

UNIFORM RULES
OF THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO
JUVENILE DIVISION
EFFECTIVE August 1, 2002
HONORABLE DAVID R. KINWORTHY, JUDGE

Pursuant to Rule 45 of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152 of the Ohio Revised Code, and Rule 5 of the Rules of Superintendence for Courts of Common Pleas, the following rules are hereby adopted by the Juvenile Division of the Court of Common Pleas of Allen County, Ohio effective August 1, 2002 and entered upon the Journal of the Court.

These rules supersede any other previously adopted rules and the same are hereby repealed.

JUVENILE DIVISION, ALLEN COUNTY, COURT OF COMMON PLEAS, LIMA, OHIO

IN THE MATTER OF:

UNIFORM RULES OF THE COURT
OF COMMON PLEAS OF ALLEN COUNTY
JUVENILE DIVISION
EFFECTIVE AUGUST 1, 2002

JUDGMENT ENTRY

Pursuant to rule 45, of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152, of the Ohio Revised Code, and Rule 5, of the Rules of Superintendence for Courts of Common Pleas, the following rules are hereby adopted by the Juvenile Division of the Court of Common Pleas of Allen County, Ohio effective August 1, 2002 and entered upon the Journal of the Court.

Further, the Court finding it necessary to establish certain local Rules of Court to perpetuate the orderly activity of said Court, it is hereby

ORDERED that the Uniform Rules of the Juvenile Division of the Court of Common Pleas of Allen County, Ohio and issued by the Honorable David R. Kinworthy, Judge, are hereby instituted and ORDERED entered upon the Journal of the court.

These rules supercede any other rules previously and specifically adopted as Uniform Rules of the Juvenile Division of the Common Pleas Court of Allen County, Ohio, and the same are hereby repealed.

JUDGE

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RULE 1

FILES/RUNNING CASE HISTORIES

1.01 FILES AND COURT RECORDS

The Judge and Ex-Officio Clerk of the Juvenile Division of the Allen County Court of Common Pleas is responsible for all pleadings and papers filed, and the confidentiality of said records shall be inviolate. Copies of all pleadings and judgment entries of record are available to any party, or their counsel, at the expense of that party or counsel. The term "party" as used in this Rule shall be as defined in the Ohio Rules of Juvenile Procedure.

1.02 RUNNING CASE HISTORIES

Once the juvenile has attained the age of 21 years, his/her Running Case History may be destroyed by this Court.

RULE 2

TRIAL DOCKET

2.01 DOCKETING OF NEW ACTIONS

Upon the filing in this Court of any pleadings initiating suit, the Chief Deputy Clerk shall cause each case to be entered on the trial docket and shall note thereon the date of said filing.

2.02 FILE STAMPING

The top right hand corner of the initial sheet of every pleading, motion, brief, or other paper filed for record shall have an area approximately 3" x 3" left blank for the Clerk's Office to stamp the date and time of filing. The Clerk's Office is authorized to refuse to accept any document not conforming to this requirement.

2.03 CASE MANAGEMENT

This rule is adopted in compliance with the mandate of Rule 39 of the Rules of Superintendence for Common Pleas Courts, to achieve the timely disposition of cases. This rule shall be applied and interpreted to the achievement of that goal and consistent with all applicable statutes and Rules promulgated by the Supreme Court of Ohio and this Court.

- A. All cases filed in this Court shall be handled and concluded pursuant to the time frames set forth herein, which are intended to be outside time limits. The Court may, in appropriate cases, modify these schedules as necessary.
- B. Unruly, Adult Criminal, and Support Enforcement/Modification cases shall be handled and concluded as follows:
 - 1) Within six (6) weeks of the filing of the case, an initial hearing shall be held;
 - 2) Within ten (10) weeks of the filing of the case, the trial date shall be confirmed and a final pre-trial conference shall be held;
 - 3) Within twelve (12) weeks of the filing of the case, the trial shall be completed.
- C. Abuse, Neglect, and Dependency cases shall be handled and concluded as follows:

- 1) Within six (6) weeks of the filing of the case, an adjudicatory hearing shall be held;
 - 2) Within twelve (12) weeks of the filing of the case, the dispositional hearing shall be completed.
- D. Except as required by Chapters 2151 and 2152 of the Revised Code and Juvenile Rule 29 (A), delinquency and all other cases not specifically mentioned herein, shall be handled and concluded as follows:
- 1) Within six (6) weeks of the filing of the case, an initial hearing shall be held;
 - 2) Within sixteen (16) weeks of the filing of the case, the trial date shall be confirmed and the final pre-trial conference shall be held;
 - 3) Within twenty-four (24) weeks of the filing of the case, the trial shall be completed.
- E. Motion for Permanent Custody, Custody, Change of Custody, Parenting Time and Visitation, shall be handled and concluded as follows:
- 1) Within eight (8) weeks of the filing of the case, an initial hearing shall be held;
 - 2) Within twenty-four (24) weeks of the filing of the case, the trial date and final pre-trial conference shall be held;
 - 3) Within thirty-six (36) weeks of the filing of the case, the trial shall be completed.
- F. Parentage cases shall be handled and concluded as follows:
- 1) Within twelve (12) weeks of the filing of the case, an initial hearing shall be held;
 - 2) Within twenty-four (24) weeks of the filing of the case, the trial date shall be confirmed and a final pre-trial conference shall be held;
 - 3) Within seventy-two (72) weeks of the filing of the case, the trial shall be completed.
- G. The first court date assigned by the Clerk's Office in a case shall also be considered the Case Management Conference. The Case Management Conference shall, when appropriate, include consideration of referral to appropriate and available alternative dispute resolution programs.

RULE 3

SECURITY FOR COSTS

The Juvenile Division of the Allen County Court of Common Pleas requires a security deposit for costs in the filing of any original action, except complaints alleging that a child is delinquent, unruly, neglected, dependent, abused, or a juvenile traffic offender and in criminal actions filed against adults.

3.01 DEPOSIT FOR COSTS

No civil action or proceeding shall be accepted by the Clerk's Office for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment unless otherwise provided by law. Such advance deposit shall be in accordance with the following schedule, unless otherwise ordered by the Court:

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| A. | Civil Petitions, Complaints, Counterclaims, Cross Claims,
or Third Party Claims | \$125.00 |
| | With service by publication, an additional | \$350.00 |
| B. | Proceedings in aid of execution | \$ 50.00 |
| C. | Motion to vacate, revive, or modify a former Judgment Entry of this Court; the moving party shall pay all unpaid court costs which said moving party has been ordered to pay and in addition thereto shall deposit | \$ 75.00 |

If said motion or application is accompanied by a Judgment Entry determining said issue, and in which court costs can be immediately determined, the costs shall be paid concurrent with the filing.

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|----|---|----------|
| D. | Application for Expungement/Seal of Record: | |
| | Juvenile | \$ 55.00 |
| | Adult (includes a \$50.00 deposit required by O.R.C.
2953.32 (C)(3)) | \$125.00 |

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| E. | In any case in which any party requests a home investigation and a report for consideration by the Court in the determination of the custody of a child, the party requesting the home investigation shall deposit an additional | \$350.00 |
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3.02 INABILITY TO SECURE 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 the 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.

3.03 PAYMENT OF FINES AND COSTS

In any case, regardless of its nature, where fines and/or court costs are assessed against a party, said fine and/or court costs are due and payable immediately unless otherwise ordered by the Court.

3.04 TRANSCRIPT OF PROCEEDINGS

A party requesting all or any part of a transcript of any proceeding shall request from the Court Reporter a written estimate of the approximate cost of the transcript and shall deposit that amount with the Court Reporter as security for the Reporter's fees for production of the transcript. Upon completion of the transcript, the Reporter shall provide the requesting party or attorney a statement for services, and in the event the monies on deposit are insufficient to satisfy those fees, the requesting party or attorney shall forthwith deposit sufficient funds to satisfy the balance of the cost. If excess funds are on deposit, the unused portions shall be refunded by the Reporter to the appropriate party or attorney.

Request for transcripts for the purpose of an indigent appeal may, in lieu of the deposit to secure fees, be accompanied by an entry from the appropriate Court directing payment for the transcript costs from public funds upon completion.

3.05 DISCRETION OF THE COURT

The Clerk's Office is granted the following use of discretion:

- A. If the costs are not paid at the termination of the litigation, any deposit for costs or bond to secure appearance may be applied to the unpaid costs.
- B. The Clerk's Office may make periodic or partial distribution of monies deposited for the purpose of restitution, pursuant to court order, unless otherwise ordered by the Court in a particular case.

3.06 STATUTORY CHARGES

- A. Pursuant to the authority of O.R.C. 2303.201 (A), it is determined that for the efficient operation of this Court, additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of three dollars (\$3.00) upon the filing of each cause or appeal under O.R.C. 2303.20 (A), (Q), and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization by this Court in procuring and maintaining computerized legal research services.

- B. Pursuant to the authority of O.R.C. 2303.201 (B), it is determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas, Juvenile Division.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under O.R.C. 2303.20 (A), (P), (Q), (T), and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be disbursed, upon an Order of the Court of Common Pleas, Juvenile Division, and subject to appropriation by the Board of Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas, Juvenile Division.

- C. Pursuant to the authority of O.R.C. Section 2303.201 (E)(1), it is determined that, for the efficient operation of this Court, additional funds are necessary to acquire and pay for special projects of the Court.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of twenty-five dollars (\$25.00) upon the filing of each criminal cause, civil action or proceeding, or judgment by confession.

All funds collected pursuant to this Rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be disbursed upon an Order of the Court of Common Pleas, Juvenile Division, and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Court of the projects.

3.07 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 \$400.00, to be applied toward the satisfaction of the fees for the guardian ad litem. For good cause shown, and upon motion of the party, the Court may waive the deposit requirement. No deposit for fees of guardian ad litem shall be required

in cases alleging a child to be dependent, neglected, abused, unruly, or delinquent. The assessment of the costs for the fees of guardian ad litem shall be made by the Court at the completion of the proceedings.

3.08 PUBLICATION BY POSTING

- A. Pursuant to Ohio Juvenile Rule 16 (A), service by publication shall be made by posting unless otherwise ordered by the Court.
- B. In addition to the Juvenile Courthouse at 1000 Wardhill Avenue, Lima, Ohio, the Court designates the following as locations where publication of service of process by posting may be made, in accordance with Juvenile Rule 16 (A). Pursuant to that Rule, posting shall be made at any two (2) of the following designated locations:
 - (1) The Allen County Courthouse, General Division of the Common Pleas Court, 301 North Main Street, Lima, Ohio, or any other location to which it might relocate;
 - (2) The Allen County Department of Job and Family Services, 1501 South Dixie Highway, Lima, Ohio, or any other location to which it might relocate;
 - (3) The Allen County Department of Health, 219 East Market Street, Lima, Ohio, or any other location to which it might relocate.
- C. The Clerk of this Court shall cause the required notice to be posted in a conspicuous place and manner in the above denominated places for the requisite seven (7) days. Upon completion of the posting for seven (7) days, the Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

RULE 4

COURT APPOINTED ATTORNEY FEES

4.01 ASSIGNED COUNSEL FEES AND EXPENSES

- A. Reimbursement for assigned counsel fees and expenses shall be made in accordance with the Resolution of the Board of the Allen County Commissioners in effect at the time the legal services are performed and up to the maximum amounts stated in the Resolution, currently as follows, pursuant to Resolution #251-88:

JUVENILE PROCEEDINGS

Felony Delinquency Offenses (including relinquishment of jurisdiction for purpose of criminal prosecution)	\$750.00 with Trial \$350.00 without Trial
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Misdemeanor Delinquency Offenses	\$500.00 with Trial \$300.00 without Trial
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Guardian Ad Litem	\$250.00
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All other (including Adult cases)	\$500.00 with Trial \$250.00 without Trial
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Parole, Probation and all other proceedings not elsewhere classified	\$350.00
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Contempt of Court	\$150.00
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Habeas Corpus	\$750.00 with Evidentiary Hearing \$350.00 without Evidentiary Hearing
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Reimbursement for representation which exceeds the above-stated maximum will be made only with prior approval of the Court, and shall be subject to increased reimbursement from the office of the Ohio Public Defender pursuant to O.R.C. 120.04 (B) (9).

- B. Reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee certificate (OPD-1026R),

accompanied by appropriate documentation of those expenses and approved by the Court. Allowable expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, and investigative costs. Reimbursement for expenses which exceed \$150.00 per case will be made only with prior approval of the Court. Parking and meal expenses, long distance telephone calls, copying and postage will not be reimbursed without prior approval of the Court.

4.02 AFFIDAVITS OF INDIGENCY

Pursuant to Revised Code, Chapter 120, it is mandatory that a Financial Disclosure/Affidavit of Indigency form be filed by each indigent defendant or parent in order for the court appointed attorney or guardian ad litem to be compensated. The Affidavit of Indigency shall be submitted on Ohio Public Defender Form OPD-206R.

All affidavits and forms required by this rule shall, when possible, be completed by the party requesting assigned counsel, and be submitted to the Clerk's Office prior to the appointment of counsel. In the event the necessary affidavits and forms required by this rule are not submitted prior to appointment, assigned counsel shall cause the documents to be filed with the Clerk's Office at or prior to the first scheduled hearing. Failure by counsel to file all necessary forms and affidavits shall result in non-payment.

RULE 5

COUNSEL OF RECORD

5.01 COUNSEL OF RECORD

Each attorney retained to represent a party in this Court shall immediately file a written designation of counsel with the Court, and provide a copy of the designation to all other counsel of record in the case, and any unrepresented parties. Upon the filing of the written designation or other appearance in the proceeding, the attorney 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. The Court will not consider such representation to include any case other than the particular case in which the designation of counsel is filed or other appearances entered.

5.02 SCHEDULING OF PRE-TRIAL CONFERENCES

- A. Pre-trial conferences shall be scheduled at the discretion of the Court. Unless otherwise ordered by the Court, the attendance of all parties and counsel is required at pre-trial conferences.
- B. At the conclusion of the pre-trial conference in delinquency, unruly, juvenile traffic offense cases, and adult criminal cases, counsel shall complete a Pre-Trial Conference Report Form (JC-2 or JC-3) and submit the form to the Court for review and approval.

5.03 APPOINTMENT AND DUTIES OF GUARDIAN AD LITEM, ATTORNEY/ GUARDIAN AD LITEM AND ATTORNEY

- A. **Appointments** – The Common Pleas Court of Allen County, Juvenile Division, shall appoint Guardians Ad Litem and Attorney/Guardians Ad Litem to represent the best interests of minor children in Delinquency, Unruly, Dependent, Neglect and Abuse proceedings consistent with the Ohio Rules of Juvenile Procedure, Rule 4 and Ohio Revised Code Section 2151.281. In Custody, Parenting Time or Visitation proceedings the Court may appoint a Guardian Ad Litem to represent the best interests of the minor child consistent with Ohio Revised Code Section 3109.04 and Local Rules of Court, Rule 3.07. An attorney may be appointed for a party to the proceeding, upon proper request, contingent upon financial eligibility requirements and as provided by law.
- B. **Lists for Appointments** – The Court shall maintain a list of approved attorneys qualified to serve as a Guardian Ad Litem, Attorney/Guardian Ad Litem and Attorney in each type of proceeding:

1. In order to be placed on the assigned counsel list, the attorney must be licensed to practice in the State of Ohio and in good standing. The Clerk of this Court shall maintain these lists, and attorneys wishing to be placed on a list should submit a letter to the Judge for review. Final approval for placement on the various lists remains at the sole discretion of the Judge.
2. Attorneys on the assigned counsel list will be considered for appointment on a rotating basis. Once the Clerk has found an available attorney willing to accept the appointment, the next attorney will then be considered first for appointment. Cases that require specialized skill or knowledge or involve parties previously represented by court appointed counsel may require that the Court make an appropriate alternative appointment.
3. The Chief Deputy Clerk shall review the assignments on a quarterly basis to ensure the equitable distribution of appointments among persons on each list maintained by the Court.

C. Guardian Ad Litem and Attorney/Guardian Ad Litem Mandatory

Qualifications – In order for a person to be assigned as Guardian Ad Litem or Attorney/Guardian Ad Litem for a minor child, he/she must meet the following minimum qualifications:

The attorney must attend or view a video of a four-hour training program offered or approved by the Allen County Common Pleas Court, Juvenile Division. The Chief Magistrate of the Allen County Juvenile Court may approve equivalent training in order to qualify for eligibility. An attorney wishing to view the video may contact the Court in order to make the necessary arrangements. Attorneys wishing to view the video of the training program may do so free of charge.

D. Duties of Guardian Ad Litem and Attorney/Guardian Ad Litem– Every attorney appointed as a Guardian Ad Litem and Attorney/Guardian Ad Litem shall perform certain necessary duties, as are reasonable, depending upon the age and reasoning ability of the child. These duties include the following:

1. Meet with the child, parents, guardians or legal custodians;
2. Determine the wishes and concerns of the child, parents, guardians or legal custodians;
3. Perform home visits;
4. Interview significant persons involved, which may include caseworkers, complainants, medical professionals, school officials, social workers, counselors, etc.;
5. Review all pleadings and make appropriate requests for information and discovery;
6. Obtain relevant information such as school records, criminal records, medical and psychological information, children services board case notes,

investigation reports, etc.;

7. Attend all pre-trials, hearings, depositions and reviews, to include annual and semi-annual reviews where applicable; and
 8. Maintain communication with any protective services worker, probation officer or diversion worker involved with the child.
- E. **Guardian Ad Litem Activity Report** – When appointed as Guardian Ad Litem for a child in a Dependency, Neglect or Abuse proceeding, the Guardian Ad Litem shall file a Guardian Ad Litem Activity Report (Form JC-4) with the Court not less than three (3) days prior to a scheduled hearing, unless otherwise ordered.
- F. **Guardian Ad Litem in Custody, Parenting Time or Visitation Proceedings** – When appointed as Guardian Ad Litem in a Custody, Parenting Time or Visitation Proceeding, the Guardian Ad Litem shall submit a written report to the Court not later than fourteen (14) days prior to the final hearing on the matter. This report shall include relevant information concerning the investigation, conclusions and final recommendations. The report shall be available for review by counsel and unrepresented parties upon filing, but shall be maintained in a separate, confidential file unless otherwise ordered by the Court. No copies of the report shall be made or distributed without prior approval of the Court.

RULE 6

PARENTING TIME ALLOCATION

- A. Parents are encouraged to create an agreed, equitable written parenting time schedule that fits their circumstances and their children’s lives, with the following serving as a schedule when the parents cannot agree. Nothing herein prohibits the parents from changing the schedule upon mutual agreement. Parenting time shall not be less than the time allocated in accordance with this rule unless otherwise ordered by the Court or by mutual agreement of the parties.

In compliance with Ohio Revised Code Section 3109.051 (F)(2), the following Standard Visitation Guidelines are to be applied in all cases, subject to deviations based upon consideration of the factors in Ohio Revised Code Section 3109.051 (D).

- B. The non-residential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday evening at 6:00 p.m.
- C. The non-residential parent shall have weekly parenting time from 5:30 p.m. to 8:30 p.m. (one evening per week). The beginning and ending times may be varied to accommodate the work schedules of the parties, the schedule of the children and the appropriate bedtime for children during the school year. If the parties are unable to agree upon the date of the week for this time, Wednesday will be used unless otherwise ordered by the Court.
- D. The parent receiving the children shall be responsible for transportation unless otherwise ordered by the Court.
- E. Holiday parenting time shall be as follows:

EVEN NUMBERED YEARS

<u>Mother</u>	<u>Father</u>
Martin Luther King Day – Friday evening to Monday evening	President’s Day – Friday evening to Monday evening
Memorial Day – Friday evening to Monday evening	Easter – Thursday evening to Sunday evening

<p>Labor Day – Friday evening to Monday evening</p>	<p>July 4th – If the 4th falls on Tuesday, Wednesday or Thursday, the time shall commence at 6:00 p.m. on July 3rd until 9:00 a.m. on July 5th.</p> <p>If the 4th falls on Sunday or Monday, the time shall commence on Friday night at 6:00 p.m. and conclude on July 5th at 9:00 a.m.</p> <p>If the 4th falls on Friday or Saturday, parenting time shall commence at 6:00 p.m. on July 3rd and conclude Sunday at 6:00 p.m.</p>
	<p>Thanksgiving Day – Wednesday evening to Sunday evening.</p>
<p>Christmas Eve and Christmas Day until 9:00 a.m. December 26th.</p>	<p>Christmas – 9:00 a.m. December 26th for the remainder of the Christmas Holiday until 6:00 p.m. on January 1st. If January 1st falls on a Friday or Saturday, the parenting time shall continue until the Sunday immediately following that date at 6:00 p.m.</p>

During the ODD YEARS, this shall be reversed.

Christmas and other holidays may be modified by agreement of the parties to suit individual family schedules.

The child shall spend **Mother’s Day** in the companionship of the mother commencing at 6:00 p.m. the Friday before Mother’s Day and concluding at 6:00 p.m. on Mother’s Day.

The child shall spend **Father’s Day** in the companionship of the father commencing at 6:00 p.m. the Friday before Father’s Day and concluding at 6:00 p.m. on Father’s Day.

Unless otherwise specified, evening parenting time shall be deemed to begin or conclude at 6:00 p.m. and morning parenting time shall be deemed to begin or conclude at 9:00 a.m.

The holiday schedule may be modified by agreement of the parties or by Court order upon proper motion to accommodate the parties’ religious preference.

- F. The child’s birthday shall be celebrated in the home of the parent exercising parenting time in accordance with these orders without regard to that party being designated as residential or non-residential parent.

- G. The non-residential parent shall be entitled to four (4) weeks of extended summer parenting time each year to be exercised in blocks of time consisting of fourteen (14) or seven (7) consecutive days per time period.
- 1.) This extended parenting time shall not interfere with the child's school.
 - 2.) If exercised in a seven (7) day period, the period will include one regular weekend parenting time of the requesting party.
 - 3.) The non-residential parent shall provide written notification to the residential parent not less than thirty (30) days prior to the exercise of any extended parenting time.
 - 4.) The residential parent shall also notify the non-residential parent in writing of any extended vacation time the residential parent wishes to exercise. In the event of a scheduling conflict, the parent first to notify the other parent in writing of the intent to exercise extended parenting time will be entitled to that time.
 - 5.) Unless otherwise ordered, holiday parenting time shall take precedence over extended parenting time. Extended parenting time, after notice, shall take precedence over weekend parenting time.
 - 6.) The first non-holiday weekend following the completion of an extended parenting time shall be spent with the other parent and thereafter alternate between the parties pursuant to this rule.
- H. Each parent shall provide his or her address and phone numbers to the other party at all times. Non-residential parents shall be entitled to exercise reasonable telephone communications not less than twice weekly, with each conversation lasting not longer than thirty (30) minutes per conversation.
- I. The residential parent shall keep the non-residential parent advised of all parent/teacher meetings, school programs and schedules regarding the minor children. Copies of grade cards shall be submitted to the non-residential parent on the weekend following the receipt of the grade cards.
- J. Each parent shall provide formula and diapers to be used for infants during the time they spend with the infant in their respective homes.
- K. Adequate clothing shall be provided by the residential parent for parenting times and the same shall be returned at the end of said parenting times.
- L. A copy of this rule shall be affixed to all parenting time orders adopting Local Rule 6.

RULE 7

PLEADINGS

7.01 COMPLAINTS

No original action shall be docketed or processed by this Court unless the following is received by the Court at the initiation of the proceedings and is satisfactorily completed.

- 1) Delinquent Child - Juvenile Complaint
- 2) Unruly Child (Truancy only) - Juvenile Complaint & Student Information Summary
- 3) Unruly Child (All Other) - Juvenile Complaint
- 4) Dependent/Neglected/Abused - Juvenile Complaint
- 5) Juvenile Traffic Offender - Uniform Traffic Citation
- 6) Parent/Child Relationship – Complaint and Proof of Compliance with Administrative Process (O.R.C. 3111.381)
- 7) Adult Criminal - Affidavit/Complaint
- 8) Other Civil Actions - Petition/Complaint

7.02 SUBSEQUENT PLEADINGS

This Court shall not accept any pleading which is incomplete in form. All Deputy Clerks shall refuse any pleadings which do not contain a full caption, including the pertinent case number and signatures of either trial counsel or the party. No pleading shall be accepted which contains more than one case number.

7.03 AMENDMENT TO PLEADINGS

In no case when pleadings are amended shall the original pleadings be withdrawn from the files, nor shall any part be obliterated. In no case shall any amendment be made by interlineation without leave of Court. In all cases where an amendment is made by interlineation, the Judgment Entry must state what changes were made in the original pleadings.

RULE 8

DISPOSITION OF MOTIONS

8.01 FORM AND PROCEDURE

All motions shall be accompanied by a memorandum stating the grounds therefore and citing the authorities relied upon, and any affidavits in support of the motion. The opposing counsel or party may file a responsive memorandum and any affidavits in support of the response by the fourteenth day after the date on which the motion was served. When the motion requests the establishment or modification of an order of child support, both the motion and response shall also be accompanied by a completed and executed Child Support Affidavit (Form JC-1, Appendix pg. 1). On the fourteenth calendar day after the motion was served, the motion shall be deemed submitted to the Court, unless oral hearing is scheduled.

Neither evidentiary hearing nor oral argument shall be held on a motion unless there is filed with the motion or opposing memorandum a written request of a party. The written request shall accompany the motion or opposing memorandum and shall be endorsed in the caption thereof, i.e. "Motion for _____ - Oral Hearing Requested."

This rule shall apply to all motions, including without limitation, motions for new trial, motions to vacate judgment, motions for judgment notwithstanding the verdict, and motions for reconsideration except as otherwise provided herein.

Nothing in this Rule shall limit the Court in assigning a matter for evidentiary hearing or oral argument on its own motion.

8.02 MOTIONS FOR TEMPORARY SUPPORT

In all cases in which a pendente lite order of temporary support is requested, the motion for temporary support shall be accompanied by a completed child support computation worksheet and a completed and executed Child Support Affidavit (Form JC-1). The party responding to such motion or pleading shall file a completed and executed Form JC-1 with the Court not later than the fourteenth day after the date on which the motion or pleading was served. After the fourteenth day, the matter will be deemed submitted.

8.03 MOTIONS FOR TEMPORARY CUSTODY

In all cases in which a pendente lite order of temporary custody is requested, the motion for temporary custody shall be accompanied by a completed Custody Affidavit pursuant to O.R.C. Section 3109.27, and an affidavit in support of the motion. The party

responding to such motion or pleading shall file with the response a Custody Affidavit pursuant to O.R.C. Section 3109.27, and an affidavit in support of the respondent's position on the motion not later than the fourteenth day after the date on which the motion or pleading was served. After the fourteenth day, the matter will be deemed submitted.

8.04 REQUESTS FOR ORAL HEARING

After issuance of an order of temporary custody or temporary support pursuant to Rules 8.02 or 8.03 above, any party may request an oral hearing on the motion. Such request shall not suspend or delay the operation of the order until specifically modified or vacated.

8.05 HEARINGS ON TEMPORARY CUSTODY AND SUPPORT

At hearing on any motion for pendente lite temporary custody or support, testimonial evidence presented by each side shall be limited to the party and one (1) additional witness. Each side shall be limited to one (1) hour in the presentation of the case at such hearing.

RULE 9

(RESERVED)

RULE 10

PREPARATION OF JUDGMENT ENTRIES AND ORDERS

10.01 FILING OF JUDGMENT ENTRIES AND ORDERS

In all Juvenile Delinquency, Unruly, Traffic Offender and Juvenile Tobacco Offender cases and Adult Criminal cases, the Court will prepare all final orders, unless the Court otherwise directs. However, all preliminary matters decided by the Court prior to the final adjudicatory hearing which require journalization are the responsibility of counsel unless otherwise directed by the Court.

In all Dependent, Neglected, Abused, Parent-Child Relationship, and other civil actions, it is the responsibility of counsel for the party so designated by the Court to prepare the appropriate judgment entry. The counsel for the party so designated shall submit the proposed entry to counsel for the opposing party for approval within seven (7) days of the announcement of the decision or the filing of the Magistrate's Decision. Counsel for the opposing party shall either approve or reject the proposed entry within five (5) days after the receipt thereof.

When the entry is approved by counsel, it shall be presented to the Court for approval and journalization of record. If counsel are unable to agree upon the entry, each counsel shall prepare and submit his/her own proposed entry for consideration by the Court, and either the approved entry, or the two (2) proposed entries shall be presented to the Court within twenty-one (21) days after the decision of the Court is announced. Upon the expiration of twenty-one (21) days, if no entry has been submitted to the Court, all parties and counsel shall be summoned to appear before the Court to show cause why they should not be held in contempt of Court for failure to abide by the orders of the Court.

10.02 NOTICE OF FILING

Within three (3) days of the filing of an entry of any final appealable judgment or order, the Ex-Officio Clerk of the Juvenile Division of the Allen County Court of Commons Pleas shall serve notice of the entry upon every party who is not in default for failure to appear and make notation of the service upon the docket.

RULE 11

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 12

HEARING/TRIAL ASSIGNMENTS AND CONTINUANCES

Continuances shall be granted only when imperative to secure fair treatment for the parties.

To promote the best interests of the juvenile(s) involved and the docket of the Court, no continuance shall be granted subsequent to the Friday preceding the week of any assigned hearing or trial.

Any request for continuance made subsequent to the Friday preceding the assigned hearing or trial shall be summarily over-ruled unless it involves a case of severe illness or death.

To obtain a continuance, the party or counsel must file a written motion with the Court requesting the continuance and stating therein the reasons why the continuance is imperative to secure fair treatment for the parties. Any motion requesting a continuance due to a scheduling conflict involving another court shall be accompanied by a copy of the assignment notice issued by the other court. All motions for continuance shall be endorsed in writing by the litigants as well as counsel in accordance with C.P. Sup. R. 41 (A), and shall be accompanied by a proposed journal entry granting continuance, approved by the opposing party or counsel. If not approved by the opposing party or counsel, the proposed entry shall recite that the Motion for Continuance has been submitted for consideration with the objection of the opposing party.

An order of continuance shall be signed by the Judge or Magistrate before the hearing or trial assignment will be vacated and a continuance deemed granted.

RULE 13

JURY TRIALS

13.01 DEMAND FOR JURY TRIALS

- (A) Any adult charged with a criminal offense under the Ohio Revised Code may demand a trial by jury. All jury demands shall be made pursuant to and in accordance with Rule 23 of the Ohio Rules of Criminal Procedure.
- (B) No jury trial assignment date will be vacated subsequent to fourteen (14) days before said trial date except in case of severe illness or death of a party or his/her counsel. An attorney's caseload is not sufficient grounds for the continuance of a jury trial.

13.02 JURY MANAGEMENT PLAN

Pursuant to Supt. Rules, Appendix B, for the Court of Common Pleas, the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court on August 16, 1993.

(A) OPPORTUNITY FOR SERVICE

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.
- (2) Jury service is an obligation of all qualified citizens.

(B) JURY SOURCE LIST

- (1) The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the Court's jurisdiction.
- (2) The jury source list shall be representative and should be as inclusive of the adult population as is feasible.
- (3) The Court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

- (4) In the event the Court determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action should be taken.

(C) RANDOM SELECTION PROCEDURES

- (1) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented.
- (2) Random selection procedures shall be employed in:
 - (a) selecting persons to be summoned for jury service;
 - (b) assigning prospective jurors to panels; and
 - (c) calling prospective jurors for voir dire.
- (3) Departures from the principle of random selection are appropriate:
 - (a) to exclude persons ineligible for service in accordance with Local Rule 13.02 (D);
 - (b) to excuse or defer prospective jurors in accordance with Local Rule 13.02 (F);
 - (c) to remove prospective jurors for cause or if challenged peremptorily in accordance with Local Rule 13.02 (H) and (I); and
 - (d) to provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Local Rule 13.02 (K).

(D) ELIGIBILITY FOR JURY SERVICE

All persons shall be eligible for jury service except those who:

- (1) are less than eighteen (18) years of age;
- (2) are not citizens of the United States;
- (3) are not residents of the jurisdiction in which they have been summoned to serve;
- (4) are not able to communicate in the English language; or
- (5) have been convicted of a felony and have not had their civil rights restored.

(E) TERM OF AND AVAILABILITY FOR JURY SERVICE

- (1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

- (2) A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.
- (3) Persons should not be required to maintain a status of availability for jury service for longer than two weeks unless the Court determines that it is appropriate for persons to be available for service over a longer period of time.

(F) EXEMPTION, EXCUSE AND DEFERRAL

- (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated.
- (2) Eligible persons who are summoned may be excused from jury service only if:
 - (a) their ability to receive and evaluate information is so impaired that they are excused for this reason by a Judge; or
 - (b) they request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by a Judge or specifically authorized court official.
- (3) Deferrals for jury service for reasonably short periods of time may be permitted by a Judge or specifically authorized court official.
- (4) Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded.

(G) VOIR DIRE EXAMINATION

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

- (5) In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

(H) REMOVAL FROM THE JURY PANEL FOR CAUSE

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

(I) PEREMPTORY CHALLENGES

Peremptory challenges shall be exercised in accordance with the applicable Civil Rules, Criminal Rules, and/or statutes.

(J) ADMINISTRATION OF THE JURY SYSTEM

- (1) The responsibility for administration of the jury system shall be vested exclusively in the Judges of the Court.
- (2) All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.
- (3) Responsibility for administering the jury system shall be vested in a single administrator acting under the supervision of the Administrative Judge of the Court.

(K) NOTIFICATION FOR SERVICE

- (1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - (a) contained in a single document;
 - (b) phrased to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - (c) delivered by ordinary mail unless otherwise ordered.
- (2) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- (3) The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (a) determining whether a person meets the criteria for eligibility;
 - (b) providing basic background information ordinarily sought during voir dire examination; and
 - (c) efficiently managing the jury system.

- (4) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
- (L) The Court shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:
- (1) the representativeness and inclusiveness of the jury source list;
 - (2) the effectiveness of qualification and summoning procedures;
 - (3) the responsiveness of individual citizens to jury duty summonses;
 - (4) the efficient use of jurors; and
 - (5) the cost-effectiveness of the jury management system.
- (M) JUROR SERVICE
- (1) The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
 - (2) The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
 - (3) The Court shall coordinate jury management and calendar management to make effective use of jurors.
- (N) JURY FACILITIES
- (1) The Court shall provide an adequate and suitable environment for jurors.
 - (2) The entrance area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the facility.
 - (3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
 - (4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
 - (5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

(O) JURY COMPENSATION

- (1) Persons called for jury service shall receive a reasonable fee for their service and expenses.
- (2) Such fees shall be paid promptly.
- (3) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

(P) JUROR ORIENTATION

- (1) Orientation program shall be:
 - (a) designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
 - (b) presented in a uniform and efficient manner using a combination of written, oral, and audio-visual materials.
- (2) The Courts shall provide orientation or instructions to persons called for jury service:
 - (a) upon initial contact prior to service;
 - (b) upon first appearance at the Court; and
 - (c) upon reporting to a courtroom for voir dire.
- (3) The trial judge shall:
 - (a) give preliminary instructions to all prospective jurors;
 - (b) give instructions directly following impanelment of the jury to explain a jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - (c) prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
 - (d) prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 - (e) recognize that utilization of written instructions is preferable; and
 - (f) Before dismissing a jury at the conclusion of a case:
 - (1) release the jurors from their duty of confidentiality;
 - (2) explain their rights regarding inquiries from counsel or the press;
 - (3) either advise them that they are discharged from service or specify where they must report; and

(4) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

- (4) All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

(Q) JURY DELIBERATIONS

- (1) Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- (2) The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 13.02 (R).
- (4) A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- (5) Training should be provided to personnel who escort and assist jurors during deliberations.

(R) JURY SEQUESTRATION

- (1) A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influence.
- (2) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- (3) Standard procedures shall be promulgated to:
- (a) achieve the purpose of sequestration; and
 - (b) minimize the inconvenience and discomfort of the sequestered jurors; and
 - (c) provide for the jury's security.
- (4) Training shall be provided to personnel who escort and assist jurors during sequestration.

RULE 14

DETENTION/SHELTER CARE

14.01 DETENTION

- A. When a child is taken into custody and the person taking said child into custody determines that the child's detention is required under the standards of O.R.C. 2151.31 and Juvenile Rule 7, that person shall with all reasonable speed deliver the child to the Allen County Juvenile Detention Center. The person delivering the child to the Detention Center shall give the admissions officer of the facility a signed, written report stating why the child was taken into custody, the charge alleged against the child and why the child was not released to his/her parent, guardian or custodian. The admissions officer of the facility shall review the report and make such further investigation as is feasible, and if detention is required under the standards of O.R.C. 2151.31 and Juvenile Rule 7, shall admit the child to detention in the facility. If the admissions officer of the facility does not determine that detention is required under the standards of O.R.C. 2151.31 and Juvenile Rule 7, the child shall be released to his/her parent, guardian, or custodian.
- B. Upon admission of the child to the Detention Center, the admissions officer of the Detention Center shall:
- 1) immediately notify the Court that the child is being detained;
 - 2) prepare a report stating the time the child was brought to the facility and the reasons why he was admitted;
 - 3) advise the child of (a) his/her right to telephone his/her parents and counsel immediately and at reasonable times thereafter and (b) the time, place, and purpose of the detention hearing; and
 - 4) use reasonable diligence to contact the child's parent, guardian or custodian and advise him/her of:
 - a) the place of and reasons for detention;
 - b) the time the child may be visited;
 - c) the time, place and purpose of the detention hearing; and
 - d) the right to counsel and appointed counsel if indigent.

- C. When a child has been admitted to detention, a detention hearing shall be held promptly. The detention hearing shall be held on the next court date after the child is placed in detention, and not later than seventy-two (72) hours after placement in detention. Detention Hearings shall be held at 1:15 p.m. during regular hours of Court unless otherwise scheduled.

14.02 SHELTER CARE

- A. When a child is taken into custody, and the person taking said child into custody determines that shelter care placement is required under the standards of O.R.C. Section 2151.31 and Juvenile Rule 7, that person shall with all reasonable speed deliver the child to the Allen County Children Services Board. The person delivering the child to the Allen County Children Services Board shall give to the duty intake worker a written report stating why the child was taken into custody, and why the child was not released to his/her parent, guardian, or custodian. The duty intake worker shall review the report and make such further investigation as is feasible, and if shelter care is required under the standards of O.R.C. Section 2151.31 and Juvenile Rule 7, shall admit the child to shelter care. If the duty intake worker does not determine that shelter care is required under the standards of O.R.C. Section 2151.31 and Juvenile Rule 7, the child shall be released to his/her parent, guardian, or custodian.
- B. Upon the admission of a child to shelter care, the duty intake worker shall:
- 1) immediately notify the Court that the child has been admitted to shelter care;
 - 2) prepare a report stating the time the child was brought to the agency and the reasons that he/she was admitted to shelter care;
 - 3) where not inapplicable by reason of the child's age, advise the child of (a) his/her right to telephone his/her parents and counsel immediately and at reasonable times thereafter and (b) the time, place, and purpose of the shelter care hearing; and
 - 4) use reasonable diligence to contact the child's parent, guardian, or custodian and advise him/her of:
 - a) the place and reasons for shelter care;
 - b) the time the child may be visited;
 - c) the time, place, and purpose of the shelter care hearing; and
 - d) the right to counsel and appointed counsel if indigent.

- C. When a child has been admitted to shelter care, a shelter care hearing shall be held promptly. The shelter care hearing shall be held on the next court date after the child is placed in shelter care and not later than seventy-two (72) hours after placement in shelter care. Shelter Care Hearings shall be held at 8:30 a.m. during regular hours of Court unless otherwise scheduled.

RULE 15

BOND

The following Bond Schedule is hereby adopted by the Juvenile Court to secure appearance of a person charged with the following offenses, and shall apply unless otherwise ordered by the Court:

15.01 ADULT (Regardless of residency when Warrant is issued)

Contributing to Delinquency/Unruliness of Minor (O.R.C. 2919.24) [M1]	\$1000.00
Corruption of a Minor (O.R.C. 2907.04) [M1]	\$1000.00
Endangering Children (O.R.C. 2919.22) [M1]	\$1000.00
Interference with Custody (O.R.C. 2919.23) [M1, M3]	\$ 500.00
Domestic Violence (O.R.C. 2919.25 (A) & (B)) [M1]	\$1000.00
Domestic Violence (O.R.C. 2919.25 (C)) [M4]	\$ 500.00
Criminal Non-Support (O.R.C. 2919.21) [M1]	\$ 500.00
Sexual Imposition (O.R.C. 2907.06) [MI & M3]	\$1000.00
Importuning (O.R.C. 2907.07 (A) & (C)) [M1, M4]	\$1000.00
Failure to Send Child to School (O.R.C. 3321.38) [Uncl. M]	\$ 350.00
Unauthorized Fingerprint or Photograph of a Child (O.R.C. 2151.313) [M4, MM]	\$ 350.00
Failure to Report Abuse (O.R.C. 2151.421 (A)(1)) [M4]	\$ 350.00

Unauthorized Dissemination of Report of Abuse
(O.R.C. 2151.421 (H)) [M4] \$ 350.00

Parental Education Neglect
(O.R.C. 2919.222) [M4] \$ 350.00

Divulging Confidential Information
(O.R.C. 2151.358 (J)) [M4] \$ 350.00

Any other cases of Misdemeanor charging an
adult with any act or omission with respect to
any child which is in violation of State Law
or Ordinance \$ 350.00

Probation Violation \$ 200.00 CASH

The above Bonds may be posted in either of the following manners, at the discretion of the defendant:

- 1) By depositing the cash sum equal to 10% of the total bond required from said defendant; or
- 2) By obtaining a surety bond in the face amount of the bond required from said defendant.

The Allen County Sheriff agrees and is authorized to accept all such bonds and hold them for the benefit of the Allen County Juvenile Court, during non-business hours.

In all cases not covered above, bail shall be established in accordance with Rule 46, Ohio Rules of Criminal Procedure.

Unless otherwise specifically ordered by the Court, all monies posted for bail shall be deposited in the name of the defendant only.

15.02 JUVENILE TRAFFIC OFFENDERS (Out of State residents ONLY)

Bond in all juvenile traffic cases in which the alleged offender is an out of state resident shall be Eighty-Five (\$85.00) dollars.

All Juvenile Traffic Offender Bonds shall be in cash and shall be accepted by a receipt at the Allen County Juvenile Court during regular business hours.

The Allen County Sheriff agrees and is authorized to accept such bonds and hold them to the benefit of the Allen County Juvenile Court, during non-business hours.

RULE 16

JUVENILE TRAFFIC VIOLATIONS BUREAU

16.01 PROCEDURE

There is hereby created the Allen County Juvenile Traffic Violations Bureau, as part of the Juvenile Court Clerk's Office. A person charged with being a Juvenile Traffic Offender by reason of a violation which does not require a mandatory appearance pursuant to this Rule may elect to proceed without a court appearance under the following procedures:

- (A) The child must appear personally and in the company of his/her parent, guardian or custodian, at the Juvenile Traffic Violations Bureau, Clerk's Office, Allen County Juvenile Court, 1000 Wardhill Avenue, Lima, Ohio, during the regular hours of the Court.
- (B) The child must enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver Form available at the Violations Bureau. The Admission Form **MUST** also be signed as approved by the parent, guardian, or custodian.
- (C) The child or his/her parent, guardian or custodian **MUST** pay the fine imposed in accordance with section 16.02 of this Rule, along with the court costs in the case. Should the child or his/her parent, guardian or custodian not tender, in full, the fine and court costs imposed at the time of the entry of admission, then the Bureau shall **NOT** accept the admission and court appearance shall be required.

16.02 FINES AND COURT COSTS/MANDATORY APPEARANCE OFFENSES

- (A) Except as provided in sub-section (C) of this Rule, no fine shall be paid to the Juvenile Traffic Violations Bureau upon entry of an admission pursuant to the procedure set forth in section 16.01 of this Rule. Court costs in the amount of eighty-three dollars (\$83.00) shall be assessed in each case processed through the Juvenile Traffic Violations Bureau involving an offense classified as a moving violation. Court costs in the amount of sixty-three dollars (\$63.00) shall be assessed in each case classified as a non-moving violation.

ANY VIOLATION WHICH INVOLVES AN ACCIDENT MAY NOT BE PROCESSED THROUGH THE TRAFFIC VIOLATIONS BUREAU, AND A MANDATORY COURT APPEARANCE IS REQUIRED.

ANY SECOND TRAFFIC VIOLATION OF ANY KIND WHICH OCCURS PRIOR TO THE AGE OF EIGHTEEN (18) YEARS MAY NOT BE PROCESSED

THROUGH THE TRAFFIC VIOLATIONS BUREAU, AND A MANDATORY COURT APPEARANCE IS REQUIRED. IF MORE THAN ONE MOVING TRAFFIC VIOLATION IS CHARGED ARISING FROM A SINGLE INCIDENT OR SERIES OF INCIDENTS, NONE OF THOSE VIOLATIONS MAY BE PROCESSED THROUGH THE TRAFFIC VIOLATIONS BUREAU, AND A MANDATORY COURT APPEARANCE IS REQUIRED.

- (B) The following offenses require formal court appearance and may not be processed through the Juvenile Traffic Violations Bureau, although otherwise permitted by these Rules:
- 1) Offenses which would be indictable if committed by an adult.
 - 2) Operating a motor vehicle while under the influence of alcohol or drugs.
 - 3) Leaving the scene of an accident.
 - 4) Driving while under suspension or revocation of driver's license.
 - 5) Driving without being licensed to drive.
 - 6) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child.
 - 7) Drag racing.
 - 8) Reckless operation.
 - 9) Failure to maintain reasonable control.
 - 10) Speeding (in excess of 20 m.p.h. over posted limited)
 - 11) Speeding in a school zone
 - 12) Permitting unlicensed driver to operate a motor vehicle.
 - 13) Operating a motor vehicle under temporary instruction permit unaccompanied by a licensed operator.
 - 14) Offenses charging a violation under Revised Code Chapter 29.
 - 15) Resisting/Interfering with an officer.
 - 16) Presenting false name or information to an officer.

- 17) Any other offense or proceeding as determined by the Court.
- (C) A seat belt violation may be processed through the Juvenile Traffic Violations Bureau as provided in section 16.01 of this Rule. In such cases, upon the filing of the Admission and Waiver, the fine shall be assessed as follows:
- 1) Thirty dollars (\$30.00) if the child is charged with operating the vehicle without a seat belt.
 - 2) Twenty dollars (\$20.00) if the child is charged with operating the vehicle in which a front seat passenger did not wear a seat belt.
 - 3) Fifteen dollars (\$15.00) if the child is charged with being a front seat passenger in a vehicle without a seat belt, and where the child is sixteen (16) years of age or older.
 - 4) No fine shall be imposed if the child is charged with being a front seat passenger in a vehicle without a seat belt, where the child is less than sixteen (16) years of age.

RULE 17

FACSIMILE FILING

17.01 PROCEDURE

- (A) Pursuant to the authority extended to the Court by Civil Rule 5 (E) and Juvenile Rule 8, the Court adopts the following procedures for the acceptance of facsimile copies, subsequent to the original complaint, of pleadings and other papers not longer than ten (10) pages in length. No document longer than ten (10) pages in length shall be filed in this manner.
- (B) The Court shall maintain an independent private telephone line, publish the number of the same, and maintain a facsimile machine for utilization by members of the bar authorized to practice law in Ohio in filing documents with the Court and its Clerk as provided herein.
- (C) The filing of pleadings or other papers, subsequent to the original complaint and not requiring a security deposit pursuant to Local Rule, may be filed with the Clerk by facsimile copy. Within five (5) business days after the transmission to the Clerk of a facsimile copy, an original document bearing original signatures shall be filed with the Clerk. The Clerk shall docket any facsimile copy when received as a facsimile copy. Thereafter, when the original document is filed, the Clerk shall docket it in the usual and customary manner and the filing shall relate back to the date upon which the facsimile copy was filed. In the event any facsimile copy is received by the Clerk after 5:00 p.m. on a regular business day or anytime on a weekend or holiday, the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk.
- (D) Any facsimile copy filed pursuant to this Rule shall conform to the requirements of applicable Civil Rules, Juvenile Rules, and Local Rules, in both form and substance, and shall be preceded in transmission by a cover page which includes the following information:
 - (1) Name of forwarding attorney,
 - (2) Address of forwarding attorney,
 - (3) Ohio Supreme Court registration number of attorney,
 - (4) Telephone number of attorney,
 - (5) Facsimile telephone number of attorney,

- (6) Date and time of facsimile initiation, and
 - (7) Number of pages in document being forwarded.
- (E) Costs to be charged for both incoming and outgoing fax transmissions shall be \$3.00 per transmission plus \$1.00 per page. All costs must be arranged for in advance with the Chief Deputy Clerk.

RULE 18

CHILD RELOCATION

18.01 NOTICE OF INTENT TO RELOCATE

Prior to the relocation of either parent to a residence other than that specified in the visitation or parenting time order or decree of the Court, the relocating parent must file a Notice of Intent to Relocate in advance of the move. (See O.R.C. 3109.051(G)). Included in said notice shall be the last known address of all parties, a new residential address of the parent, and the telephone number and the name and address of the school in the district which the child(ren) shall attend, if applicable. If these items are not available at the time of the notice, they shall be provided immediately upon the receipt of the information by the relocating parent.

18.02 PROCEDURE AND FILING

- A) The party filing the notice of Intent to Relocate shall file with the Notice one (1) of the following:
 - 1.) A request that a copy of the Notice of Intent to Relocate be served by certified mail on the other party, or
 - 2.) A Motion requesting that the other party or parties not receive a copy of the Notice of Intent to Relocate, pursuant to O.R.C. Section 3109.051 (G)(4).
- B) If the other party is served with the Notice of Intent to Relocate under Subdivision (A) above, and does not petition the Court for hearing on visitation or parenting time rights within fourteen (14) days from the service of the Notice, the relocation may proceed as set forth in the Notice.
- C) If the other party is not served with the Notice of Intent to Relocate, pursuant to sub-division (A) (2) above and Revised Code Section 3109.051 (G) (4), the matter shall be scheduled for hearing, with service of summons, the motion and notice of hearing on the other party or parties.

RULE 19

MEDIATION

19.01

PROCEDURE

At any time after service of summons in any action within the jurisdiction of this Court, a case may be ordered to mediation at the discretion of the assigned Judge or Magistrate.

The mediator may schedule such sessions as are necessary to complete the mediation process and the process shall continue until terminated by resolution or the mediator determines that continuation of the mediation procedure would be futile.

Upon conclusion of the mediation, the Court shall be informed as follows:

- 1.) If the mediation reaches an impasse, the mediator should report the lack of an agreement to the Court without comment or recommendation; and
- 2.) If an agreement is reached, the agreement shall be reduced to writing and the appropriate judgment entry reflecting the settlement shall be submitted to the Court for approval.

19.02

CONFIDENTIALITY

Statements made during the course of the mediation assessment or the mediation sessions shall not be admissible in any subsequent proceeding in the Court (Revised Code 2317.023). Exceptions to confidentiality are only as provided by state statute including the reporting of a crime or suspicion of child abuse or neglect (Revised Code 3109.052 and 2151.421).

The mediator will not be called as a witness in any future legal proceeding that may involve matters discussed by the parties at mediation. No records, notes or other work product resulting from the mediation will be called for or subpoenaed in the future by any party (Revised Code 3109.052 (C)).

RULE 20

JUVENILE TOBACCO VIOLATIONS

A person charged with being a first-time Juvenile Tobacco Offender may elect to proceed without a court appearance under the following procedures:

- A.) The child must appear personally and in the company of his/her parent, guardian or custodian at the Clerk's Office, Allen County Juvenile Court, 1000 Wardhill Avenue, Lima, Ohio, during regular hours of the Court.
- B.) The child must enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form available at the Clerk's Office. The Admission form **MUST** also be signed as approved by the parent, guardian or custodian.
- C.) The child or his/her parent, guardian or custodian **MUST** pay the statutorily mandated fine of \$100.00 and court costs in the amount of \$65.00. Should the child or his/her parent, guardian or custodian not tender in full the fine and court costs imposed at the time of the entry of admission, the Clerk's Office **SHALL NOT** accept the admission and court appearance shall be required.

Any second tobacco violation of any kind which occurs prior to the age of eighteen (18) years may not be processed through the Clerk's Office and a mandatory court appearance is required.

IN THE ALLEN COUNTY COMMON PLEAS COURT, JUVENILE DIVISION

CASE NO.: _____

(Plaintiff)

V.

(Defendant)

CHILD SUPPORT AFFIDAVIT
OF _____
(Name of Affiant)

EMPLOYMENT & OTHER INCOME *

OTHER INCOME

AFFIANT'S PLACE(S) OF EMPLOYMENT _____

CHILD SUPPORT _____

ALIMONY _____

PAID: WKLY BI-WKLY

SOCIAL SECURITY _____

MONTHLY BI-MONTHLY (CHECK ONE)

PUBLIC ASSISTANCE _____

OTHER _____

NET PAY/PERIOD _____

GROSS PAY/PERIOD _____

*Attach supporting documentation, including copies of pay stubs and your most recent U.S. income tax return

CHILDREN

Number of Minor Children of Affiant _____

Number in Custody of Affiant _____

Number in Custody of Another Person _____

Child Support Received By This Affiant _____

Child Support Paid By This Affiant _____

HEALTH AND INSURANCE

Is Health Insurance Coverage For The Child Available Through Your Employer? Yes No

Are you Providing Health Insurance Coverage For The Child? Yes No

Costs To You To Maintain Coverage: _____

Medical Problems or Other Special Needs Of The Children: _____

ASSETS
CURRENT MONETARY ASSETS

Checking Account \$ _____
Savings Account \$ _____
Cash on Hand \$ _____

OTHER ASSETS

RESIDENCE

Current Value \$ _____
Outstanding Mortgage Debt
\$ _____

MOTOR VEHICLES

Year _____ Make _____ Model _____
Current Value \$ _____ Debt Owed \$ _____
Year _____ Make _____ Model _____
Current Value \$ _____ Debt Owed \$ _____

MONTHLY EXPENSES

ITEM

AMOUNT

Rent/Mortgage \$ _____
Heat \$ _____
Electric \$ _____
Telephone \$ _____
Water \$ _____
Clothing \$ _____
Groceries \$ _____
Insurance \$ _____

Gasoline \$ _____
Medical, Etc. \$ _____
Car Payment \$ _____
Other \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

TOTAL MONTHLY EXPENSES \$ _____

STATE OF OHIO
COUNTY OF ALLEN

_____ being first duly sworn says that the above statements are true.

Signature of Affiant

Sworn before me this _____ day of _____, _____.

Notary Public

**IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO
JUVENILE DIVISION**

IN THE MATTER OF: _____ : CASE NO.: _____

_____ :

- ALLEGED DELINQUENT/UNRULY CHILD : PRE-TRIAL CONFERENCE
- ALLEGED JUVENILE TRAFFIC OFFENDER : REPORT

DATE OF PRE-TRIAL CONFERENCE: _____

CHARGE(S): _____

PRESENT:

Prosecutor: _____

Attorney for Child: _____

Child: Present Not Present

Parent/Custodian: Present Not Present If present, name and relationship: _____

Victim/Witness: Not Notified Notified If notified, manner of notification: _____

REPORT:

ASSIGNED FOR TRIAL ON _____, _____ AT _____ .M.

TIME REQUIRED: _____ HOURS.

NUMBER OF WITNESSES: _____ STATE: _____ CHILD: _____

ASSIGNED FOR CHANGE OF PLEA ON _____, _____ AT _____ .M.

DETAILS: _____

Attorney/Guardian Ad Litem will be filing pre-trial motions as follows:

OTHER: _____

APPROVED:

Prosecutor

Child

Attorney for Child

Parent/Guardian

Reviewed By:

MAGISTRATE

**IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO
JUVENILE DIVISION**

STATE OF OHIO : CASE NO.: _____

VS. :

DEFENDANT : PRE-TRIAL CONFERENCE
: REPORT

DATE OF PRE-TRIAL CONFERENCE: _____

CHARGE(S): _____

PRESENT:

Prosecutor: _____

Attorney for Defendant: _____

Defendant: Present Not Present

Victim/Witness: Not Notified Notified If notified, manner of
notification: _____

REPORT:

ASSIGNED FOR TRIAL ON _____, ____ AT ____ .M.

TIME REQUIRED: ____ HOURS.

NUMBER OF WITNESSES: STATE: ____ DEFENDANT: ____

ASSIGNED FOR CHANGE OF PLEA ON _____, ____ AT
____ .M.

DETAILS: _____

Attorney will be filing pre-trial motions as follows:

OTHER: _____

APPROVED:

Prosecutor

Defendant

Attorney for Defendant

Reviewed By:

MAGISTRATE

TIME WAIVER

ON THE MOTION OF THE DEFENDANT, THE TIME LIMITATIONS PURSUANT TO OHIO REVISED CODE SECTION 2945.71-.73 ARE HEREBY WAIVED.

DEFENDANT

ATTORNEY FOR DEFENDANT

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO, JUVENILE DIVISION

Case No.: _____

In Re: _____

Guardian Ad Litem's Activity Report

(THIS DOCUMENT IS TO BE FILED WITH THE COURT BY THE CHILD'S GUARDIAN AD LITEM NOT LATER THAN THREE (3) DAYS PRIOR TO THE SCHEDULED HEARING.)

<u>Date</u>	<u>Person Contacted</u>	<u>Relationship to Child/Case</u>	<u>Nature of Contact (phone, face-to-face, etc.)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Visit to home of the mother? no yes If yes, date of visit _____

Visit to home of the father? no yes If yes, date of visit _____

Have you met with the child? no yes If yes, date of visit _____ If you have not met with the child, explain why you have been unable to do so _____

Case plan reviewed? no yes If yes, date of review _____ If Case Plan not yet reviewed, explain why you have been unable to do so _____

Issues of special concern: _____

Guardian Ad Litem