- (A) The following Rules are intended to supplement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, the Ohio Rules of Juvenile Procedure and any controlling statutes.
- (B) Unless otherwise stated, all filings must comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Summit County, Ohio which are also applicable to this Court.

1.02 HOURS OF THE COURT

- (A) Summit County Juvenile Court is in session Monday through Friday from 7:45 a.m. until 12:00 p.m. and from 1:00 p.m. until 4:30 p.m. and other hours as may be ordered by the Court.

1.03 COURT DECORUM

- (A) All parties and witnesses must wear proper attire when attending any hearing before the Court. Shorts, tank tops, halter tops, hats, sandals, bare feet, etc. are not acceptable forms of attire for appearance at any Court hearing.
- (B) No radio, television transmission, voice recording device (other than a device used for purposes of the official record), or photography shall be permitted, except upon consent of the Court and in accordance with Rule 11 of the Rules of Superintendence for the Courts of Ohio.
- (C) All cellular phones, pagers, palm pilots or other similar devices that are capable of emitting sound shall be turned off or turned to the vibrate position prior to entering the courtroom.
- (D) All parties, witnesses, and other persons present in the Courthouse while the Court is in session shall refrain from loud talking, yelling or any other action that may disrupt the proceedings of the Court.
- (E) Any person who brings a child to Court shall not leave the child unattended or allow the child to disrupt the proceedings of the Court.

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**RULE 2: ASSIGNMENTS OF CASES**

2.01 MATTERS HANDLED BY THE JUDGE

(A) The Judge will handle the following matters, unless otherwise ordered:

- (1) Habeas Corpus motions;
- (2) All motions concerning cases scheduled before the Judge;
- (3) Motions for a New Trial;
- (4) Motions for Relief from Judgment;
- (5) Motions to Vacate an Order issued by the Judge;
- (6) Emergency ex parte orders (except in Dependency, neglect or Abuse cases);
- (7) Motions to Set Aside a Magistrate's Order
- (8) Objections to a Magistrate's Decision
- (9) Contempt proceedings regarding cases scheduled before the Judge pursuant to O.R.C. §2151.21;
- (10) Jury Trials;
- (11) Motions for Stay of Execution upon appeal to the Court of Appeals;
- (12) Motions to Relinquish Jurisdiction; and
- (13) Motions for Judicial Bypass.

2.02 MATTERS HANDLED BY MAGISTRATES

(A) All cases not assigned to the Judge will be scheduled for hearing before the assigned Magistrate.

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## **RULE 3: MAGISTRATES**

### 3.01 POWERS OF THE MAGISTRATE

- (A) Pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure, rule 19 of the Ohio Rules of Criminal Procedure, and O.R.C. §2151.16, Magistrates are empowered and authorized to do the following in all cases to which they are assigned:
- (1) Conduct hearings, including trials;
  - (2) Issue orders, including by not limited to, temporary orders and pre-trial orders, including all orders regarding discovery;
  - (3) Make all other orders as may be necessary including, but not limited to:
    - (a) Motions for Extension of Time regarding matters scheduled before the Magistrate;
    - (b) Motions for Continuance regarding matters scheduled before the Magistrate; and
    - (c) Motions to Vacate orders previously issued by the Magistrate; and
  - (4) Render decisions;
  - (5) Conduct contempt proceedings pursuant to Juvenile Rule 40(C)(2)(e) and O.R.C. §2151.21.
- (B) Once a matter has been assigned to a Magistrate, the same Magistrate will continue to hear the matter whenever possible.

### 3.02 MOTIONS TO SET ASIDE THE MAGISTRATE'S ORDER

- (A) Any person may appeal to the Court from any order of a Magistrate by filing a Motion to Set Aside the order, stating the reasons for the motion with particularity, no later than ten days after the Magistrate's Order is filed.
- (B) Any person wishing to respond to the Motion to Set Aside the Magistrate's Order must do so no later than ten days after the Motion to Set Aside is filed unless a request for a transcript has been filed.
- (C) Motions to Set Aside a Magistrate's Order must be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript, the affidavit must state the reason why a transcript is not available.
- (D) A request for a transcript must be made pursuant to [Local Rule of Practice and Procedure 11.04\(C\)](#).
- (E) If the basis for the Motion to Set Aside the Magistrate's Order is not based on an issue of fact, the party filing the Motion to Set Aside may notify the

Court in writing, at the time of the filing of the Motion, that they party is requesting that the Court rule on the Motion without a transcript of the proceedings.

- (F) Once a transcript has been requested, all parties are permitted to file a Memorandum in Support or Opposition to the Motion to Set Aside within fourteen days of the filing of the transcript with the Court without filing a Motion for Extension. Any request for additional time to supplement a Memorandum in Support or Opposition must be made by filing a Motion for Extension of Time with the Court.
- (G) The filing of a Motion to Set Aside the Magistrate's Order does not operate as an automatic stay of the order. The order is not stayed unless ordered by the Court. If the person filing the Motion to Set Aside the Magistrate's Order wishes to have the order stayed pending the Court's ruling on the Motion to Set Aside, the party must file a Motion to stay the Order.
- (H) Any party may request a hearing for oral argument on a Motion to Set Aside a Magistrate's Order. Unless the Court orders otherwise, a Motion to Set Aside the Magistrate's Order will be determined without oral argument.

### 3.03 OBJECTIONS TO THE MAGISTRATE'S DECISION

- (A) Any person may appeal to the Court from a decision made by a Magistrate by filing an Objection to the Magistrate's Decision, stating the reasons for the objection with particularity, no later than fourteen days after the Magistrate's Decision is filed.
- (B) Any person wishing to respond to the Objection shall do so no later than fourteen days after the objection to the Magistrate's Decision is filed unless a request for a transcript has been filed.
- (C) Objections to a Magistrate's Decision shall be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript the affidavit shall state the reason why a transcript is not available.
- (D) A request for a transcript must be made pursuant to [Local Rule of Practice and Procedure 11.04\(C\)](#).
- (E) If the basis for the Objection is not based on an issue of fact, the party filing the Objection may notify the Court in writing, at the time of the filing of the Objection that they party is requesting that the Court rule on the Objection without a transcript of the proceedings.
- (F) Once a transcript has been requested, all parties are permitted to file a Memorandum in Support or Opposition to the Objection within fourteen days of the filing of the transcript with the Court without filing a Motion for Extension.

- (G) If the Objection is to a Magistrate’s Decision adjudicating a child to be abused, neglected or dependent, or dismissing a complaint alleging that a child is abused, neglected or dependent, the Court Reporter shall prepare and provide copies of the transcript to the party requesting the transcript within fourteen days of the filing of the praecipe. For good cause shown, the court Reporter may request an extension of time to complete the transcript.
- (1) In these cases, the party objecting to the Magistrate’s decision shall file a Memorandum in Support of or in Opposition to the Objection to the Magistrate’s Decision, if any, within ten days of the filing of the transcript with the Court.
  - (2) The party responding to the Objection to the Magistrate’s Decision shall file a Memorandum in Opposition to the Objection, if any, within ten days of the filing of the Memorandum in Support of the Objection.
  - (3) For good cause shown, a party may request an extension of time to file a Memorandum in Support of or in Opposition to the Objection.
- (H) The timely filing of an Objection to the Magistrate’s Decision operates as an automatic stay of execution of the decision until the Court disposes of the objection.
- (I) Any party may request a hearing for oral argument on the Objection to a Magistrate’s Decision. Unless the Court orders otherwise, Objections to the Magistrate’s Decision will be determined without oral argument.

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## **RULE 4: PLEADINGS**

### 4.01 FORM

- (A) All documents filed with the Clerk of Court shall comply with Ohio Rule of Civil Procedure 10.
- (B) The caption of all documents filed in dependency, abuse, and neglect cases must contain the initials of the child who is the subject of the case and the child's date of birth in compliance with Ohio Rule of Superintendence 45. If the child is also known by another name the initials for that name shall be noted in the caption. The caption must also contain the case number, the Magistrate that is assigned to hear the case, the name of the Judge and a title indicating what the document contains.

All abuse, neglect and dependency complaints and any pleading addressing child support must also include the Child Support Enforcement Agency SETS Number and verification of parentage and any support orders. To insure the availability of the information an Information Sheet ([Appendix E](#)) must be completed for each child and placed in the appropriate file by the clerk.

- (C) The caption of documents filed in all other cases must contain the name and date of birth of any minor children, if known. The caption must also contain the case number, the Magistrate that is assigned to hear the case, the name of the Judge and a title indicating what the document addresses. Documents must also include an application for Title IV-D parentage and support services, if applicable.
- (D) All documents filed by an attorney must contain the attorney's name, office address, telephone number, e-mail address and Ohio Supreme Court registration number.
- (E) The form of all motions must also comply with [Local Rule of Practice and Procedure 5.01](#).

### 4.02 FILING BY FACSIMILE

- (A) All documents that do not require a filing fee may be filed with the clerk of Court by facsimile transmission to (330) 643-2987. No additional fee will be assessed for facsimile filings.
- (B) All documents filed by facsimile transmission must be accompanied by a cover letter containing the following information:
  - (1) The caption of the case;
  - (2) The case number;
  - (3) The Magistrate assigned to hear the case;
  - (4) A title indicating what is contained in the facsimile document;
  - (5) The date of transmission;

- (6) The telephone number from which the document was faxed;
  - (7) The number of pages faxed including the cover page; and
  - (8) The name, address, telephone number, fax number and e-mail address of the person filing the document by facsimile. If the person filing the document is an attorney the attorney registration number should also be included.
- (C) All documents filed by facsimile must not exceed ten pages in length and must contain the signature of the person filing the document or if the document is sent directly from the person's computer the notation "/S/" followed by the name of the person signing the document.
- (D) All documents filed by facsimile and accepted by the Clerk of Court will be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time imprinted by the facsimile machine. The Court's facsimile machine is available for transmission 24 hours a day, 7 days a week, however, documents will only be time-stamped during regular business hours as outlined in [Local Rule of Practice and Procedure 1.02](#).
- (E) The Clerk of Court will not acknowledge receipt of any document filed by facsimile. The burden to confirm receipt of the document is on the person filing the document by facsimile.
- (F) All documents filed by facsimile will be considered the original and must comply with the Ohio Rule of Civil Procedure 10 and [Local Rule of Practice and Procedure 4.01](#). The person filing a document by facsimile should maintain in his or her records the source document and facsimile cover sheet used in the faxing document until the close of the case and all time periods for post judgment relief have been exhausted. The source document will be made available to the Court upon request. It will not be necessary for the person filing a document by facsimile to file the source document.

#### 4.03 COURT FEES

- (A) The filing fees for documents filed with the Court are listed in the schedule of filing fees posted in the Summit County Juvenile Court Clerk's Office. All fees are due at the time a document is filed.

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## **RULE 5: MOTIONS**

### 5.01 FORM

- (A) All motions must be made in writing, contain a concise statement of the motion's grounds and the relief sought, and may be supported by a memorandum of affidavit.
- (B) All motions for ex parte or emergency custody orders must be separately captioned and supported by affidavit of the essential facts requiring immediate court action as permitted by Juvenile Rules 6 and 7.
- (C) All motions must be accompanied by a proposed order and must include a signature line for the Judge or Magistrate assigned to the case and a list of the parties that must receive a copy of the order.
- (D) All motions must be served upon opposing parties and counsel pursuant to [Local rule of Practice and Procedure 6.02](#).
- (E) Any party may request a hearing for oral argument on a motion. Unless otherwise ordered by the Court, all motions will be determined without oral argument, unless a hearing is required by statute.
- (F) Any motion for custody or child support must include the Child Support Enforcement Agency SETS number in the caption. The movant must also file and application for Title IV-D paternity and support services, unless the child is already eligible for Title IV-E placement services.

### 5.02 TIME

- (A) All motions must comply with the time restraints of Juvenile Rule 22. All motions that fail to comply with Juvenile Rule 22 will be dismissed as untimely. The Court may entertain a Motion for Leave to File. The decision to grant or deny Leave to File is discretionary and it should not be assumed that the Court will grant the motion automatically.

### 5.03 MOTIONS FOR CONTINUANCE

- (A) A continuance will not be granted unless the party requesting the continuance demonstrates to the Judge or Magistrate that there is an emergency or other unanticipated circumstance necessitating the continuance, including any conflicts that an attorney may have with other court appearances. Absent such a circumstance, the hearing or trial shall proceed as scheduled. The decision to grant or deny a continuance is discretionary and it should not be assumed that the Court will grant the motion automatically.
- (B) All requests for continuances must be made in writing and filed seven days before the scheduled hearing date. However, the Court may consider a

Motion for Continuance that is filed less than seven days before the scheduled hearing date upon demonstration of emergency or for other unforeseen circumstances.

- (C) When a continuance is requested because a witness is unavailable at the time set for hearing, the Court may consider the filing of a deposition pursuant to Civil Rule 30.

#### 5.04 MOTIONS TO CONVEY PRISONERS

- (A) It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a witness who is incarcerated, to file a Motion to Convey with a Proposed Order to Convey to transport the person to the hearing.
- (B) A Motion to Convey must be filed at least three weeks prior to the hearing date if the party or witness is incarcerated outside of Summit County, and at least two weeks prior to the hearing date if the party or witness is incarcerated in Summit County.

#### 5.05 MOTIONS FOR CONTEMPT

- (A) All Motions for a party to appear and show cause why he or she should not be held in contempt of a prior Court Order must state the specific facts forming the basis for the motion or be accompanied by an affidavit setting forth the specific facts forming the basis for the motion.
- (B) All Motions for Contempt/Show Cause must comply with the requirements of O.R.C. §2705.
- (C) A party requesting a Court Order to compel a person's appearance at a hearing to show cause must provide the Court with a proposed order at the time the motion is filed.
- (D) All Motions for Contempt must be served in accordance with [Local Rule of Practice and Procedure 6](#). In addition, when imprisonment is the requested sanction, the party required to show cause will be served with a copy of the Motion and Court Order requiring the party's appearance at a hearing by personal service.

#### 5.06 MOTIONS FOR RELIEF FROM JUDGMENT

- (A) All Motions for Relief from Judgment must comply with Civil Rule 60 and Civil Rule 7(B).
- (B) All Motions for Relief from Judgment must be accompanied by a memorandum in support and may include affidavits, transcripts, depositions, exhibits and other relevant materials.

## 5.07 JURY DEMAND

- (A) The Court will 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.
- (B) In cases where an adult has been charged with a a criminal offense over which the Juvenile Court has jurisdiction, except for cases alleging a violation of O.R.C. §3321.38, 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. The demand shall be filed no later than ten days prior to the date set for trial or before the third 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 will be deemed a complete waiver of that right.

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## **RULE 6: SERVICE**

### 6.01 GENERAL REQUIREMENTS

- (A) A request for service must be accompanied by an Instructions to Clerk for Service form identifying the type of service requested and a time stamped copy of the document to be served.
- (B) The court will maintain a list of persons approved as process servers for cases in which personal or residential service is requested.

### 6.02 WHO MUST BE SERVED

- (A) All persons who are parties to the case as defined in Juvenile Rule 2(Y), including a child who is the subject of the proceeding, the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of that parent or the child's custodian, guardian, or Guardian ad Litem if one has been appointed, the state and any other person specifically designated by the Court must served. If a party is represented by an attorney, service on the party may be achieved by serving the attorney of record. Initial pleadings must be served on the party, not their attorney. Sufficient copies shall be provided to the Clerk for each party to be served.

### 6.03 SERVICE BY PUBLICATION

- (A) Service by publication can be made by newspaper publication or by posting and mail. Service by publication of a Motion for Permanent Custody must be accomplished by newspaper if the address of the party is unknown.
- (B) A request for service by publication must be accompanied by an affidavit executed by the party or the party's attorney stating that service cannot be made because the residence of the person is unknown and cannot be ascertained with reasonable diligence and providing what attempts were made to ascertain the address. The affidavit must also state the last known address of the person to be served.
- (C) Publication by newspaper:
  - (1) The Clerk will serve notice by publication in a newspaper of general circulation in Summit County.
  - (2) A request for service by publication in a newspaper shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.
  - (3) A request for service by publication by newspaper shall be submitted at least fourteen days before the date and time of the hearing stated in the notice.
  - (4) The publication will be published one time and service is considered complete on the date of publication.

(5) The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service.

(D) Publication by posting and mail:

- (1) The Clerk will serve notice by publication by posting and mail as set forth below.
- (2) A request for service by publication by posting and mail shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.
- (3) A request for service by publication by posting and mail shall be submitted at least fifteen days before the date and time of the hearing stated in the notice.
- (4) The notice to be posted shall be placed in a conspicuous place in the following six locations: Summit County Juvenile Court, Summit County Court of Common Pleas, Green Council Offices, Barberton Municipal Court Clerk's Office, Richfield Township Post Office, and Stow Municipal Court, for seven consecutive days.
- (5) In addition to posting the notice, the Clerk shall mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, address correction requested, to the last known address of the party to be served, if known.
- (6) If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven day period that the notice is posted pursuant to this rule, the Clerk must mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address.
- (7) Upon completion of service by posting and mail, the Clerk shall docket where and when the posting was completed and a copy of all certificates of mailing.
- (8) Service is complete when the notation of posting and mail is docketed by the Clerk.

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## **RULE 7: HEARINGS**

### 7.01 FAILURE TO APPEAR OR FAILURE TO PROSECUTE

- (A) If a moving party or the moving party's attorney fails to appear or fails to prosecute within fifteen minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion. All parties and attorneys must inform the Court of potential scheduling conflicts within the building as soon as they become aware that a conflict may arise.
- (B) If the opposing party or the opposing party's counsel fails to appear within fifteen minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all issues.
- (C) Failure of a party or counsel to appear may result in sanctions being imposed by the Court.

### 7.02 PRETRIAL STATEMENTS

- (A) Each party in a dependency, neglect and abuse case or a legal custody case must file a pretrial statement at the final pretrial/status hearing or seven days prior to the trial or evidentiary hearing, whichever is earlier. Each party in a delinquency or traffic case must file a pretrial statement seven days prior to trial.
- (B) The pretrial statement must contain the following information:
  - (1) A brief statement of the facts.
  - (2) The legal issues in dispute including but not limited to issues to be determined by Motion in Limine and Motions relating to Evidence Rules 804 and 807.
  - (3) A list of potential witnesses.
  - (4) A list of any expert witness and their credentials in compliance Evidence Rule 702.
  - (5) A list of potential exhibits. The list of exhibits must indicate which exhibits have been provided to opposing counsel and whether the authenticity of the exhibits has been stipulated to so that the Records Custodian can be eliminated as a witness.
  - (6) If a party is not stipulating to the authenticity of an exhibit which has been shared by opposing counsel, that party must state the basis for its objection to authenticity in its pretrial statement.
  - (7) A list of any motions pending before the Court that have not yet been determined.
  - (8) For an adjudication hearing in dependency, neglect and abuse cases, and for trial in permanent custody cases, and for the final hearing in legal custody cases a description of the time and manner of service of process upon the appropriate parties.

- (C) Failure to timely file a Pretrial Statement may result in the party being precluded from calling witnesses, qualifying a witness as an expert, introducing exhibits and arguing legal issues and motions.
- (D) The Court may entertain a Motion for Leave to File and Amended Pretrial Statement for good cause shown. The decision to grant or deny Leave to File is discretionary and it should not be assumed that the Court will grant the motion automatically.

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**RULE 8: ATTORNEYS**

8.01 IN GENERAL

(A) Notice of Appearance

- (1) An attorney representing a party in any matter before this court, unless the attorney has been appointed by the Court, shall file a Notice of Appearance within seven days of being retained by the client.
- (2) The Court may not recognize an attorney as the Attorney of Record if the attorney fails to file a Notice of Appearance.

(B) Withdrawal

- (1) An attorney who has either been appointed by the Court or has been retained by a party may request the Court's permission to withdraw as counsel for a party by filing a Motion to Withdraw, stating with particularity the grounds for the motion accompanied by a proposed Order in accordance with [Local Rule of Practice and Procedure 5.01\(C\)](#).
- (2) An attorney who requests the Court's permission to withdraw as counsel for a party must do the following:
  - (a) Notify the client and opposing counsel of the attorney's request to withdraw as counsel.
  - (b) Notify the client of all scheduled hearing dates and that the client's attendance at the hearings is mandatory.
  - (c) When appropriate, file a Notice of Appeal, Objection, or Motion to Set Aside a Magistrate's Order on behalf of client to preserve the client's rights.
- (3) An attorney is not withdrawn as counsel for a party unless and until the Court grants the attorney's Motion to Withdraw.

(C) Substitution of Counsel

- (1) If an attorney has been retained to represent a party who was previously represented by another attorney, the current attorney shall file a Notice of Substitution of counsel with in seven days of being retained by the client or appointed by the Court.

(D) Change of Address

- (1) An attorney of record for a party, or a party who is not represented by an attorney, who has a case pending before this Court must notify the Court, in writing, opposing counsel and any party not represented by counsel, of any change of address of the attorney or party as soon as the change is known to the attorney or party.

## 8.02 APPOINTED COUNSEL

- (A) An attorney will be appointed to represent any party or person designated by a magistrate or the Judge if he/she makes a request in person to the Judge's Bailiff, 650 Dan Street, Akron, Ohio 44310, completes the financial affidavit under oath, and qualifies under Court guidelines as indigent. Each person applying for counsel shall pay a non-refundable application fee to the Clerk upon application or within seven days thereafter. In the event an applicant fails to pay the application fee, the amount of the fee will be taxed as costs against the applicant at the close of the case.
- (B) If a minor child in a delinquency case is requesting appointed counsel, the parent(s), guardian, or legal custodian of the child must complete the affidavit(s) of indigency in order to determine whether the child qualifies for court appointed counsel through the Legal Defender's Office or by private counsel, unless the child is in the custody of a Children Services Agency. If the parent(s), guardian, or legal custodian either does not qualify for court appointed counsel or fails to complete the required affidavit and the child fails to make a knowing, intelligent and voluntary waiver of his or her right to counsel, the Court will appoint counsel for the juvenile and charge the attorney's fees as costs to be taxed to the parent(s), guardian or legal custodian at the close of the case.
- (C) Paternity must be established before an alleged father is eligible for court appointed counsel.
- (D) Fees and Expenses
  - (1) An appointed attorney must submit a Fee Application no later than sixty days after the case is docketed as closed by the Court or an entry granting permanent custody or planned permanent living arrangement is docketed. Attorney fee applications may be submitted following any hearing in the matter. The Clerk will submit the application to the Fiscal Office so that payment can be made within the ninety day period of reimbursement by the State.
  - (2) Fee applications not submitted in a timely manner will result in the denial of the application of attorney's fees.
  - (3) Pursuant to O.R.C. §120.33(A)(4), each request for reimbursement for expenditures on indigent cases must contain the following:
    - (a) A Motion, Entry and Certification Form;
    - (b) A completed Ohio Public Defender Form OPD 206R, financial Disclosure/Affidavit of Indigency (Attorney Guardian ad Litem should attach form, but completion of the financial information is not necessary); and
    - (c) A copy of the Appointment Order.

- (4) Reimbursement for representation in juvenile proceedings will be made based on the current county maximum rate for out-of-court services and in-court services.
- (5) The prescribed maximum fee per case permitted in juvenile proceedings is one thousand dollars. Fees in excess of this amount will only be considered upon completion of the requirements outlined in subsection (E) below.
- (6) Attorney Guardian ad Litem fees on Judicial Bypass cases will be paid as a flat fee of one hundred dollars.

(E) Extraordinary Fees

- (1) Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds maximums established by the Juvenile Court.
- (2) Reimbursement by the County for extraordinary fees is subject to the following requirements:
  - (a) Extraordinary fees must be requested by Motion with Supporting Memorandum and proposed Order; and
  - (b) Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry and Certification Form.

(F) Extraordinary expenses incurred by counsel in the representation of an indigent client in a case for which the attorney is appointed will be reimbursed only if the expenditure is approved by the Court prior to the time the expense is incurred. A copy of the order allowing the expenditure must be attached to the fee application.

(G) The Order appointing counsel will expire upon the closure of the case or upon the placement of a child in permanent custody, legal custody, or in a planned permanent living arrangement unless otherwise ordered by the Court. A party requesting counsel for proceedings for modification of a prior order, contempt proceedings, matters before the Citizen's Review Board, or in connection with matters relating to children in a planned permanent living arrangement, must make a new request for court appointed counsel and file an affidavit of indigency with the Court.

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**RULE 9: GUARDIAN AD LITEM**

9.01 GENERAL INFORMATION

(A) Appointment

- (1) The Court will appoint a Guardian ad Litem when necessary and appropriate to protect the interests of a child or whenever the Court is required to do so by statute.
- (2) The Court may also appoint a Guardian ad Litem to protect the interests of an incompetent adult in a Juvenile Court proceeding.
- (3) If the Guardian ad Litem finds that a conflict of interest exists with his or her appointment, he or she must file an appropriate motion.
- (4) As practical, every effort will be made to ensure equitable distribution of cases between Guardian ad Litem on the Court's appointment list. Special needs of a particular case may be considered in the appointment of a Guardian ad Litem with specialized qualifications or skills. A review of case distribution shall be conducted annually.
- (5) In cases returning to the Court which require a Guardian ad Litem, every effort will be made to ensure the reappointment of the previous Guardian ad Litem to the case, unless otherwise specified by the Court.

(B) Role

- (1) The role of the Guardian ad Litem is to assist the court and to represent the best interests of the child or incompetent adult.
- (2) A Guardian ad Litem is the legal representative of the child and must be given notice of all hearings and must be forwarded copies of any and all filings made by the other parties to the action.

(C) Qualifications

- (1) A Guardian ad Litem shall successfully complete the Summit County Juvenile Court Guardian ad Litem pre-service training course and annually complete a minimum of three hours of in-service continuing education training provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association. A Guardian ad Litem shall also be sworn in by the Juvenile Court Judge or the Judge's duly appointed representative. The Summit County Juvenile Court Guardian ad Litem pre-service training course curriculum shall be approved by the Judge or the Judge's designee.
- (2) An attorney who wishes to serve also as a Guardian ad Litem shall meet all the requirements to be a Guardian ad Litem as outlined above and shall be duly licensed to practice law in the State of Ohio.
- (3) In order to be included and maintained on the Court's Guardian ad Litem list, the Guardian ad Litem or attorney shall do the following:
  - (a) Complete and submit a formal application;

- (b) Submit to the Court proof of a valid driver's license and automobile insurance coverage; and
  - (c) Complete a BCI criminal background check.
- (4) Guardian ad Litem will be evaluated on an annual basis through a formal evaluation process to determine whether he or she qualifies to remain on the Court's appointment list.
  - (5) Any Guardian ad Litem may be removed from the Court's appointment list at their own request. The court may, in its own discretion, remove any Guardian ad Litem from the Court's appointment list at any time. In the event of such removal, the Court shall notify the Guardian ad Litem that he or she has been removed from the Court's appointment list.
- (D) Complaint Procedure
- (1) It is the goal of the Summit County Juvenile Court to resolve problems and grievances regarding a Guardian ad Litem fairly, promptly and as close to the source as possible. When a parent, family member, attorney, professional or any other person has a grievance or complaint about a Guardian ad Litem, that person shall try to first resolve the issue with the Guardian ad Litem directly. If such an effort is unsuccessful or impractical, the person shall utilize the form process as set forth in [Appendix C](#), attached hereto, to resolve his or her grievance or complaint.

## 9.02 DUTIES AND RESPONSIBILITIES

- (A) The Guardian ad Litem will have full access to all Court records regarding that child or children, including closed prior cases, and will perform whatever functions are necessary to protect the best interests of the child or the incompetent adult pursuant to O.R.C. §2151.281(I), including subpoenaing and examining witnesses. All costs will be waived for any filings made by a Guardian ad Litem.
- (B) In addition to the above, the Guardian ad Litem may perform the following duties upon appointment in each case:
  - (1) Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
  - (2) Interview the child or children separately (or state in the report why such interviews would be unnecessary or impractical).
  - (3) Observe each child's interaction with each parent.
  - (4) Visit the child or children a minimum of one time per month (or state in the report why such interviews would be unnecessary or impractical). In the initial stages of the case this visit can be combined with interviews or observation.
  - (5) Investigate all significant persons and interview them independently, either in person or by telephone.

- (6) Review pleadings and consult with each attorney as to position and issues.
  - (7) Contact all mental health providers involved in the case.
  - (8) Contact the school of the child.
  - (9) Review records regarding the child from school, courts, health care providers, child protective agency, etc.
  - (10) Perform appropriate home visits (this can be combined with interviews or observation).
  - (11) Evaluate the necessity of psychological evaluations or counseling.
  - (12) Communicate with the Children Services worker.
  - (13) Attend all hearings and depositions concerning the child.
  - (14) File, or if not an attorney seek counsel to file, all Motions or other Pleadings necessary to further the child's interests.
- (C) If the child's wishes are in opposition to the guardian's recommendation the Guardian ad Litem shall notify the Court and all counsel in writing of the conflict.
- (D) Evaluations
- (1) With 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.
  - (2) The request must be made by filing a motion with the Court and must be timely made. Upon the filing of said motion, the Court shall afford the parties and child a reasonable opportunity to respond to the motion.
  - (3) The Court will determine the party responsible for the payment of the evaluation and issue an order accordingly.
- (E) Length of duties
- (1) The duties of a Guardian ad Litem, including Attorney/Guardian ad Litem appointments, conclude thirty days after the case is closed unless otherwise ordered by the Court.
  - (2) If an Objection or Appeal is filed in the case a Guardian ad Litem will continue their duties until thirty days after the Objection or Appeal is decided regardless of the closed status of the case.

### 9.03 GUARDIAN AD LITEM REPORT

- (A) The Guardian ad Litem must prepare a written report for the Court for all hearings at which a dispositional order is being requested by a party. The Guardian ad Litem may prepare a written report at all other hearings, as needed.
- (B) The report must contain the following information. For Sections (1) through (4) the report need only contain the information relative to visits, contacts, attempted contacts, and activities which occurred since the last report.

- (1) A list of contacts made in the case, including the person contacted, the relationship of the person to the child, and the date of the contact.
  - (2) A list of visits made in the case, including the person visited, the relationship of the person to the child, and the date of the visit.
  - (3) A list of unsuccessful contacts made in the case, including the person with whom contact was attempted, the relationship of the person to the child, and the date of the attempted contact.
  - (4) A summary of the activities taking place in the case.
  - (5) An assessment of the child's situation and what is in the child's best interest.
  - (6) Recommendations for a resolution that would be in the child's best interest.
- (C) The report must be filed with the Court not less than seven days prior to the hearing unless the Court has ordered otherwise.
- (D) The report must be made available to all the attorneys involved in the case or to a party themselves if unrepresented by counsel.

#### 9.04 COMPENSATION

(A) Non-indigent cases

- (1) In non-indigent cases, where an Attorney Guardian ad Litem is appointed by the Court, the attorney will be paid at a rate equivalent to that of attorneys appointed for indigent clients and subject to the limitations set forth in [Local Rule 8.03](#).
- (2) In non-indigent cases, or in cases where a party is not entitled by law to court appointed counsel, each party must deposit the sum of three hundred and seventy-five dollars with the Clerk for payment of the Guardian ad Litem's fees. The failure of a party to make a deposit as ordered will result in the assessment of this amount as costs against that party at the close of the case.
- (3) Upon payment of the deposit to the Clerk, each party must file a Notice of Deposit Paid, and must service Notice upon all parties.
- (4) After the full deposit is paid, the Guardian ad Litem will commence the performance of the duties required.
- (5) All Guardian ad Litem must keep accurate time records.
- (6) Fees for Guardian ad Litem will be limited to the amount of the deposit, unless the Court orders otherwise for good cause.

(B) Indigent cases

- (1) Compensation for services in indigent cases will be made in accordance with the requirements for Appointed Counsel fees as stated in [Local Rule of Practice and Procedure 8.02](#).

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**RULE 10: CHILD SUPPORT**

- (A) When a Motion to Establish a Child Support Order, a Motion to Modify a Child Support Order, or an Administrative Appeal from an Order for Child Support Enforcement Agency is scheduled for a hearing before the Court, the parties must be prepared to present evidence or stipulations with respect to the following:
- (1) Child support worksheet, including evidence of payment of childcare expenses (statement from a licensed day care center, canceled checks, etc.), payment of health care insurance, payment of child support for a party's other child(ren) (not of these parties), or payment of spousal support to a former spouse;
  - (2) Evidence of the factors listed in O.R.C. § 3109.05(A);
  - (3) Current evidence of income, including the previous six months pay stubs or other evidence of income, three years income tax returns, and evidence to support imputing income to the other party;
  - (4) The current amount of income and source of same for the new spouse of any party; and
  - (5) Any other relevant factors.
- (B) To request that support payments made under a current order of support be escrowed at the Child Support Enforcement Agency, or that support be transferred to a different payee, Child Support Enforcement Agency records must be submitted verifying the child's parentage and support.
- (C) Failure to provide the above information may result in dismissal of the motion.

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## **RULE 11: COURT RECORDS**

### 11.01 RECORDS

#### (A) Non-Public Records

- (1) The following records will not be made available to the public, including any party to the case:
  - (a) Child Abuse, Neglect and Dependency investigative records pursuant to O.R.C. § 5153.17 and 2151.421(H)(1);
  - (b) Confidential law enforcement investigatory records pursuant to O.R.C. § 2151.141(B)(2)(b) and §149.43(A)(1)(h);
  - (c) Victim Impact Statements pursuant to O.R.C. § 2152.19(D)(3);
  - (d) Records relating to parental notification of abortion proceedings pursuant to O.R.C. § 2151.85(F) and §149.43(A)(1)(c);
  - (e) Fingerprints or photographs of a child arrested or taken into custody pursuant to O.R.C. §2151.313;
  - (f) Sealed or Expunged juvenile adjudications or arrests pursuant to O.R.C. §2151.356
  - (g) Names, documentation, and other identifying information regarding foster caregivers pursuant to O.R.C. § 5101.29(D)(1).

#### (B) Confidential Records

- (1) Pursuant to O.R.C. 2151.14 reports and records of the Intake and Probation Departments shall be considered confidential and shall not be made public.
- (2) All confidential records are maintained in the Court's unofficial file.

#### (C) Official Records

- (1) Pursuant to O.R.C. §2151.18 and § 2152.71 the Court maintains an Official file that may be inspected by the parties or their attorney.
- (2) Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Clerk's Office.

### 11.02 REVIEW OF RECORDS

- (A) The inspection of records, by attorneys and other interested parties, is governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and O.R.C. § 2151.18 and §2152.71.
  - (1) Any person authorized by the Judge or Magistrate to inspect any confidential records must comply with the following procedure:

- (a) The authorized person must sign in and out with the Clerk's office;
  - (b) The records must be reviewed in the Clerk's reception area during regular business hours;
  - (c) Only written notes may be taken regarding the records;
  - (d) No copies may be made absent a Court Order; and
  - (e) No information contained in any record will be recorded by tape recording, photographic or other electronic device absent a Court Order.
- (B) The release of confidential records is governed by O.R.C. §2151.14 and Juvenile Rule 32(C).
- (1) No person is permitted to inspect confidential records unless proper authorization is given.

### 11.03 SEALING AND EXPUNGEMENT OF RECORDS

#### (A) Immediate Sealing of Records

- (1) The court will promptly order the immediate sealing of records pertaining to a juvenile in any of the following circumstances:
  - (a) If the Court receives a record from a public office or agency and no complaint is filed;
  - (b) If the delinquency or unruly case was handled unofficially pursuant to O.R.C. §2151.27;
  - (c) If the juvenile was charged with a violation of O.R.C. §4301.69(E)(1) (Underage Possession or Consumption of Alcohol) and has successfully completed a diversion program pursuant to O.R.C. §4301.69(E)(2)(a);
  - (d) If the complaint is dismissed after a trial and the Court finds the person not to be a delinquent or unruly child or a juvenile traffic offender;
  - (e) If the juvenile has been adjudicated an unruly child, the juvenile is eighteen years old and the juvenile does not have any delinquency charges currently pending before the Court; or
  - (f) If the juvenile has complied with all terms of the protection order and has reached 19 years of age pursuant to O.R.C. § 2151.358(D).

#### (B) Application for Sealing Records

- (1) Any juvenile who has been found to be delinquent, unruly or a juvenile traffic offender, except for those juveniles who have been adjudicated delinquent by reason of any of the following:
  - (a) Aggravated Murder or Murder;

- (b) Rape;
- (c) Sexual Battery; or
- (d) Gross Sexual Imposition

is eligible to apply to have his or her record sealed.

- (2) In order to have a record sealed, the juvenile must file an application with the Court at least two years after the termination of all orders issued by the Court and submit a filing fee in accordance with [Local Rule of Practice and Procedure 4.03](#) with application to the Court. (See [Appendix A](#)).
- (3) Upon receipt of the juvenile's application to have his or her record sealed, the Court will schedule a hearing to be held within thirty days and notify the juvenile and the prosecuting attorney of the date and time of the hearing to be held to determine whether the juvenile has been rehabilitated and whether it is appropriate to seal his or her record.
- (4) The Court will consider the following in determining whether the person has been rehabilitated:
  - (a) The age of the person;
  - (b) The nature of the case;
  - (c) Whether the person has had any new delinquent, traffic or criminal offenses;
  - (d) The education and employment history of the person;
  - (e) Whether the person has an active driver's license suspension; and
  - (f) Whether the person has outstanding costs or fines in the Juvenile Court.

(C) Expungement of Records

- (1) A record can only be expunged if it has first been sealed
- (2) The Court will expunge all records that are sealed pursuant to O.R.C. §2151.356 either:
  - (a) Five years after the Court issues the sealing order; or
  - (b) Upon the twenty-third birthday of the person who is the subject of the sealing order.
- (3) Any person who has had their juvenile record sealed pursuant to O.R.C. §2151.56 may apply to have his or her record expunged before the person attains the age of twenty-three or before it has been five years since the court issued the sealing order by filing an application with the Court.
- (4) Upon receipt of the juvenile's application to have his or her record expunged, the Court will schedule a hearing to be held within thirty days and notify the juvenile and the prosecuting attorney of the date and time of the hearing to be held to determine whether it is appropriate to expunge his or her record at that time.

#### 11.04 TRANSCRIPTS AND RECORDINGS

- (A) The digital recording system used throughout the Courthouse creates a continuous automatic digital backup. All discussions that are not part of official Court proceedings should be held outside of the Courtroom in order to ensure the confidentiality of these discussions. There are several conference rooms available on each floor of the Courthouse where parties can facilitate discussions in private. The continuous automatic digital backup is for backup purposes only and will only be transcribed in the event that the original recording is unavailable. The remaining portions of the recording will not be transcribed for any reason.
- (B) In accordance with Juvenile Rule 37, any party of record may request an audio copy of any proceeding held in the Court by making written application to the Court setting forth the reason the recording is being requested and by depositing the fee set by the Court to cover the costs of the compact disc on which the recording will be made. The request must be made at least ten days prior to the date it is needed.
- (C) In all matters heard by the Judge, a Court Reporter will be available to the Court and taxed as costs. Any party may request that the proceedings before the Judge be recorded by the Official Court Reporter by filing a Motion requesting the same at least ten days prior to the date of hearing. The Judge or Magistrate will record any proceeding by audio tape or digital recording, unless otherwise agreed to by the parties. All audio tapes will be preserved by the Court for a minimum period of eighteen months after the date of the hearing, unless otherwise ordered by the Court upon written request of a party. All digital recordings will be preserved for a minimum period of two years unless otherwise ordered by the Court upon written request of a party.
  - (1) In accordance with Juvenile Rule 37, a party's attorney or the party, if the party is not represented by counsel, may request a transcript of any proceeding for the purpose of filing an appeal by filing a praecipe, which has been signed by the Court Reporter, with the Clerk.
  - (2) The transcript, not the audio tape(s) or the digital recording, constitutes the official record of the proceeding. A party's attorney or the party, if the party is not represented by an attorney, may request a transcript of any proceeding for the purpose of filing a Motion to Set Aside a Magistrate's Order or an Objection to the Magistrate's Decision by filing a praecipe, which has been signed by the Court Reporter, with the Clerk.
  - (3) When a party's attorney, a party, if the party is not represented by counsel, or any other person requests a transcript for a purpose other than the filing of an objection, a motion to set aside, or an appeal the person will file a motion stating the purpose for which the transcript is requested with a proposed order in accordance with [Local Rule of Practice and Procedure 5.01](#). Any such transcript requested under

this section will be provided only upon order of the Court and upon the deposit of costs for the preparation of the transcript with the Court Reporter.

- (4) A praecipe shall be accompanied by the deposit for the cost of the transcript as determined by the Court Reporter. If, for good cause shown, the deposit for the cost of the transcript is not made at the time of the filing of the praecipe, the deposit for the cost of the transcript must be made within seven days of the filing of the praecipe.
- (5) If the deposit for the cost of the transcript is not made within seven days of the filing of the praecipe, the praecipe will not be considered valid and the Court Reporter will not prepare the transcript. The Court will then rule upon the objection or motion to set aside without the transcript.
- (6) An indigent party may request that the transcript be produced at the Court's cost. Indigency will be determined via a valid affidavit of indigency that has been filed with the Clerk's office or if the party otherwise qualifies as indigent pursuant to indigency guidelines.

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## **RULE 12: MEDIATION**

### 12.01 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 may request to 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 days.

### 12.02 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.
- (B) General Qualifications
  - (1) A Mediator employed by the Court or 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:
    - (a) 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 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.

- (b) Complete at least twelve hours of basic mediation training or equivalent experience as a Mediator that is satisfactory to the Court.
- (c) After completing the training in accordance with the Local Rules of Practice and Procedure 12.02 (B)(2), complete at least forty 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 for Abuse, Neglect and Dependency Cases

- (1) In addition to the requirements of Local Rules of Practice and Procedure 12.02 (B), a Mediator employed by the Court or to whom the Court makes referral for mediation of abuse, neglect or dependency cases must satisfy both of the following:
  - (a) Possess experience in mediating family disputes;
  - (b) Complete at least thirty-two 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

- (1) 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.

## 12.03 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 12.01(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 12.01(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 12.01(B), may proceed only if the assigned Mediator has specialized training as set forth in Local Rules of Practice and Procedure 12.02(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;
  - (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.

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**RULE 13: RECORDS SUBPOENAED FROM CHILDREN SERVICES**

- (A) In the event a party subpoenas or otherwise requests copies of records from a children services agency, and the agency files an objection to the disclosure, the agency shall provide copies of the records to the court for an in camera review as to their discoverability along with their objection. The identity of a referent of child abuse/neglect and identifying information regarding the foster parents shall be redacted. The agency will also file a statement with the Court indicating which portions of the records in question should not be provided to the parties and the reasons for their objection to the disclosure.
- (B) Agency records submitted for in camera review shall be maintained as non-public records in the Court's unofficial file. The inspection of the records by counsel, if authorized by the Judge or Magistrate, shall proceed under the direction of the Clerk's Office as set out in [Local Rule 11.02](#). No copies of the records shall be made absent Court Order.
- (C) If authorized by the Court, counsel/prosecutor may make copies of select records for use at trial only, and if entered into evidence the records shall be retained only so long as they are needed for the purposes of trial or possible appeal. They shall thereafter be destroyed. To the extent the records are to be retained by the Court, they shall be kept in a sealed record and not re-disclosed to third parties. Agency records released to the Prosecutor or counsel for use at trial shall be designated as "counsel only" materials, which may not be reproduced, copied or disseminated in any way. Defense counsel may orally communicate the content of the "counsel only" material to the parties they represent, but not provide those parties with copies of the records. The Court may specifically regulate the time, place and manner of a pro se party's access to any discoverable material, not to exceed the scope of this rule. If not entered into evidence, counsel shall return any copies of agency records to the Juvenile Court at the conclusion of the trial.

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**RULE 14: INCONSISTENT ORDERS FROM OTHER COURTS**

- (A) In the event that a temporary protection order, civil protection order, restraining order or other no contact order is issued by a Court with jurisdiction that prohibits contact between persons who are parties in the proceedings in the Juvenile Division, that temporary protection order, civil protection order, restraining order or no contact order will take precedence over any visitation orders issued by this Court until such time as the issue is specifically addressed by this Court. A temporary protection order, civil protection order, restraining order or other no contact order does not, however, excuse a party from appearing in Court.

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**RULE 15: JUVENILE TRAFFIC BUREAUS**

- (A) The Summit County Juvenile Court has established a Juvenile Traffic Violations Bureau pursuant to Ohio Traffic Rule 13.1. The Juvenile Traffic Violations Bureau will be operated in accordance with the procedures outlined in Ohio Traffic Rule 13 and 13.1 as well as those stated in this rule.
- (B) All juvenile traffic violations that meet the criteria for waiver and written plea of admission will receive a notice which explains the juvenile's option to waive appearance; describes how to properly execute the waiver of appearance and enter a written plea of admission; outlines the fines and costs required to waive; and states the date and time to appear for hearing if the juvenile opts not to waive.
- (C) The following offenses may not be disposed of by the Juvenile Traffic Violations Bureau:
  - (1) Any offense that involves an accident;
  - (2) A second moving violation;
  - (3) Indictable offenses;
  - (4) Operating a motor vehicle while under the influence of alcohol or of any drug of abuse;
  - (5) Leaving the scene of an accident;
  - (6) Driving while under suspension or revocation of a driver's or a commercial driver's license;
  - (7) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
  - (8) Failure to stop and remain stopped upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
  - (9) Willfully eluding or fleeing a police officer;
  - (10) Drag racing; and
  - (11) Any traffic offense otherwise eligible to be disposed of by the Juvenile Traffic Violations Bureau that the Court in its discretion determines should not be disposed of by the Juvenile Traffic Violations Bureau.

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**RULE 16: NOTICE TO FOSTER CAREGIVER/RELATIVE PLACEMENT PROVIDER OF HEARINGS**

- (A) In accordance with O.R.C. §2151.424 the Court will provide notice to foster caregivers and relative placement providers of their right to attend hearings and present evidence concerning the child in their care.
- (B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and relative placement providers A Child Placement Form ([Appendix D](#)) must be completed and filed with the clerk the next business day following the initial placement and any change in placement.
- (C) Information provided regarding foster caregivers to assist the Court in fulfilling its duties under this rule is non-public and will not be available to the public, including any party to a case. The Court shall maintain this information in the unofficial file.

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**RULE 17: STANDARD ORDER OF VISITATION**

- (A) The Court has created a Standard Visitation Order ([Appendix B](#)) which can be used by parties to assist in the development of their own visitation schedule. This visitation schedule may also be made an order of the Court when parties are unable to come to an agreed upon visitation order.

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**RULE 18: COMPETENCY PROCEEDINGS**

18.01 EXPEDITED HEARINGS

- (A) Juvenile competency hearings under O.R.C. §2152.51 through §2152.59 shall be scheduled and heard on an expedited basis. The timelines established by these code sections shall be strictly enforced.

18.02 NOTICE

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

18.03 STAY OF PROCEEDINGS

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

18.04 COMPETENCY EVALUATOR

- (A) The Court shall contract with an evaluator qualified according to O.R.C. 2152.54 to perform competency evaluations. Upon the objection of any party to the contents of a competency assessment report, the Court may order an additional evaluation according to O.R.C. §2152.57 to be completed by an evaluator qualified according to O.R.C. §5152.54. The moving party shall provide the Court with a qualified evaluator and show that the evaluator meets the qualifications of O.R.C. §5152.54.

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**APPENDIX A: Application to Seal Records**

**APPLICATION TO SEAL RECORD**

OHIO REVISED CODE § 2151.356

CASE NUMBER(S): \_\_\_\_\_

NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ AGE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

DRIVER'S LICENSE NUMBER: \_\_\_\_\_

TYPE OF CASE: \_\_\_\_\_ DELINQUENCY \_\_\_\_\_ TRAFFIC

WERE YOU ON PROBATION OR PAROLE AS A RESULT OF THIS CHARGE ? \_\_YES \_\_ NO

IF YES, NAME OF PROBATION OR PAROLE OFFICER \_\_\_\_\_

HAVE YOU BEEN ADJUDICATED OR CONVICTED OF ANY JUVENILE AND/OR ADULT CRIMINAL OR TRAFFIC OFFENSES SINCE YOUR LAST CONTACT WITH THE COURT ?

\_\_\_\_\_ YES \_\_\_\_\_ NO

IF YES, PLEASE COMPLETE THE FOLLOWING:

<u>DATE</u>	<u>OFFENSE</u>	<u>COURT OR LOCATION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

IS YOUR DRIVER'S LICENSE CURRENTLY SUSPENDED ? \_\_\_\_\_ YES \_\_\_\_\_ NO

PLEASE INDICATE ANY OTHER INFORMATION YOU WOULD LIKE THE COURT TO KNOW IN REVIEWING YOUR APPLICATION. (YOU MAY ATTACH A SEPARATE SHEET IF NECESSARY).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY SUBMITTING THIS APPLICATION I AM REQUESTING THAT THE SUMMIT COUNTY JUVENILE COURT SEAL MY RECORD PURSUANT TO OHIO REVISED CODE § 2151.356.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PARENT/GUARDIAN  
(IF APPLICANT IS UNDER AGE 18)

\_\_\_\_\_  
DATE

## **APPENDIX B: Standard Visitation Order**

### **VISITATION ORDER**

The best visitation/companionship schedule is your own plan.

However, if you cannot agree, this Court designed this plan to insure that your child(ren) will have frequent and consistent contact with both parents.

**PLEASE NOTE:** Summer vacations shall take precedence over the holiday schedule and the holiday schedule shall take precedence over the normal weekly schedule.

When companionship schedules are in conflict due to the ages of the children, the schedule of the oldest child under age 14 shall apply for all children.

#### **(A) Weekend and Midweek Companionship**

- (1) **For children from birth to 18 months.** Three weekly visits for 2-6 hours, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 6:00 p.m. and every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m., unless otherwise ordered by the Court.
- (2) **For a child 18 months to three years.** One or two weekly visits for 2-6 hours, plus one overnight, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m. and overnight from Friday at 5:30 p.m. until Saturday at 5:30 p.m., unless otherwise ordered by the Court.
- (3) **For children from age 3 through age 13.** Every other weekend from Friday after school (as soon as the non-residential parent can pick up the child) until Sunday at 7:00 p.m. plus one evening a week, as the parties may agree. If the parties cannot agree, the midweek will be Wednesday from 5:30 p.m. until 8:00 p.m. and weekends from 5:30 p.m. Friday until Sunday at 7:00 p.m., unless otherwise ordered by the Court.
- (4) **For a child age 14 and older.** Visitation is expected to take place weekly, with the days and items to be agreed upon between the child and the non-residential parent.

#### **(B) Summer Vacation – 4 Weeks Commencing at Age 18 Months.**

- (1) For children from ages 18 months up to 5 years vacation shall be taken in no longer than one or two week segments. For children ages 5 and older vacation may be taken in one, two, three, or four-week periods.
- (2) During any vacation when the children are in the vicinity, the residential parent shall have the same mid-week visitation as the non-residential parent.
- (3) Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
- (4) Non-residential parents schedule shall have priority over residential parent's, unless residential parent's vacation time is mandated by provisions of his/her employment (such as annual planned shut-down). The parties shall give written notice to the other as the vacation schedule at least 60 days in advance.

**(C) Holiday Visitation/Companionship, Commencing at 18 months.**

<b>HOLIDAY</b>	<b>EVEN #’d YEARS</b>	<b>ODD#d YEARS</b>	<b>DAYS &amp; TIMES</b>
Martin Luther King Day	father	mother	9:00 a.m. to 7:00 p.m.
President’s Day	mother	father	9:00 a.m. to 7:00 p.m.
Easter Sunday	father	mother	9:00 a.m. to 7:00 p.m.
Spring Break	father	mother	5:30 p.m. day school ends to 7:00 p.m.
Memorial Day	mother	father	5:30 p.m. Fri. preceding to Mon. At 7:00 p.m.
Fourth of July	father	mother	5:30 p.m. day. preceding to 11:00 p.m. the 4 <sup>th</sup>
Labor Day	mother	father	5:30 p.m. Fri. preceding to Mon. at 7:00 p.m.
Halloween	father	mother	4 hours on “trick or treat” day/night
Thanksgiving	father	mother	5:30 p.m. Wed. before holiday to Fri at 7:00 p.m.
	mother	father	7:00 p.m. Fri. to Sun. at 7:00 p.m.
Christmas Eve	father	mother	9:00 a.m. 12/24 to 10:00 p.m.
Christmas Day	mother	father	10:00 p.m. 12/24 to 7:00 p.m. 12/25
New Year’s Day	father	mother	5:30 p.m. December 31 to 7:00 p.m. January 1
Holiday Break	divide equally (or as the parties may otherwise agree in writing)		

**(D) Days of Special Meaning**

- (1) Religious or ethnic holidays- alternate between the parties yearly.
- (2) Mother’s and Father’s Day with respective parents.
- (3) Children’s birthdays with father in even-numbered years and mother in odd-numbered years.  
All siblings to attend.

**(E) Notification of Change of Residence.**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Summit County, he/she shall immediately file a Notice of Intent to Relocate with the Court and shall serve copies upon the Court, Child Support Enforcement Agency, and the other parent. If the parents cannot, by written agreement, agree that the move is in the best interest of the child(ren), the residential parent shall file a motion and schedule a hearing to revise the companionship schedule. O.R.C. 3109.051 (G)(1).

**(F) Access to Records, Day Care and Activities.**

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

- (1) any school, health, or agency records or reports that are related to the child(ren).
- (2) any child day care center which the child(ren) attends; and
- (3) any student activity in which the child(ren) participated. O.R.C. 3109.051(H),(I),(J).

**(G) Transportation.**

Unless the parents agree otherwise, the non-residential parent has the responsibility of obtaining the children at the beginning of a visitation period, and the residential parent has the responsibility for picking up the children after their visit. The child(ren) and the residential parent have no duty to wait for the non-residential parent to arrive for more than 30 minutes. The non-residential parent who is more than 30 minutes late for a particular companionship period shall forfeit that visitation. If a parent is unavailable to pick up the child(ren), an adult licensed driver who is well-known to the children may substitute for the parent. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

## **APPENDIX C: Grievance/Complaint Procedure for Guardian ad Litem**

If a person has a grievance or complaint about a Guardian ad Litem's performance and the person is not able to first resolve the issue with the Guardian ad Litem involved, the following procedure shall be used to address the grievance/complaint:

### A. General Information

1. The grievance/complaint must be in writing and signed by the complainant.
2. The grievance/complaint must identify the Guardian ad Litem with whom there is a concern, the full details of the issue or concern and the remedy sought by the complainant.
3. The process to resolve the grievance/complaint will be conducted honestly, fairly, without bias and without undue delay.

### B. Procedure

1. Upon receipt of the grievance/complaint, the Guardian ad Litem will be notified in writing that a grievance/complaint has been received about him or her.
2. The Guardian ad Litem will be given a reasonable amount of time to provide a written response to the grievance/complaint.
3. The staff member assigned to handle the grievance/complaint shall review the grievance/complaint and response and conduct a meeting between the complainant and the Guardian ad Litem at the earliest opportunity for all parties.
4. If the grievance/complaint is successfully resolved to the satisfaction of all parties as a result of this meeting, the assigned staff member will prepare a written report. A copy of the report will be provided to the parties and the original will be maintained in the Guardian ad Litem's file.
5. If the grievance/complaint is not successfully resolved to the satisfaction of all parties as a result of this meeting, the assigned staff member will forward to either the CASA/GAL Program Coordinator or the Judge or Magistrate assigned to approve the annual reviews of attorneys who serve as Guardian ad Litem, if the grievance/complaint is regarding an attorney serving as a Guardian ad Litem, the grievance/complaint, the response of the Guardian ad Litem and any additional information thought to be relevant.
6. The CASA/GAL Program Coordinator or, if appropriate, the Judge or Magistrate will issue a written finding regarding the grievance/complaint after consideration of all relevant information, which may include meeting with the parties. A copy of the written finding will be provided to the parties and the original will be maintained in the Guardian ad Litem's file.

**APPENDIX D: Change in Placement Form**

**Non-Public**

**COURT PERSONNEL ONLY!**

**Information contained in this form must not be made available to the public or any party.**

**CHILD PLACEMENT FORM**

In re: \_\_\_\_\_  
(Full Name)

Case No.: \_\_\_\_\_

D.O.B.: \_\_\_\_\_

Magistrate/Judge: \_\_\_\_\_

The above captioned child has been placed with the Foster Caregiver or Relative Placement Provider listed below and this provider should be provided with notice of future hearings in compliance with O.R.C. §2151.424. Any previous Foster Caregiver or Relative Placement Provider should no longer be provided with notice of future hearings in compliance with O.R.C. §2151.424.

The above captioned child is no longer placed with a Foster Caregiver or Relative Placement Provider and therefore any previous Foster Caregiver or Relative Placement Provider should no longer be provided with notice of future hearings in compliance with O.R.C. §2151.424.

Placement Caregiver Name: \_\_\_\_\_

Foster       Kinship

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Placement Information Provided By: \_\_\_\_\_

Date Information Provided: \_\_\_\_\_

*\*This Form must be up-dated and submitted to the Clerk's Office the next business day following the initial placement or any change in placement for above-captioned youth.\**  
See O.R.C 2151.424, 2151.412, and O.A.C. 5101:2-39-03

**APPENDIX E: Confirmation of Parties, Paternity and Support**

**SUMMIT COUNTY JUVENILE COURT  
CONFIRMATION OF PARTIES, PATERNITY AND SUPPORT**

(Rule 45(D) of the Rules of Superintendence for the Court of Ohio; Local Rules 4 and 10)

\*A SEPARATE INFORMATION SHEET IS REQUIRED FOR EACH CASE.\*

In re: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
(Full Name)

D.O.B.: \_\_\_\_\_

**PARENTS**

Mother: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Paternity Established:  Yes  No Method: \_\_\_\_\_

(Alleged) Father: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

(Alleged) Father (2): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

(Alleged) Father (3): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

**SUPPORT**

Support Ordered To: \_\_\_\_\_

Type of Order:  Administrative  Court Case (Case No. \_\_\_\_\_)

Support Ordered From:  Mother Date of Order: \_\_\_\_\_ Amount: \_\_\_\_\_

SETS Number: \_\_\_\_\_

Support Currently Paid:  Yes  No

Father Date of Order: \_\_\_\_\_ Amount: \_\_\_\_\_

SETS Number: \_\_\_\_\_

Support Currently Paid:  Yes  No