



*JUVENILE COURT
LOCAL RULES
OF
PROCEDURE*

Butler County Juvenile Court

Effective March 31, 2014

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GENERAL PROVISIONS

Terms and Sessions

JR 1

The term "Judge" as set forth in these rules means a judge exercising authority as a judge for the Juvenile Court of Butler County, Ohio pursuant to order, rule, or statute.

JR 2

The term "Rules" as set forth in these rules means the local rules of juvenile court as set forth herein.

JR 3

The terms "this court", "the court" and "court" as used in these rules mean the Juvenile Court of Butler County, Ohio and its actions as directed by the judges or through the magistrates of said court. All rules, unless specifically set forth to the contrary, shall apply equally in proceedings before the judges and magistrates of this court.

JR 4

The juvenile court is in session and the clerk's office for the court is open for the filing of documents from 8:30 AM until 4:30 PM Monday through Friday unless otherwise ordered by a Judge of the Juvenile Court. The clerk's office shall be closed and no sessions shall be held on any designated state or national holiday as recognized by the Board of Butler County Commissioners.

Records

JR 5

- (A) Except for the records listed in rule JR7 all of the records of this court are subject to release only to those individuals as set forth in Sections 2151.18 and 2152.71 of the Revised Code, the parties in the case in question, or pursuant to court order. No public use may be made of any records released pursuant to Sections 2151.18 or 2152.71 of the Revised Code unless permitted pursuant to an order of this court or other court of competent jurisdiction. No record of any kind may be removed from its place of storage absent order of the court.
- (B) Regardless of whether records are released to the public pursuant to court order or are public records as set forth in rule JR 7, the following documents and information within documents are not, pursuant to Sup. R. 44(C)(2), case documents and are, therefore, not subject to public disclosure. The clerk shall have the authority but shall not be required to redact personal identifiers as defined in the Ohio Rules of Superintendence. The clerk shall have the authority but shall not be required to redact documents and information in documents that is protected from disclosure by state, federal, or common law including, but not limited to the following documents or information in documents from any case records in preparing any such court record for public review or dissemination.

- (1) Probation records regarding financial matters per Section 2151.14 of the Revised Code.
- (2) Probation supervision records per Section 2151.14 of the Revised Code.
- (3) Records of Butler County Public Children Services Agency (CSA) investigations of families, children, and foster homes, and of the care, training, and treatment afforded children per Section 5153.17 of the Revised Code.
- (4) Addresses of Butler County Public CSA personnel per Section 2151.142 of the Revised Code.
- (5) Personal Identifiers as defined in Sup. R. 44(G)(2)(b) & 44(H)) including:
 - (a) All but the last four digits of any Social Security Number.
 - (b) Financial account numbers.
 - (c) Debit card numbers.
 - (d) Credit card numbers.
 - (e) Employer or employee identification numbers.
 - (f) A juvenile's proper name in any case where a child is alleged to be an abused, neglected, or dependent child AND case (Initials or generic initials such as "CV" may be used).
- (6) Any report made pursuant to Section 2151.421 of the Revised Code (confidential pursuant to Section 2151.421(H)(1) of the Revised Code).
- (7) Information obtained from or contained on the Ohio Courts Network.
- (8) Notes, drafts, recommendations, advice, and research of judicial officers and court staff.
- (9) Information concerning actions filed pursuant to Section 2151.85 of the Revised Code wherein an unmarried, unemancipated minor may seek an abortion without notice to parent, guardian or custodian.
- (10) Victim impact statements pursuant to Section 2152.19 and 2947.051 of the Revised Code.
- (11) Any information derived from communications which occurred during mediation pursuant to Section 2710.07 of the Revised Code.
- (12) Any information regarding a victim's identification information protected by a court order issued pursuant to Section 2930.07 of the Revised Code.
- (13) Information provided to the court from the uniform statewide automated child welfare information system (SACWIS) pursuant to Sections 5101.13 and 5101.131 of the Revised Code including, but not limited to, case plans, semi-annual reviews, and home studies.
- (14) Records obtained from the Ohio Bureau of Criminal Identification (BCI) pursuant to Section 109.57 of the Revised Code.
- (15) Birth records pursuant to Sections 3705.09(G), 3705.11, 3704.12(D)& 3705.15(D)(1) of the Revised Code.
- (16) BCCS records relating to child abuse and neglect investigations pursuant to Sections 2151.421, and 5153.17 of the Revised Code.

- (17) Pursuant to the ruling in *Bloch v. Ribar*, 156 F. 3d 673, 676 (6th Cir. 1998), records which reveal intimate factual details relating to the commission of any sexually oriented offense.
- (18) Any document or combination of documents relating to the medical history, diagnosis, prognosis, or medical condition of a patient that was generated and maintained in the process of medical treatment.

JR 6

The court shall maintain two types of records on all delinquency, unruly, abuse, neglect, and dependency matters. One type of records shall be designated as the “official record.” The official record shall, as much as is practicable, consist of the records of this court which are subject to release to those individuals as set forth in Sections 2151.18 and 2152.71 of the Revised Code or per court order. The other type of records shall be designated as the “family record” and shall be kept for use by the court, the probation staff, or the staff of Support Services. The family record shall, as much as is practicable, consist of documents and information excluded from the court record pursuant to the aforementioned statutes, these rules and Ohio Sup. Rules 44, 45, 46, & 47.

JR 7

Requests, made by persons or entities identified in Local Rule JR8(A), for access to or copies of court records as set forth in this rule that are in the possession of juvenile court will, upon payment of the fees as ordered by the court, be processed and provided promptly in accordance with the law and/or Ohio Sup. R. 48. Requests for any records consisting of ten (10) or more pages, for non-specific records, for transcripts, for records stored electronically, for records stored on magnetic tape, or requests for records which cannot be readily identified may not be available at the time or on the day that the request is made. The following are court records that are public records subject to redaction pursuant to Local Rule JR 5(B):

- all records and transcripts of adult criminal proceedings, and
- any records released per an unrestricted court order.

JR 8

- (A) Copies of documentary records which are not identified as public records in rule JR7, shall be furnished by the clerk to those individuals or entities as set forth in Sections 2151.18 and 2152.71 of the Revised Code, the parties in the case in question, or pursuant to court order, upon payment of the fee as directed by the Court and upon presentation of a completed records request form. Records, transcripts, and copies of electronically recorded transcripts pertaining to cases not listed in rule JR7 provided to persons pursuant to subsections (A) through (C) of this rule, by statute, or pursuant to the rules governing the courts of Ohio shall be subject to an ongoing order of the Court that no public use may be made of such records or transcripts.
- (B) Pursuant to Rule 11 of the Ohio Rules of Superintendence, upon request of any party to any proceedings before this Court, this Court may permit review of any unsealed electronically recorded transcript by such party. Upon any party’s request to obtain a copy or copies of unsealed electronically recorded transcripts,

the Court shall provide such copy or copies to the requesting party, subject to the restrictions set forth in subsection (A) of this rule.

(C) Blank records request forms shall be available upon request at the clerk's office. Requests for records consisting of ten (10) or more pages, for non-specific records, for transcripts, for records stored electronically, for records stored on magnetic tape, or requests for records which cannot be readily identified may not be available at the time or on the day that the request is made.

- (1) Except as otherwise provided in section (D) of this rule, transcripts of proceedings shall be provided only for the purpose of an appeal, an objection or other use as authorized by this Court.
- (2) Except as otherwise provided in section (D) of this rule, all transcripts prepared by this Court shall contain this disclaimer on every page thereof: "Butler County Juvenile Court has provided this transcript for an appeal or objection. Pursuant to Ohio Juv. Rule 37, any public use of this document by any person or party, without the consent of said court, is prohibited."
- (3) Except as otherwise provided in section (D) of this rule, all transcripts prepared by this Court shall contain this disclaimer in bold, clear, and conspicuous type on the front page thereof;

“THE BUTLER COUNTY JUVENILE COURT HAS PROVIDED THIS TRANSCRIPT FOR THE SOLE PURPOSE OF AN APPEAL OR OBJECTION. PURSUANT TO OHIO JUV. RULE 37, ANY PUBLIC USE OF ANY PART OF THIS DOCUMENT BY ANY PERSON OR PARTY, WITHOUT THE CONSENT OF SAID COURT, IS PROHIBITED.

COPYING OF ANY PART OF THIS TRANSCRIPT BY ANY PERSON OR PARTY MAY SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

DISTRIBUTION OR DISSEMINATION OF ANY PART OF THIS TRANSCRIPT, BY ANY PERSON OR PARTY, TO ANY OTHER PERSON OR PARTY FOR ANY PURPOSE OTHER THAN SAID APPEAL OR OBJECTION MAY, REGARDLESS OF THE MEANS OF DISTRIBUTION OR DISSEMINATION, SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.”

(D) Motions for consent of the Court to use or disseminate transcripts or electronically recorded transcripts prepared or released pursuant to subsections (A), (B), or (C) of this rule other than for appeal or objection, public records requests for transcripts or electronically recorded transcripts_except those made available as set

forth in rules JR7 and JR8 (A) through (C) shall be provided in accordance with this subsection:

- (1) Such transcripts, being neither presumptively public (open) nor non-public (closed), shall be released without restriction as to their use only after the parties to the case or cases involved in the motion are provided with a reasonable opportunity to be heard on the question of whether or not said transcripts should be open or closed.
 - (2) Upon receipt of the motion for consent of the Court to use or disseminate a transcript, the Court shall ascertain the names of and the last known addresses of all of the parties and their counsel of record to the case or cases involved in the motion and shall send notice to said parties and their counsel of record by ordinary mail regarding the motion.
 - (3) Said notice shall advise the parties and their counsel of the nature of the motion and the identity of the person or entity by who filed the motion.
 - (4) In the text of said notice, the Court shall advise the parties that the Court will release the transcripts requested to the movant unless a party or their counsel files, within fourteen (14) calendar days of the date that the mailing of the notice, a motion for a closure hearing regarding the motion.
 - (5) Upon receipt of a motion for a closure hearing relating to a motion for consent of the Court to use or disseminate a transcript, the Court shall schedule a preliminary hearing as soon as is practicable and shall notify the movant and the other parties to the case of the date and time of the preliminary hearing.
 - (6) If no motion for closure is filed with the court within fourteen (14) calendar days of the date of the mailing of the notice as set forth in subsection (2) of this rule, the motion shall be granted and the transcripts shall be released to the movant without restriction as to their use.
- (E) The cost of preparation of a typewritten transcript of any Court proceeding shall be paid by the requesting party. Fees for compensation for the preparation of transcripts shall be set as follows:
- (1) Appellate and objection transcripts as well as transcripts prepared as a result of the filing of a motion to set aside or similar motion shall be provided at a cost of \$4.00 per page. The cost of the transcript shall be paid by the appellant, movant or objecting party. The original transcript document shall be filed with the Clerk of the Court. Any party may obtain a paper copy of the transcript at a cost of \$.05 per page and/or a read-only copy of the transcript document on disk at no charge.
 - (2) Other transcripts shall be provided at a cost of \$4.00 per page as paid by

the requesting party or person. The requesting party or person shall be provided with an original transcript document and, upon request, a read-only copy of the transcript document on disk. The other parties may obtain a paper copy of the transcript at a cost of \$.05 per page and/or a read-only copy of the transcript document on disk at no charge.

- (3) The cost of transcripts documents as set forth in this rule shall be \$7.00 per page whenever a request for an expedited transcript is made. For purposes of this rule a transcript request that sets a due date for delivery or filing of the transcript which falls within ten (10) business days or fewer of the date of the request shall be deemed to be a request for an expedited transcript. The requesting party or person shall be provided with an original transcript document and, upon request, a read-only copy of the transcript document on disk. The other parties may obtain a paper copy of the transcript at a cost of \$.05 per page and/or a read-only copy of the transcript document on disk at no charge.
- (F) Only transcripts or copies of transcripts that are certified by the court reporter may be filed with the Clerk of the Court. Such transcripts shall not be filed with the clerk by any person other than the court reporter.

Costs

JR 9

- (A) Except in cases wherein a person with a cognizable legal interest in the subject matter of the action who is seeking to file has presented the Court with proof of indigency as set forth in Local Rule JR10, any document, pleading, motion, request, petition or complaint filed without payment of the filing fee to the clerk, as listed in Appendix A, may be refused by the clerk, or summarily dismissed by the Court.
- (B) All fines, costs, fees, and filing fees must be paid to the court in cash, by a certified bank check, by money order, or by way of a credit or debit card. Personal checks will not be accepted.

JR 10

Any party or person requesting a finding of indigency shall complete an affidavit of indigency as set forth in Appendix B and shall provide any other documentation relating to personal income or expenses requested by the court.

JR 11

Except as permitted by the court for good cause shown, all ordered fines, costs, and restitution shall be paid prior to the expungement or sealing of any delinquency, unruly, juvenile traffic offender, adult criminal case and/or prior to the transfer, certification, or referral of any matter to another jurisdiction.

MAGISTRATE'S DECISION AND ORDERS/OBJECTIONS

JR 12

- (A) Absent contrary order by the court for good cause shown and except for magistrate's orders which may, pursuant to Ohio Juv. Rule 40, be issued by a magistrate without approval by a judge, all magistrate's decisions and orders shall be forwarded immediately for judicial approval, disapproval, or modification. Said decisions and orders shall contain this or similar language: "THE ORDERS AS SET FORTH HEREIN SHALL REMAIN IN EFFECT AS TEMPORARY MAGISTRATE'S ORDERS PENDING FURTHER ORDER OF THE COURT. PER OHIO JUV. R. 40(C)(3)(b), ANY MOTION TO SET ASIDE THIS TEMPORARY MAGISTRATE'S ORDER MUST BE FILED WITHIN TEN (10) DAYS. ANY OBJECTION TO THIS DECISION AND ORDER MUST BE FILED WITHIN FOURTEEN (14) DAYS."
- (B) All such decisions and orders which are judicially approved and adopted as final appealable orders shall contain the following or similar language: "THE DECISIONS AND ORDERS AS SET FORTH IN THE MAGISTRATE'S DECISION AND ORDER ARE HEREBY ADOPTED AS THE FINDINGS, FINAL JUDGMENT, FINAL APPEALABLE ORDERS, AND (IN THE CASE OF TIMELY OBJECTION) INTERIM ORDERS OF THIS COURT. YOU HAVE THE RIGHT TO APPEAL THIS JUDGMENT. IF YOU WISH TO APPEAL THIS CASE YOU MUST FILE A NOTICE OF APPEAL WITH THIS COURT WITHIN THE TIME FRAMES AS SET FORTH IN THE OHIO RULES OF APPELLATE PROCEDURE."
- (C) Magistrate's orders shall contain this or similar language: "ANY MOTION TO SET ASIDE THIS MAGISTRATE'S ORDER MUST BE FILED WITHIN TEN (10) DAYS."

JR 13

- (A) Upon timely objection to any decision and order of a magistrate of this court, a judicial determination shall be made as to whether said decision and order should continue in force as an interim order or should be stayed pending a hearing on said objection. Notification of said determination shall be forwarded to all parties by the clerk.
- (B) Per Ohio Juv. R. 40, objections to a magistrate's decision and order, motions to set aside a magistrate's order, and motions to set aside a temporary magistrate's order shall not be construed to act as a stay regarding either a magistrate's order or a magistrate's temporary order unless such a stay is granted by the magistrate who issued the order or a judge.
- (C) The party and/or counsel filing an objection, a motion to set aside a magistrate's order, a motion to set aside a magistrate's temporary order, or any other party requesting a hearing on any objection, motion to set aside a magistrate's order, or

motion to set aside a magistrate's temporary order shall be responsible for requesting and scheduling of a hearing time for said objection, motion to set aside a magistrate's order, or motion to set aside a magistrate's temporary order. Regardless of whether or not a hearing is requested or scheduled, the court may schedule a hearing upon its own motion or may summarily rule upon the matter without a hearing. All objections, motions to set aside, and hearing requests relating to same must be made in writing.

- (D) The decisions and orders of the magistrates of this court need not contain findings of fact absent a specific statutory requirement regarding such findings. Upon request of any party, the magistrate shall prepare such written findings in a timely fashion. The magistrate may require any party requesting such findings to prepare proposed findings subject to such conditions and time requirements as the magistrate sees fit.

JR 14

Pursuant to Evidence Rule 408, statements made in Drug Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and shall not be admissible as evidence in the underlying cause of action. Further, pursuant to Evidence Rule 410, statements made in Drug Court hearings shall be treated as participation in plea discussions, and shall not be admissible as evidence in the underlying cause of action. This rule does not limit the admissibility of independent or extrinsic evidence pertaining to the subject matter of any such conduct or statements.

COMPLAINTS/FILINGS/MOTIONS

JR 15

- (A) All complaints alleging juvenile delinquency and/or unruliness shall be approved by court personnel, as designated by the judge, prior to filing with the clerk.
- (B) Only one child shall be identified as the subject of any complaint, motion, pleading, or any other document filed in Juvenile Court regardless of the nature of the complaint.
- (C) All complaints, motions, pleadings, petitions and similar documents shall contain in the caption on the first page of any such complaint, motion, pleading, petition, or similar document, a clear indication of each form of relief sought and a numerical designation (code number(s)) as set forth in Appendix J of these Rules regarding the nature of relief sought. Documents which do not conform to this rule may be refused by the clerk, may be subject to substantial review prior to filing, or may be dismissed by the court. The information contained in the case caption and the relief identified, either by way of a code number or text within the caption, shall control how the action is identified and processed by the court. Further, unless clearly and unequivocally stated to the contrary in the caption on the first page of the complaint, petition, motion or similar pleading wherein there is a request for custody, shared parenting, the allocation or reallocation of parental rights and responsibilities or similar relief identified either by way of a code

number or text within the caption, such pleadings shall be construed as arising under Sections 2151.23(A)(2) and 2151.23(F)(1) of the Revised Code.

- (D) All complaints, petitions, motions or similar pleadings which reopen dormant cases filed which relate to or request relief relating to (but not limited to) the following issues must be filed together with a fully completed Juvenile Court Face Sheet (Appendix I). Such complaints, petitions or similar pleadings filed without a completed face sheet may be declined for filing or may be summarily dismissed by the court.
- Legal Custody
 - Grandparent's powers of attorney and caretaker authorization affidavits
 - Temporary Custody
 - Shared Parenting
 - Allocation or reallocation of Parental Rights
 - Visitation
 - Parenting Time
 - Companionship Rights
 - Abused Child
 - Neglected Child
 - Dependent Child
 - Child without proper care
 - Guardianship
 - Protection Orders
 - UCCJEA Foreign Decree Registration of Filing
 - Contempt of Court
- (E) This court shall not grant legal custody to any person who is not legally related to a child unless the court is presented with a home-study regarding the proposed placement performed by a licensed psychiatrist, psychologist, licensed independent social worker, public child placement agency, private child placement agency, or other professional as designated by this court.
- (F) Privately retained counsel in all cases shall, prior to making a court appearance and/or contemporaneously with the filing of any initial complaint, motion, or petition, file a Notice of Appearance which shall indicate whether or not counsel for the attorney's client has been previously retained and/or appointed. If counsel has been previously retained or appointed, the attorney filing the Notice shall certify that prior counsel has been notified of the substitution of counsel. In the event that prior counsel is not notified per this rule, sanctions, including but not limited to an award of attorney's fees to the prior attorney or to the court if counsel was appointed, may be awarded. In addition, all Notices of Appearance by retained counsel shall contain the following:
- (1) The attorney's name and signature,

- (2) If filing fees have been paid as part of the filing(s), the name and address of the payor of those filing fees,
 - (3) If the payor of the filing fees is the attorney, the attorney's Tax Identification Number (T.I.N.) or a certification that a completed Sub W-9 is on file with the Clerk of Courts or the County Auditor,
 - (4) The attorney's Supreme Court registration number, business address, telephone number; fax number; and e-mail address, and
 - (5) The name of the party represented by the attorney.
- (G) Documents subsequently submitted to the Clerk for filing shall contain the information as set forth above.
- (H) Information set forth in the initial Notice of Appearance which is subsequently changed shall be immediately reported by the filing of a new Notice of Appearance.
- (I) The certificate of service on all filings shall state the date and manner of service designating whether it was sent by certified mail, ordinary mail, facsimile transmission, or by hand delivery. In addition, the certificate shall state the name, business address, and fax number (if used) for service of each attorney or party to whom the filing is directed and shall be signed in accordance with Ohio Civ. R. 11.

JR 16

- (A) All complaints alleging that a child is abused, neglected, dependent, or that a child is a CHINS or CHIPS child except complaints filed by a Public or a Private Children Services Agency (CSA) or by the guardian *ad litem* (as appointed by this court or by the Butler County Domestic Relations Court) of the child who is the subject of the complaint shall be subject to the following requirements:
- (1) Pursuant to Rule 9 of the Ohio Rules of Juvenile Procedure, such complaints may be subject to retention prior to the issuance of any orders per the provisions of Local Rule JR17(C).
 - (2) Any complaint that is subject to section (A) of this rule shall be subject to the terms of Local Rule JR17.
 - (3) The Butler County Public CSA (currently the Butler County Department of Job and Family Services) shall be named as a party in the caption of and shall be joined as a party in all such complaints and shall not be severed as a party until a permanency order (as defined within Section 2151 of the Revised Code) is issued by this court or the case is dismissed. The CSA shall be provided with copies of all filed documents, shall be directed to investigate the allegations raised, shall be directed to investigate all

persons involved in the case, and shall be directed to provide the court and all parties with a report regarding its investigation unless otherwise ordered by the court.

- (4) If an admission is not entered by all parties regarding the allegations in any complaint filed that is subject to section (A) of this rule this court shall, pursuant to Rule 29 of the Ohio Rules of Juvenile Procedure direct the Prosecuting Attorney or, in cases where the complaint was filed by the child's guardian *ad litem*, the child's attorney as appointed by the court, to present evidence regarding the complaint. as the Prosecuting Attorney or child's attorney sees fit. Once so directed, the Prosecuting Attorney or child's attorney shall have sole control, consistent with the Ohio Rules of Professional Conduct, regarding the prosecution, amendment, compromise, and/or voluntary dismissal of the complaint.
- (B) All complaints and motions filed pursuant to Section 121.38 *et seq.* of the Revised Code shall state with specificity the relief requested by the movant or complainant and shall be submitted together with all of the following attachments:
- (1) A copy of the written determination made by the decision maker during the dispute resolution process;
 - (2) A transcript or summary of all evidence submitted to said decision maker together with copies of all documentary evidence presented to said decision maker;
 - (3) A copy of the plan of care as adopted by said decision maker;
 - (4) A praecipe for service upon all agencies subject to the determination as well as the child and the parents or custodian(s) of the child subject to the action. Said praecipe shall include the full names and addresses of said parties to be served and shall set forth a hearing date as obtained by the movant or complainant from the assignment clerk.
 - (5) A copy of the family service coordination plan as adopted in Butler County.

JR 17

- (A) For the purposes of these rules, the terms “emergency order” and “*ex parte* order” shall be defined as orders that are requested and/or issued at the time of the filing of the complaint or other pleading without notice to the other parties in the action. The term “*ex parte* hearing” shall be defined as a hearing that occurs at the time of the issuance of any emergency or *ex parte* order. The terms “emergency hearing” and/or “shelter care hearing” shall be defined as a hearing that is scheduled to occur on an expedited basis where reasonable attempts to provide notice to all parties is required.

- (B) All complaints and other pleadings wherein *ex-parte* hearings or orders and/or emergency hearings or orders are requested, shall state in the caption of the complaint or pleading that an emergency hearing, emergency order, or an *ex-parte* order is requested and shall be accompanied by an affidavit, otherwise supported by documentation attested to under oath, or supported by sworn testimony which specifically sets forth the facts upon which the alleged emergency is based. Complaints or pleadings including, but not limited to those that reactivate dormant cases wherein *ex-parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- (C) Any complaint petition or motion filed wherein an emergency and/or *ex parte* order is requested except complaints, motions, or petitions filed for Juvenile Protection Orders; by a Public or Private Children Services Agency; or by the guardian *ad litem* (as appointed by this court or by the Butler County Domestic Relations Court) of the child who is the subject of the complaint, motion or petition, may be retained by the court for twenty-four (24) hours or more before the issuance of any order requested in the complaint or petition by this court. Further, all such complaints, motions or petitions shall:
- (1) Be forwarded by the court, together with any attachments and pleadings submitted by the court to the Butler County Public Children Services Agency,
 - (2) Be granted only if at the time of filing the court is presented with testimony from at least one person and documentary evidence or testimony from a person or entity other than the filer that establishes reason to believe that the child in question: will suffer physical, emotional, or mental harm; will be permanently removed from the jurisdiction of this court; will be left without a custodian to provide for his or her care, or will be subject to sexual abuse if the order is not issued.
- (D) When a shelter care hearing is required pursuant to Ohio Juv. R. 13(B), the party who requests and/or obtains the emergency or *ex parte* hearing and/or order shall be responsible for providing appropriate service upon all other parties regarding the issuance of the emergency or *ex parte* order and regarding the emergency or shelter care hearing.
- (E) When an emergency or *ex parte* order is issued pursuant to Ohio Juv. R. 13(B), the court will schedule a probable cause/shelter care hearing pursuant to these rules and the Ohio Rules of Juvenile Procedure. When an emergency or *ex parte* order is issued pursuant to Ohio Juv. R. 13 (A), (C), or (D), the court will conduct a hearing on the shelter care docket regarding the issuance of the order upon the motion of any adversely affected party.

JR 18

- (A) Except for Uniform Traffic Citations and other forms as developed for court use by this court and/or the State of Ohio, all documents to be filed shall be typewritten, produced by a word-processing program, or legibly written in ink on 8½" X 11" paper or on forms provided by the court. Additionally, all documents shall be presented so as to be suitable for digital scanning, for filing in a flat-filing system, and shall have a blank 3.5 inch margin at the bottom of the first page of every document filed for the purpose of accommodating the court's bar code and time stamp. The clerk may refuse to file any document submitted which does not comply with any part of this rule.
- (B) With the exception of writs and certifications from other courts or as otherwise allowed under Ohio law, every case shall be commenced by the filing of a complaint. Cases shall not be commenced by the filing of an objection, appeal, motion, or any other form of action unless specifically permitted by the Ohio Rules of Juvenile Procedure or by statute.
- (C) All complaints, pleadings, motions, case plans and other filings must be properly captioned with the name of the case in the upper left hand corner of the first page and the case number in the upper right hand corner of the first page.
- (D) All complaints and case plans in all cases except delinquency, unruliness, and child support cases must contain the names, addresses, and dates of birth of all parties to the action (if known or reasonably ascertainable).
- (E) All complaints, filings, pleadings, and motions filed regarding any issue of parentage or child support must contain the names, dates of birth, addresses, and the last four (4) numbers of the social security numbers of the parents or alleged parents as well as the names, dates of birth, and places of birth of any children subject to such court action (if known or reasonably ascertainable).
- (F) A certified copy of the court order or the administrative finding which establishes that a parent-child relationship exists between a complainant and the child subject to the jurisdiction of this court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.
 - (1) Issues concerning companionship rights, custody, and residential parent status which pertain to a child or children subject to this court's jurisdiction due to a parentage finding or determination by this court or otherwise, shall not be initiated before this court by motion but shall be brought before this court by the filing of a complaint.
- (G) All notices of intent to relocate shall be filed together with a fee, as set by the clerk, to cover the cost of service of said notice, using the form as set forth in

Appendix E of these rules. Such notice must be filed within the following time frames:

- (1) If relocating within Butler County - at least thirty (30) days in advance of the move;
 - (2) If relocating outside Butler County - at least sixty (60) days in advance of the move.
- (H) (1) Any document filed with the court that is set forth in a foreign language (a language other than the English language) shall be accompanied by a translation of that document from the foreign language into English. Any such translation shall be accompanied by an affidavit from the interpreter that:
- (a) Clearly identifies the document or documents that has or have been translated,
 - (b) Verifies that the translation from the foreign language into English is accurate and complete, and
 - (c) Sets forth the qualifications of the interpreter including, but not limited to, certification of the interpreter by the Ohio Supreme Court, other certifications of the interpreter by other entities, and any training, education, or relevant experience possessed by the interpreter.
- (2) The court will not consider any translation of any document which does not comply with this rule. Additionally, the ultimate acceptability compliance with this rule shall be determined by this court on a case-by-case basis.
- (I) All complaints filed for parentage, support, visitation, shared parenting, residential parent determination, custody, parenting time, companionship rights, abuse, neglect, and dependency shall be accompanied by a completed IV-D application (Appendix H).

JR 19

Any document filed by an attorney at law shall contain, in legible or printed form, the name, address, telephone number, and Ohio Supreme Court registration number of said attorney.

JR 20

All documents filed by a party acting *pro-se* or *in propria persona* shall be subject to review by court staff prior to acceptance by the court for filing and shall contain in legible or printed form, the name, address, and telephone number of said party. *In propria persona* (or substantially similar) filings by non-parties and any other filings by non-

parties which dispute or facially deny the jurisdiction of this court shall not be accepted for filing.

JR 21

Documents will be accepted for filing by mail only if all of the following conditions are met:

- (A) The proper filing fee must accompany the document to be filed.
- (B) A stamped and addressed envelope for return of file-stamped copies must accompany the document to be filed.
- (C) If a signature of a judge or magistrate is required on the document to be filed, permission to submit such document, in full compliance with all rules and statutes, shall have been obtained in advance from such judge or magistrate.
- (D) The document to be filed must comply with all pertinent statutes and rules.

JR 22

- (A) Pursuant to Ohio Juv. Rule 8, facsimile filings of documents excepting those which require a filing fee, those which must be filed under oath, and those which require the attachment of an affidavit or similarly sworn document may be accepted by the court during days when court is in session from 8:30 AM until 3:30 PM. Documents received after 3:30 PM will not be filed until the next date that court is in session. The court assumes no liability for attempted facsimile filings which are misdirected or received in incomplete or otherwise unacceptable condition. Documents exceeding ten (10) pages in length, exclusive of the cover page, shall not be accepted for filing by facsimile transmission. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.
- (B) Documents which require payment of a filing fee will be accepted via facsimile transmission by the court from attorneys who maintain an account with the court in the amount of no more than \$150.00 provided that at the time of the filing there are sufficient funds on deposit to pay the filing fee. If sufficient funds are not on deposit, the court will not file the documents and the documents will be discarded by the court.

JR 23

- (A) All motions shall specify the order or modification requested, the circumstances which justify the order or modification and shall be supported by a memorandum, of not more than ten (10) pages, that is incorporated into or annexed to the motion. Motions and supporting memoranda shall be filed in triplicate. The clerk shall file one copy, and shall deliver one copy to the assignment clerk. Counsel shall deliver a courtesy copy of the motion and memorandum to the judge or to the magistrate to whom the case has been assigned.

- (B) Unless otherwise ordered by the court, required by statute, or mandated by case law, per Ohio Juv. R. 20(B), service upon any party's attorney of record shall be deemed as the equivalent of service upon that party.

JR 24

All motions shall, in their caption, contain the name of the judge or magistrate to whom the case has been assigned if the case has been so specifically assigned by the court.

JR 25

- (A) All motions shall contain a certification of service to all counsel and unrepresented parties. All motions except those motions filed requesting summary action, procedural motions, motions requesting consent of the court to proceed with an adoption in Probate Court, motions for emergency or *ex parte* action, motions to file documents, motions to withdraw as counsel, requests for release from incarceration or detention, motions to adopt administrative orders or recommendations by the CSEA, notices of change of circumstances filed by the CSEA, and motions for continuance; shall contain a notice of hearing date with certification of service to all counsel and unrepresented parties. Hearing dates shall be obtained through the office of the assignment clerk.
- (B) Notwithstanding any provision of the Revised Code, motions or case plan amendments, wherein summary substantive action (a request for a substantive order or a modification of an existing order without a hearing) by the court is requested or required, shall be served upon all parties to the action as required in rules JR23 and JR25 and shall set forth the following language as styled herein: **"IF YOU OPPOSE THE RELIEF, MODIFICATION, OR ORDER SOUGHT IN THIS MOTION YOU MUST FILE A RESPONSE OR A REQUEST FOR A HEARING REGARDING THIS MOTION WITHIN FOURTEEN (14) DAYS OF THE FILING DATE. IF YOU FAIL TO RESPOND OR REQUEST A HEARING DATE, THE COURT MAY RULE UPON THIS MOTION WITHOUT FURTHER NOTICE TO YOU."**
- (C) The court will not, except for proceedings pursuant to Rule JR26, consider motions for summary substantive action if the relief, modification, or order sought would deprive a parent, legal custodian, or child of custody, visitation, or support.
- (D) Any motion or request which requires notice or service upon any party or person shall contain, by attachment, praecipe or otherwise, a request for such notice or service which shall include the names and addresses of all such persons or parties and which shall specifically state the method of notice or service requested. Notwithstanding any provision of the Revised Code, the clerk will not provide notice or service absent such a specific, written request.

- (E) In accordance with the standing practice of this court, pursuant to Ohio Civil Rule 4.6(B), and in order to provide a method of service compatible with the time requirements as set forth in Sections 2151.28 and 2151.35 of the Revised Code, and Ohio Juv. R. 29 service may be secured upon an individual or entity by service by certified or express mail and simultaneous mailing of ordinary mail. The certified or express mail shall be evidenced by return receipt signed by any person. The clerk shall place a copy of the process and complaint or other document to be served in an envelope. The clerk shall address the envelope to the person to be served at the address set forth in the caption or at the address set forth in written instructions furnished to the clerk with instructions to forward. The clerk shall affix adequate postage and place the sealed envelope in the United States mail as certified or express mail return receipt requested with instructions to the delivering postal employee to show to whom delivered, date of delivery, and address where delivered. Simultaneously, with the mailing of the notice by certified or express mail, the clerk shall send by ordinary mail a copy of the summons and complaint or other document to be served to the individual or entity to be served at the address set forth in the caption, or at the address set forth in written instructions furnished to the clerk.

The mailings shall be evidenced by a certificate of mailing which shall be completed and filed by the clerk. Answer day shall be twenty-eight days after the date of the mailings or upon the date of the hearing (the date of which shall not be less than fourteen (14) days from the date of mailings if the mailing relates to a motion and shall not be less than twenty-one (21) days from the date of mailings if the mailing relates to a complaint) as evidenced by the certificate of mailing, whichever date is earlier. The clerk shall endorse this answer date or the hearing date upon the summons which is sent in the mailings. Service shall be deemed complete for the purpose of this rule upon the date of delivery as set forth upon the return receipt for the certified or express mail or; if service of process is refused or unclaimed, and the certified or express mail envelope is returned with an endorsement showing such that the mail was refused or was unclaimed; upon the day of mailing of the ordinary mail as entered of record. Failure to claim certified or express mail service is not refusal of service within the meaning of Ohio Civil Rule 4.6(C).

The clerk shall forthwith enter the fact of mailing on the appearance docket and make a similar entry when the return receipt is received. Service shall be deemed incomplete if the certified or express mail is unclaimed and the ordinary mail service is returned to the court within twenty-one (21) days of the mailing with an endorsement from the U. S. Postal Service indicating that the address does not exist or that the person sought to be served is not residing at that address.

JR 26

All motions and/or requests for *ex-parte* orders, emergency orders, or emergency hearings shall be so captioned on the first page of any documents presented, ~~shall~~, except in situations where the movant is requesting an emergency or shelter care hearing as a matter of right, shall be accompanied by an affidavit, supported by other document(s) attested to under oath, or supported by sworn testimony, and shall comply with local Rules JR16 and JR17. In the event that an *ex-parte* order is issued and a shelter care hearing is required to be scheduled per Rule JR17, a shelter care hearing regarding that *ex-parte* order shall be scheduled on the business day immediately after the filing date of the order unless otherwise ordered by the court. For the purpose of this rule only, emergency and *ex-parte* orders filed after 2:00 pm shall be deemed to have been filed on the following business day.

CONTINUANCES

JR 27

- (A) Except for good cause shown, all motions for continuance shall:
- (1) Comply with the Ohio Rules of Superintendence and shall be filed at least fourteen (14) days before the hearing sought to be continued,
 - (2) Be filed and presented to the assignment commissioner prior to the notification of any person, party or counsel (other than the client of the attorney filing the motion) and shall be subject to the following approval process:
 - (3) Once filed, the assignment commissioner shall present the motion to the magistrate or judge assigned to the case, in the absence of the magistrate assigned to the case, to the chief magistrate, or to the judge for initial authorization for possible approval or denial.
 - (4) If the motion for a continuance is denied upon filing or at any time thereafter, the assignment commissioner shall file the entry denying the continuance, serve all parties with a copy of said entry, and shall notify the moving party of the court's actions.
 - (5) If authorized for possible approval, the assignment commissioner shall contact all counsel, the guardian *ad litem*, any appointed CASA (*PARACHUTE*) volunteer, and unrepresented parties (telephonically, electronically, by facsimile transmission, or by express mail) who have previously made an appearance in the case in question regarding any objection to the motion and shall forward a copy of the motion to said counsel and unrepresented parties. The basis for any objection shall be set forth in writing and filed with the court.
 - (6) If the assignment commissioner is not made aware of any such objections

within three (3) days of the filing of the motion, the assignment commissioner shall then present the motion to the magistrate or judge assigned to the case, the chief magistrate if the case is assigned to a magistrate who is unavailable, or the judge for approval or disapproval.

- (7) The court may approve any motion for a continuance for good cause shown after objections have been raised or (in the case of a continuance motion based upon extraordinary and unforeseen circumstances) without waiting for objections to be raised.
 - (8) In the event that any objections raised in a timely fashion regarding a continuance that is granted relate to unfair delay of the proceedings, the assignment commissioner shall confer with the chief magistrate or the judge regarding the timely rescheduling of the matter in question.
 - (9) Once approved, the assignment commissioner shall contact all counsel, the *GUARDIAN AD LITEM*, any *parachute* volunteer, and any unrepresented parties who can be contacted telephonically or electronically in order to schedule a new hearing date when all of said persons will be available.
 - (10) Be accompanied by executed waivers of all pertinent time requirements, and
 - (11) Shall contain certification of notice to the client of the movant.
- (B) Motions for continuance filed less than fourteen (14) days before the hearing sought to be continued shall not be granted except upon a showing of extraordinary or unforeseen circumstances and shall be subject to approval in accordance with the process set forth in subsection (A) of this rule.
 - (C) All entries issued pursuant to motions for continuance of a scheduled trial shall (except for good cause shown) contain an order allocating the costs (if any) incurred due to said continuance. If said costs are not so allocated, the costs so incurred shall be borne by the moving party.
 - (D) It shall be the responsibility of counsel to notify his or her parties or witnesses in the event that a case is continued. Absent reasonable excuse, failure to do so may result in summary sanction by the court.
 - (E) No attorney or party shall advise any other attorney or party that a case has been or is going to be continued prior to approval of a continuance motion by the court. Violation of this rule may result in summary sanction by the court.

JR 28

In the event of the existence of a non-waivable time limitation, when the hearing sought to be continued is scheduled thirty (30) days or less before the expiration of said time

limit, no continuance of such hearing shall be granted unless all of the following conditions are met:

- (A) Agreement by all parties as to a new date for hearing prior to the expiration of the time limit,
- (B) Stipulations by all parties to any evidence adversely affected by the continuance,
- (C) Availability of adequate court time prior to the expiration of the time limit,
- (D) Permission from the court.

JR 29

Absent extraordinary circumstances, all requests for continuance must be approved by the judge or by the magistrate to whom the case is assigned.

SCHEDULING AND CASE MANAGEMENT

JR 30

All cases and hearings (other than those scheduled from the bench, emergency hearings, enforcement and warrant proceedings filed under Section 3127 *et seq.* of the Revised Code (the UCCJEA) and *habeas corpus* hearings as set forth in rules JR32 and JR33) shall be scheduled by the assignment clerk. Requests for hearings, for motions, complaints, petitions or otherwise, shall advise the assignment clerk of the time needed for hearing. Absent such advisement, the assignment clerk shall assign one-half (½) hour of hearing time for the request. If, at the time scheduled for the hearing it is apparent that insufficient time has been requested, the court may *sua sponte* continue the matter, placing orders into effect pending that hearing as the court sees fit.

JR 31

The assignment clerk shall have the authority to establish procedures for the efficient scheduling of cases. Those procedures may include, but shall not be limited to, procedures to assure that cases are ready for pre-trial and trial and procedures to assist in the timely disposition of cases. Failure to abide by said procedures or any other scheduling procedure may result in the summary imposition of appropriate sanctions.

JR 32

All requests for emergency (shelter care) hearings, regardless of whether or not a request for an emergency or *ex parte* order is filed contemporaneously, shall comply with the terms of local rule JR 17 and 26. Any party requesting an emergency hearing shall first file the appropriate documents as a motion for an emergency (or shelter care) hearing and a motion for relief. The motion for an emergency (or shelter care) hearing will be presented by court staff to a judge or magistrate for a determination regarding whether or not the information as filed in said documents provides the court with sufficient grounds to schedule an emergency (or shelter care) hearing. Court staff shall thereafter proceed regarding the request as directed by said judge or magistrate.

JR 33

All *habeas corpus* proceedings and enforcement and warrant proceedings filed under ~~the~~ Section 3127 *et seq.* of the Revised Code (the UCCJEA) shall be heard by the judges of this court and shall be scheduled directly with one of the juvenile judges.

CHILD SUPPORT ORDERS**JR 34**

All child support orders shall be filed with the clerk together with a completed, printed or typewritten 201 form (Appendix G).

JR 35

- (A) Prior to the commencement of any hearing wherein child support is to be considered, the judge or magistrate shall be presented with a completed current child support calculation sheet by the party seeking support.
- (B) The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it.
- (C) If the income of a party is unknown, but his or her employment is known, the attorney shall obtain income information by filing a subpoena duces tecum at the time the complaint or motion is filed, and note that a subpoena has been filed in lieu of the calculation sheet. If both the income of a party and his or her employment are unknown, a statement must be submitted that the information necessary to complete the calculation sheet cannot be obtained by reasonable means.
- (D) Any person who moves the court for an increase or a decrease in the amount of child support shall provide the court with an audit of the child support account in question at the hearing on the motion. Such audits must be obtained from the CSEA.

JR 37

When an order for child support is prepared by an attorney, it shall be the responsibility of the attorney to assure that the text of the support order complies with all pertinent provisions of the Revised Code. Generally, without limitation, all child support orders shall contain the following:

- (A) A statement of the monthly child support obligation made payable in increments which coincide with the obligor's pay periods.

- (B) A statement as to whether the support obligation conforms with the current child support schedule and/or guidelines. If the order substantially deviates from said schedule, particularized facts which support the deviation shall be set forth in the order together with agreed findings that the schedule amount would be unjust, inappropriate, and not in the best interest of the child(ren).
- (C) An order directing the clerk to issue appropriate wage withholding orders.

JR 38

Form entries prepared by the court shall contain the following language (each individual form need not contain all of this language, parts of same may be contained in separate form entries or notices used for the issuance of a support order):

"All child support payments plus a 2% processing charge, shall be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center (OCSPC). Any payments not made through the CSEA or the OCSPC shall be deemed to be gifts."

The following language shall be included as styled as follows:

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE,

**DRIVER'S LICENSE, OR RECREATIONAL LICENSE;
WITHHOLDING FROM YOUR INCOME; ACCESS
RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN
FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO
SATISFY YOUR SUPPORT OBLIGATION.**

The CSEA is hereby authorized by this court to change the payee (obligee) of any child support order upon notification of a legally authorized change of custodian or residential parent for any child who is the subject of any child support order.

All child support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice, A withdrawal directive, or appropriate court order issued in accordance with section 3121.02 to 3121.07 of the Revised Code and shall be forwarded to the obligee in accordance with section 3121.50 of the Revised Code.@

SANCTIONS

JR 39

Sanctions for failure to comply with any of these rules may include, but are not limited to, the following:

- (A) Summary striking or dismissal of the pleading, motion, or filing;
- (B) Continuance of the matter sought to be heard;
- (C) An order that attorney's fees from the non-complying party or attorney be paid to the aggrieved party;
- (D) An appropriate order regarding payment of court costs by the non-complying party or counsel; or other sanction consistent with these rules.

**ATTORNEYS, COURT APPOINTED ATTORNEYS, and GUARDIANS AD
LITEM**

JR 40

Whether ordered as a sanction or ordered pursuant to Ohio Juv. Rule 4(G), attorneys' fees and fees for guardians *ad litem* shall, absent evidence to the contrary, be assessed at the rate of \$100.00 per hour as approved by the court and billed in one-tenth hour increments. Bills for such fees shall be presented to all affected parties at least fourteen days prior to presentation to the court for adoption. In order to assure that guardians *ad litem* receive payment pursuant to Ohio Juv. Rule 4(G), the court may order each of the parties to deposit up to \$500.00 with the clerk.

JR 41

- (A) The following is the procedure for applications for the Juvenile Court appointed counsel list. Attorneys who wish to be appointed to represent indigent adults and children shall first complete an Application (APPENDIX K). It is expected that any attorney who wishes to act as appointed counsel will have a location in this county where he or she will be able to confer with clients. Completed applications, along with any other documentation required by court policy, shall be submitted to the court administration office or to the Chief Magistrate and shall be thereafter be submitted to the Judges of this court. A decision will be made by said judges regarding approval or disapproval of those applications. Attorneys shall not approach individual judges or members of court staff for reconsideration. Attorneys approved for appointment will be approved for one calendar year and will be subject to review on an annual basis. Approved attorneys shall follow policies and procedures provided and approved by the court.

Appointed counsel shall submit a Motion, Entry and Certification for Appointed Counsel Fees, as prescribed by the Ohio Public Defender's Office, within thirty (30) days from the date of the final hearing or within thirty (30) days of the issuance of a decision relating to the final hearing whichever date is latest. This time period will not be extended due to intervening holidays. Fee applications submitted outside the thirty (30) day guideline shall be subject to denial or a reduction of the amount requested at the discretion of the administrative judge. Motions for judicial release and other post-conviction motions shall be submitted on a separate fee application, which shall be submitted within thirty (30) days of the date of the entry of the judge's decision.

In accordance with Ohio Public Defender Standards and Guidelines for Appointed Counsel Reimbursement, counsel shall prepare and maintain time records for each appointed case, showing the date of service, nature of services rendered, and hours worked. Time records shall be provided to the Court upon request.

The juvenile court shall maintain a list of attorneys who have been deemed eligible for appointment as counsel in cases before the juvenile court. Eligibility for inclusion on that list shall be determined per the discretion of the court consistent with the requirements as set forth in Ohio Sup. R. 48. Attorneys shall be appointed on the basis of a rotating schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments. The court may, in its discretion, deviate from the rotating schedule in order to assure the efficient and orderly administration of justice.

- (B) The juvenile court shall maintain or shall appoint a person to maintain a list of attorneys who have been deemed eligible for appointment as guardians *ad litem*

for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in subsection (E)(4) of this rule, shall be at the discretion of the court. Attorneys shall be appointed to act as guardians *ad litem* on the basis of a rotating or randomized schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments. The juvenile court may maintain a list of non-attorneys who have been deemed eligible for appointment as guardians *ad litem* for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in subsection (E) of this rule, shall be at the discretion of the court.

- (C) For the purpose of cases other than cases involving alleged or adjudged abused, neglected, and/or dependent children, the juvenile court hereby adopts and incorporates by reference, as if restated herein, the qualifications and procedures regarding the appointment and duties of guardians *ad litem* for children as have been adopted by the Domestic Relations Division of the Court of Common Pleas of Butler County.
- (D) For the purpose of cases involving alleged or adjudged abused, neglected, and/or dependent children, the juvenile court hereby adopts the following standards and guidelines which set forth the authority granted to guardians *ad litem* for children as well as the mandatory and recommended responsibilities of guardians *ad litem* for children.
 - (1) All guardians *ad litem* shall be:
 - (a) Attorneys at law who are authorized to appear as court appointed counsel in juvenile court and who are approved by the court to act as guardians *ad litem* or,
 - (b) Non-attorneys who are approved by the court or the *Parachute* program or,
 - (c) As otherwise appointed by the court.
 - (2) All attorney/guardians *ad litem* and non-attorney guardians *ad litem* shall fulfill all requirements regarding education and training as set forth in Ohio Sup. R. 48.
 - (3) All determinations regarding the appointment and eligibility for and removal from the eligibility list of all guardians *ad litem* shall be at the discretion of the court. Debra Rothstein or any successor person designated by Legal aid Society shall fulfill all of the record-keeping and monitoring duties as set forth in Ohio Sup. R. 48 (G) regarding attorneys and non-attorneys employed by the Legal Aid Society who are appointed to act as guardians *ad litem* in cases where a child is alleged to be or has been adjudicated to be an abused, dependent, or neglected child. This court shall, by local

order of the court, appoint one person to fulfill all of the record-keeping and monitoring duties as set forth in Ohio Sup. R. 48 (G) regarding attorneys who are appointed to act as guardians *ad litem* in all cases other than cases where a child is alleged to be or has been adjudicated to be an abused, dependent, or neglected child. Further, this court appoints Chris Schultz or any successor person appointed by the Parachute Butler County CASA program to fulfill all of the duties related to the appointment of guardians *ad litem* who are not attorneys at law and who are employees of or volunteers in said CASA program as set forth in Ohio Sup. R. 48 (G).

- (4) All guardians *ad litem* shall be vested with all of the authority granted to guardians *ad litem* under the laws of the United States and under the laws of the State of Ohio including (but not limited to) those found in Section 2151.281 of the Revised Code. In addition, all guardians *ad litem* appointed by this court shall be vested with the following authority:
- (a) To act as an independent gatherer of information,
 - (b) To review all relevant records, including, but not limited to medical, psychological, dental, protective services, and school records,
 - (c) Subject to the limitations imposed upon attorneys by the Ohio Code of Professional Responsibility regarding contact with parties represented by counsel, to have direct and independent communication with parents, social workers, teachers, foster parents, relatives, counselors, and any other person necessary to ascertain the facts and circumstances of the child's situation,
 - (d) To be provided with complete information concerning the location of the child's residence,
 - (e) To, when appropriate, monitor implementation of case plans and dispositional orders regarding provision of services and effectiveness,
 - (f) To interview each child (when possible) in private without the consent of the parent or of any private or public entity, and the guardian *ad litem* shall have the authority to observe each parent, custodian, or foster parent with the child(ren),
 - (g) To review the pleadings in the case and consult with attorneys involved in the case,
 - (h) To be notified of and to attend all mediation sessions and administrative reviews,

- (i) To participate in educational meetings including, but not limited to, meetings pertaining to individualized education plans, and
 - (j) Attorney/guardians *ad litem* shall have the authority to file pleadings and motions and shall have the authority to prosecute same on behalf of the child(ren).
 - (k) Attorney/guardians *ad litem* shall have the authority to issue subpoenas and to examine witnesses.
- (5) The following are mandatory standards for guardians *ad litem* practicing in juvenile court in cases where a child is alleged to be or has been adjudicated to be an abused, dependent, or neglected child. All guardians *ad litem* shall:
- (a) Communicate with every child, who is able to do so, confidentially no less than thirty days prior to and no less than thirty days after every court hearing regarding the child,
 - (b) Unless otherwise permitted by the court by express order as permitted in subsection (6) herein, have face-to-face contact with each child at least once every ninety days in the home where the child resides or at the child's school,
 - (c) Respond promptly to any request made to communicate with the child or investigate the child's circumstances when made by the child or any person closely connected to the child,
 - (d) Present independent and thorough recommendations to the court made as a result of his/her statutorily required independent investigation of the circumstances of the child. Said initial investigation shall include, at a minimum, contact with the child, the child's parent(s), the child's foster parent's, the child's teacher(s), and any other family or non-family member with whom contact would be helpful in preparing a full report regarding the child's circumstances to the court. In this regard, the guardian *ad litem* is encouraged to be creative and to think independently in presenting those recommendations,
 - (e) Be present during the entirety of any mediation concerning the child,
 - (f) Submit a written report if required to do so by Ohio Sup. R. 48 or as ordered by the court.
 - (g) Submit supplemental recommendations as required by Ohio Sup.

R. 48 or as ordered by the court,

- (h) Be present at every hearing concerning the child except when said presence is excused by the court and provided, further, that the guardian *ad litem* presents to the court a written report prior to any such hearing wherein their presence has been excused,
 - (i) Be present at every administrative review concerning the child which does not conflict, in terms of scheduling, with a court proceeding provided that said guardian *ad litem* is given at least two (2) weeks written notice regarding said administrative review,
 - (j) Explain, as much as possible, the court proceedings and the role of the guardian *ad litem* to the child, in terms which the child can understand,
 - (k) Advocate for the best interests of the child giving due regard to all of the factors required to be considered by the court in determining the best interests of a child,
 - (l) Monitor implementation of case plan services and dispositional orders so as to determine whether or not those services are being provided in a timely manner and are accomplishing their desired goal,
 - (m) Attorney/guardians *ad litem* shall advocate for the best interests of the child and for the child's interests and shall advise the court when an irreconcilable conflict arises between the role of guardian *ad litem* and attorney for the child,
 - (n) Ascertain the interests of every child taking into account the child's age and maturity consistent with providing the child with a safe home taking into account the need for family preservation and permanency planning,
- (6) This court may, upon its own motion or upon proper request, waive compliance with all or part of the requirements of these rules and Rule 48 of the Ohio Rules of Superintendence regarding meeting, interviewing, and visiting with the child and the child's caretakers when such compliance is deemed to be impracticable or inadvisable. Any guardian *ad litem* appointed in any case may be relieved of the duty to meet, interview, and visit with the child and the child's caretaker as otherwise required in the Ohio Rules of Superintendence and these rules.
- (7) The court may, in appropriate circumstances, issue an order which permits the guardian *ad litem* to appoint another person to investigate the circumstances of, communicate with, meet with and/or visit with any child

subject to this subsection or the child's caretakers. Any person so appointed by the guardian *ad litem* shall report to the guardian *ad litem* regarding any such investigation, interview, meeting or visit. Any person so appointed shall be a properly qualified guardian *ad litem*, either certified pursuant to Ohio Sup. R. 48 or otherwise approved to act in that capacity in the jurisdiction where the child is located. Any objection to the admissibility of any information obtained by any person appointed by the guardian *ad litem* pursuant to this subsection shall be deemed to have been waived unless raised contemporaneously with the issuance of any order issued pursuant to this subsection.

DISCOVERY

Interrogatories and Requests for Admissions

JR 42

In submitting interrogatories and requests for admissions, a party or counsel shall mail the original and one copy to the party or counsel of record for the party to whom the interrogatories or requests are directed with one copy to all other parties or counsel of record. A certification of service typed and signed on the interrogatories or request shall be *prima facie* evidence of their mailing. The party responding to any discovery request or his/her counsel shall type the answer or objection to each question on the original and shall forward the original to the party requesting the discovery or his/her counsel within twenty-eight (28) days unless the court modifies that time limitation. In the event that a party fails to answer interrogatories and/or fails to respond to requests for admission, the sanctions imposed (if any) shall be consistent with sanctions permitted pursuant to the Ohio Rules of Civil Procedure.

JR 43

When interrogatories and/or requests for admissions are filed simultaneously with the original complaint, answer, counterclaim, cross-claim, or third-party complaint, they shall not be annexed to the original pleading unless the pleading in its caption indicates that the interrogatories and/or request for admissions are attached.

JR 44

The judge or magistrate to whom a case is assigned may establish a cut-off date for discovery. Once said date is established, absent further order of the court to the contrary, no subsequent discovery shall be permitted.

JR 45

- (A) No objections, motions, applications, or requests related to discovery shall be filed unless counsel have, in good faith, exhausted among themselves all extrajudicial means for the resolution of differences. If such objection, motion, application, or request is filed, a certificate of counsel setting forth a brief statement of the extrajudicial means employed to resolve the dispute shall be attached thereto.
- (B) Motions, requests, applications, and orders regarding discovery shall be deemed to

place an ongoing duty to provide such discovery regardless of which procedural phase in which a case may be at the time of the motion, request, application or order.

- (C) Notwithstanding the limitations of Ohio Juv. Rule 24, in the event that a witness list is requested or ordered to be provided in discovery, the names and most recent addresses of all witnesses shall be deemed to have been requested and/or ordered.

JR 46

The total of all requests for admissions served upon any party shall not exceed twenty (20) requests absent leave of court. Each request requiring a response shall be considered one admission for purposes of this rule.

Depositions

JR 47

Except for depositions in cases governed by the Ohio Civil or Criminal Rules, no deposition of any kind may be scheduled or arranged by any party without permission of the court. Any subpoena issued for such deposition without leave of court shall be quashed summarily.

Subpoenas

JR 48

Any subpoena issued by any party seeking to obtain documents or things relating to an abused, neglected, or dependent child or to an alleged abused, neglected, or dependent child shall specify that the documents or things so subpoenaed be delivered to the court prior to distribution to or inspection by any party.

JR 49

- (A) All subpoenas endorsed under the authority of this court which compel attendance of witnesses at or production of documents or things for a court proceeding shall be prepared on the forms provided by the court unless otherwise ordered by the administrative judge of the juvenile court. All other subpoenas related to proceedings in this court may be issued in any manner that is consistent with Ohio law.
- (B) Except for service performed by attorneys at law, service performed by duly appointed process servers of this court, service (by ordinary mail) of motions and similar documents upon parties and counsel of record by certificate of mailing pursuant to Ohio Civil Rules 5(B), 5(D) and 11, or by persons otherwise authorized by law to serve process, all documents (subpoenas, summonses, etc.) shall be served through the clerk's office. Instructions for service or a praecipe must be presented to the clerk together with the document(s) to be served by the party seeking service. Said documents shall, when certified mail service is requested, be presented to the clerk no fewer than thirty (30) days prior to the hearing which relates to the document(s) to be served. Said documents shall, when personal service by the sheriff is requested, be presented to the clerk no

fewer than fifteen (15) days prior to the hearing which relates to the documents being served. The clerk may be instructed, in those instructions or praecipe, to serve documents through the Butler County sheriff's office, by certified mail, express mail, or by ordinary mail. Instructions for service by the sheriff shall be by residential service unless personal service is specifically requested.

- (C) Documents (approved subpoenas, summons, etc.) which are prepared for service, and for which a request for service by the Butler County sheriff, by ordinary mail, or by certified mail has not been filed, shall be delivered only to the attorney who requested the documents (identification may be requested by the clerk's office) or, upon presentation of proper identification and a copy of the appointment order, to the person designated as the process server for those documents. Such documents will not be delivered to any other person under any circumstances.
- (D) Upon proper application, those individuals whose name appears on this court's list of approved private process servers will be appointed to serve summonses, subpoenas, and other appropriate court documents. Any individual desiring to have their name added to this court's list of approved private process servers must file a request with the court. Said request must include, at a minimum, a résumé and an affidavit attesting to the good character and reliability of that individual. The court may require the completion of a police background check prior to inclusion on said list.
- (E) Notwithstanding the rules set forth above, on a case-by-case basis, this court will consider an application to designate an individual employee of a process serving company or business as a private process server when service is to be effectuated at a location fifty (50) or more miles distant from Hamilton, Ohio.

JR 50

No child alleged or adjudicated to be dependent, neglected, or abused shall be compelled to testify or appear at any hearing or deposition without the consent of the court.

Documents

JR 51

- (A) Objection to the admissibility of any document will be deemed to be waived in any court hearing, other than delinquent child or criminal proceedings, under the following circumstances:
 - (1) The document or documents were provided to opposing counsel or the opposing party (if *pro se*) together with a written notice of the intent to introduce the document as evidence, with a certificate of service attached, at least fourteen (14) days before the hearing, and
 - (2) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing setting forth the particular objections raised.

- (B) Subsection (A) of this rule shall not be construed to create the basis for an objection to the admissibility of any documentary evidence otherwise admissible pursuant to Ohio law. Document(s) relating to subsection (A) of this rule shall not be filed with the court. The proponent of the admission of the document may file a copy of the notice provided to opposing counsel or opposing party (if *pro se*) with the court. If so filed, said notice shall contain a list of the documents provided.
- (C) Prior to any hearing wherein a the Butler County Public CSA requests or wherein the court pursuant to statute is required to render any finding pursuant to P.L. 96-272, Sections 42 U.S.C. 672(A)(1), 45 C.F.R. 1355.34, 45 C.F.R. 1355.20, Section 2151.417 of the Revised Code or similar provision of law, the PCSA shall provide the court with a written summary of its actions as same may relate to the findings so requested or required prior to or at the time of the hearing.
- (D) Compliance with subsection (A) of this rule shall not be construed to be binding upon the court as to the ultimate admissibility of any evidence or document presented to the court.

**ABUSE, NECLECT and DEPENDENCY CASES CASE MANAGEMENT
CONFERENCES/PRE-TRIALS SETTLEMENT CONFERENCES**

JR 52

The plaintiff shall present a praecipe for certified mail service and the necessary documentation for service by publication or posting (if necessary) upon previously unnoticed essential parties to the clerk within three (3) working days of the filing of the complaint. This notice shall be for the date of the case management conference/pre-trial but shall be stated as the trial date for purposes of default upon said notice.

JR 53

If notice by publication or posting is needed, the plaintiff shall so inform the assignment clerk at the time of the filing of the complaint or as soon thereafter as possible. In such event, the Assignment Clerk shall schedule the case management conference/pre-trial at least twenty one (21) days after the filing of the complaint.

JR 54

- (A) All abuse, neglect, and dependency cases, excepting only those cases associated with criminal proceedings in this court, shall first be processed through the case management conference, pre-trial, mediation/settlement process. Witnesses shall not be subpoenaed to any case management conference, pre-trial, settlement conference or mediation conference. No testimony will be taken from any party at any case management conference, pre-trial, settlement conference or mediation conference. Parties, complainants, guardians *ad litem* and all counsel shall be present for all case management conferences, pre-trials, settlement conferences, and/or mediation conferences.

- (B) For the purposes of efficiency and in order to comply with the Ohio Rules of Superintendence, case management conferences and pre-trials shall be conducted simultaneously. The purpose of the case management conference/pre-trial is to align the parties in the case, to order necessary evaluations, to determine if the parties are in agreement as to the adjudication of the case, to issue necessary pre-trial procedural orders, to determine if the parties are in agreement as to the disposition of the case, to issue agreed orders, to adjudicate and/or dispose of the case by default when appropriate, and, if available, to schedule the case for trial or for a settlement/mediation conference regarding issues concerning which there is no agreement. When all parties present in court at the time that a case is called are represented by counsel, the court may conduct a case management conference/pre-trial. Subject to the exception set forth in subsections (C), (D), and (E) of this rule the case management conference/pre-trial may be restricted to counsel only and may be on or off the record at the court's discretion. In cases wherein a volunteer from the *Parachute* Court Appointed Special Advocate (CASA) program has been appointed by the court, said volunteer or a representative of *Parachute* shall, absent objection by counsel, be permitted to participate in all case management conference/pre-trials. In the event of any such objection, the court shall proceed pursuant to section (C) of this rule.
- (C) When all parties present in court at the time that a case is called are not represented by counsel, or upon request of any party, any substantive conferences, discussions, or communications with the court (case management conference/pre-trial or otherwise) shall be made on the record and in the presence of all such parties and their counsel including any appointed *Parachute* CASA representative or volunteer.
- (D) Except when the presence of a party from the courtroom is specifically waived on the record by that party, all substantive agreements reached at any case management conference/pre-trial or pre-hearing conferences shall be placed fully upon the record, including any objections thereto, in the presence of all such parties and their counsel.
- (E) The purpose of the settlement/mediation conference is to attempt to reach an agreement between the parties as to the adjudication and disposition of the case and to schedule the case for trial if no such agreement can be reached. The parents, the guardian *ad litem*, the *Parachute* worker, all other parties, all counsel, temporary custodians, and foster parents shall be permitted to participate in the mediation of the case.
- (1) The mediator shall not testify (as a witness in the mediated case) concerning the mediation process or concerning any occurrences or admissions which arose during the mediation of the mediated case.
 - (2) The court may tax, as costs, the cost of any court ordered mediation and

may require the posting of a deposit toward those costs prior to the mediation of the case. Those costs may be allocated between the parties as the court sees fit.

(3) All mediated agreements shall be presented to the court as agreed findings and orders. The parties shall appear before the court to indicate their agreement to the mediated findings and orders. At that time the parties shall indicate whether they have voluntarily waived their right to trial, to remain silent and whether they have voluntarily agreed to the mediated findings and orders.

(F) Case management conference/pre-trials shall, whenever possible, be scheduled to occur within twenty-eight (28) days of the filing of any complaint alleging abuse, neglect, or dependency.

JR 55

The Court on its own motion may refer appropriate cases to any special court program including, but not limited to, the Drug Court Program. Each program may take appropriate action regarding program goals including, but not limited to, coordination of agency collaboration, provision of regular judicial oversight, and assessment of progress toward goals.

JR 56

The case management conference/pre-trial shall not be utilized as an alternative to motion hearings, ex-parte, emergency, or otherwise. The court will not issue substantive orders unless those orders are agreed to by all parties present or unless the Court *sua sponte* sees fit. Except in default proceedings, the court will not take testimony but will accept stipulated evidence. The Court will not make findings of fact at or pursuant to any pre-trial agreement. The court will, however, adopt and incorporate facts which are stipulated to by all the parties present for said agreement as agreed findings of fact and as part of the court order issued as a result thereof.

JR 57

Upon request at the case management conference/pre-trial, the court will issue orders regarding discovery and pre-adjudicatory medical, mental, psychological, psychiatric, and behavioral assessments of any party (and the allocation of the cost of same). The Court will issue scheduling orders for trial, further pre-trials, Settlement/mediation conference(s), competency examinations etc. The Court will also issue orders regarding appointment of counsel.

PARENTAGE CASE MANAGEMENT CONFERENCE/PRE-TRIAL

JR 58

Subsequent to the filing of any parentage complaint, a case management conference/pre-trial shall be scheduled by the assignment clerk. Said case management conference/pre-

trial shall be scheduled no earlier than thirty-one (31) days after the filing of the complaint.

JR 59

- (A) On the first case conference/pre-trial of any parentage action, the court shall:
- (1) Join the child whose parentage is at issue as a party to the action,
 - (2) Appoint a guardian *ad litem* (GAL) to represent the child if appropriate,
 - (3) Join any local, state, or federal agency seeking monetary reimbursement in said action as a party.
 - (4) Determine if paternity is admitted or denied.
 - (5) Determine if genetic testing is requested. If so, same shall be scheduled and ordered.
 - (6) Order the mother and alleged father to provide financial and income information to the court at the next hearing.

JR 60

Reserved.

OTHER CASE MANAGEMENT CONFERENCE/PRE-TRIAL MEDIATION

JR 61

- (A) Parties who are ordered to participate in mediation shall participate in mediation, and if the parties wish, their attorneys and other individuals they designate shall be allowed to accompany them and participate in mediation.
- (B) Because this court cannot, at this time, assure the safety of any person who is or may be the victim of domestic violence and all other persons present at a mediation when violence or fear of violence is alleged, suspected, or present, this court hereby adopts a policy wherein this court will not provide nor will this court continue to provide mediation services in cases wherein such threats are present.
- (C) The court and mediators assigned by the court shall screen for domestic violence both before and during mediation. If there is an indication that there has been domestic violence between the parties or that violence or fear of violence is alleged, suspected, or present, mediation will not be provided by this court. If, during mediation, the mediator becomes aware of domestic violence between the parties or that violence or fear of violence is alleged, suspected, or present, the mediator shall immediately direct that the mediation cease and will direct the parties to be present in court for their next scheduled hearing.

- (D) The court encourages appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- (E) Mediation shall not be used:
 - (1) As an alternative to the prosecution or adjudication of domestic violence;
 - (2) As a means to determine whether to grant, modify or terminate a protection order;
 - (3) To determine the terms and conditions of a protection order; or
 - (4) To determine the penalty for violation of a protection order.
 - (5) Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.
- (F) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children or delinquency or status offense cases shall abide by all provisions set forth in this rule, mediation shall not proceed, when violence or fear of violence is alleged, suspected, or present.
- (G) This court will not, at this time, provide mediation services in cases where violence or fear of violence is alleged, suspected, or present. If, at such time in the future when such mediation may be permitted to take place, such mediation will take place only when the mediator meets all requirements as set by the Ohio Supreme Court for the mediation of cases where domestic violence may be present. In addition to the aforementioned requirement, in the event that this court decides to implement mediation of cases wherein domestic violence may be present the following procedures shall be put into place:
 - (1) The person who is or may be the victim of domestic violence shall be fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
 - (2) The court will ascertain whether the parties have the capacity to mediate without fear of coercion or control.
 - (3) The court shall issue written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.
- (H) This court does not offer mediation services in Child Abuse, Neglect or Dependency cases at this time. In the event that such services are offered in the future, mediation in child abuse, neglect, or dependency cases shall abide by all provisions outlined in this rule and shall proceed only if the mediator has

specialized training set forth by the Supreme Court of Ohio for such cases. Procedures established by the court at that time will:

- (1) Ensure that parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court, and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers can be rescinded at any time.
- (2) Provide for the selection and referral of a case to mediation at any point after the case is filed.
- (3) Notify the parties and nonparty participants of the mediation.

COURTROOM DECORUM

JR 62

- (A) All counsel shall be properly attired and groomed when appearing before the court.
- (B) In the event that children must be brought to court, adequate supervision must be provided for them. The court cannot be responsible for the care of children during their parents' hearing or mediation.

JR 63

No tape recorders, video cameras, recording or photograph-capable cellular telephone, personal computers, or any other device capable of recording sound or pictures shall be permitted to be used in any hearing room absent express consent of the court.

JR 64

No portable telephones, pagers, or beepers shall be permitted to be utilized in any hearing room during hearings unless said devices are silent in operation and the court expressly consents to the utilization of same. All persons attending proceedings shall deactivate any and all electronic, cellular, or digital communication devices in their possession prior to entering any courtroom in this facility any person failing to do so may be held in contempt of court. Any such device which is observed being used in violation of this Rule or which emits an audible signal during any proceeding in this court may be confiscated pending proceedings regarding a citation for contempt.

JR 65

No computers or portable facsimile machines may be utilized in any hearing room absent express consent of the court.

JR 66

No food or drink of any kind (including chewing gum) shall be consumed in any hearing room absent express consent of the court.

JR 67

- (A) In all trials, the authority to set standards of conduct shall be vested solely in the presiding judge or magistrate. While court is in session, counsel shall approach the bench, the witness, and/or other counsel tables only with permission of the court.
- (B) (1) Subject to the exceptions set forth in this rule, attendance of any person or the press at juvenile court proceedings may be restricted pursuant to an order of the court issued in accordance with Ohio Law.
- (2) Foster parents shall have the right to present evidence in any proceeding concerning their foster children.
- (3) Exclusion of any person from attending any proceeding shall not be construed as precluding that person from appearing as a witness in that proceeding.
- (4) All potential witnesses, with the exception of parties and complainants, except when such individual witnesses are testifying, shall be excluded from attendance at all proceedings upon motion of any party or of the court.

JR 68

If any party has more than one counsel, only one of said counsel may examine or cross-examine a witness, and only one of said counsel may make and argue objections.

JR 69

Arguments of counsel shall be directed to the court and (in jury trial, at the proper time) to the jury. Arguments between counsel shall not be permitted.

JR 70

Counsel shall be available while the jury is deliberating and shall notify the judge or bailiff as to where he/she can be reached.

JURY MANAGEMENT PLAN**JR 71**

This court hereby adopts the jury management plan as adopted by the general division of the Butler County Court of Common Pleas which is set forth in Appendix C.

COURT SECURITY**JR 72**

- (A) In order to better insure the safety and security of all occupants of this building, this court hereby adopts the following security and safety plan.
- (1) The security manual, which is to be prepared and maintained by the chief of security, is hereby adopted and incorporated, by reference, as part of the security plan of this court.

- (2) Unless authorized by the security officer on duty, or by duly authorized officers of Juvenile Court, no persons, other than those listed below, shall be admitted to any area of the Juvenile Justice Center other than public waiting areas on the first and second floors:
 - (a) Employees, interns, and volunteers employed, or sponsored by Juvenile Court;
 - (b) Attorneys at Law;
 - (c) Employees and staff of the office of the Prosecuting Attorney;
 - (d) *Parachute* volunteers;
 - (e) Custodial and Maintenance personnel,
- (3) Excepting those weapons legally possessed by on-duty law enforcement officers, no person shall carry, transport, or cause to be carried or transported, any weapons (including, but not limited to, firearms, knives, explosives etc.) of any kind into the Juvenile Justice Center.
- (4) All parcels, including, but not limited to, purses, briefcases, and sacks that are brought into the Juvenile Justice Center shall be subject to search by security personnel.

MISCELLANEOUS PROVISIONS

JR73

This court hereby establishes a traffic bureau. The duly sworn deputy clerks of this court shall act as the violations clerks for the traffic bureau and shall be responsible for the receipt of and accounting for all fines and costs levied through the traffic bureau. A schedule of fines and costs, per Ohio Traffic Rule 13, shall be established by said traffic bureau.

Said clerks shall list cases disposed of by the traffic bureau separately from those cases disposed of in open court in any statistical reports required by law.

The provisions of this rule shall not take effect until this court is able to reconcile the issues related to the appointment a law enforcement officer as a deputy violations bureau clerk to act as violations clerk when the violations clerk is not on duty.

JR74

Documentary exhibits presented to the court shall be preserved digitally, as an image, or in original form by the court together with the other court records in each case. Non-documentary exhibits may be photographed. Those photographs shall be preserved in

original or digital form by the court together with the other court records in each case. All non-documentary evidence so photographed shall be disposed as per the orders of the court after all appeals are exhausted and/or all time for objection and/or appeal has elapsed.

JR75

- (A) Digital signatures of the judges and magistrates of this court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and orders issued by this court. Digital signatures issued in accordance with this rule shall have the same force and effect as a manual signature by the signatory.
- (B) "Digital signature" means a signature that consists of one or more unique letters, characters, numbers or other symbols incorporated in, attached to or associated in an electronic document and intended by the party using it to have the same force and effect as the use of a manual signature. Digital signatures utilized by this court shall be subject to the following procedure:
 - (1) The digital signature creation data shall at all times be under the control of the signatory,
 - (2) The digital signature created by the digital signature creation data shall be capable of verification as authentic by the court, and
 - (3) The digital signature shall be linked to the data in the electronic document to which it pertains in such a manner so as to assure that, if the data are changed after the digital signature is entered, the digital signature shall be invalidated. Such invalidation shall be readily detectable in both the digitally stored signed document and in any paper copy of that document generated from the digitally stored data.

JR76

- (A) Any person who requires special accommodations because of a handicap or disability shall notify the administrative office of the court by calling 887-3318 of his or her special requirements at least ten (10) days before a scheduled court appearance. The court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in subsection b of this rule.
- (B) When interpretive services are needed, the attorney or party requesting an interpreter shall submit to the administrative office of the court a written request for interpreter setting forth the name of the case, its scheduled time, the reason for the need of an interpreter, the type of interpreter needed, and the time that the interpreter will be needed. Such requests shall be submitted at least ten (10) days before the scheduled hearing. It is the responsibility of the requesting party to notify the administrative office of the court, in writing, if there is any change in the date or time of the hearing. Failure to do so will result in the requesting party being held responsible for payment of the interpreter's fee for time spent in attempting to attend the rescheduled hearing.

JR77

- (A) Cases filed in the juvenile court shall be assigned to the judges of the court in a random manner as directed by the administrative judge. Cases which are related, such as co-defendant delinquency cases, cases involving siblings, cases wherein a criminal charge (or charges) and a civil complaint (or complaints) are based upon the same occurrence, and cases involving numerous separate charges relating to one defendant or alleged delinquent child shall be assigned to the same judge by a random process as directed by the administrative judge. Thereafter, full responsibility for that case rests with the assigned judge, whose last name shall appear in the caption of all further pleadings.
- (B) Case assignments shall be made in such a manner so as to assure an equitable distribution of cases between the judges of the court.
- (C) Cases shall be assigned to the court's calendar so as to provide priority to specific case types in accordance with Ohio law.
- (D) Cases assigned to magistrates by the judges of this court shall be assigned in such a manner so as to provide for the most expeditious and efficient disposition of those cases.
- (E) Absent an emergency, entries should be signed only by the assigned judge or magistrate scheduled to hear a case.

JR 78

Pursuant to Ohio Sup. R. 26(G), any record or document of any kind received by the court which is not included in Ohio Sup. R. 26.01 to 26.05 shall be retained by the court for a period of time to be set at the court's discretion and may, thereafter, be destroyed.

JR 79

Upon proper application and affidavit which must be filed with the clerk at least twenty-one (21) days before the date of the hearing for which notice is to be provided, service by publication may be perfected, pursuant to Ohio Juv. R. 16, by posting. The clerk may decline to accept or to post applications and/or notices which are provided to the clerk too late to post per the terms of this rule and/or the terms Ohio Juv. R. 16.

Notice by posting shall be made in accordance with Ohio Juv. R. 16. Notices posted pursuant to this rule shall remain posted for no fewer than seven (7) full days and shall be posted in no fewer than four conspicuous public locations in Butler County as directed by the Administrative Judge of the court.

JR 80

- (A) All motions to withdraw as counsel shall:
 - (1) Include the time, date, place, hearing officer, and type of hearing scheduled to be heard subsequent to the filing of the motion;
 - (2) Be filed (unless specified exigent circumstances are set forth in the motion) not later than thirty (30) prior to the next hearing;

- (3) Include a certificate of service verifying service of the motion upon the withdrawing attorney's client as well as all other parties and counsel of record.
- (B) In addition to the requirements as set forth in subsection (A) of this rule, any motions to withdraw filed by court-appointed counsel as well as any court order granting such motions shall include an advisement to the client wherein the client is advised of the necessity of contacting the Specialized Dockets (formerly Support Services) Unit of the court at (513)887-3891 for the purpose of completing an updated affidavit of indigency if the client wishes to have another attorney appointed by the court.
- (C) Any motion to withdraw as counsel for any reason other than those specified in Rule 1.16(b) of the Ohio Rules of Professional Conduct must be approved by the court.

APPENDIX A
Juvenile Court Filing Fees

<u>Jury Demand</u>	<u>\$ 100.00</u>
<u>Complaint or petition for support, custody, allocation of parental rights, or visitation with no service requested</u>	<u>\$ 150.00</u>
<u>As above, if service by clerk is requested</u>	<u>\$ 200.00</u>
<u>Additional complaints regarding children in the same family (same parents) as the child named in primary complaint (Full fee must be paid on initial complaint)</u>	<u>\$ 75.00</u>
<u>Paternity (Parent-Child Relationship) Complaints</u>	<u>\$ 200.00</u>
<u>Notices of Relocation</u>	<u>\$ 45.00</u>
<u>Motions, petitions, review requests, contempt, modification of support, custody, allocation of parental rights, or visitation with no service requested</u>	<u>\$ 150.00</u>
<u>As above, if service by clerk is requested</u>	<u>\$ 200.00</u>
<u>Additional motions regarding children in same family (same parents) as child named in the primary motion (Full fee must be paid on primary motion)</u>	<u>\$ 75.00</u>
<u>Motions regarding driving privileges (including Releases from forfeiture) and for sentence mitigation</u>	<u>\$ 95.00</u>
<u>Writs of Habeas Corpus</u>	<u>\$ 200.00</u>
<u>Registration of Child Custody Determination of another state with request for adoption of same</u>	<u>\$ 125.00</u>
<u>Registration of Child Custody Determination of another state with request for enforcement of same</u>	<u>\$ 175.00</u>
<u>Registration of Child Custody Determination of another state with request for enforcement of same and for issuance of warrant</u>	<u>\$ 250.00</u>
<u>Request for enforcement of and/or the issuance of a warrant on a Child Custody Determination of another state that has been adopted by this state</u>	<u>\$ 175.00</u>
<u>UIFSA Complaints</u>	<u>\$ 125.00</u>
<u>Appeals</u>	<u>\$ 165.00</u>
<u>Adult criminal complaints (non-governmental complainant)</u>	<u>\$ 25.00</u>

<u>Copy of Local Rules</u>	<u>\$ 3.00</u>
<u>Copies of Records, per page</u>	<u>\$.05</u>
<u>Certified Copies, per page</u>	<u>\$ 2.00</u>
<u>Basic Probation (Court Supervision)</u>	<u>\$ 25.00</u>
<u>Intensive Probation (Official Probation)</u>	<u>\$ 100.00</u>
<u>Fee for Court License Suspensions</u>	<u>\$ 10.00</u>
<u>Fee for Driving Privilege Grant on State or Court Suspension</u>	<u>\$ 10.00</u>
<u>Fee for Restitution Order</u>	<u>5% of Restitution amount</u>
<u>Fee for Payment Plan (payment of any financial sanction (fines, costs, restitution and fees) that is not paid in full in one lump sum within thirty (30) calendar days of the issuance of the order</u>	<u>\$ 25.00</u>

Appendix B

FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Name	D.O.B.	Person Represented's Name (if juvenile)	D.O.B.
Mailing Address	City	State	Zip Code
Case No.	Phone ()	Cell Phone ()	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ___ SSI: ___ SSD: ___ Medicaid: ___ Poverty Related Veterans' Benefits: ___ Food Stamps: ___

Refugee Settlement Benefits: ___ Incarcerated: ___ Committed to a Public Mental Health Facility: ___

Other (please describe): _____ Juvenile: ___ (if juvenile, please continue at section VIII)

IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
TOTAL			\$

Employer's Name: _____ Phone Number: _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
Total Liquid Assets	\$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation for Work / Fuel	
Insurance		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
EXPENSES	\$	EXPENSES	\$

VII. INITIAL DETERMINATION OF INDIGENCY

TOTAL INCOME:	
TOTAL LIQUID ASSETS:	+
TOTAL EXPENSES:	-
TOTAL ADJUSTED INCOME:	=

VIII. \$25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure / Affidavit of Indigency Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within seven (7) days of submitting this form to the entity that will make a determination regarding your indigency.

IX. AFFIDAVIT OF INDIGENCY

I, _____ (applicant or alleged delinquent child) being duly sworn, state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Affiant's signature

Date

Notary Public / Individual duly authorized to administer oath:

Subscribed and duly sworn before me according to law, by the above named applicant this _____ day of _____, _____, at _____, County of _____, State of Ohio.

Signature of person administering oath

Title (example: Notary, Deputy Clerk of Courts, etc.)

X. JUDGE CERTIFICATION

I hereby certify that above-noted applicant is unable to fill out and / or sign this financial disclosure / affidavit for the following reason: _____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

Judge's signature

Date

XI. NOTICE OF RECOUPMENT

O.R.C. § 120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines.

XII. JUVENILE'S PARENTS' INCOME – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income		
	TOTAL INCOME	\$

XIII. NON-LIQUID ASSET INFORMATION - FOR RECOUPMENT PURPOSES ONLY - NOT FOR APPOINTMENT OF COUNSEL

Type of Asset	Describe / Length of Ownership / Make, Model, Year (where applicable)	Estimated Value
Real Estate / Home	Price:\$ _____ Amt. Owed:\$ _____	
Automobiles		
Trucks / Boats / Motorcycles		
Money Owed to Applicant		
	TOTAL ASSETS	\$

APPENDIX C

Selection of Prospective Jurors

Prospective jurors shall be selected from the randomized names contained in the voter registration master file, maintained by the Butler County Board of Elections on a magnetic disk in the Butler County computer system. The voter registration master file is the current list of all registered voters in Butler County.

Selection of prospective jurors shall be made by a key number system in accord with R.C. §2313.07(C) as follows:

There is a *random* selection of a predetermined number (for example, 50,000 for the 2006-2007 jury year) of registered voters from the voter registration master file. A juror identification number shall be assigned to each prospective juror as selected. Those prospective jurors shall comprise the master qualified jury list for the jury year.

A *random* selection of prospective jurors from the master qualified jury list then occurs. Those selected shall comprise the annual jury list for the jury year.

The selected key number is a computer-generated random number between 0.000000 and 0.999999, multiplied by the last assigned voter identification number (assigned by the Board of Elections at the time of registration and maintained in the voter registration master file), plus 1. This formula is repeated for each prospective juror until the desired number of prospective jurors has been selected. A juror identification number shall be assigned, consecutively, to each prospective juror upon selection.

The jury commissioners or their designated representatives shall supervise the actual selection of prospective jurors in accord with this rule and the Ohio Revised Code.

APPENDIX D

FORM LETTER TO BE USED BY GAL/ATTORNEY.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian *ad Litem*

Dear _____;

Pursuant to the Rule JR41 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian *ad litem* and attorney for

I have enclosed a copy of the court order which appoints me to act in this capacity. As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian *ad litem*/attorney is twofold. I am required to render an independent judgment as to what is in the best interests of the child to the court and I am also required to represent the child's interests in court as an attorney.

I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that said child(ren) are fully represented in court. If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308, 887-3896, or 887-3891.

(NOTE: If you are a party in this case and you are represented by counsel, please obtain the consent of your attorney prior to communicating with me directly.)

Open and confidential communication between myself and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren).

Please feel free to contact me if you have any questions about this letter, my role as guardian *ad litem*/attorney, or the enclosed order.

.....

Sincerely:

FORM LETTER TO BE USED BY GAL.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian *ad Litem*

Dear _____;

Pursuant to the Rule JR41 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian *ad litem* for

I have enclosed a copy of the court order which appoints me to act in this capacity. As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian *ad litem*/attorney is straightforward. I am required to render an independent judgment as to what is in the best interests of the child to the court.

I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that the best interests of said child(ren) are fully presented in court. If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308, 887-3896, or 887-3891.

Open and confidential communication between myself and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren).

Please feel free to contact me if you have any questions about this letter, my role as guardian *ad litem*, or the enclosed order.

..... Sincerely:

APPENDIX E

**In The Court of Common Pleas
Juvenile Division
Butler County, Ohio**

NOTICE OF INTENT TO RELOCATE

Important! Please read the following:

- All portions of this notice must be completed.
- Incomplete notices will **NOT BE ACCEPTED**.
- You may use one notice for multiple children's cases only if all of the children listed on the notice have the same two parents.
- The court will send a copy of this notice to the non-residential (non-custodial) parent(s). **If you do not want the court to send a copy of this notice to the non-residential parent(s) you must do both of the following:**
 - file, with this notice, a copy of a court order which prohibits the forwarding of this notice to the non-residential parent, **and**
 - check the appropriate box on the notice form.
- If a court has not issued an order which prohibits the forwarding of this notice to the non-residential parent and you do not want this notice forwarded to the non-residential parent, you **CANNOT USE THIS NOTICE**, you must, instead, file a motion to obtain such an order before you file this notice.

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

In Re:

Case No(s)

(Place the NAME(s) of the case(s) on the lines above.)

.....

(Place the CASE NUMBER(s) of the cases on the lines above.)

List the FULL NAMES, and DATES OF BIRTH of the child(ren) who are planning to relocate with you:

.....

.....

.....

Information regarding the parents and/or custodian:

Custodian's Name: _____
.....

Address: _____
.....

.....

City/State/Zip: _____
.....

.....

Mother's Name: _____
.....

Address: _____
.....

.....

City/State/Zip: _____
.....

.....

Father's Name: _____
.....

Address: _____
.....

.....

City/State/Zip: _____
.....

.....

Information regarding the planned relocation:

GO ON TO NEXT PAGE

Name(s) of the adults(s) planning to relocate:

.....

.....

Anticipated date of relocation:

.....

New Address:

City/State/Zip _____
.....

Telephone Number(s): _____

This notice was submitted by (name) _____ who hereby verifies that all of the information contained herein is true and accurate to the best of his/her knowledge and belief.

..... _____

NOTICE TO RELOCATING PARTY

Ohio Revised Code Section 3109.051 requires the court to serve this notice upon any parent who is not the residential parent unless an order prohibiting such notice has been issued by a court. If such an order has been issued, it **MUST** be attached to this notice and you **MUST** check the appropriate box (BELOW) in the TO THE CLERK section of this notice..

NOTICE TO NON-RESIDENTIAL PARENT

Ohio Revised Code Section 3109.051 requires the court to provide you with this notice. The law does not require the court to hold a hearing regarding this notice unless you file an appropriate motion.

TO THE CLERK

Please serve a copy of this notice upon any non-residential (non-custodial) parent identified herein by certified and ordinary mail and place certification of that service in the record of this case.

.....

- A court order which prohibits the forwarding of this notice to the non-residential parent is attached. **DO NOT SEND THIS NOTICE TO THE NON-RESIDENTIAL PARENT IDENTIFIED IN THE ATTACHED ORDER.**

APPENDIX F

Standard order of visitation

If there is a willful denial of court ordered parenting time or visitation by either parent, or any custodian, the court may make a finding of contempt, and order appropriate sanctions, which may include incarceration, fine, and attorney fees. Further, a willful denial of a parent's or custodian's parenting time (visitation) may lead to modification of the visitation or custody orders.

It is recognized that each situation and each child is different, and it is preferred that parents and custodians tailor the parenting schedule to meet the specific needs of the children. In the event they cannot, this court has established the following minimum standard guidelines for parenting time.

Parenting time (visitation) between non-residential parents and children should not be less than:

- 1.) **Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m.**
- 2.) **On weeks when there is no weekend parenting time, Monday from 5:00 p.m. to 8:00 p.m.**
- 3.) **Holidays:**

In odd-numbered years the legal custodian, residential parent and/or custodian for school purposes will have the child(ren) on:

Spring Break: The child(ren)'s school schedule shall define when spring break occurs. If the child(ren) are not of school age, or if the child(ren) are home schooled, the public school spring break schedule in the district where the residential parent for school purposes resides shall control. Parenting time should be from 5:00 p.m. on the last day of school prior to the Spring Break until 5:00 p.m. on the day before school resumes. If Easter falls within spring break, it will be considered part of the break. If Easter does not fall within spring break, it will be celebrated according to the normal weekend rotation.

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

Christmas Day together with the five full days following Christmas Day, i.e., from December 25 at 9:00 a.m. until December 30 at 6:00 p.m.

In odd-numbered years the non-custodial parent and/or parent who is not the custodian for school purposes will have the child(ren) on:

Memorial Day from 9:00 a.m. to 7:00 p.m.

Labor Day from 9:00 a.m. to 7:00 p.m.

Thanksgiving: The child(ren)'s school shall define when the Thanksgiving holidays occur. If the child(ren) are not of school age, or if the child(ren) are home schooled, then the public school schedule where the residential parent for school purposes resides shall control. Parenting time should be from 5:00 p.m. on the last day of school prior to the Thanksgiving break until 5:00 p.m. on the day before school resumes.

Christmas Eve together with the five full days preceding Christmas Eve, i.e., from December 19 at 9:00 a.m. until December 25 at 9:00 a.m. If school is in session during all or part of this time period, that parent is responsible for transporting the child(ren) to and from school.

In even-numbered years the preceding schedule will be reversed.

Every Year:

Mother's Day will be spent with the mother from 9:00 a.m. to 7:00 p.m.

Father's Day will be spent with the father from 9:00 a.m. to 7:00 p.m.

4.) Child(ren)'s birthdays:

Birthdays shall be celebrated in the home of the residential parent unless the birthday falls during scheduled parenting time of the non-residential parent.

5.) Vacations:

Each parent shall have extended parenting time with the child(ren) for a period of four weeks every year, during which time the parenting time for the other parent or custodian shall be suspended. If the child(ren) are not of school age, the four week vacation period may be scheduled at any time during the year. If the child(ren) are of school age, said vacation periods shall be scheduled during summer break. Each part of any vacation period shall be at least one (1) full week in duration and no more than two of the four weeks may be taken consecutively, unless otherwise agreed by the parents. *Neither parent or custodian may schedule vacation parenting time which conflicts with the other parent's or custodian's holiday parenting time.*

Each parent must give the other parent not less than 60 days prior to written notice of the dates he/she intends to exercise parenting vacation time. When the dates of planned vacations conflict, the first notice received prevails.

Telephone contact:

Each parent is entitled to reasonable (no more than once a day) phone contact with the child(ren) when the child(ren) is/are with the other parent for more than 24 hours.

Both parents shall provide each other with their address and phone number. If parents remove the child(ren) from their residence overnight for holiday/vacation parenting time or any other purpose, the parents shall provide each other with an emergency telephone number where the child(ren) can be reached.

General rules regarding parenting time:

Parenting time which cannot take place because of serious illness of the child(ren) will be made up at the same time the following week.

The child(ren) and/or parent have no duty to await the other parent for more than thirty (30) minutes of the start of any parenting time. A parent late more than thirty (30) minutes shall forfeit the parenting time.

When the holiday parenting time of a parent falls on a Monday following that parent's regular weekend parenting time, then the parenting time will be continuous, i.e., the child(ren) will stay overnight on Sunday and return to the other parent on Monday at 7:00 p.m.

When a conflict occurs between the holiday parenting time and the alternate weekend/Monday parenting time, the holiday parenting time will take precedence.

Exchange of child(ren)'s clothing/personal property:

Neither parent shall restrict the child(ren) from taking those personal items which facilitate personal comfort and enjoyment to the home of the other parent.

Moving:

NEITHER PARENT SHALL PERMANENTLY REMOVE THE CHILD(REN) FROM THE JURISDICTION OF THIS COURT WITHOUT FIRST FILING A NOTICE OF RELOCATION. THIS NOTICE MUST FIRST BE SERVED UPON THE NON-MOVING PARTY AND MUST COMPLY WITH OHIO LAW AND MUST COMPLY WITH THE LOCAL RULES OF THIS COURT.

APPENDIX G

Form 201

BUTLER COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

WITHHOLDING ORDER/QUALIFIED MEDICAL CHILD SUPPORT ORDER INFORMATION
SHEET

DATE: _____ REQUESTED BY: _____ CASE NO.: _____
OBLIGOR (PERSON ORDERED TO PAY): _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____
PHONE (HOME): _____ PHONE (CELL): _____

PAYROLL ADDRESS

NAME AND ADDRESS OF EMPLOYER: _____

EMP. PHONE: _____

PAY SCHEDULE: WEEKLY BI-WEEKLY SEMI-MONTHLY MONTHLY

MONTHLY OBLIGATION: \$ _____ OBLIGATION PER PAY PERIOD: \$ _____

FINANCIAL INSTITUTIONS

NAME AND ADDRESS	TYPE OF ACCOUNT	ACCOUNT NUMBER
_____	_____	_____
_____	_____	_____
_____	_____	_____

OBLIGEE (PERSON/AGENCY TO RECEIVE PAYMENTS): _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____
PHONE (HOME): _____ PHONE (CELL): _____
CASE TYPE: IV-D NON-OWF IV-D OWF NON IV-D

Number of minor children for whom support is paid (Alternate Recipients Covered by insurance): _____

CHILD'S NAME: _____ SOC. SEC. NO.: _____ D.O.B.: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

CHILD'S NAME: _____ SOC. SEC. NO.: _____ D.O.B.: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

CHILD'S NAME: _____ SOC. SEC. NO.: _____ D.O.B.: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN: _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

PARTICIPANT (PERSON ORDERED TO PROVIDE INSURANCE): _____
PROVIDER OF INSURANCE IS: OBLIGOR OBLIGOR'S SPOUSE OTHER _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
SOC. SEC. NO.: _____ D.O.B. _____
NAME AND ADDRESS OF EMPLOYER: _____

PHONE: _____

INSURANCE IS UNDER: GROUP PLAN PRIVATE PLAN

NAME(S) OF PLAN(S): _____
NAME(S)/ADDRESS(ES) OF PLAN ADMINISTRATOR(S): _____

POLICY AND/OR GROUP NUMBER(S): _____
DESCRIPTION OF TYPE OF COVERAGE PROVIDED: _____

PARTICIPANT (PERSON ORDERED TO PROVIDE INSURANCE): _____
PROVIDER OF INSURANCE IS: OBLIGOR OBLIGOR'S SPOUSE OTHER _____
ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
SOC. SEC. NO.: _____ D.O.B. _____
NAME AND ADDRESS OF EMPLOYER: _____

PHONE: _____

INSURANCE IS UNDER: GROUP PLAN PRIVATE PLAN

NAME(S) OF PLAN(S): _____
NAME(S)/ADDRESS(ES) OF PLAN ADMINISTRATOR(S): _____

POLICY AND/OR GROUP NUMBER(S): _____
DESCRIPTION OF TYPE OF COVERAGE PROVIDED: _____

PLEASE COMPLETE BOTH SIDES OF THIS FORM. THIS FORM MAY NOT BE ACCEPTED IF NOT COMPLETED IN FULL IN A LEGIBLE MANNER.

APPENDIX H

APPLICATION FOR CHILD SUPPORT SERVICES NON-PUBLIC ASSISTANCE APPLICANT

IMPORTANT: If you are receiving ADC or Medicaid, do not complete this application, because you became eligible for child support services when you became eligible to receive ADC or Medicaid.

I, the undersigned, _____, request Child Support Services from the _____
_____ County Child Support Enforcement Agency. I understand and agree to the following conditions:

- A. I am a resident of the County in which services are requested.
- B. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).
The Child Support Enforcement Agency can assist you in providing the following services:
1. Location of Absent Parents.
The agency can assist in finding where an absent parent is currently living, in what city, town or state. The applicant can request "Location Services Only", if the sole need is to find the whereabouts of the absent parent.
 2. Establishment or Modification of Child Support and Medical Support.
The CSEA can assist you to obtain an order for support if you are separated, have been deserted or need to establish paternity (fatherhood). The CSEA can also assist you in changing the amount of support orders (modification), and to establish a medical support order.
 3. Enforcement of Existing Orders.
The CSEA can help you collect current and back child support.
 4. Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.
The agency can assist in collecting back support (Arrearages) by intercepting a non-payor's federal and state income tax refunds on some cases.
 5. Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.
The agency can help you get payroll deductions for current and back child support and can intercept unemployment compensation to collect child support.
 6. Establishment of Paternity.
The agency can obtain an order for the establishment of paternity (fatherhood), if you were not married to the father of the child. An absent parent may request paternity services.
 7. Collection and Disbursement of Payments.
The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Back support collected will be paid to you until all of the back support you are owed is paid. If you received ADC in the past and support was assigned to the state, back support collected will be paid to the state after you receive back support owed to you.
 8. Interstate Collection of Child Support.
The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.
- C. The only fee you can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.
- D. In providing IV-D services, the CSEA and any of its contracted agents (e.g. prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the State of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

APPLICANT INFORMATION (INFORMATION ABOUT YOU)

Name	Date of Birth
Social Security Number (SSN)	Current Marital Status (Check One) <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> <input type="checkbox"/> Separated <input type="checkbox"/> Deserted <input type="checkbox"/> Widowed

Type(s) of Service(s) Requested: All services listed _____ Location of absent parent only _____

Other (please explain) _____

I understand that the Child Support Agency - within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant

Date

Applicants Name (Last, First, Middle)	Telephone Number (Home)
Address (Street/Route, P.O. Box)	(Work)
City, State, Zip Code	

INFORMATION ON CHILDREN

	Child 1	Child 2	Child 3	Child 4
a. Name				
b. Sex				
c. SSN				
d. Date of Birth (DOB)				
e. Name(s) of Absent Parent				
f. Has Paternity (Fatherhood) Been Established?				
g. Is There An Order For Support (Yes or No)				

ABSENT PARENT INFORMATION OR PARENT ORDERED TO PAY CHILD SUPPORT

	Absent Parent #1	Absent Parent #2	Absent Parent #3
Name			
Address, City State, Zip Code			
SSN			
Date of Birth			
Name of Employer			
Address of Employer, City, State Zip Code			
Amount of Support Ordered			
Date of Support Order			
Location Where Order Was Issued, City, County, State			
Military Service - Give Date and Branch Entered			
Arrest Record: Give Date and Place of Arrest			
IF the absent parent has been on Public Assistance: Give Date and Place			
Give Name and Address of Current Spouse of Absent Parent			

* Have you ever been on public assistance? Yes No
 When _____ Date _____ Where _____ County _____
 City and State _____

(Do Not Write in This Space)		FOR AGENCY USE ONLY	
Case Name	Date Requested	Date Mailed or Provided	
Case Number	Date Returned or File Date		

APPENDIX J
CODE NUMBER LIST FOR MOTIONS ETC.
NUMERICAL ORDER

(Codes should be read as categories for or topics of actions. For example, Code # 150 should be used on any pleading filed that has anything to do with discovery unless there is a more specific code number that applies. Codes do not apply to the primary relief requested in a complaint.)

CAUTION: As in any court action, jurisdictional, factual, legal, equitable, and venue based issues may lead to the dismissal or denial of any motion. Inclusion of a form of relief in this list does not mean that this court will have the authority to grant such relief.

100 Admission of Evidence	490 Agreed Orders
110 Appointment of GAL and/or Atty.	500 Birth Record Amendment/Name Change
120 Appointment of Process Server	510 Motion for Confidential Address
130 Venue/Jurisdiction/Transfer/Bindover	520 Contempt - Child Support
140 Clarification of Court Order(s)	530 Emergency (ExParte) Order or Hearing request
150 Discovery	540 Child Support Escrow
160 Competency/NGRI	550 In Camera Interview
170 Contempt	560 Judicial Mistake of Fact Hearing
180 Continue/Reschedule/Vacate	570 Legal Custody/Parenting Provision
190 Default Judgment	580 Lump Sum Judgment – Child Support
200 Dismiss/Close case	590 Mediation
210 Disqualification of Counsel or GAL	600 Modification of Custody/Shared Parenting/Case Plans
220 Extension of Time	610 Modification of Support Order
230 Fees	620 Modification/Restriction of Visitation
240 Findings of Fact/ Conclusions of Law	630 Paternity/Parentage
250 Imposition of Sentence	640 Permanent Custody to BCDJFS
260 Joinder/Severance	650 Planned Permanent Living Arrangement
270 Motion in Limine/or to Admit Evidence (Includes Preservation of Evidence)	660 Relocation Restriction/Prohibition
280 Merger/Consolidation of cases	680 Shared Parenting or Custody
290 Motion to Mitigate/Reduce/ Sentence/Contempt/Sanction/ Judgment Etc	690 Child Support Establishment
300 New Trial Motions/Responses	700 Tax Exemption Motions/Responses
310 Evaluations or Tests Medical/ Psychological/Psychiatric	710 Temporary Custody Request
320 Motion to Quash Subpoena – Documents	730 Visitation/Parenting Time
330 Motion to Quash Subpoena – Other	750 Driving Privileges Request
340 Reclassification Motions/Responses	760 Jury Demand
350 Recusal/Disqualification Judge/Magistrate	770 Motion to Seal/ Expunge
360 Motion to Release Belongings	800 Objection to Administrative Orders
370 Relief from Judgment	820 Objection to Decision of Magistrate
380 Restitution	830 Relocation/Travel
390 Motion to Review	840 Registration of UIFSA/UCCJEA/Foreign Decree
400 Motion to Set Aside Magistrate's Order	850 Petition to Adopt Administrative Orders
410 Stay Orders Motions/Responses	860 Telephonic Hearing Request
420 Strike Orders Motions/Responses	870 Speedy Trial Demand (Motion to impose sentence)
430 Suppression Orders Motions/Responses	880 Amendment/Clarification of Complaint or Motion
440 Motion for Transcript	890 Case Plans
450 Motion to Release/Transport Prisoner/Juvenile	900 Relief from GAL rule requirements
460 Motion to Waive Court Costs	910 Drug Tests (All types)
470 Withdrawal/Appearance of Counsel/GAL/CASA	670. 720. 740. 810 all unassigned
480 Withdrawal of Plea	

CODE LIST FOR MOTIONS/COMPLAINTS ETC.
ORDERED BY GENERAL TYPE
(ADDITIONAL EXPLANATIONS IN PARENTHESES)

Pre-Hearing Evidentiary Motions

- 100 Admission of Evidence (Documents, Judicial Notice, objections to same)
- 150 Discovery (Admissions, Depositions, Documents, Interrogatories, Medical Records, Limits on Discovery, Bills of Particular and objections/responses to same)
- 180 Motion to Continue/Reschedule/Vacate (Modify or amend hearing schedule) (And objections/responses to same)
- 310 Evaluation Medical/ Psychological/Psychiatric (Request or in opposition to a request)
- 320 Motion to Quash Subpoena - Documents (And objections/responses to same)
- 330 Motion to Quash Subpoena - Other (And objections/responses to same)
- 420 Strike (Pleading, allegation, motion, complaint)
- 430 Suppress (And objections/responses to same)
- 880 Amend/Clarify Complaint or other pleading. Includes Motions for Bills of Particular

Pre-Hearing Motions

- 110 Appointment of GAL and/or Counsel (Trial and Appellate) (motions, objections/responses to same)
- 120 Appointment of Process Server
- 130 Venue/Jurisdiction/Transfer/Bindover (Certifications, Relinquishments, Improper Forum) (And objections/responses to same)
- 160 Competency/NGRI (motions, objections/responses to same)
- 260 Joinder/Severance (motions, requests for and objections/responses to same)
- 270 Motion in Limine (Includes Preservation of Evidence and Motions to admit Evidence) (And objections/responses to same)
- 380 Restitution (Request for hearing)
- 450 Motion to Release/Transport Prisoner/Juvenile (Requests for Bond, Electronic Monitoring) (And objections/responses to same)
- 510 Motion for Closure or Confidential Address (And objections/responses to same)
- 760 Jury Demand
- 860 Telephonic Hearing Request (Or other electronic communication)
- 870 Speedy Trial Demand (Motions to impose sentence)

Post-Hearing Motions

- 140 Clarification of Court Order(s)
- 170 Contempt (except contempt for non-payment of child support #520)
- 230 Fees (GAL, attorney, Public Defender expenses including orders for deposits)
- 240 Findings of Fact/ Conclusions of Law
- 250 Imposition of Sentence
- 290 Motion to Mitigate – Sentence/Contempt/Sanction/Etc (Recall FTA or other Warrant, Reduce Sentence, Grant Credit for time served, Early Release Etc.)
- 300 New Trial (motions, objections/responses to same)
- 340 Reclassification (motions/objections/responses to same)
- 370 Relief from Judgment (Termination or modification of Custody orders, no contact orders, probation, protective supervision, reasonable efforts requirements)
- 390 Motion to Review
- 400 Motion to Set Aside Magistrate's Order (And objections/responses to same)
- 410 Stay (Motions/responses/objections relating to Sentence, Order, Sanction)
- 440 Motion for Transcript
- 460 Motion to Waive Court Costs
- 480 Withdrawal of Plea (And objections/responses to same)
- 750 Driving Privileges Request (Motion to Reconsider)
- 770 Motion to Seal/Expunge
- 820 Objection to Decision of Magistrate

Motions Relating to Child Support

- 520 Contempt - Child Support
- 540 Child Support Escrow (And objections/responses to same)
- 560 Judicial Mistake of Fact Hearing
- 580 Lump Sum Judgment – – Child Support (And objections/responses to same)
- 610 Modification of Support Order (& Objections to modifications)
- 690 Child Support Establishment(Including motions to terminate, modify, repay, or suspend)
- 700 Motion for Tax Exemption (And objections/responses to same)
- 800 Objection to Administrative Orders
- 850 Petition to Adopt Administrative Orders

Motions Relating to Trial

- 190 Default Judgment (Also motion for summary judgment) (And objections/responses to same)
- 200 Dismiss/Close case (All motions to dismiss or close or motions in opposition . . . objections/responses to same)
- 210 Disqualification of Counsel or GAL
- 220 Extension of Time (And objections/responses to same)
- 280 Merger/Consolidation of cases (And objections/responses to same)
- 350 Recusal/Disqualification Judge/Magistrate
- 470 Withdrawal/Appearance of Counsel/GAL/CASA (Terminate Appointment of counsel GAL or CASA, Substitution of Counsel, Notice of Appearance)
- 490 Agreed Orders (Adoption of agreed orders of any kind)
- 550 In Camera Interview (And objections/responses to same)
- 830 Relocation/Travel (motions relating to relocation etc.)
- 840 Registration of UIFSA/UCCJEA/Foreign Decree (And motions in opposition to registration)

Motions Relating to Custody/Visitation/Parentage

- 360 Motion to Release Belongings (And objections to same)
- 500 Birth Record Amendment/Name Change (And objections to same)
- 530 Emergency (ExParte) Order or Hearing Request (Shelter Care)
- 570 Legal Custody/Parenting Provision (Grant) (Including Interstate Placement) (And objections/responses to same)
- 590 Mediation
- 600 Modification or termination of Custody/Shared Parenting/ (Includes motions to terminate or suspend custody (legal or temporary) or shared parenting/custody) (And objections/responses to same)
- 620 Modification of Visitation (AKA Parenting Time or Companionship Rights) (Including restrictions on or suspension of visitation) (And objections/responses to same)
- 630 Paternity/Parentage
- 640 Motion for Permanent Custody to BCDJFS or other PCPA
- 650 Motion for Planned Permanent Living Arrangement
- 660 Relocation Restriction/Prohibition
- 890 Case Plans (Adoption of or objections to same)
- 680 Shared Parenting or Custody (And objections/responses to same)
- 710 Temporary Custody Request (And objections/responses to same)
- 730 Motion for Visitation (And objections/responses to same)
- 900 Relief from Rule (Requests for relief from rule requirements (GAL, CASA) (And objections/responses to same)
- 910 Motions for (or opposed to) drug testing of any type

APPENDIX K

APPLICATION FOR APPROVAL AS COURT APPOINTED COUNSEL

**BUTLER COUNTY COMMON PLEAS COURT
JUVENILE DIVISION**

Name: _____

Business Address: _____

Location where you intend to confer with your clients; not a P.O. Box): _____

Preferred Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-Mail Address: _____

Attorney Registration #: _____

Preferred contact individual (for case assignments) and individual's phone number.

List any formal post-law school training regarding the representation of criminal defendants, alleged delinquent children, children, and families (including seminars). Include the year in which the formal training took place: _____

List any professional associations affiliated with, with regards to criminal defense, children's issues, and family issues: _____

Estimate the number of cases that you have handled in Juvenile Court (This may be a rough estimate) please describe the types of cases with which you have the most experience: _____

What do you feel are your biggest strengths with regards to your representation of criminal defendants, alleged delinquent children, children, and families in juvenile court? _____

What areas do you feel could use improvement with regards to your representation of criminal defendants, alleged delinquent children, children, and families and what will you do to make those improvements? _____

Do you have current legal malpractice insurance? List company, policy number and expiration date of the policy. (Attach proof of insurance.) _____

Are you currently a member of the Butler County Bar Association? (Attach copy of Bar membership card.)

Do you have any regularly scheduled commitments (employment, commitments to other courts etc.) which will impact your availability to schedule cases before the Juvenile Court? If so, describe (briefly) those commitments. _____

Signature _____

Return completed application to:
John Bruewer
Chief Magistrate
Butler County Juvenile Court
David J. Niehaus Juvenile Justice Center
280 North Fair Avenue
Hamilton, Ohio 45011

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

IN RE: JUVENILE COURT

JUDGMENT ENTRY

Pursuant to Ohio Juv Rule 45, the foregoing Local Rules of Procedure for Juvenile Court, as proposed and published for comment on September 19, 2013, are hereby adopted by this court. Said rules shall be effective, unless otherwise noted, commencing on March 31, 2014.

TO THE CLERK: You are hereby directed to file a physical or electronic copy of these local rules with the Clerk of the Supreme Court of Ohio as is required by Ohio Juv. Rule 45.

.....

Enter:

A handwritten signature in black ink that reads "Ronald R. Craft". The signature is written in a cursive style and extends across the right side of the page.

Ronald R Craft
Administrative Judge
Butler County Juvenile Court