

**Butler County Juvenile Traffic Court
Information Sheet**

Scheduling: Traffic Court is held every Monday and Tuesday at 4:30 PM. Cases are scheduled in Traffic Court directly by the officer. We have no control over how many cases are scheduled (the average is about 20). Cases are generally called on a first-come first-served basis. Court is usually completed by about 6:00 PM. Generally, cases will be continued to later dates upon request.

Your Rights: You have the right to be represented by counsel. Appointed counsel **IS NOT** available in most traffic cases.

IMPORTANT: All minors who are cited to Juvenile Traffic Court **must appear in court with their parent, legal guardian, legal custodian, or an attorney at law.** Any person appearing with a minor, therefore, must be said minor's parent, legal guardian, or legal custodian, or must be an attorney at law. *Any other person appearing before the court, falsely claiming or appearing to be a minor's parent, legal guardian, or legal custodian, may be subject to prosecution.*

Penalties: If you are found guilty (found to be a Juvenile Traffic Offender) **on any charge** the court may impose a wide range of penalties including, but not limited to: fines, costs, driver education, alcohol/drug intervention services (Teen Intervention Program), license suspension, probation, and (in some cases) incarceration. **Please carefully review the MANDATORY PENALTIES on page 2 of this form.**

Pleas: There are **two** pleas that may be entered in Juvenile Court in ANY case:

1. An **ADMISSION** (also known as a "true" plea) is essentially the same as a **guilty** plea. You may enter this plea only if you do so knowingly and voluntarily.
2. A **DENIAL** (also known as a "not true" plea) is essentially the same as a **not guilty** plea. If you enter this plea, the court will not be able to proceed with your case today and the case will be set for pre-trial with the prosecuting attorney on a later date.

A **third** plea (**NO CONTEST**) may only be entered **where the citation was issued as a result of an automobile accident.** You may, therefore, enter a **no contest** plea **only** if you have been cited to court as a result of a motor vehicle accident. A NO CONTEST plea is very similar to an admission and IS NOT a substitute for a denial or a not guilty plea. If you enter a NO CONTEST plea, you are indicating that you **do not contest** the allegations in the citation and accompanying documents (such as the accident report).

If you plead **true, guilty, or no contest (acceptable in accident cases only)** to **any** violation in court this evening, it is **highly probable that you will be convicted** regarding the violation in the citation. The Magistrate assigned to the traffic court evening docket will listen to what you have to say but has no authority to deviate from Ohio law.

If you believe that your case (or your child's case) deserves special consideration due to factual or legal issues, **you should strongly consider whether entering a denial (a plea of not guilty) to the offense is in your or your child's best interests.** In most cases, if you enter a denial, the case will be scheduled for a pre-trial, the citing officer will be subpoenaed and the case will be assigned to a prosecutor.

Costs: Costs for moving violations are \$129.00 (MOST violations are moving violations). Costs for non-moving violations are \$100.00. (Court costs usually increase if there is a NOT TRUE plea in order to cover the costs of any subpoenas issued). Costs may only be assessed if there is a conviction.

Payment: Payment of fines and costs may be made by cash; with a debit card or the following credit cards (subject to an additional processing fee of \$1.15 or 2.3% of the total, whichever is greater) Master Card[®], American Express[®], and Discover[®]. Personal checks will not be accepted. You are expected to pay your fines and costs today. The court, upon request, may grant you up to thirty days to pay your fines and costs. The court may require you to surrender your license pending that payment. If you fail to pay your fines and costs in full within thirty days, notice will be sent to the BMV and the BMV may issue a forfeiture order regarding your license.

MANDATORY PENALTIES

Local Penalties (Court imposed)

For some time now, the judges of this court, in response to teen-driver related crashes and fatalities in Butler County have directed that for first offenses, this court will issue in almost all cases (at a minimum) the following orders:

1. A thirty (30) day total suspension of all driving privileges (no driving privileges of any kind) upon conviction for speeding 15 MPH or more over the speed limit.
2. One of the following orders on all other two-point moving traffic violations (Examples: Speeding, Assured Clear Distance, Failure to Yield, Failure to Control and others):
 - Successful completion of CarTeens (with a passing grade) accompanied by a parent and/or
 - A thirty (30) day total suspension of all driving privileges (no driving privileges).

Statutory Penalties (Penalties imposed by State Law)

Some offenses (such as DUI, DUS, Leaving the Scene of an Accident, Street Racing, Reckless Operation, and driving without insurance) have mandatory penalties which are too complex for full explanation on this information sheet. Mandatory penalties imposed by state law can be confusing. The most common of those include the following:

MANDATORY 90 day license suspension by the BMV: Upon conviction for **two moving violations** which were committed prior to your 18th birthday.

MANDATORY one year license suspension by the BMV: Upon conviction for **three moving violations** which were committed prior to your 18th birthday.

If a BMV suspension is imposed, such suspensions REQUIRE that you pay a reinstatement fee, take a remedial driving course, and RE-TAKE THE DRIVING EXAMINATION prior to getting your license returned. The court cannot waive these or any other BMV imposed requirements.

Other Information

Insurance: Proof of insurance (coverage for the vehicle and/or the driver) must be provided to the court in many instances. You may be required to provide proper documentation of that insurance to a staff member after your hearing. If proper proof is not provided to the BMV, it will result in a license suspension, a revocation of your vehicle registration, and other substantial financial penalties.

Out of County Residents

Ohio Residents Only: Ohio Juvenile Rule 11 permits the court to transfer your case to your home county in the State of Ohio. This transfer can be done before or after you enter a plea. If you wish to have your case transferred, you may inquire at the Cashier window or you may ask the Magistrate in the courtroom.

Special Programs:

The Juvenile Court utilizes three different educational/diagnostic services as follows:

CARTEENS:

CarTeens is a classroom driving safety educational program that is conducted under the auspices of the local 4-H organization, the Ohio State Patrol, and the Ohio State University Extension Service. This program consists of one (1) class which lasts about two hours. The cost of this program is \$30.00 which must be paid **in cash** on the night of the program. **If participation in CARTEENS is ordered, you will be given an information sheet with details at the payment window. Juveniles ordered to attend CarTeens must successfully complete that program by attending and passing the test given to all juvenile participants. In most cases, both the**

child and the parent must attend in order to avoid a further license suspension or other penalty.

DRIVING INTERVENTION AND IMPROVEMENT PROGRAM (Formerly defensive driving):

This program is a classroom driving safety program which is usually ordered when a juvenile is cited due to an accident. This program is conducted by the Safety Councils of Hamilton and Middletown. This is a one-day program and the cost is \$50.00. **If participation in THE DRIVING INTERVENTION AND IMPROVEMENT PROGRAM is ordered, you will be given a phone number to call for details at the payment window.**

TEEN INTERVENTION PROGRAM:

The Teen Intervention Program is usually ordered when a juvenile is cited for DUI. If participation in this program is ordered, you will be provided with a packet in court which contains detailed instructions.

* **After the BMV has issued a suspension on a juvenile's license as set forth above, a juvenile may file a petition (motion) with the court asking the court to grant occupational or educational driving privileges. The court may grant such privileges if continuing imposition of the suspension will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. The steps for requesting such privileges are as follows:**

1. The suspension must be "in the system." In other words, the suspension must be entered into the records of the BMV **before the order granting privileges is received by the BMV**. Suspensions are usually entered into the system approximately three weeks **AFTER** the court hearing where the juvenile was convicted. Information regarding driving records is available on the BMV website
2. A motion (A Motion for Reconsideration) must be filed (there is a filing fee of \$95.00 for such motions) requesting driving privileges. Forms are available from the clerk at nominal cost or on our website at: <http://www.butlercountyohio.org/JuvenileJusticeCenter>
3. A hearing must be held on the motion where the court will either grant or deny the privileges requested (We will endeavor to expedite those hearings).