HURON COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
NORWALK, OH 44857

RULES OF COURT
2020

Judge Timothy L. Cardwell

HURON COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
NORWALK, OHIO

In the matter of

Rules of Court

FILED-JOURNALIZED
HURON CO. OHIO
SEP 22 2020
COMMON PLEAS COURT
JUVENILE DIVISION

Case Number: 68-0753
Date: September 22, 2020

JUDGMENT

Rule 59
Filing Documents by Electronic Means

This cause came to be heard on this 22nd day of September, 2020, upon the Court's own motion. The Court found that an amendment should be made to the previous order filed in this Court. The following is the amended judgment entry **effective September 22, 2020:**

The provisions of this local rules are adopted under [Civil Rule 5(E)], [Civil Rule 73(J)], [Criminal Rule 12(B)], [Juvenile Rule 8], and [Appellate Rule 13(A)].

Pleadings and other papers may be filed with the Huron County Juvenile Court by facsimile transmission to (419) 663-0944 or by email to juvclerks@hcjpc.com subject to the following conditions:

1. APPLICABILITY

1.1 These rules apply to civil, criminal, juvenile, and appellate proceedings in the Huron County Juvenile Court.

2. ORIGINAL FILING

2.1 A Document filed by electronic means shall be accepted as the effective original filing. The person making a filing by electronic means need not file any source document with the Clerk of the Huron County Juvenile Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by electronic means, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2.2 The source document filed by electronic means shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

3. SIGNATURE

2.1 A party who wishes to file a signed source document by electronic means shall either:

a. Send by electronic means a copy of the signed source document; or
b. Send by electronic means a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

2.2 A party who files a signed document by electronic means represents that the physically signed source document is in his/her possession or control.

4. EXHIBITS

5.1 Any document that has exhibits that cannot be accurately transmitted via electronic means for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the document by electronic means. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

5.2 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case, which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff's Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

5. TIME OF FILING

6.1 Subject to the provisions of these rules, all documents sent by electronic means and accepted by the Clerk shall be considered filed with the Clerk of the Huron County Juvenile Court as of the date and time the Clerk time-stamps the documents received, as opposed to the date and time of the transmission by electronic means. The office of the Clerk of the Huron County Juvenile Court will be deemed open to receive transmission of documents by electronic means on the same days and at the same time the court is regularly open for business.

6.2 The Clerk of the Huron County Juvenile Court may, but need not, acknowledge receipt of a transmission submitted by electronic means.

6.3 The risks of transmitting a document by electronic means to the Clerk of the Huron County Juvenile Court shall be borne entirely by the sending party. Anyone using electronic means is urged to verify receipt of such filing by the Clerk of the Huron County Juvenile Court through whatever technological means are available.

6. FEES AND COSTS

7.1 No document filed by electronic means that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by check, money order, credit card or cash directly at the Huron County Juvenile Court or by mail.

7.2 No additional fee shall be assessed for filings submitted by electronic means.

7. LENGTH OF DOCUMENT

8.1 Facsimile filings shall not exceed 10 pages in length. There is not a page limit on email filings. The filer shall not transmit service copies by electronic means.

8. EFFECTIVE DATE

9.1 These local rules shall be effective September 22, 2020, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the formal procedure applies.

Timothy L. Cardwell, Judge

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Changes adopted on 5/5/2014
Rule 6 – Court Appointed Counsel

Changes adopted on 10/15/2014
Rule 72 – Electronically Produced Traffic Tickets

Changes adopted on 2/10/2015
Rule 53 – Guardians ad Litem

Changes adopted on 3/23/2015
Rule 67 – Records Retention Schedule

Changes adopted on 4/27/2015
Rule 38 – Court Costs and Fees Assessed
Rule 73 - Legal Aid Filing Fee Surcharge

Changes adopted on 2/12/2016
Rule 56 – Compensation for Preparing Transcripts and Copies

Changes adopted on 3/28/2016
Rule 9 - Pleadings
Rule 53 – Guardians ad Litem

Changes adopted on 7/1/2016
Rule 74 – Physical Restraint of Children

Changes adopted on 2/7/2017
Rule 6 – Court Appointed Counsel

Changes adopted on 3/22/2017
Rule 75 – Specialized Dockets

Changes adopted on 2/16/2018
Rule 75.1 – Family Dependency Treatment Court Program

Changes adopted on 8/6/2019
Rule 67 – Records Retention Schedule

Changes adopted on 10/4/2019
Rule 9 – Pleadings

It is hereby ordered, adjudged and decreed that, effective January 17, 2020, in accordance with Rule 5 of the Rules of Superintendence for the Juvenile Division of the Court of Common Pleas, the following shall constitute the local rules of the Juvenile Division of the Huron County Common Pleas Court of Huron County, Ohio.

Rule 1
Hours of the Court

The Juvenile Court and its offices shall be open for the transaction of business from 8:00 a.m. to 4:30 p.m. Monday through Friday of each week. The Court shall be closed on Saturday, Sunday and legal holidays.

Rule 2
Court Administrator

The Judge shall appoint an Administrator who will function as the chief non-judicial officer of the Court. In addition to providing general supervision of the Court's assignments, probation, jury, budgetary and personnel systems, the Court Administrator will implement the administrative policy decisions of the Court and perform such other duties as may be assigned by the Court. With the exception of the Magistrate, all other Court personnel shall be under the general supervision of the Court Administrator.

Rule 3
Conduct in Court

Any conduct that interferes or tends to interfere with the proper administration of the Court is prohibited. Spectators shall be allowed in the Courtroom for confidential juvenile and probate cases only with the consent of the Court. No pagers or mobile phones shall be allowed in the Courtroom unless audible signal is turned off. All mobile phones that are equipped with camera phones/recorders must be turned off. In addition any recording devices are prohibited in the courtroom.

Rule 4
Court Records

The Judge, as ex-officio Clerk of the Juvenile Court, is responsible for all pleadings and papers filed. No records shall be taken from the Court without the Court's permission. Copies of all pleadings and journal entries of record shall be available for counsel representing any party to a case.

Rule 5
Recording of Proceedings

All testimony or other oral proceedings shall be recorded by electronic means. Any

party may provide a Court reporter at his/her own expense to make a written record from the electronic recording of any proceeding before the Court.

Rule 6
Court Appointed Counsel

(A) The Court shall maintain a list of appointees qualified to serve in the capacity designated by the Court. Any attorney licensed to practice in the State of Ohio may submit a request for inclusion on the appointment list by using the Court's Court-Appointed Counsel List Request form. Each attorney requesting to be included on the list shall certify on the form provided that they are qualified for the nature and type of case assigned, pursuant to OAC §120-1-10. The Court will ensure an equitable distribution of appointments, while considering the skill and expertise of the appointee in the designated area of the appointment, and the management of the appointee's caseload. The Court will conduct a review of its appointments at least annually to ensure the equitable distribution of appointments.

In making appointments, the Court will take into account all of the following:

(1) The anticipated complexity of the case in which appointment will be made;

(2) Any educational, mental health, language or other challenges facing the party for whom the appointment is made;

(3) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;

(4) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;

(5) Intangible factors, including the Court's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

See: Rule 8(D) of the Ohio Rules of Superintendence.

(B) Fees and expenses for representation shall be submitted to the Court on the forms established by the Office of the Ohio Public Defender within 30 days of final disposition. Applications for fees which are greater than the maximum allowed by the Huron County Fee Schedule for Appointed Counsel must be accompanied by a Motion for Extraordinary Fees and a proposed Judgment Entry.

(C) Assigned counsel may not submit a request for reimbursement for costs of transcripts and experts on the same form as the request for attorney fees and other expenses. Requests for reimbursement for the costs of transcripts and experts must be submitted through a separate motion. *See:* OAC 120-1-17.

Rule 7
Counsel of Record

Each attorney representing a party in this Court and who is not Court-appointed shall see that he or she is properly listed as counsel of record for said party in accordance with JuvR 4(D) by filing a written notice with the Court or by appearing personally at a Court hearing and informing the Court of said representation. The Court will not consider such representation to continue for the purpose of any case other than the particular case in which appearance is entered, unless otherwise notified in writing.

Subsequent to entering an appearance, the attorney or his or her firm will be considered counsel of record until such time as Journal Entry of withdrawal is approved by the Court and filed in the case.

Rule 8
Communications with Judge and Magistrate

A. Ex parte Communications. No attorney or party shall discuss the merits either orally or in writing, of any litigation with the Judge or Magistrate presiding over the matter before final disposition thereof without the presence of or by mailing or delivering a copy of any writing to opposing counsel or the party, if not represented.
B. Attorney Conferences. If it is determined that an issue in a pending action needs to be discussed with the Judge or Magistrate prior to hearing or disposition of the action, the attorney desiring said conference may, with notice to opposing counsel, request a conference with the Judge or Magistrate.

Rule 9
Pleadings

A. All filings shall be on eight and one-half by eleven inch paper, on paper that can be scanned and microfilmed.

B. All filings shall contain the name, address, telephone number, and attorney registration number of the individual counsel and, in the absence of counsel, the name, address, and telephone number of the person filing. Any filing not containing the above requirements may be refused.

C. Filings containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.

D. All pleadings, motions, or other filings are to be typed or printed in ink and correctly captioned.

E. When a pleading, motion, judgment entry or other filing consists of more than one page, each page shall contain the case number in the upper portion of the page.

F. When a pleading, motion, judgment entry or other filing consists of more than one page, each page shall be printed on a separate piece of paper (single sided).

Pleadings filed in the Juvenile Division of this Court will include the filing of the original, a copy for each additional case number listed on the pleading, and an extra copy for the Court of the pleading being filed.

A personal identifier sheet must be included when filing a new civil case (custody, support, and visitation) and with all motions when you are re-opening a closed civil case.

The Court will not accept for filing any pleading that is incomplete in form or does not contain the correct number of copies. With the exception of motions or complaints alleging violation of probation, neither the Probation Department nor the Court shall prepare complaints for filing.

Counsel shall file with the Clerk of this Court written notice of any change of address.

Rule 10
Depositions

Any deposition filed with the Clerk of this Court shall not be withdrawn except by leave of the Court.

The use of videotaped depositions and testimony is permissible, provided that the following guidelines are met:

A. When testimony is recorded on videotape pursuant to Civil Rule 40, C.P. Sup R. 11 and 13, it will be the responsibility of counsel to instruct the person before whom the testimony is taken in accordance with Civil Rule 28(A), to note by the use of a digital counter or other clock device connected with the tape the point on the videotape where objections consecutively are made. The notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk.

B. Objections must be made at the conclusion of the questions and answers only. Counsel shall state the basis for the objection, and may read citations into the record at this time; however, additional citations may be provided to the Court at a later time. Any objections made prior to the completion of an answer may, in the Court's discretion, be disregarded and overruled.

C. When cases are assigned for trial pursuant to Civil Rule 40 and C.P. Sup. R. 13(B), a date will be assigned for the filing of plaintiff's testimony and

defendant's testimony for editing. A copy of the transcript of the testimony or such portion thereof as is necessary to rule on any objections shall accompany a videotape deposition. The transcript shall be certified by the transcriber to be a true and accurate transcription.

D. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to C.P. Sup. R. 13(D).

E. If videotape depositions are to be used in the trial of a case, the tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than seven (7) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown, the Court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of C.P. Sup. R. 13 (A). Except for good cause shown, there will be no trial continuances for inability of a medical expert to be present to testify.

F. Videotape Trials: The Court may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with C.P. Sup. R. 13 (B).

G. Pursuant to Civil Rule 54 (D) and in compliance with C.P. Sup. R. 13(D), deposition costs, including costs of video depositions, shall be taxed as costs and shall be recoverable by the prevailing party. This shall apply only to depositions used in lieu of testimony at trial.

Rule 11
Certificate of Service

Proof of service of all pleadings, motion, briefs, memorandum or other writing filed with Court shall be by certificate of service attached to such pleading, motion, brief, memorandum or other writing and shall include the names and addresses of the attorneys and/or parties served, not simply "all parties or counsel of record".

Rule 12
Filing the Precipe for Subpoena

The Court strongly recommends that all praecipes for subpoenas be filed ten (10) days prior to the date the witness is to appear in Court. The Court reserves the right not to grant continuances due to the lack of service, unless the praecipe was timely filed.

Rule 13

Motions

All motions, unless made during a hearing or trial, shall be made in writing in accordance with Juv R 19 and Juv R 22 unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

Motions filed in the Juvenile Division of this Court will include filing the original and a copy of the motion being filed.

Opposing counsel shall answer said motion within ten days after service thereof unless the Court establishes a different due date.

See Rule 71 for Security for Costs information and requirements.

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Rule 14
Pro Se Motions

The Court will accept a Pro Se Motion and schedule the Pro Se Motion for a hearing if all of the following apply:

A. The motion is completed on the Court's Pro Se Motion form including the case name and number;
B. The motion is typed or prepared in an early legible manner;
C. The original motion and one copy is provided to the Court;
D. The motion states clearly the relief sought and with particularity the grounds for the relief;
E. The motion is signed by the person seeking relief.
F. A precipe for service is filed.

If the motion does not include all of the above, the Court will request a properly completed Pro Se Motion before scheduling a hearing.

See Rule 71 for Security for Costs information and requirements.
See Rule 30 for Modification of Support
See Rule 32A for Modification of Custody or Modification of Visitation

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Rule 15
Pretrial Conferences

The Court will schedule a pretrial for all civil cases unless specifically waived by the Court. Such pre-trial conferences shall be held with the intention of accomplishing the objectives set forth in Rule 16 of the Ohio Rules of Civil Procedure. Pretrials shall be held at such times, as the Court shall direct. The Deputy Clerk of this Court shall give notice of a pre-trial hearing by delivering or mailing a copy of such notice to all known interested counsel, and to all parties. Such pre-trial conference shall be attended by counsel for the parties, who shall have their clients present, and by all unrepresented parties. Counsel attending the pre-trial conference shall have complete authority to stipulate matters of evidence, to make admissions and to discuss settlement. Parties or attorneys may be excused from pretrials only with permission from the Court prior to the pretrial conference.

Rule 16
Assignment of Civil Cases for Trial

All assignments of cases for trial shall be made by the Deputy Clerk of this Court with the approval of the Court at least two weeks prior to the date set for trial, unless otherwise ordered by the Court. Provided, however, that no case shall be assigned for trial less than one week in advance without the consent of all counsel. Notice of the assignment of a case set for trial shall be mailed or delivered forthwith to all interested counsel.

All cases having priority under any statute, and any injunction, mandamus, uncontested divorce, annulment, legal separation, Habeas corpus and such other cases as the Court may direct may be heard at any time as may be ordered by the Court, after proper notice, without having been assigned by the Deputy Clerk of this Court for trial.

Rule 17
Conduct of Counsel at Trial

Except by permission of the Court, only one counsel for each party will be permitted to speak on any interlocutory motion, or upon any question arising during the trial of a cause or a proceeding, and only one counsel for each party will be permitted to examine the same witness in any trial or proceeding before the Court.

In any argument to the Court or jury upon the trial of a cause, only two counsel for each party will be heard unless for special reasons the Court permits otherwise. The Court may limit the time for argument, as it may deem reasonable.

Only counsel and parties shall be seated at counsel table except as may be otherwise authorized by the Court.

Rule 18
Adult Criminal Cases

The purpose of these rules of criminal practice is to provide the fairest and most expeditious administration of criminal justice possible within the requirements of the Ohio Rules of Criminal Procedure, the provisions of the Ohio Revised Code, the Ohio Constitution and the United States Constitution. These rules shall be construed and applied to eliminate delay, unnecessary expense, and all other impediments to a just determination of criminal cases. Further, the disclosure and discovery requirements placed upon both the prosecution and the defense are to fully implement Rule 16 of the Ohio Rules of Criminal Procedure and the requirements of *Brady v. Maryland*, 373 U.S. 83 (1963). The rules of practice of this Court for civil cases apply to all criminal proceedings, except where clearly inapplicable.

Rule 46 of the Ohio Rules of Criminal Procedure will govern in all cases.

When the amount of bail has been fixed in a criminal case before it reached this Court and either the State or the defendant desire to modify the amount or conditions thereof, such party shall make application to the Court. Notice thereof shall be given to the adverse party and after submission to the Court, the action approved by the Court shall be by entry made a part of the papers of the case.

Rule 19
Application for Nolle Prosequi in Adult Criminal Cases

Where under the provision of Revised Code Section 3941.33 the prosecuting attorney desires to enter a Nolle Prosequi in any criminal case, he shall file written application thereof.

Rule 20
Arraignments in Adult Criminal Cases

A. Arraignments will be scheduled as ordered by the Court.

B. If the defendant is not represented by counsel, the defendant will be advised of his right to counsel and upon request for appointment of counsel a determination will be made as to the defendant's financial eligibility for appointment of counsel. Any waiver of counsel must be in writing.

C. If at the arraignment a guilty plea or a no-contest plea is entered by defendant the Court may immediately make disposition or a disposition date shall be set before the Judge.

D. If at arraignment a not guilty plea is entered by the defendant the Court will set a date and time for the trial.

Rule 21
Conduct of Attorneys in Adult Criminal Cases

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication in connection with pending or imminent criminal litigation with which he is associated if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

From the time of the arrest, issuance of an arrest warrant or the filing of an affidavit, information or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extra judicial statement for dissemination by any means of public communication relating to the matter and concerning:

A. The prior criminal record (including arrest, indictments, or other charges of crime) or the character or reputation of the accused, except that the lawyer may make an actual statement of the accused's name, age, residence, occupation, and family status and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present.
B. The existence or contents of any confession, admission or statement given by the accused or the refusal or failure of the accused to make any statement.
C. The performance of any examinations or test on the accused or the refusal or failure to submit to an examination or test.
D. The identity, testimony, or credibility of prospective witnesses except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law.
E. The possibility of a plea of guilty to the offense charged or a lesser offense.
F. Any opinion as to the accused's guilt or innocence, as to the merits of the case, or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer during this period in the proper discharge of his official or professional obligations from announcing:

A. The name, age, residence, occupation, and family status of the accused.
B. If the accused has not been apprehended, any information necessary to aid in his apprehension or to warn the public of any dangers he may present.
C. A request for assistance in obtaining evidence.
D. The identity of the victim of the crime.
E. The fact, time, and place of arrest, resistance, pursuit, and use of weapons.
F. The identity of the investigating and arresting officers, and the length of the investigation.

G. At the time of the seizure, a description of the physical evidence seized, other than a confession, admission or statement.
H. The nature, substance or text of the charge.
I. Quotations from or references to public records of the Court in the case.
J. The scheduling or result of any step in the judicial proceedings.
K. That the accused denies the charges made against him.

During the trial of any criminal matter including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extra judicial statement or interview relating to the trial or the parties or issues in the trial for dissemination by any means of public communication except that the lawyer may quote from or refer without comment to public records of the Court in the case.

After the completion of a trial or disposition without trial of any criminal matter and prior to the imposition of sentence, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extra judicial statement for dissemination by any means of public communication if there is a reasonable likelihood that such dissemination will effect the imposition of sentence.

Rule 22
Bail Forfeiture in Adult Criminal Cases

Bail forfeiture proceedings shall be in accordance with Ohio Revised Code §2937.36.

Rule 23
Daily Copies of Transcripts in Adult Criminal Cases

Daily copies of transcripts to counsel in criminal cases will not be ordered, provided for, or permitted except in such cases where, in the sound discretion of the Trial Judge, the interest of justice would require the same.

Rule 24
Disclosure of Presentence Report in Adult Criminal Cases

At the time a Judge orders a presentence investigation, a date for sentencing shall be established.

The Probation Officer who prepares the report shall have it completed no later than two Court days prior to sentencing. When the report is complete, it shall be sent to the Judge and made available at the Court for review by the defendant's attorney (or by the defendant if he is not represented by an attorney) and the Prosecutor. The copy of the report made available to attorneys or the defendant for review, may be reviewed in the Court's offices on the two days before sentencing and in the Courtroom on the day of sentencing. No report shall be taken from the Court without the written approval of the

Judge assigned to the case.

In order to protect information that is not available pursuant to R.C. §2951.03(B)(3), the copy of the report made available for review by the attorneys or the defendant shall contain a summary of the report and the sections of the report deemed by the Court to be protected by R.C. 2951.03 (B)(3) shall be redacted.

Any hearing and/or Court findings necessitated as a result of inaccurate information contained in the presentence report or summary shall be held on the date of sentencing or at any other date designated by the Judge.

The Probation Officer assigned to the Court or the case on the day of sentencing shall be responsible for obtaining all copies of the report immediately after the imposition of the sentence.

Rule 25
Sentencing Memoranda in Adult Criminal Cases

On or before noon of the day before the day of the sentencing hearing, the Defendant's attorney or the Defendant, if not represented by counsel, and the prosecutor may file with the Court a sentencing memorandum in which should be noted any inaccuracies in the presentence report or summary and any additional information which it is desired that the Court review before imposing sentence. The memorandum shall be filed with the Court in duplicate and a copy shall be served upon the opposing party in a manner calculated to give actual notice of its contents on or before noon of the day before the day of the sentencing hearing. A certification of such service shall be filed with the Court. The prosecutor shall be permitted to address the Court at the sentencing hearing, provided he has timely filed a sentencing memorandum.

Rule 26
Search Warrants.

A. The Clerk of this Court shall maintain a separate index and docket for each warrant.
B. Where the Judge files with the Clerk, pursuant to Rule 41 (E) of the Ohio Rules of Criminal Procedure, the search warrant, copy of the return, inventory or any other papers in connection therewith, the Clerk shall secure said documents in a separate jacket, consecutively numbered and indexed by name.
C. If property is seized it shall be held by the officers or arresting authority WHO SEIZED THE PROPERTY for safekeeping unless the Court directs otherwise.

Rule 27
Sealing of Record

Applications for Sealing of record shall include the date of birth and social security number of the applicant and be accompanied by a cost deposit of $15.00 per case.

Rule 28
Default Judgment

Default Judgments shall be granted in accordance with Civil Rule 55. Motions shall be accompanied by a proposed Judgment Entry.

When a principal party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, the party entitled to a judgment by default shall apply in writing or orally to the Court therefore; but no judgment by default shall be entered against a minor or an incompetent person unless represented in action by a guardian or other representative who has appeared therein. If the party against whom judgment by default is sought has appeared in the action, he shall be served with written notice of the application for judgment at least seven (7) days prior to the hearing on such application, the date and time to be fixed by the Deputy Clerk of this Court with the concurrence of the Judge assigned. If, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the Court may conduct such hearings or order such references as it deems necessary and proper and shall when applicable accord a right of trial by jury to the parties.

Rule 29
Jury Service

The Court adopts the Jury Management Plan filed July 13, 1998.

Rule 30
Court Security

The Huron County Common Pleas Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of the Court procedures, protect the rights of individuals before it, sustain the decorum and dignity of the Court, and assure that Court facilities are secure for all those

who visit and work there.

Therefore, pursuant to Rule 9 of the Rules of Superintendence for Common Pleas Courts the Court establishes as follows:

This Court, in conjunction with the Common Pleas Court General Division and the Norwalk Municipal Court, has appointed a Local Advisory Committee consisting of representatives of each of the following groups: Judges, law enforcement officials responsible for Court security, County Commissioners, City of Norwalk Safety Service Director, county office holders with offices located in the Courthouse, Huron County Bar Association and members of the public.

The Court shall implement a local Security Plan and Procedure Plan which plan shall address the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

The Local Court Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

Rule 31
Mediation

29.01 General provisions

Appropriate cases may, upon completion of necessary pleadings or motions, be referred by the Judge or a magistrate to a mediator for a mediation conference. Cases in which custody or visitation is disputed will be referred to mediation at the pretrial conference. Cases involving other disputed issues may also be referred to mediation. Prior to a case being referred to mediation, the judge or magistrate shall fully advise all parties of their right to legal representation. The following actions, however, shall be exempted from mediation:

A. Cases in which one party has been convicted of, or pled guilty to, a violation of R.C. 2915.25 (domestic violence) within the past two years or when a civil temporary protection order involving the parties is in effect;
B. Cases in which there are current allegations of domestic violence between the parties;
C. Cases in which the geographic distance between the parties makes it not

feasible for them to participate in mediation sessions;

D. Cases in which one of the parties is mentally ill;
E. In emergency circumstances requiring an immediate hearing by a jurist; or,
F. Cases in which the parties have arrived at a resolution and executed an Agreed Judgment Entry.

The mediation conference shall be set at the earliest practical date, giving consideration to responsive pleadings, appearances by counsel for all the parties, and other facts and circumstances.

A referral to mediation shall be by judgment entry or magistrate's decision which shall set the time and place of the conference. All parties shall attend mediation when referred. Attendance by counsel is optional. Other individuals designated by a party may attend and participate in mediation, provided that such attendance or participation does not jeopardize the mediation process.

At the mediation conference, the mediator shall attempt to resolve the entire case. The mediator may schedule, recess or continue the conference and exercise such other powers as are necessary and proper for the mediation of cases.

Statements made during a mediation conference are subject to and governed by the "Uniform Mediation Act" (R.C. 2710.01 to 2710.10), R.C. 3109.052 and Rule 408 of the Ohio Rules of Evidence.

29.02 Special provisions involving domestic violence

All parties and counsel shall advise the judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

The judge or magistrate shall ensure that any such victim or suspected victim of domestic violence has been referred to the Huron County Victims' Assistance Program, or other comparable program.

Mediation shall not be used

A. As an alternative to the prosecution or adjudication of domestic violence;
B. In determining whether to grant, modify or terminate a protection order;
C. In determining the terms and conditions of a protection order; and,
D. In determining the penalty for violation of a protection order.

29.03 Mediator qualifications and training

A mediator to whom the Court makes referrals for mediation of allocation of

parental rights and responsibilities and the care of, or visitation with, minor children shall satisfy all of the following:

A. Possess a bachelor's degree, or equivalent education experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court;
B. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court; and,
C. After completing the training required by Loc. R. 29.03(B), complete at least forty hours of specialized family or divorce mediation training that is provided by a training program approved by the Dispute Resolution Section in accordance with the standards established by the Supreme Court Advisory Committee on Dispute Resolution.

This mediator is also encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for State Regulation of Family Mediators and Court Affiliated Programs, except when inconsistent with the terms of Loc. R. 29.

Rule 32
Motion for Modification of Support

A Motion for Modification of Support which is post decree shall be commenced by the filing of the following:

A. A motion setting forth the relief sought.
B. Memorandum in Support setting forth:

1. Date and amount of current support order and number of children subject to current order.
2. Statement of income on which current order is based.
3. Number of children subject to proposed support order.
4. Statement as to current arrearages and current makeup orders, if any.
5. The facts and law upon which the claim is made that a change of circumstances exists and would vary the current order by 10% or more.

C. Financial Statement
D. Precipe for Service.
E. Deposit for costs has been submitted to the Court or a waiver of the deposit has been granted. See Rule 71 – Security for Costs information and

requirements.

Copies of the motion, memorandum and accompanying forms shall be provided to the Clerk of this Court for service on the opposing party.

Within 14 days of service of the motion for modification the non-moving party shall file responsive pleadings that shall include the information required in subparagraphs 2.-5. above.

A motion for modification of child support and/or spousal support will not be considered by the Court without the supporting memorandum and accompanying forms. Such a motion is not to be used in lieu of an administrative review by CSEA.

COURT FORMS AVAILABLE ON OUR WEBSITE ONLY

Rule 33
Motion for Contempt

A motion for contempt shall be commenced by the moving party filing the following:

A. Motion
B. Memorandum in Support
C. Supporting Affidavits, if applicable
D. Deposit for costs has been submitted to the Court or a waiver of the deposit has been granted.

See Rule 71 – Security for Costs information and requirements.

COURT FORMS AVAILABLE ON OUR WEBSITE ONLY

Rule 34
Motion/Complaint for Custody or Change of Custody and/or Visitation

The Court will accept a Motion/Complaint for Custody and schedule the Motion/Complaint for Custody (including Pro Se pleadings) for a hearing if all of the following apply:

A. the motion is typed or legibly printed;
B. the original motion and one copy is provided to the Court;
C. Deposit for costs has been submitted to the Court or a waiver of the deposit has been granted.

See Rule 71 – Security for Costs information and requirements

A motion/complaint for custody or visitation or a motion for change of custody or visitation (including Pro Se pleadings) shall be commenced by the filing of the following:

A. The motion or complaint states clearly the relief sought and with particularity the grounds for the relief.
B. UCCJA Affidavit per R.C. 3109.27.
C. Affidavits in support of the motion showing the change in circumstances (if applicable) and the best interest of the child.
D. Memorandum in support setting forth:

1. Date and amount of current support order and number of children subject to current order;
2. Statement of income on which current order is based;
3. Number of children subject to proposed support order:
4. Statement as to current arrearages and current makeup orders, if any.
5. Current custodian or residential parent and his or her address.
6. Name, birth date and address of child.

E. Documentation of Parentage unless that documentation was previously provided to this Court specifically in this case.
F. Financial Statement
G. Precipe for Service
H. Deposit for costs has been submitted to the Court or a waiver of the deposit has been granted.

See Rule 71 – Security for Costs Information and requirements

COURT FORMS AVAILABLE ON OUR WEBSITE ONLY

Rule 35
Interest on Support Arrearage

A. When a party requests interest on support arrearages, all interest shall be calculated as simple interest from the date of Judgment.
B. The party requesting interest shall attach to the motion a statement of CSEA records reflecting arrearages to date of motion.

C. The moving party shall also provide instructions to the Clerk for service as follows:

1. Certified Mail service; and
2. A praecipe for additional service in the event service fails.

Rule 36
Visitation

The Court has adopted schedules for Parenting Time and Companionship, (Appendix B), and Long Distance Parenting Time and Companionship, (Appendix C). The Court will use these schedules unless the best interest of the children and/or the evidence dictates otherwise. Parties should submit to the Court in their application for temporary orders or in their answer a proposed Parenting Time schedule with justification for the deviation from the standard Parenting Time. Parties should address any need to deviate from the standard Parenting Time schedules at the pretrial conference and final hearing.

Rule 37
Public Record Policy/Examination of Files, Records and Other Documents

Introduction

It is the policy of the Huron County Common Pleas Court, Probate & Juvenile Divisions, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Court to strictly adhere to Ohio's Public Records Act *and* to those portions of the Ohio Revised Code and Ohio Rules of Juvenile Procedure that require certain records to remain confidential. Any denial of public records in response to a valid request must be accompanied by an explanation. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

This Court, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this Court are public unless confidential or otherwise exempt from disclosure under the Ohio Revised Code and the Ohio Rules of Juvenile Procedure.

Section 1.1

It is the policy of this Court that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

Section 1.2

Certain records kept by this Court are excluded from public inspection by applicable provisions of the Ohio Revised Code and the Ohio Rules of Juvenile Procedure, and shall not be released to the general public. These records include, but are not limited to, the following:

A) Adoption records or documents [R.C. 149.43(A)(1)(d)];
B) Probation documents, including but not limited to probation officers' case notes, community service, any informal or diversion program and Reach Our Youth documents for children on probation [R.C. 149.43(A)(1)(b); 2151.14(B)];
C) Judge's or Magistrate's trial notes [R.C. 149.43(A)(1)(g)];
D) Putative father registry information [R.C. 149.43(A)(1)(e)];
E) Records of Minors seeking approval for an abortion [R.C. 149.43(A)(1)(c)];
F) DNA records [R.C. 149.43(A)(1)(j)];
G) Records maintained by the Ohio Department of Youth Services pertaining to children in its custody released to the Department of Rehabilitation and Correction [R.C. 149.43(A)(1)(l)];
H) Estate tax returns in the possession of the Probate Court, Department of Taxation, County Auditor, County Treasurer and Ohio Attorney General [R.C. 5731.90];
I) Medical records which include documents pertaining to medical history, diagnosis, prognosis or medical condition of a patient including psychiatric history, diagnosis and prognosis [R.C. 149.43(A)(1)(a); 2151.14(B); Juv. R. 32(C)];
J) Confidential law enforcement investigatory records [R.C. 149.43(A)(1)(h)];
K) Sealed or expunged records [R.C. 2151.355 to 2151.358, *et seq.*];
L) Recording of proceedings [Juv. R. 37(B)];
M) Fingerprints and photographs, and records of an arrest or custody that was the basis of the taking of fingerprints or photographs [R.C. 2151.313(D)]; and
N) Records the release of which is prohibited by state or federal law [R.C. 149.43(A)(1)(v).

Section 2. <u>Record Requests</u>

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at

least identify the records requested with sufficient clarity to allow the Court to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The requestor does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this Court's general policy that this information is not to be requested.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; the accessibility of the records; and, the necessity for any legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. All requests for public records must either be satisfied or be acknowledged in writing by the Court within five business days following the Court's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following: a) an estimated number of business days it will take to satisfy the request; b) an estimated cost if copies are requested; and, c) any items within the request that may be exempt from disclosure.

Section 2.5

Any denial of public records requested must include an explanation. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder released, if permitted by Ohio law. If there are redactions, each redaction must be accompanied by a supporting explanation.

Section 3. <u>Costs for Public Records</u>

Those seeking public records will be charged only the actual cost of making copies. Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4. E-mail

Documents in electronic mail format are records as defined in the Ohio Revised Code when their content relates to the business of the Court and is not confidential or otherwise exempt by applicable Ohio law or the Ohio Rules of Juvenile Procedure. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Court are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the Court's records custodian.

This policy is adopted by the Huron County Common Pleas Court, Probate & Juvenile Divisions, on the 1st day of October, 2007 in response to recent statutory amendments regarding public records, which became effective on 29 September 2007.

Rule 38
Juvenile Division
Court Costs and fees assessed
Delinquency/Unruly/Juvenile Traffic Cases
Civil and Criminal Cases

For each cause	$25.00
Computerization Fund	$13.00
Special Projections Fund	$15.00
Taking documents	$2.00 each
Issuing writs/notices	$2.00 each
Calling Jury	$25.00
Entering on journal	$2.00 each page
Execution or Transcript of Judgment	$3.00
Making complete record/including indexing	$1.00 per page
Making copies	Fewer than 10 pages = 0
	More than 10 pages = .10 per page

Certifying copies	$1.00 each page + $1.00 certificate
Taking Affidavits	$1.00 each
Application for Sealing	$15.00
Witness fees	$6.00 ½ day (+ $.10 per mile)
	$12.00 full day (+ $.10 per mile)
Sheriff fees	Pursuant to fees set by department
Foreign Sheriff fees	Determined by each department
Certified mail fees	Determined by Post Office
Publication fee	Determined by newspaper
Contempt citation	$15.00 + $13.00 computerization Fund + $15.00 Special Projects Fund = $43.00
Violation of Probation	$15.00 + $13.00 computerization Fund + $15.00 Special Projects Fund = $43.00 + $2 per page
Post Dispositional Motions	$15.00 + $13.00 computerization Fund + $15.00 Special Projects Fund = $43.00 + service, etc
Victims of Crime fee	$9.00 misdemeanor (not civil or unruly)
	$30.00 felony (not civil, unruly or adult criminal)
General Revenue fee	$15.00 each case (not civil or unruly)
Commission on 1st $10,000 for receiving and disbursing money	2%
Commission on receiving and disbursing money exceeding $10,000	1%
Filing Appeal	$25.00 + $150 to Clerk of Court
Records Check	No fee

Seatbelt violations – waiver

For each cause	$5.00 plus $2.00 for pleadings filed
Computerization Fund	$13.00
Special Projects Fund	$15.00
Fines	$20.00 passenger
	$30.00 driver

Informal Diversion Program

Special Projects Fund **(effective 2/9/2009)**	$25.00

Juvenile Probation Supervision Fee

Juvenile Probation Supervision Fund **(effective 9/1/2010) (Delinquent Cases only)**	$50.00

Rule 39
Judgment Entries and Orders

In all juvenile traffic offender, delinquency, unruly, dependency, neglect, abuse, adult criminal, paternity, custody, visitation and support cases, the Court will prepare all orders unless otherwise ordered.

Judgment Entries prepared by designated counsel shall be submitted to the Court for filing within 20 days of the date of the pretrial conference or hearing unless that time period is extended at the discretion of the Court. Failure to submit entries within the required time may result in the issuance of a notice of intent to dismiss.

Rule 40
Appearances

Any juvenile summoned to appear as an alleged juvenile traffic offender, unruly child or delinquent child shall appear and be accompanied by a custodial parent, custodian or guardian unless otherwise notified by the Court. In all abuse, neglect and dependency cases the child or children will be present only upon leave of the Court.

Proceedings in the Juvenile Court may be closed to the public upon written motion and after an evidentiary hearing. This evidentiary hearing will be open to the public.

Any person summoned to appear before the Court who fails to do so may be punished as in other cases for contempt of Court.

Rule 41
Continuances

Request for continuances will be made in accordance with Ohio Rules of Juvenile Procedure 19 and 23.

All applications for continuances shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing. Requests shall be granted only after notice to all other counsel and/or parties involved. No case will be continued on the day of the hearing except for good cause shown.

Rule 42
Jury Trials

Any adult charged with an offense under Sections 2151.01 to 2151.54, inclusive, of the Ohio Revised Code may demand a trial by jury. All jury demands shall be pursuant to Rule 23 of the Ohio Rules of Criminal Procedure.

Rule 43
Authority of Probation Officers

Juvenile Probation Officers of the Huron County Common Pleas Court, Juvenile Division, shall be and hereby are vested with power and authority, prior to a detention hearing, to release a child from detention or shelter care, and to place him in house arrest with his parent, guardian or custodian, or other person able to provide supervisory care and able to return the child to Court when required.

Juvenile Probation Officers of the Huron County Common Pleas Court, Juvenile Division, shall be and hereby are vested with power and authority, prior to a detention hearing, to shift a child from detention to shelter care, and from shelter care to detention.

Juvenile Probation Officers of the Huron County Common Pleas Court, Juvenile Division, shall, upon each exercise of the above granted power and authority, make a written notation of the time and exercise thereof, and shall thereafter append the same with any file, case, or other documents relating to the child, or shall deliver the same to the Judge, as may be appropriate.

Juvenile Probation Officers of the Huron County Common Pleas Court, Juvenile Division, shall not be required to deliver any written notation or notification thereof, prior to a detention hearing, to any other person or authority, to secure a child's release from detention or shelter care, or to shift a child from detention to shelter care, or from shelter care to detention.

Rule 44
Filing of Complaints

Juvenile complaints are to be filed through the Huron County Prosecutor's Office with two exceptions:

A) Law enforcement officers shall continue to file direct with the Clerk of Juvenile Court complaints of Juvenile Traffic offenses under Chapter 45 of the O.R.C.

B) School attendance officers shall continue to file direct with the Clerk of Juvenile Court complaints of unruliness alleging failure to attend school.

Law enforcement agencies are requested to use the following procedure:

1. Make a written report of any incident involving a child in a possible situation of abuse, neglect, and dependency, and unruliness, delinquency and criminal misconduct (JUV-99 will be used to transmit this report). Each police department and the Sheriff's Department shall coordinate the filing of "child incident reports" through its juvenile officer of other officer with the designated duty of coordinating juvenile matters. The 99 form shall be completed in its entirety and indicate whether the juvenile was arrested or not arrested.

2. File one copy of all reports (using JUV-99 with attachments) with the prosecutor by mail that day or directly within one business day.

3. File another copy of each report (using JUV-99 with attachments) with juvenile court to allow better supervision of children on probation and for the monitoring of case flow.

4. The prosecutor will then prepare and sign the actual complaint on behalf of the law enforcement agency and file the complaint with the court with all due speed. Time is of the essence in all juvenile cases.

Rule 45
Detention Procedures for Juveniles

There are four standards under Juvenile Rule 7 for placing a child in detention or shelter care. They are that:

- Detention or sheltercare is required to protect the child from immediate or threatened physical or emotion harm; or
- to protect the person or property of others.
- The child may abscond or be removed from the jurisdiction of the court;
- The child has no parents, guardian or custodian or other person able to provide supervision and care for the child and return the child to the court when required;
- An order for placement of the child in detention or sheltercare has been made by the court pursuant to Chapter 2151.31 of the Ohio Revised Code.

If an officer has determined that any of the above is true, then, and only then, he shall contact a probation officer of juvenile court for the authority to place the child in a juvenile detention facility. The requesting agency can contact the juvenile probation officers at, 663-6829, during regular court hours. At other times the officer shall contact the probation officer on call by using the paging system operated by the Sheriff's Department. If the officer does not receive a response from a juvenile probation officer within a reasonable amount of time (approximately fifteen minutes), the officer should re-contact the Sheriff's Department and ask that a probation officer be called at home to respond to the situation at hand.

Please keep in mind that paging a probation officer is not immediately necessary if there is no intention of detaining the child. However, if there is doubt about whether or not to detain, paging the probation staff would be appropriate. Once a child has been placed in detention, the law enforcement agency who detained the child shall also:

1. Notify the parents, guardian or custodian which facility the child will be held in, and

the visitation hours of that facility. Those agencies which this county has contractual agreements for the detention of juveniles include:

Sandusky County:
Address: 2351 Countryside Drive, Fremont, OH 43420
Phone: (419) 334-6498 or (419) 334-6497

Erie County:
Address: 1338 Tiffin Ave., Sandusky, OH 44870
Phone: (419) 627-7611

Visitation is limited to parent, guardian, custodian, and attorney only. No others will be granted visitation without approval of the probation officer.

2. Notify the parent, guardian, or custodian of the date and time of the detention hearing in Juvenile Court.

3. Transport the child to the detention facility and from the facility to the Court for the detention hearing.

4. Provide the probation officer and the Prosecutor's Office with a written report (JUV-99 with attachments) complete of the incident resulting in the detention. This must be submitted as soon as possible prior to the detention hearing. The JUV 99 report shall be completed in its entirety and should indicate that the juvenile was arrested.

Rule 46
Detention Hearings

Detention hearings in the Huron County Juvenile **Court are routinely held every Monday thru Friday, except holidays, at 11:30 o'clock a.m.** Juvenile Rule 7 mandates that a detention hearing shall be held promptly, no later than seventy-two hours after the child is placed in detention or shelter care, or the next court day, whichever is earlier. The officer detaining the juvenile or a member of his department shall assist the prosecutor in completing a written and signed complaint prior the hearing. This child is the responsibility of the detaining officer, or his/her department, including from the place of apprehension and to the detention hearing. However these should be noted:

1. The Huron County Sheriff's Office shall be primarily responsible for all transportation subsequent to the first detention hearing.

2. If a child is detained pursuant to a court warrant to take into custody the child shall be placed in the custody of the Sheriff's Department for the determination of detention in accord with these rules. The Sheriff's Department shall notify the court's probation officers of said apprehension, unless the warrant contains special instructions.

3. The various police departments and the Sheriffs Department shall cooperate in every way possible with each other and the Juvenile Court in order to fulfill and implement the intent of R.C. 2151.40.

Effective July 1, 1989 All Juvenile Contacts shall be recorded by utilizing the form entitled "Law Enforcement Form For Reporting All Juvenile Contacts", JUV-99. Contacts include all significant encounters with juveniles, not just arrests. Traffic offenses, which do not involve drugs or alcohol, are the sole exception to this new reporting method. All traffic tickets shall still be filed with the clerk of courts; however those traffic offenses having drug or alcohol present must have a JUV-99 form attached to the citation. The JUV-99 form shall be completed in its entirety and should indicate whether the juvenile was arrested or not arrested.

The new form (JUV-99) is designed to eliminate many of the report forms already in existence throughout the various county agencies. In dissemination of data on not just an interdepartmental level but on the much needed countywide level also. Individual copies of this four-part form (JUV-99) shall be issued as follows:

1. One copy shall be retained by the contacting agency, as a standard procedure.

2. One copy (with attachments) shall be forwarded to juvenile court so that the information can be compiled for use by the probation staff.

3. One copy (with attachments) shall be sent to the prosecutor's office if a complaint may be filed. It is important to indicate that the filing of a complaint is requested by so stating in the "action taken section", and to place the possible code violated in the "code violation section". Any additional police reports should also be attached to JUV-99.

4. One copy (no attachments) shall be issued to any parent or guardian to whom a juvenile has been released as per required by juvenile release procedures. It is important to note when dealing with "parents" whether or not they are the legal or biological parents. This is information the court and prosecutor will need to know for future proceedings with the child.

Rule 47
Discovery

Discovery shall be provided as set forth in Juvenile Rule 24, except as provided herein. Any party may apply in writing to the Court for a protective order to excuse or limit discovery for the reasons set forth in Juvenile Rule 24 or for other good cause.

The Prosecutor's Office or arresting agency shall provide a copy of the police report to the Juvenile Probation Department with each delinquency and unruly complaint, which that office prepares for filing with this Court.

Rule 48
Exhibits

Exhibits shall be marked and copies provided to opposing counsel prior to hearing.

Rule 49
Magistrates

Pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure and the Ohio Revised Code, Magistrates are empowered and authorized to hear and decide all cases assigned.

All decisions of the Magistrate shall be in writing. Magistrate's Orders shall take effect immediately unless stayed by Court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless stayed by Court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless timely written objections are filed.

Rule 50
Objections, Appeals, Magistrate Decisions/Orders

Any party to the action may file written objections to a Magistrate's Decision. The filing deadline is 14 days. A party shall have 10 days to appeal from a Magistrate's Order pursuant to Juv R 40(C)(3). A supporting memorandum shall accompany an objection or appeal. A memorandum in response may be filed by any party within seven (7) days of the filing of the objection or appear and accompanying memorandum.

Upon timely filing of an objection or appeal, the Judge may affirm, reject or modify the Magistrate's Order or Decision upon review, or may hear additional evidence at his discretion. Objections or appeals may be set for oral hearing at the request of any party and the discretion of the Court.

Rule 51
Photographing and Broadcasting of Court Proceedings

The taking of photographs in the Courtroom, corridors and other areas adjacent to the Courtroom and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court. Requests for permission to broadcast, televise, record or photograph in the Courtroom shall be made in writing to the Judge as far in advance as reasonably practicable but in any

event not less than 24 hours prior to the Courtroom session to be broadcast, recorded or photographed.

Rule 52
Media Attendance in the Courtroom

A. Pursuant to Juvenile Rule 27, the Court may conduct its hearing so that any member of the general public may be excluded and only those persons who have a direct interest in the case admitted to the courtroom. All cases involving children shall be heard separate from adults. The Court may excuse children from dependency, neglect or abuse cases.

B. All Juvenile Court proceedings and records are confidential and within the control of the Judge. Recordings or transcripts may only be used in the course of an appeal or as authorized by Court order.

C. The Court shall permit media to attend a hearing if the child who is the subject of the allegation is 14 years of age or older and the media representative will not report the name of the accused child or otherwise identify the child or child's family. The media representative will arrive in the hearing room before the hearing commences and will not depart before a recess or the end of the hearing. The only recording permitted by a media representative is written notes.

Rule 53
Guardians ad Litem

The Court shall appoint a Guardian ad Litem when it finds it is necessary and appropriate to protect the interests of a child or whenever the Court is required to do so by statute.

The role of the Guardian ad Litem is to assist the Court and to represent the interests of the child, with the primary focus being the best interest of the child.

Guardian ad Litem shall have full access to Court records.

The Guardian ad Litem may subpoena and examine independent witnesses.

A Guardian ad Litem shall perform appropriate duties upon appointment. As the feasibility of some of the duties will depend on the age of the child and the specific circumstances of each case, it is within the discretion of the Guardian ad Litem to tailor each of the following duties to the individual case:

A. Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
B. Interview the children separately (or state in the report why such interviews would be unnecessary).
C. Observe each child's interaction with each parent.
D. Investigate all significant persons and interview them independently, either in person or by telephone.
E. Review pleadings and consult with each attorney as to position and issues.
F. Contact any mental health providers involved in the case.

G. Contact the school of the child.
H. Contact health care providers, child service agencies, etc.
I. Perform home visits (can be combined with interviews and observations).
J. Evaluate the necessity of psychological evaluations or counseling.
K. Communicate with the Children's Services caseworker.
L. Attend hearings and depositions concerning the child.
M. Request appointment of an attorney to represent the Guardian ad Litem when necessary.

For good cause shown, the Guardian ad Litem may request that the Court order the parties and/or child to submit to physical, psychological or psychiatric evaluation.

A Guardian ad Litem is entitled to notice of all hearings and to receive copies of any and all filings made by the other parties to the action.

The Guardian ad Litem may attend all Court hearings; but will only be required to attend hearings for which the guardian ad litem has been served a properly issued subpoena.

Unless otherwise directed by the Court, the Guardian ad Litem shall prepare a written report and submit it to the Court and all parties. **The Guardian ad Litem shall include a certificate of service in the submitted report.**

A Guardian ad Litem has a duty to notify the Court and counsel if the child's wishes are in opposition to the Guardian's recommendations.

Discharge of the Guardian ad Litem shall be pursuant to Ohio Revised Code Section 2151.281(G).

A party seeking the appointment of a guardian ad litem pursuant to R.C. 2151.23 shall file with the Court a motion for appointment of a guardian ad litem. If the Court grants the motion, or if the Court appoints a guardian ad litem in such cases on its own motion, the parties shall each, unless otherwise ordered by the Court, deposit with the clerk of this Court within 14 days of the court's order **$500.00** to be applied to the cost of the guardian ad litem **plus an additional 2% ($10.00) for poundage**. If the full deposit of **$1,020.00** has not been paid to the clerk of this Court within the 14 day period, the parties shall be notified that either may effectuate the appointment by paying the balance of the deposit owed by the other party, and the balance shall be charged as a credit to be reimbursed in the final judgment upon the matter. If the **$1,020.00** deposit has not been paid to the clerk of this Court within 30 days of the filing of the judgment entry appointing the guardian ad litem, the defaulting party will be ordered to appear before the Court to determine the reason for which payment of deposit has not been remitted and to issue any further appropriate orders regarding the deposit.

The guardian ad litem shall commence his/her duties in the case upon the payment of the deposit. From the deposit, the guardian ad litem shall be entitled to the fees at the rate of $50.00 per hour. It is the responsibility of the guardian ad litem to advise the Court, parties and attorneys of record that an additional deposit will be necessary. Upon application of the guardian ad litem and allowance by the Court, the parties shall each, unless otherwise ordered by the Court, deposit with the clerk of this Court such additional sum as the Court shall have ordered within 30 days of receiving notice of the Court's order. Fees and expenses incurred by the guardian ad litem shall be taxed as costs and the deposits with the clerk of this Court therefore shall be refunded or credited to the respective parties upon payment of court costs.

Rule 54
Case Management Plan

Pursuant to C.P. Sup. R. 9, this Court hereby establishes the following plan for the filing, processing and hearing of matters in the Huron County Common Pleas Court, Juvenile Division. The time frame established for each phase is to be followed as closely as possible with the primary goal to move each case as expeditiously as possible. Scheduling of events starts with the date of filing the complaint and continues sequentially. It is understood that there will be exceptions to the time schedule but any case that cannot have a disposition within the parameters specified is to have a motion and entry specifying why and how much additional time is needed.

Schedule of Events for delinquency, unruly, traffic, dependency, neglect, and abuse cases:

Within 7 days	Complaint received Complaint circulated to INTAKE
Within 14 days	Case assigned number Case referred to Judge or Magistrate First hearing date set Summons issued Complaint & Summons placed in file folder Face sheet generated on hearing day
Within 30 days	Attorney appointed for indigent party if requested First hearing held
Within 60 days	Disposition held, if complaint admitted at 1st hearing Sentencing held, if guilty plea at 1st hearing Adjudication held, if complaint denied at 1st hearing Trial held, if not guilty plea at 1st hearing
Within 90 days	Disposition held, if complaint found proven at adjudication. Sentencing held, if guilty verdict at trial

Schedule of Events for custody, change of custody, and visitation cases:

Within 14 days	Complaint received Case assigned number Case referred to Judge or Magistrate First hearing date set Summons issued Case entered into computer Complaint & summons placed in file folder Face sheet generated on day of hearing
Within 60 days	First pretrial hearing held
Within 120 days	Trial held, if no resolution at pretrial
Within 270 days	Disposition held, if complaint found proven at trial

Schedule of Events for support enforcement or modification and paternity cases:

Within 14 days	Complaint received
	Case assigned number
	Case referred to Judge or Magistrate
	First hearing date set
	Summons issued
	Case entered into computer
	Complaint & summons placed in file folder
	Face sheet generated on day of hearing
Within 60 days	First pretrial hearing held
Within 120 days	Trial held, if no resolution at pretrial
Within 365 days	Disposition held, if complaint found proven at trial

Rule 55
Processing Overpayments Made by Parties

The Court finds that in the performance of its duties, it occasionally happens that a party paying fines, Court costs, or other monies payable through the Court, will pay more than the amount that is due, and further finds that this overpayment may not be discovered until such time that it is not practical to give change to the overpaying party.

When an overpayment that is equal to, or less than, $5.00 in value is discovered, that no refund be made, and that the money be paid by the Clerk of this Court into the General Fund of Huron County as Court costs.

In those situations in which the amount of the overpayment is greater than $5.00, all reasonable attempts be made by the Clerk of this Court to refund the amount of the overpayment to the paying party.

Rule 56
Compensation for Preparing Transcripts and Copies

Pursuant to Ohio Revised Code Section 2301.24 the Judge of the Juvenile and Probate Division fixes a new schedule of compensation for preparing/typing transcripts and copies pursuant to Ohio Revised Code Section 2301.23.

Any preparation/typing of transcript ordered after September 17, 1997, and made by ordinary photocopy method, the compensation for the Court reporter shall be computed and figured as follows:

A. Compensation for preparation of the original transcript at the rate of $4.50 per page, to remain in effect until further order of the Court, and in no case shall compensation for providing copies permit, in the case of a very short transcript, compensation for making a copy to exceed the compensation for

an original transcript. For cases in which the cost of a copy would exceed the cost of the original preparation, the Court reporter shall use the cost of the original preparation for the copy charge.

B. In the event that preparation of the transcript is requested to be prepared within fourteen (14) days, compensation for preparation of the original transcript at the rate of $4.75 per page, to remain in effect until further order of the Court, and in no case shall compensation for providing copies permit, in the case of a very short transcript, compensation for making a copy to exceed the compensation for an original transcript. For cases in which the cost of a copy would exceed the cost of the original preparation, the Court reporter shall use the cost of the original preparation for the copy charge.

C. Compensation for preparation of a copy of a transcript will be a $15.00 cover charge, plus the following scale rate for the per page charge:

Number of Pages	Amount
1 to 25	$3.75
26 to 50	$7.50
51 to 75	$11.25
76 to 100	$15.00
101 to 125	$18.75
126 to 150	$22.50
151 to 175	$26.25
176 to 200	$30.00
201 to225	$33.75
226 to 250	$37.50

And it is further ordered that preparation of transcripts shall be prepared as follows:

A. For an Appeal the Court Reporter will prepare:

1. The original transcript for filing with the Court of Appeals prepared and billed as ordered above.
2. A copy of the transcript at no charge for the Court's file.
3. A copy for parties upon request as ordered above.

B. For a party or attorney, the Court Reporter will prepare:

1. The original transcript for the attorney requesting the transcript, prepared and billed as ordered above.
2. A copy of the transcript at no charge for the Court's file.
3. A copy for the parties upon request as ordered above.

All requests for transcripts will be made in writing. The Court Reporter will prepare a

Judgment Entry with the estimated cost for said transcript and a deposit for the same will be made with the Clerk of this Court prior to preparation of the same.

Rule 57
Tobacco Use in the Huron County Courthouse

Whereas, the Court finds that tobacco smoke is a major contributor to indoor air pollution and that smoking in enclosed areas is detrimental to the public's health, welfare, comfort, and environment;

And whereas, the Court further finds that exposure to second-hand smoke is acutely harmful to nonsmokers with cardiovascular or respiratory disease and that the United States Surgeon General has determined that smoking and the use of other tobacco products is a leading cause of disease, including lung cancer in healthy nonsmokers.

And whereas, the Court further finds that smoking in certain enclosed areas is a public nuisance and a cause of material annoyance, discomfort and physical irritation to the public;

It is hereby ordered, adjudged and decreed that effective the 21st day of February 1995, all areas within the Courthouse including hallways, stairwells, and restrooms shall be designated nonsmoking areas and the use of all tobacco in this Courthouse shall be prohibited. It is further ordered that the custodial personnel for the Courthouse post appropriate signs notifying the public of these prohibitions and that ashtrays be located outside the entrances so that any smoking material may be extinguished prior to entering the Courthouse.

Rule 58
Carrying of Weapons

No person shall knowingly carry or have on his person or ready at hand, any firearm, dangerous weapon or dangerous ordnance upon entering or while in the offices of the Juvenile and Probate Court, or upon entering or while in any Courtroom where this Court is conducting official business.

This Court order does not apply to law enforcement officers of this State or the United States, who are authorized to carry weapons or dangerous ordnance and who are acting within the scope of their law enforcement duties.

The deputy clerk of this Court is directed to post a copy of this order at all entrances to this Court's facilities and all shall take notice from this order that any violations hereof shall be considered an act of direct contempt of Court and shall be subject to summary punishment and/or criminal prosecution.

Rule 59
Filing Documents by Facsimile

The provisions of this local rules are adopted under [Civil Rule 5(E)], [Civil Rule 73(J)], [Criminal Rule 12(B)], [Juvenile Rule 8], and [Appellate Rule 13(A)].

Pleadings and other papers may be filed with the Huron County Juvenile Court by facsimile transmission to (419) 663-0944 subject to the following conditions:

1. APPLICABILITY

1.1 These rules apply to civil, criminal, juvenile, and appellate proceedings in the Huron County Juvenile Court.

2. ORIGINAL FILING

2.1 A Document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of the Huron County Juvenile Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2.2 The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

3. DEFINITIONS

3.1 As used in these rules, unless the context requires otherwise:

3.2 A “facsimile transmission” means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

3.3 A “facsimile machine” means a machine that can send and receive a facsimile transmission.

3.4 “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4. SIGNATURE

4.1 A party who wishes to file a signed source document by fax shall either:

a. Fax a copy of the signed source document; or
b. Fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

4.2 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

5. EXHIBITS

5.1 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

5.2 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case, which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff's Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

6. TIME OF FILING

6.1 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of the Huron County Juvenile Court as of the date and time the Clerk time-stamps the documents received, as opposed to the date and time of the fax transmission. The office of the Clerk of the Huron County Juvenile Court will be deemed open to received facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

6.2 Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of the Huron County Juvenile Court.

6.3 The Clerk of the Huron County Juvenile Court may, but need not, acknowledge receipt of a facsimile transmission.

6.4 The risks of transmitting a document by fax to the Clerk of the Huron County

Juvenile Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of the Huron County Juvenile Court through whatever technological means are available.

7. FEES AND COSTS

7.1 No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by check, money order or cash directly at the Huron County Juvenile Court or by mail.

7.2 No additional fee shall be assessed for facsimile filings.

8. LENGTH OF DOCUMENT

8.1 Facsimile filings shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

9. EFFECTIVE DATE

9.1 These local rules shall be effective June 21, 2004, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the formal procedure applies.

Rule 60
Computerization Fund

Pursuant to Ohio Revised Code Section 2151.541, it is hereby determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of this Court.

Effective January 1,1998, a total of $13.00 shall be charged on the filing of each cause of action or appeal, on the filing, docketing and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T) and (U) of section 2303.20 of the Ohio Revised Code.

The County Auditor is hereby authorized and directed to pay all such money collected into the fund known as "The Probate and Juvenile Court Computerization Fund", account number 133-10200-133. The amount of $13.00 for each filing as previously defined herein shall be paid over to the county treasury. The money deposited in the fund shall be used for procuring and maintaining computer systems for the clerk's office. Money shall be disbursed from the fund solely upon the order of the Juvenile Judge.

Rule 61
Judicial Bypass of Parental Notification

Juvenile Court Procedures-Complaint for Abortion without Parental Notification. (Ohio Revised Code Section 2151.85).

Complaint--sealing identifying information. All actions pursuant to section 2151.85 of the Revised Code shall be commenced by filing a complaint on Form 23-A issued by the clerk of the Supreme Court of Ohio. A certified copy of the second page, with the case number noted on it, shall be given to the complainant after she signs it. The original second page shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential court personnel. All index records shall be under, "In the Matter of Jane Doe."

Minors seeking to file an action under section 2151.85 of the Revised Code shall be given prompt assistance by the clerk in a private, confidential setting. Assistance shall include performing the notary services necessary to file the complaint and affidavits described in Sup. R. 23 and 24.

The complaint shall be filed promptly upon the request of the minor. The complaint and other forms described in these rules shall be provided without cost to the minor. No filing fees or court costs shall be imposed on the minor in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(A) **Appointment of counsel.** Upon the filing of the complaint, the court shall appoint an attorney to represent the complainant if she is not represented by an attorney. Court-appointed attorneys shall be paid by the court without expense to the complainant.

(B) **Appointment of guardian *ad litem.*** Upon the filing of the complaint the court shall also appoint a guardian *ad litem.* The court may appoint the same individual to serve as both the attorney and the guardian *ad litem.* If the court appoints an individual who volunteers to serve as a guardian for the complainant, that individual need not be paid. Other guardians shall be paid by the court without expense to the complainant.

(C) Hearing. A hearing shall be conducted promptly after the filing of the complaint, if possible within twenty-four hours. In no event shall the hearing be held later than five business days after the filing of the complaint. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings must be closed to the public and exclude all persons except witnesses on behalf of the complainant, her attorney, her guardian *ad litem,* and essential court personnel. The hearing shall be conducted in a manner that will preserve the anonymity of the complainant. The complainant's name shall not appear on the record.

If both maturity and either abuse or best interest are alleged in the complaint, or if maturity, abuse, and best interest are alleged in the complaint, the court shall rule on the

issue of maturity first. if the court finds against the complainant on the issue of maturity, it then shall determine the other issues alleged in the complaint.

(D) **Judgment.** The court shall enter judgment immediately after the conclusion of the hearing and a copy of the judgment shall be immediately provided to the complainant. If the court finds by clear and convincing evidence either that the complainant is sufficiently mature and well enough informed to decide intelligently; or that there is evidence of a pattern of physical, sexual, or emotional abuse by one or both of her parents, guardian, or custodian; or that notification is not in the best interest of the complainant, the court shall issue an order on Form 23-B authorizing the complainant to consent to the performance of an abortion without notice to a parent, guardian, or custodian.

If the court determines that the complainant has not established the allegations of the complaint by clear and convincing evidence, the court shall dismiss the complaint and notify the complainant that she has a right to appeal under section 2505.073 of the Revised Code. In that event the complainant shall be provided with a copy of the notice of appeal, Form 23-C.

(E) Appeals.
(1) Immediately after the notice of appeal has been filed by the complainant, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed in the juvenile court, the clerk of the juvenile court shall deliver a copy of the notice of appeal and the record, except page two of the complaint, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) The juvenile court shall prepare a written transcript if possible. However, if a transcript cannot be prepared timely and if the testimony is on audio tape, the tape may be forwarded as part of the record in the case to the court of appeals without prior transcription and the court of appeals shall accept the audio tape as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to listen to the audio tape.

(F) General rule of expedition. If a complainant files her notice of appeal on the same day as the dismissal of her complaint, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint was filed.

(G) Confidentiality. The court shall not notify the parents, guardian, or custodian of the complainant that she is pregnant, that she wants to have an abortion, or that the complaint was filed. All court papers and records that pertain to the action shall be kept confidential and are not public records under section 149.43 of the Revised Code.

(H) Verification notice. Upon request of the complainant or her attorney, the clerk shall verify on Form 23-D the date the complaint was filed and whether a hearing has been held within five business days after the filing of the complaint. The form shall be filed and included as part of the record and a date-stamped copy shall be provided to the complainant or her attorney. Commentary (July 1, 1997)

This rule and accompanying forms are identical to former C.P. Sup. R. 76.

FORM 23 A - COMPLAINT FOR AN **ORDER AUTHORIZING CONSENT TO AN ABORTION WITHOUT NOTIFICATION OF A PARENT, GUARDIAN, OR CUSTODIAN**

JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe Case No. _____

COMPLAINT

Promulgated by the Clerk of the Supreme Court
of Ohio pursuant to R.C. 2151.85(G)

I swear or affirm that:

1. I am pregnant.
2. I am unmarried, under 18 years of age, and unemancipated.
3. I wish to have an abortion without notification of my parent, guardian, or custodian.
4. This complaint is being filed in the juvenile court of the county where I reside or have a legal settlement, in a county bordering the county where I reside or have a legal settlement, or in the county where the abortion will be performed.

[CHECK ONE OR MORE OF THE FOLLOWING STATEMENTS.]

5. _____ I am sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the notification of my parent, guardian, or custodian.

_____ One or both of my parents, my guardian, or my custodian has engaged in a pattern of physical, sexual, or emotional abuse against me.

_____ Notification of my parent, guardian, or custodian of my desire to have an abortion is not in my best interest.

[CHECK ONE OF THE FOLLOWING STATEMENTS.]

6. _____ I do not have a lawyer.

_____ I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____
Lawyer's Address: _____
Lawyer's Phone No: _____

THEREFORE, I request that this Court issue an order authorizing me to consent to an abortion without the notification of my parent, guardian, or custodian.

Page 2 of the complaint. Case no. _____

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23(A) OF THE RULES OF SUPERINTENDENCE FOR OHIO COURTS.

I swear or affirm that the information in the attached complaint is true and accurate to the best of my knowledge and belief.

_____
Signature

Sworn to or affirmed in my presence this _____ day of _____, 200_____.

_____
Notary Public

* ** ** ** ***** ** * ** **** *** ** ** ** * ***

PLEASE NOTE:

If you do not have a lawyer, please provide in the spaces below any address and phone number where the Court may contact you until a lawyer is appointed to represent you. You do p~ need to use your home address and phone number.

_____
Address
_____

_____
Phone

COMPLAINT FOR AN ORDER AUTHORIZING CONSENT TO AN ABORTION WITHOUT NOTIFICATION OF A PARENT, GUARDIAN, OR CUSTODIAN

INSTRUCTIONS

If you are pregnant, unmarried, under eighteen years old and unemancipated, and want to have an abortion without telling your parent, guardian, or custodian, you may ask a court for permission. The court will then decide whether your parent, guardian, or custodian must be told before you may have an abortion. The attached form, called a complaint, should be used to ask a court to let you have an abortion without telling your parent, guardian, or custodian.

If you are under 18 and not married, you are "unemancipated" if:

1. You have not entered the armed services of the United States or

2. You do not have a job and support yourself or

3. You are under the care and control of your parent, guardian, or custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge.

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the complaint and all other papers in your case confidential.

The complaint must be filed in a juvenile court in the county where the abortion would be performed, in the county where you reside or have a legal settlement, or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORM

Completing **Statement** #5: Check one or more of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion without telling your parent, guardian, or custodian. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked either or both of the remaining statements, the court will then consider:

_ whether there is a pattern of physical, sexual, or emotional abuse of you by your parent, guardian, or custodian, or,

-- whether telling your parent, guardian, or custodian is not in your best interest.

Completing Statement #6: Check the statement that applies to you. If you have a lawyer,

fill in the name, address and telephone number of your lawyer.
Completing the Top of Page 2: The law requires that the statements in the complaint be made under oath. This part of the form must be completed in the presence of a person who is allowed to administer oaths, such as a notary public, a lawyer, or a judge. After you sign your name on the signature line, that person should notarize the form.

Completing the Bottom of Page 2: Fill out the bottom of Page 2 only if you do not have a lawyer. Provide any address and phone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or phone number you provide. You do not have to complete the bottom of Page 2 until after the notary public signs the top of Page 2.

FORM 23 B- JUDGMENT
JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe Case No. _____

JUDGMENT

This matter came on for hearing on the _____ day of _____, 20_____. Based upon the testimony and evidence presented, this court finds:

1. The complainant is an unemancipated minor.

2. The complainant is pregnant and she wishes to obtain an abortion.

3. No parent, legal guardian, or custodian of the complainant has been notified that she is seeking an abortion.

4. That clear and convincing evidence has been presented to support the following: [decide maturity issue first if pleaded]

   _____ Complainant is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without notifying a parent, guardian, or custodian.

   _____ There is evidence of a pattern of physical, sexual, or emotional abuse of the complainant by one or both of her parents, her guardian, or her custodian.

   ____ Notification of a parent, guardian, or custodian would not be in complainant's best interest.

   ____ None of the criteria set forth in paragraph 4 has been established by clear and convincing evidence.

THEREFORE, IT IS ORDERED:

_____ The complaint is granted and the complainant is hereby authorized to consent to the performance or inducement of an abortion without the notification of a parent, guardian, or custodian.

_____ The complaint is dismissed. The Clerk is instructed to provide the complainant with the notice of appeal form and advise her of her right to an expedited appeal.

Norwalk, Huron County, OH _____
Judge

_____, 200____

JUVENILE COURT
HURON COUNTY, OHIO

In re complaint of Jane Doe Case No._____

NOTICE OF APPEAL

Promulgated by the Clerk of the Supreme Court of Ohio pursuant to R.C. 215 *1.85(G)*

Notice is hereby given that the complainant appeals to the Court of Appeals for _____ County from the final order entered in the above-styled cause on_____, 200_____, dismissing the complaint seeking an abortion without notification of complainant's parents, guardian or custodian.

_____
Signature of Attorney for Complainant

_____
Attorney Name

_____
Attorney Address

_____

_____
Attorney Phone

FORM 23 D - **VERIFICATION**

JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe Case No._____

VERIFICATION

This will verify that on_____, 20_____, Jane Doe filed her complaint for an order authorizing consent to an abortion without notification of a parent, guardian or custodian and as of _____, 20_____, which is more than five business days after the filing of the complaint, the court has not held a hearing to consider her complaint.

_____
Clerk

(Seal)

Juvenile Court Procedures-Application for authorization to Consent to an Abortion or for Judicial Consent to an Abortion (R.C. 2919.121).

(A) Petition; filing; sealing identifying information.

(1) All actions pursuant to section 2919.121 of the Revised Code shall be commenced by filing a petition on Form 23.1-A issued by the clerk of the Supreme Court of Ohio. A certified copy of the second page, with the case number noted on it, shall be given to the petitioner after the petitioner or next friend signs it. The original second page shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential court personnel. All index records shall be filed under, "In re the Petition of Jane Doe."

(2) Minors seeking to file an action under section 2919.121 of the Revised Code shall be given prompt assistance by the clerk in a private, confidential setting. Assistance shall include performing the notary services necessary to file the petition and affidavits described in this rule.

(3) The petition shall be filed promptly upon the request of the petitioner. The petition and other forms described in these rules shall be provided without cost to the petitioner. No filing fees or court costs shall be imposed on the petitioner in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(B) Appointment of counsel. Upon the filing of the petition and at least twenty-four hours before the hearing scheduled pursuant to division (D) of this rule, the court shall appoint an attorney to represent the petitioner if she is not represented by an attorney. Court-appointed attorneys shall be paid by the court without expense to the petitioner.

(C) Appointment of guardian ad litem. Upon the filing of the petition, the court shall appoint a guardian ad litem pursuant to Rule 4 of the Ohio Rules of Juvenile Procedure.

(D) Hearing. (1) A hearing shall be conducted promptly after the filing of the petition, if possible within twenty-four hours. In no event shall the hearing be held later than five calendar days after the filing of the petition. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings shall be closed to the public and exclude all persons except witnesses on behalf of the petitioner, her attorney, her guardian ad litem, her next friend, if any, and essential court personnel. The hearing shall be conducted in a manner that will preserve the anonymity of the petitioner. The petitioner's name shall not appear on the record.

(2) If maturity and best interest are alleged in the petition, the court shall rule on the issue of maturity first. If the court finds against the petitioner on the issue of maturity, it then

shall determine the issue of best interest.

(E) Judgment. (1) If the court finds that the petitioner is sufficiently mature and well enough informed to decide intelligently whether to consent to an abortion or that the abortion is in the best interests of the petitioner, the court shall issue an order on Form 23.1-B authorizing the petitioner to consent to the performance of an abortion or giving judicial consent to the abortion. If the court does not find that the petitioner is sufficiently mature and well enough informed to decide intelligently or that the abortion is in the best interests of the petitioner, or if the court finds that it does not have jurisdiction over the petition, the court shall issue an order on Form 23.1-B denying or dismissing the petition. The court shall enter judgment as soon as possible and no later than twenty-four hours after the conclusion of the hearing.

(2) If the judgment is entered immediately at the conclusion of the hearing, the court shall provide the petitioner and her attorney with a copy of the judgment. If the court denies or dismisses the petition, the court shall notify the petitioner that she has a right to appeal under division (C)(6) of section 29 19.121 of the Revised Code and provide the petitioner and her attorney with a copy of the notice of appeal, Form 23.1-C.

(3) If the judgment is not entered immediately at the conclusion of the hearing, the court shall do all of the following:

(a) Inform the petitioner that the judgment will be entered within twenty-four hours;

(b) Inform the petitioner that the court will notify her attorney of the judgment upon its issuance;

(c) Inform the petitioner of the availability of other confidential procedures, which have been established by the court, to notify the petitioner of the court's judgment, including, but not limited to, providing the petitioner with the name of a designated court employee whom the petitioner may contact to obtain the judgment, arranging for the pick-up of the judgment at the court, or arranging for delivery of the judgment to an address designated by the petitioner;

(d) Notify the petitioner that, if the court denies or dismisses the petition, she has the right to appeal under division (D)(6)
of section 2919.121 of the Revised Code;

(e) Provide the petitioner and her attorney with a copy of the notice of appeal, Form 23.1-C, and explain to the petitioner that the form may be filed only if the court denies or dismisses the petition.

(F) Appeals. (1) Immediately after the notice of appeal has been filed by the petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four calendar days after the notice of appeal is filed in the juvenile court, the clerk of the juvenile court shall deliver a copy of the notice of appeal and the record, except page two of the petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of

appeals.

(2) The juvenile court shall prepare a written transcript if possible. If a transcript cannot be prepared timely and if the testimony is on audio tape, the tape may be forwarded as part of the record in the case to the court of appeals without prior transcription, and the court of appeals shall accept the audio tape as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to listen to the audio tape.

(G) General rule of expedition. (1) If a petitioner files a notice of appeal on the same day as the denial or dismissal of her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed.

(2) If a petitioner files a notice of appeal after the day on which the court denies or dismisses her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(H) Confidentiality. The court shall not notify the parents, guardian, or custodian of the petitioner that she is pregnant, that she wants to have an abortion, or that the petition was filed. All court papers and records that pertain to the action shall be kept confidential and are not public records under section 149.43 of the Revised Code.

(I) Definition. As used in this rule, Sup. R. 25, and Forms 23.1-A, 23.1-B, 23.1-C, and 25, "petitioner" means the minor female who is seeking consent to have an abortion regardless of whether the minor female or a next friend filed the petition.

FORM 23.1-A. PETITION FOR AUTHORIZATION TO CONSENT TO AN ABORTION OR FOR JUDICIAL CONSENT TO AN ABORTION (R.C. 2919.12 1).

JUVENILE DIVISION
COURT OF COMMON PLEAS
Huron COUNTY, OHIO

In re petition of Jane Doe. Case No._____

PETITION

Promulgated by the Supreme Court of Ohio
pursuant to R.C. 2919.121

I swear or affirm that:

1. I am pregnant.
2. I am unmarried, _____ years of age, and unemancipated.
3. I wish to have an abortion and have been fully informed of the risks and consequences of an abortion.
4. This petition is being filed in the juvenile court of the county where I reside, in a county bordering the county where I reside, or in the county where the abortion will be performed.
5. I have not previously filed a petition concerning the same pregnancy that has been denied on the merits.

[CHECK ONE OR BOTH OF THE FOLLOWING STATEMENTS.]

6. _____ I am of sound mind and have sufficient intellectual capacity to consent to an abortion.

   _____ The court should find that an abortion is in my best interests and give judicial consent to the abortion.

[CHECK ONE OF~ THE FOLLOWING STATEMENTS.]

7. _____ I do not have a lawyer and ask that the court appoint a lawyer free of charge.

   _____ I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____
Lawyer's Address: _____
Lawyer's Phone No:_____

Page 2 of the petition. Case no.

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23.1 OF THE RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO.

8. The following is/are the name(s) and address(es) of my parent(s), guardian(s), custodian(s) or, if my parents are deceased and no guardian(s) is/are appointed, any person standing in place of my parent(s), guardian(s), or custodian(s):

Name(s):_____
Address(es):_____
_____

THEREFORE, I request that this Court appoint a lawyer if I do not already have one, appoint a guardian *ad litem* to represent my best interests, and issue an order authorizing me to consent or granting judicial consent to an abortion without the consent of my parent, guardian, or custodian.

I swear or affirm that the information in the attached petition is true and accurate to the best of my knowledge and belief

_____
Signature (Minor or Next Friend)

If this petition is being filed by a next friend on behalf of a minor, the minor's initials are:_____

Sworn to or affirmed in my presence this _____ day of_____, 20_____

_____
Notary Public

PLEASE NOTE:

If you do not have a lawyer, please provide in the spaces below any address and phone number where the Court may contact you until a lawyer is appointed to represent you. You do not need to use your home address and phone number.

Address: _____
_____
Telephone: _____

Form 23.1-A

PETITION FOR CONSENT TO AN ABORTION OR FOR JUDICIAL CONSENT TO AN ABORTION (R.C. 2919.121).

INSTRUCTIONS

If you are pregnant, unmarried, under eighteen years old and unemancipated, and want to have an abortion without the consent of your parents, you may ask a court for permission. The court will then decide whether you are sufficiently mature and well-enough informed to decide intelligently to have an abortion or whether an abortion is in your best interests. The attached form, called a petition, should be used to ask a court to let you have an abortion without the consent of your parents.

If you are under 18 and not married, you are "unemancipated" if:

1. You have not entered the armed services of the United States or

2. You do not have a job and support yourself or

3. You are under the care and control of your parent, guardian, or custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge. The court also will appoint a guardian *ad litem,* who is a person responsible for protecting your interests. The court may appoint your lawyer to be your guardian *ad litem.*

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the petition and all other papers in your case confidential.

The petition must be filed in a juvenile court in the county where the abortion would be performed, in the county where you reside, or in any county that borders the county where you reside.

HOW TO FILL OUT THE FORM

Completing Statement #5: "On the merits" means a court has heard testimony and has decided not to give you consent to have an abortion.
Completing Statement #6: Check one or both of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked the second statement, the court will then consider whether the abortion is in your best interest. If you are not sure which statement to check, you may check both and then discuss this with your lawyer.

Completing Statement #*7:* Check the statement that applies to you. If you have a lawyer, fill in the name, address and telephone number of your lawyer.

Completing **Page** 2: The law requires that the statements in the petition be made under oath. This part of the form must be completed by you or someone who is assisting you (called a "next friend") in the presence of a person who is allowed to administer oaths, such as a notary public, a lawyer, or a judge. After you or the person assisting you signs the petition, the person who administers oaths should sign the form.

Completing the Bottom of Page 2: Fill out the bottom of page 2 only if you do not have a lawyer. Provide any address and phone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or phone number you provide. You do not have to complete the bottom of page 2 until after the notary public signs on page 2.

FORM 23.1-B. JUDGMENT
JUVENILE COURT
Huron COUNTY, OHIO

In re petition of Jane Doe Case No._____

JUDGMENT

This matter came on for hearing on the _____ day of _____, 20 _____ Based upon the testimony and evidence presented, this court finds:

1. The court:

_____Has jurisdiction over the petition.

_____Does not have jurisdiction over the petition for the following reasons:

2. _____The petitioner is an unemancipated minor.

3. _____The petitioner is pregnant and she wishes to obtain an abortion.

4. _____The petitioner has been fully informed of the risks and consequences of the abortion.

5. That evidence has been presented to support the following [decide maturity issue first if pleaded]:

a. _____ Petitioner is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without obtaining the consent of a parent, guardian, or custodian.

b. _____ The abortion would be in petitioner's best interest for the following reasons:

_____
_____
_____

c. Neither 5a. nor *5b.* has been established for the following reasons:

_____
_____
_____

THEREFORE, IT IS ORDERED:

_____ The petition is granted and the petitioner is hereby authorized to consent to the performance or inducement of an abortion,

_____ The court finds the abortion is in the best interest of the petitioner and judicial consent is hereby authorized.

_____ The petition is denied. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

_____ The petition is dismissed for lack of jurisdiction. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

Norwalk, Huron County, Ohio

_____
Judge

_____
Date

FORM 23.1-C. NOTICE OF APPEAL
JUVENILE COURT

Huron COUNTY, OHIO

In repetition of Jane Doe Case No.

NOTICE OF APPEAL

Promulgated by the Supreme Court of Ohio pursuant to R.C. 2919.121

Notice is hereby given that the petitioner appeals to the Court of Appeals for Huron County from the final order entered in the above-styled cause on _____, 20_____ denying or dismissing the petition seeking an abortion.

_____
Signature of Attorney for Petitioner

_____
Attorney Name

_____
Attorney Address

_____

Notifying Physicians of Affidavits Alleging Abuse Under 2919.12.

(A) Filing affidavits--procedure. Pursuant to division (B)(1)(b) of section 2919.12 of the Revised Code, a minor may have notice of an intended abortion given to a specified adult instead of one of her parents, guardian, or custodian. Two affidavits must be filed with the clerk of the juvenile court by anyone seeking to invoke the notice provisions of the law. The first affidavit is executed by the minor and should be on Form 24-A. The second affidavit is executed by the specified adult and should be on Form 24-B. Anyone receiving these forms also shall be given the accompanying instruction sheet.

Upon the filing of both affidavits and upon the request of the minor, her attorney, or the person who will perform the abortion, the clerk of the juvenile court shall issue a notice on Form 24-C verifying that the affidavits have been filed with the court.

(B) Confidentiality. All affidavits filed and notices issued pursuant to this rule shall be placed under seal in a safe or other secure place where access is limited to essential court personnel.

Persons becoming aware of the contents of any affidavits prepared pursuant to this rule or section 2919.12 of the Revised Code are exempt from reporting such contents under section 2151.421 of the Revised Code. Any reporting by court personnel would breach the duty of confidentiality and is prohibited by section 102.03 of the Revised Code.
Commentary (July 1, 1997)

This rule and accompanying forms are identical to former C.P. Sup. R. 77. Form 24 A - C (pdf).

FORM 24-A. AFFIDAVIT OF MINOR
JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe

Case No._____
AFFIDAVIT
R.C. 2919.12(B)(1)(b)(ii)

STATE OF OHIO)
COUNTY OF HURON)

I, _____, being duly sworn, state as follows:

1. I am pregnant, unmarried, under 18 years of age, and unemancipated.
2. I wish to have an abortion without notification of a parent, guardian, or custodian.
3. I request instead that notice of my intention to have the abortion be given to one of the following [Select One]:

   a. _____, a brother or sister twenty-one years
   Name of Age or older or,

   b. _____, a stepparent or grandparent.
   Name

4. I am in fear of physical, sexual, or severe emotional abuse from a parent, guardian, or custodian who otherwise would be notified of my intention to have an abortion under section 2919.12 of the Revised Code.
5. My fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by a parent, guardian, or custodian.
6. I understand that upon the filing of this affidavit and an affidavit from the person specified above with the juvenile court, an officer of that court will prepare a notice verifying that the affidavits have been filed.
7. The person who intends to perform or induce my abortion and the address of that person are as follows:

Name of Abortion Provider
_____

Address
_____

_____Signature

Before me appeared the above named person who under oath or by affirmation did sign this affidavit this _____ day of_____, 20_____.

_____
Notary Public

FORM 24-B. AFFIDAVIT OF RECIPIENT OF NOTICE OF MINOR'S INTENTION TO RECEIVE AN ABORTION

JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe

Case No._____
AFFIDAVIT
R.C. 291 9.12(B)(1)(b)(iii)

STATE OF OHIO)
COUNTY OF HURON)

_____ being duly sworn, states as follows:

_____, being duly sworn, states as follows:
(Name)

1. I am [select appropriate one]

   _____ over twenty-one years of age and I am a brother or sister of

   _____ a stepparent or grandparent of

   _____ (hereafter, minor) who has [name of pregnant minor] filed an affidavit with the Juvenile Court under section 2919.12(B)(1)(b)(ii) of the Revised Code.

2. I have been specified in the minor's affidavit as the person to receive notice of the minor's intention to receive an abortion.

3. The minor has reason to fear physical, sexual, or severe emotional abuse from a parent, guardian, or custodian who otherwise would be notified of her intention to have an abortion under section 2919.12 of the Revised Code.

4. Her fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by a parent, guardian, or custodian.

_____
Signature

Before me appeared the above named person who under oath or by affirmation did sign this affidavit this _____ day of _____, 20_____.

_____
Notary Public

FORMS ALLEGING ABUSE BY PARENT AND REQUESTING THAT NOTIFICATION OF ABORTION BE PROVIDED TO OTHER RELATIVE

INSTRUCTIONS FOR FORMS 24-A and 24-B

If you use these forms, the person performing your abortion will not be required to give notice of your abortion to a parent, guardian, or custodian. Instead, you can choose to have notice provided to a brother or sister over twenty-one years of age or a stepparent or grandparent.

These forms are called affidavits. An affidavit is a sworn statement signed before a notary public or other person, such as a judge or attorney, authorized to administer oaths. The clerk's office will provide a notary public if you want to complete the forms in the clerk's office.

These forms may be used if any of the following apply.

You are:

1. pregnant;

2. unmarried;

3. under eighteen years old;

4. unemancipated, which means that:
   you have not entered the armed forces of the United States, or you do not have a job and support yourself, or
   you are under the care and control of a parent, guardian, or custodian;

5. you fear, based on events that have happened in the past, physical, sexual, or severe emotional abuse if notice of the abortion is given to a parent, guardian, or custodian.

These forms will be filed with the juvenile court and kept confidential. The clerk of the juvenile court will provide notice to the abortion provider that the forms have been filed and the clerk will inform the abortion provider of the name of the person you have chosen to receive notice of your abortion. The forms will not be released by the juvenile court.

You do not have to pay any filing fee or court costs to the clerk for notarizing these forms, filing these forms, or issuing the notice to the abortion provider.

The affidavit must be filed in a juvenile court in the county where the abortion will be performed, in the county where you reside or have a legal settlement, or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORMS

There are two forms. You complete one of them. The other form is completed by the person you select to receive notice of your abortion. That must be a brother or sister over twenty-one years old or a stepparent or grandparent.

Your form requires that you name the person to receive notice and provide the name and address of the person to perform the abortion.

Both of the forms must be signed in front of a notary public or other person, such as a judge or attorney, authorized to administer oaths.

WHAT TO DO AFTER FILLING OUT THE FORMS

After the forms are signed and notarized, give them to the juvenile court clerk who will file them in a confidential place within the clerk's office. Then the clerk will issue a notice that you may take to the abortion provider. With that notice the abortion provider will be authorized to provide notice of the abortion to the brother, sister, stepparent, or grandparent that you have selected.

FORM 24-C. NOTICE

JUVENILE COURT
Huron COUNTY, OHIO

In re complaint of Jane Doe Case No.

NOTICE

Notice is hereby given that on _____, 20____, _____ (minor's name) filed affidavits pursuant to Section 2919.12(B)(1)(b)(ii) and (iii) of the Revised Code and may therefore proceed to have any notifications required by that statute issued to the following specified adult: _____.

_____
Clerk

(Seal)

COURT OF APPEALS
Huron COUNTY, OHIO

In re complaint of Jane Doe

Case No._____

Juvenile Court No._____

VERIFICATION

This will verify that on_____, 20_____,the appeal of Jane Doe was docketed in this court under section 2151.85 or 2505.073 of the Revised Code and as of _____, 20_____, which is more than five calendar days after the docketing of the appeal, the court has not rendered a judgment in the matter.

_____
Clerk

(Seal)

Procedure on Appeals Under Sections 2151.85, 2919.121, and 2505.073 of the Revised Code.

(A) General rule of expedition.

(1) If a complainant or petitioner files her notice of appeal on the same day as the dismissal of her complaint or petition by the juvenile court, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the original complaint or petition was filed.

(2) If a complainant or petitioner files a notice of appeal after the day on which the court denies or dismisses her complaint or petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(B) Processing appeal.

(1) Immediately after the notice of appeal has been filed by the complainant or petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed in juvenile court, the clerk of the juvenile court shall deliver a copy of the notice of appeal and the record, except page two of the complaint or petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) Record of all testimony and other oral proceedings in actions pursuant to section 2151.85 or 2919.121 of the Revised Code may be made by audio recording. If the testimony is on audio tape and a transcript cannot be prepared timely, the court of appeals shall accept the audio tape as the transcript in this case without prior transcription.

(3) The appellant under this section shall file her brief within four days after the appeal is docketed. Unless waived, the oral argument shall be within five days after docketing. Oral arguments must be closed to the public and exclude all persons except the appellant, her attorney, her guardian ad litem, and essential court personnel.

(4) Under this rule, "days" means calendar days and includes any intervening Saturday, Sunday, or legal holiday. To provide full effect to the expedition provision of the statute, if the last day on which a judgment is required to be entered falls on a Saturday, Sunday, or legal holiday, the computation of days shall not be extended and judgment shall be made either on the last business day before the Saturday, Sunday, or legal holiday, or on the Saturday, Sunday, or legal holiday.

(C) Confidentiality. All proceedings pursuant to division (A) of section 2505.073 or 2919.121 of the Revised Code shall be conducted in a manner that will preserve the

anonymity of the appellant on appeal. Except as set forth in division (E) of this rule, all papers and records that pertain to an appeal under section 2505.073 or 2919.121 of the Revised Code shall be kept confidential and are not public records under section 149.43 of the Revised Code.

(D) Judgment entry. The court of appeals shall enter judgment immediately after conclusion of oral argument or, if oral argument is waived, within five days after the appeal is docketed.

(E) Release of records. The public is entitled to secure all of the following from the records pertaining to each case filed under section 2505.073 or 2919.121 of the Revised Code:
(1) The docket number; (2) The name of the judge; (3) The judgment entry and, if appropriate, a properly redacted opinion. Opinions shall set forth the reasoning in support of the decision in a way that does not directly or indirectly compromise the anonymity of the minor. Opinions written in compliance with this requirement shall be considered public records available upon request. If, in the judgment of the court, it is impossible to release an opinion without compromising the anonymity of the minor, the entry that journalizes the outcome of the case shall include a specific finding that no opinion can be written without disclosing the identity of the minor. Such finding shall be a matter of public record. It is the obligation of the court to remove any and all information in its opinion that would directly or indirectly disclose the identity of the minor.

(F) Notice and hearing before release of opinion. After an opinion is written and before it is available for release to the public, the minor must be notified and be given the option to appear and argue at a hearing if she believes the opinion may disclose her identity. Notice may be provided by including the following language in the opinion: If appellant believes that this opinion may disclose her identity, appellant has a right to appear and argue at a hearing before this court. Appellant may perfect this right to a hearing by filing a motion for a hearing within fourteen days of the date of this opinion. The clerk is instructed that this opinion is not to be made available for release until either of the following:

(1) Twenty-one days have passed since the date of the opinion and appellant has not filed a motion;

(2) If appellant has filed a motion, after this court has ruled on the motion. Notice shall be provided by mailing a copy of the opinion to the attorney for the appellant or, if she is not represented, to the address provided by appellant for receipt of notice.

(G) Constructive order. Upon request of the appellant or her attorney in proceedings pursuant to section 2151.85 or 2505.073 of the Revised Code, the clerk shall verify on Form 25-A the date the appeal was docketed and whether a judgment has been entered within five days of that date. The
completed form shall include the case number from the juvenile court and the court of appeals, and shall be filed and included as part of the record. A date-stamped copy shall be provided to the appellant or her attorney.

Procedure on Appeals Under Sections 2151.85, 2919.121~ and 2505,073 **of the**

Revised Code.

(A) General rule of expedition. (1) If a complainant or petitioner files her notice of appeal on the same day as the dismissal of her complaint or petition by the juvenile court, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the original complaint or petition was filed.

(2) If a complainant or petitioner files a notice of appeal after the day on which the court denies or dismisses her complaint or petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(B) Processing appeal. (1) Immediately after the notice of appeal has been filed by the complainant or petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed in juvenile court, the clerk of the juvenile court shall deliver a copy of the notice of appeal and the record, except page two of the complaint or petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) Record of all testimony and other oral proceedings in actions pursuant to section 2151.85 or 2919.121 of the Revised Code may be made by audio recording. If the testimony is on audio tape and a transcript cannot be prepared timely, the court of appeals shall accept the audio tape as the transcript in this case without prior transcription.

(3) The appellant under this section shall file her brief within four days after the appeal is docketed. Unless waived, the oral argument shall be within five days after docketing. Oral arguments must be closed to the public and exclude all persons except the appellant, her attorney, her guardian *ad litem,* and essential court personnel.

(4) Under this rule, "days" means calendar days and includes any intervening Saturday, Sunday, or legal holiday. To provide full effect to the expedition provision of the statute, if the last day on which a judgment is required to be entered falls on a Saturday, Sunday, or legal holiday, the computation of days shall not be extended and judgment shall be made
either on the last business day before the Saturday, Sunday, or legal holiday, or on the Saturday, Sunday, or legal holiday.

(C) Confidentiality. All proceedings pursuant to division (A) of section 2505.073 or 2919.121 of the Revised Code shall be conducted in a manner that will preserve the anonymity of the appellant on appeal. Except as set forth in division (E) of this rule, all papers and records that pertain to an appeal under section 2505.073 or 2919.121 of the Revised Code shall be kept confidential and are not public records under section 149.43 of the Revised Code.

(D) Judgment entry. The court of appeals shall enter judgment immediately after conclusion of oral argument or, if oral argument is waived, within five days after the appeal is docketed.

(E) Release of records. The public is entitled to secure all of the following from the records pertaining to each case filed under section 2505.073 or 2919.121 of the Revised Code:

(1) The docket number;

(2) The name of the judge;

(3) The judgment entry and, if appropriate, a properly redacted opinion.

Opinions shall set forth the reasoning in support of the decision in a way that does not directly or indirectly compromise the anonymity of the minor. Opinions written in compliance with this requirement shall be considered public records available upon request. If, in the judgment of the court, it is impossible to release an opinion without compromising the anonymity of the minor, the entry that journalizes the outcome of the case shall include a specific finding that no opinion can be written without disclosing the identity of the minor. Such finding shall be a matter of public record.

It is the obligation of the court to remove any and all information in its opinion that would directly or indirectly disclose the identity of the minor.

(F) **Notice and hearing before release of opinion.** After an opinion is written and before it is available for release to the public, the minor must be notified and be given the option to appear and argue at a hearing if she believes the
opinion may disclose her identity. Notice may be provided by including the following language in the opinion:

If appellant believes that this opinion may disclose her identity, appellant has a right to appear and argue at a hearing before this court. Appellant may perfect this right to a hearing by filing a motion for a hearing within fourteen days of the date of this opinion.

The clerk is instructed that this opinion is not to be made available for release until either of the following:

(1) Twenty-one days have passed since the date of the opinion and appellant has not filed a motion;

(2) If appellant has filed a motion, after this court has ruled on the motion.

Notice shall be provided by mailing a copy of the opinion to the attorney for the appellant or, if she is not represented, to the address provided by appellant for receipt of notice.

(G) **Constructive order.** Upon request of the appellant or her attorney in proceedings pursuant to section 2151.85 or 2505.073 of the Revised Code, the clerk shall verify on Form 25-A the date the appeal was docketed and whether a judgment has been entered within five days of that date. The completed form shall include the case number from the juvenile court and the court of appeals, and shall be filed and included as part of the record. A date-stamped copy shall be provided to the appellant or her attorney.

COURT OF APPEALS
Huron COUNTY, OHIO

In re complaint of Jane Doe

Case No._____
Juvenile Court No. _____

VERIFICATION

This will verify that on_____, 20_____,the appeal of Jane Doe was docketed in this court under section 2151.85 or 2505.073 of the Revised Code and as of _____, 20_____, which is more than five calendar days after the docketing of the appeal, the court has not rendered a judgment in the matter.

_____
Clerk

(Seal)

Rule 62
Fingerprinting Juveniles and Reporting Requirements to BCI & I

House Bill 2, effective January 1, 1999, **requires** that juveniles arrested for a felony or offense of violence or when there is probable cause to believe that the child committed **a felony or offense of violence** (see attached list) be fingerprinted and photographed and the disposition of the case reported to BCI & I. The procedure is as follows:

A. Arresting Agency arrests a juvenile for a **felony or offense of violence** or there is probable cause to believe that the child committed a felony or offense of violence, obtain the following sets of fingerprints and photographs:

1. A full set of fingerprints from the child on the **FBI Tenprint card.**
2. A full set of fingerprints from the juvenile on the **BCI Form 2-96** (Juvenile Criminal Tenprint Card). Process in the same manner as the BCI & I Adult Criminal Tenprint Card.

3. Complete the left side of the attached form (**BCI Form 2-71**) and finger impressions of the right four fingers on the right side of the form, the **ITN number** in the upper right corner of the form (from the BCI Tenprint Card), and **print the word "juvenile"** at the top of the form.
4. A photograph of the child for the BCI Form 2-96.
5. The Arresting Agency **may** take a set of fingerprints to be maintained by the Arresting Agency.
6. The Arresting Agency **may** maintain a photograph at the Arresting Agency (see ORC Section 109.57)

B. If an Arresting Agency arrests a juvenile for an offense that is **not a felony or offense of violence** and the Agency wants to fingerprint that juvenile, the Agency is directed to contact the Huron County Prosecutor's Office for information on how to proceed.

C. Arresting Agency will forward the forms as follows:

1. **FBI** Tenprint Card **to BCI** within one (1) week;
2. BCI **Form 2-96 to BCI** with an attached photograph within one (1) week;
3. BCI **Form 2-71 to the Huron County Juvenile Court**.

D. Juvenile Court receives a complaint:

1. Attach the BCI Form 2-71 to the inside of the legal file (remaining on top of face sheets) upon filing of the complaint.

a. Clerk to forward BCI Form 2-71 to BCI with dispositional information and agency information completed on the right side of the form.
b. Maintain and file (**docket**) a completed copy of the BCI Form 2-71 **in the legal file**.

2. When transferring a complaint to the county the child resides in, the Clerk is directed to maintain a copy of the Form 2-71 for the records of this Court and forward the original Form 2-71 with the transfer of the case.
3. When a complaint is heard "informally" by the Court, the Clerk will complete the dispositional portion of Form 2-71 and forward it to BCI indicating that the complaint was heard informally and "dismissed".
4. When a complaint has been transferred to the General Division, the Clerk will forward the Form 2-71 to the General Division for processing.

Rule 63
Appointment of Judge to issue Search Warrant & to hold preliminary hearings in probation revocation matters

It appearing that although the question of the propriety of a Judge entertaining a motion to suppress evidence obtained pursuant to a search warrant issued by that Judge has not in law been resolved and, that until said question is resolved, it is appropriate that another Judge should issue search warrants, evidence obtained by which may become the subject of a motion to suppress in the General Division of this Court; and it also further appearing that due process of law will be better observed if, pursuant to the mandate of Gagnon vs. Scarpelli, 36 L Ed 2d 656 (1973), the preliminary hearing in probation revocation matters were heard by another Judge as an independent decision maker, while the final hearing and ultimate decision in said matters should be left to the Judge of the General Division of this Court; and it further appearing that the business of the General Division is such as to warrant it; it is therefore ordered, adjudged and decreed that, until further order, Timothy L. Cardwell, Judge of the Probate and Juvenile Divisions of the Huron County Common Pleas Court, shall be, and he hereby is assigned, authorized, empowered and directed to (1) issue search warrants pursuant to Crim. R. 41, and otherwise in accordance with applicable requirements of the Revised Code; and (2) entertain and hold preliminary hearings in probation revocation matters, and make disposition of the same.

Nothing in this judgment and rule of Court shall be construed to prohibit or prevent any other Judge of Huron County, or other person lawfully authorized, from issuing search warrants.

Rule 64

School Officials Providing School Records To The
Juvenile Court Of Huron County

Whereas, the Federal Government has passed statutes protecting the rights of parents and students in the privacy of school records (Title 20, #1232 U.S.C.A. PL93-380):

Whereas, the Juvenile Court of Huron County has a compelling need for school records information on students who are wards of this Court and on children against whom complaints have been filed in this Court;

Whereas, Title 20, #1232g (b)(2)(B) U.S.C.A. provides such information may be furnished in compliance with judicial orders upon condition that parents and the students are notified of all such orders;

It is therefore ordered that the officials of all public and private schools having Huron County children in their institutions shall provide this Court, upon request of its Probation Officers, all school records information on those students who are wards of this Court or against whom a complaint is pending in this Court. It is further ordered that each institution, having students who are residents of Huron County, give a general public notice to the parents of their students of the order of this Court.

The Court will issue further orders from time to time as it becomes necessary to modify and facilitate this procedure.

Rule 65
Security for Costs

No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the schedule approved by the Court and prepared and published from time to time.

Upon the filing of a counterclaim or a responsive motion in any civil action there shall be a deposit with the Clerk as upon the filing of the original complaint or original motion. Public agencies exempt from submission of such deposit are the Huron County Prosecutor, Huron County Public Defender, the Huron County Child Support Enforcement Agency and Guardians Ad Litem.

A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to Court review at any stage of the proceedings. Upon a finding of indigency of a party the Court may waive the requirement of a deposit of fees for the purposes of the pending proceeding, but the ultimate responsibility for the costs of the action will be allocated between the parties at the conclusion of the case. In determining whether to waive the requirement of a deposit, the Court will consider whether the party seeking the waiver has other outstanding costs owed to the Court.

Filing Fees

Fees	Action
$500.00	Psychological Evaluation by Court Psychologist (Deposit by moving party)
$175.00	Complaints (i.e. Custody/Visitation/Support/Parentage)
$100.00	Reopening of closed cases (Motions)
$600.00	Guardian ad litem (Deposit divided equally between parties)
$175.00	Notice of Appeal – each filing ($150.00 to Clerk of Court of Appeals / $25.00 to Juvenile Division)

COURT FORMS AVAILABLE ON OUR WEBSITE ONLY

Rule 66
Special Projects Fund

Whereas R.C. 2303.201 authorizes all divisions of the Court of Common Pleas to charge a fee, in addition to all other court costs, to be used to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services; and

Whereas the Court determines that, for the efficient operation of the Court, additional

funds are necessary for these purposes;

It is therefore ORDERED that, pursuant to R.C. 2303.201(E)(1), in addition to the fees and costs otherwise authorized by the Revised Code, the Clerk of this Court shall continue to charge and collect on the filing of each criminal cause or civil action or proceeding the sum of FIFTEEN DOLLARS ($15.00).

It is further ORDERED that, pursuant to R.C. 2303.201(E)(1), the Clerk of this Court shall charge and collect on the filing of each action in which an alleged delinquent or unruly child has been referred to this Court's informal diversion program, the sum of TWENTY FIVE DOLLARS ($25.00) effective 9 February 2009.

It is further ORDERED that, pursuant to R.C. 2303.201(E)(1), all fees collected pursuant to this Order shall be paid to the Huron County Treasurer, which funds shall thereupon be placed in the Court's Special Projects Fund (#124) to be disbursed upon Order of this Court.

Rule 67
Records Retention Schedule

The Huron County Juvenile Court has adopted the Local Record Retention Schedule, attached hereto, as Appendix A, which will be followed in accordance with Rule 26 of the Rules of Superintendence for the Courts of Ohio.

Rule 68
Psychological Evaluations in Custody Cases

Effective 1 February 2008, the Court will require parties in paternity, custody and visitation cases to file a deposit of $500.00 when requesting a psychological evaluation.

Upon receipt of the evaluation, the Clerk will pay from this deposit the sums due to the agency or person who has conducted the evaluation. Hearing on a motion to modify custody or complaint requesting an allocation of parental rights and responsibilities shall be set at least forty-five (45) days from the filing date when a psychological evaluation is requested. To allow the opposing party an opportunity to be heard, an entry will not be signed prior to ten (10) days after the motion has been filed (with deposit) requesting the psychological evaluation. After the entry has been filed, the Clerk will forward it to the Assistant Court Administrator to make arrangements for the psychological evaluation.

Any motion filed for a psychological evaluation without the fee being deposited will be denied.

Rule 69
Service by Posting and Mail

Pursuant to Rule 16 (A) of the Ohio Rules of Juvenile Procedure, in actions before the Common Pleas Court of Huron County, Ohio, Juvenile Division, when the residence of a party is unknown and cannot be ascertained with reasonable diligence, service shall be made by any of the following methods or any combination of these methods, to wit:

1. By publication as set forth in Rule 16(A) of the Ohio Rules of Juvenile Procedure.
2. By posting and mail pursuant to this Local Rule and Rule 16(A) of the Ohio Rules of Juvenile Procedure.

Praecipe and Affidavit Seeking Service by Posting and Mail

Before service by posting and mail can be made, a praecipe shall be filed with the clerk requesting service by posting and mail pursuant to this rule and Rule 16 (A) of the Ohio Rules of Juvenile Procedure. With the praecipe there shall be an affidavit of a party or a party's counsel, captioned in the name of the action pending before the court, stating the following:

a. That the affiant is a party, or counsel for a party to an action filed in the Huron County Common Pleas Court, Juvenile Division, together with their address and telephone number.
b. The caption of the case, the case number, and the nature of the action before the court.
c. The name and date of birth of the party whose residence is unknown and is sought to be served by posting and mail.
d. A chronology of the reasonable and diligent efforts used by affiant to locate the party sought to be served by posting and mail.
e. The last known address of the party sought to be served by posting and mail.
f. A certificate of service to all parties and their respective counsel as required by the Ohio Rules of Juvenile Procedure.

Upon filing of the praecipe and affidavit seeking service by posting as set forth in this rule, the clerk shall cause summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served as required by Rule 16 (A) of the Ohio Rules of Juvenile Procedure. The clerk shall proceed as required by Rule 16 (A) of the Ohio Rules of Juvenile Procedure if notified of a corrected or forwarding address of the party sought to be served pursuant to this rule.

Upon the filing of the praecipe and affidavit seeking service by posting, the Clerk of the Common Pleas Court of Huron County, Ohio, Juvenile Division, shall cause service to be made pursuant to Rule 16 (A) of the Ohio Rules of Juvenile Procedure by instructing the party or counsel for said part seeking service by posting and mail to post in a conspicuous place containing the same information required in a newspaper publication as set forth in Rule 16 (A) of the Ohio Rules of Juvenile Procedure. This notice shall be posted by the party seeking service by posting and mail in a conspicuous place, at all of the following locations:

1. The Juvenile Court of Huron County, Ohio located at 2 East Main Street, Norwalk, Ohio.
2. The Huron County Department of Job and Family Services located at 185 Shady Lane Drive, Norwalk, Ohio.
3. The Huron County Office Building located at 12 East Main Street, Norwalk, Ohio.
4. The Huron County Juvenile Court website: www.hcjpc.com.

The party seeking service by posting and mail shall cause each of these notices to be posted on the same date. Each notice shall be posted in the required locations for seven (7) consecutive days. After the conclusion of the seven (7) day posting period, counsel or the party causing the posting shall promptly remove the posted notices from each posting site.

Each posted notice shall be in the English language and shall be typewritten. All printed matter must appear in at least a twelve-point type.

The party or counsel causing service to be made by posting and mail pursuant to this rule shall file an affidavit, captioned in the name of the action, with the court after posting for the required consecutive days setting forth the following information:

a. The name of the party or counsel making the affidavit together with their address and telephone number.
b. An accurate full size copy of the notice that was posted at the locations as required by this rule. Said affidavit shall identify a copy of the notice annexed to the affidavit as Exhibit "A" as a fair and accurate copy of the notice was so posted pursuant to this rule.
c. Affiant shall set forth facts in the affidavit from affiant's personal knowledge that posting was in fact made at the locations set forth in this rule for the required number of day, setting forth the dates each notice was posted, the locations that each notice was posted, and that the affiant personally posted or caused to be posted said notices for the duration of the term of said posting.
d. Said affidavit of posting shall be filed with the court no later than five (5) days after the last date of posting.
e. Said notice shall be served on all parties and counsel of record as required by the Ohio Rules of Juvenile Procedure.

After the seven (7) consecutive days of posting, and upon the filing of the affidavit of posting, the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting by the Clerk.

Rule 70

Juvenile Probation Supervision Fund

Whereas R.C. 2152.20(A)(4) authorizes Juvenile Courts to require adjudicated delinquent children to reimburse any or all of the costs incurred for services or sanctions provided or imposed, including, but not limited to all or part of the costs of implementing any community control imposed as a disposition, including a supervision fee; and

Whereas the Court finds that it is now appropriate to require adjudicated delinquent children to partially reimburse costs incurred for services or sanctions provided or imposed, including but not limited to part of the costs of implementing community control, including a supervision fee;

It is therefore ORDERED that, pursuant to R.C. 2152.20(A)(4), in addition to the fees and costs otherwise authorized by the Revised Code, the Clerk of this Court shall charge and collect on the disposition of an adjudicated delinquent child the sum of FIFTY DOLLARS ($50.00), effective 1 September 2010.

It is further ORDERED that all fees collected pursuant to this Order shall be paid to the

Huron County Treasurer, which funds shall thereupon be placed in the Court's Juvenile Probation Supervision Fund (#152) to be disbursed upon Order of this Court.

Rule 71
Competency Proceedings

General Purpose
The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

Expedited Hearings
Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

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

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

Rule 72
Electronically Produced Traffic Tickets

Whereas an amendment to the Ohio Traffic Rules now permits the use of electronically produced tickets, the Huron County Common Pleas Court, Juvenile Division, hereby adopts the following Rule 29 as a Local Rule of Court, effective 15 October 2014. A copy of this Rule will be filed with the Supreme Court of Ohio in accordance with Sup. R. 5. This Court shall afford notice and opportunity for comment hereafter.

The Court determines that there is an immediate need for this rule to be adopted to expedite the use of electronically produced tickets in Huron County, Ohio for alleged Juvenile Traffic

Offenders.

Local Rule 72. Use of electronically produced ticket.

(A) **Authorization.** The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Huron County Common Pleas Court, Juvenile Division. The electronically produced ticket shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" described in the Ohio Traffic Rules' Appendix of Forms. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall serve the alleged Juvenile Traffic Offender with the alleged Juvenile Traffic Offender's copy of the ticket as required by Rule 3(e) of the Ohio Traffic Rules.

(B) **Form of Affidavit.** In every case in which an electronically produced ticket is used and filed, the ticket shall use forms that are substantially similar in form to Form 29.01-A (Court Record) and Form 29.01-B (Abstract).

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

Rule 73
Legal Aid Filing Fee Surcharge

Pursuant to Senate Bill 177, effective March 23, 2015 the Huron County Juvenile Court will collect $15.00 for custody, visitation and parentage actions filed in the juvenile division for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation.

Rule 74
Physical Restraint of Children

It is hereby ordered, adjudged and decreed that effective July 1, 2016:

(A) Physical restraint of children appearing before the Court shall not be utilized in the courtroom without an individualized judicial determination that there is no less restrictive alternative to the use of physical restraint and that physical restraint is necessary because of either of the following:

(1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;

(2) There is a significant risk the child will flee the courtroom.

(B) Upon request, the Court shall provide any party, as defined by Juv. R. 2(Y), with an opportunity to be heard on the issue of whether the use of physical restraint is necessary for a particular child at a particular court proceeding.

(C) If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and shall be implemented in a manner which does not unnecessarily restrict the movement of the child's hands.

(D) Nothing in this rule shall prevent law enforcement officers from taking measures deemed necessary by those officers to secure children during transportation to or from the Court or in the courthouse either before or after hearings, including but not limited to physical restraint.

(E) Notwithstanding the express provisions of this Rule, the Court retains the inherent authority and duty to preserve and protect the safety of persons in the courtroom, and to maintain order and decorum in all judicial proceedings.

Rule 75
Specialized Dockets

The Court finds that a new local rule is necessary to address standards for its Intervention Court Program. The Court currently operates a specialized docket for certain adjudicated delinquent youth who suffer from substance abuse and/or mental health issues. This program is known as the Intervention Court Program. It is hereby ORDERED, ADJUDGED and DECREED that the Court shall and hereby does adopt and incorporate herein by reference the Ohio Supreme Court's Specialized Docket Standards for the administration of this program, as set forth in Appendix I of the Ohio Rules of Superintendence.

(A) The Court has maintained a specialized docket program for delinquent youth with substance abuse and/or mental health issues since October 2003. This program is known as the Intervention Court. The Ohio Supreme Court now permits courts operating such programs to receive formal certification, provided there is demonstrated compliance with applicable Rules of Superintendence. The Huron County Juvenile Court intends to receive and maintain this certification.

(B) Intervention Court is designed to provide intensive probation supervision and intensive outpatient treatment to adjudicated delinquent youth suffering from substance abuse or mental health disorders that have been diagnosed by a licensed clinical counselor, psychologist or psychiatrist. The program involves four phases and requires involvement of the youth for a minimum of 9 months,

with regular status hearings before the juvenile judge and regular counseling sessions and other treatment with licensed professionals at Firelands Counseling & Recovery Services. Further details about program components are located in the Program Description, Participant Handbook and Participation Agreement, incorporated herein by reference.

(C) The Court will accept referrals for participation in the program from the Huron County Prosecutor, the Huron County Public Defender, a child's attorney, a probation officer, a school official, or any other interested party. Acceptance into the program will be determined by the Intervention Court Team, consisting of the juvenile judge, court administrator, Intervention Court Coordinator, Intervention Court Case Manager and the Supervisor of Case Management. In addition to the requirement that a youth be adjudicated delinquent and be diagnosed with a significant substance abuse or mental health issue for which treatment is indicated, the team will consider the age, maturity level, competence, family history, family support, and violent tendencies of the youth and the duration of the youth's condition for which treatment is indicated. Any prospective candidate whose violent tendencies would jeopardize the safety of other participants or staff would be ineligible for the program.

(D) Participants who successfully advance through all four phases of the program are successfully terminated from the program and are involved in a graduation ceremony. Factors for determining success include, but are not limited to, maintaining sobriety, consistent compliance with medication and other treatment requirements, lack of negative contact with law enforcement, an increase in pro-social engagement, and the absence of delinquent or unruly behavior. Participants who chronically are noncompliant, commit additional acts of delinquency, become violent or are removed from the court's jurisdiction can be terminated unsuccessfully from the program. Any participant who is unsuccessfully terminated from the program will be promptly scheduled for the dispositional hearing in the underlying case, at which time the Court will impose an appropriate traditional disposition

Rule 75.1

Family Dependency Treatment Court Program

The Court finds that a new local rule is necessary to address standards for its Family Dependency Treatment Court program. The Court will operate a specialized docket for certain adjudicated dependent, neglected or abused youth whose parents or legal custodians suffer from substance abuse and/or mental health issues. This program shall be known as the Family Dependency Court Program. It is hereby ORDERED, ADJUDGED and DECREED that the Court shall and hereby does adopt and incorporate herein by reference the Ohio Supreme Court's Specialized Docket Standards for the administration of this program, as set forth in Appendix I of the Ohio Rules of Superintendence.

These supplemental rules concerning local practice in this Juvenile Division of this Court have been this date adopted by me thus superseding all previously adopted local rules until this Court adopts other rules.

Timothy L. Cardwell, Judge

Certificate

In accordance with CPSupR 5, I have this date caused these rules to be filed with the Supreme Court by forwarding them electronically.

Timothy L. Cardwell, Judge

Appendix A

Ohio Historical Society
State Archives of Ohio
Local Government Records Program

800 E. 17th Avenue
Columbus, Ohio 43211-2497

OHIO HISTORY CONNECTION

JUL 05 2019

STATE AND LOCAL GOVERNMENT RECORDS

FILED-JOURNALIZED
HURON CO. OHIO
AUG - 5 2019
COMMON PLEAS COURT
JUVENILE DIVISION

RECORDS RETENTION SCHEDULE (RC-2)

See instructions before completing this form.

Section A: Local Government Unit

Huron County (local government entity) — Court of Common Pleas, Juvenile Division (unit)

(signature of responsible official) — Timoth L. Cardwell (name) — Jud (title) — 6/25/2019 (date)

Section B: Records Commission

Records Commission — (telephone number)

(address) — (city) — (zip code) — (county)

To have this form returned to the Records Commission electronically, include an email address: huroncorecorder@gmail.com

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

Terry Boore — 6/26/19

Records Commission Chair Signature — Date

Section C: Ohio Historical Society - State Archives

Signature — Local Government Records Archivist (Title) — 7/10/19 (Date)

Section D: Auditor of State

Martin E. Mu — 7-25-19

Signature — Date

Please Note: The State Archives retains RC-2 forms permanently.
It is strongly recommended that the Records Commission retain a permanent copy of this form

Revised February 2019

Section E: Records Retention Schedule

(local government entity) (unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-1	**Administrative Journal** Consists of court entries, or a record of court entries, regarding policies and issues not related to cases. (Sup.R. 26.01.A)	**Permanent**	**Paper Electronic**		☒
J15-2	**Annual Reports** Two copies of each annual report (Sup.R. 26.01.B)	**Permanent**	**Paper Electronic**		☒
J15-3	**Bank Records** Bank transaction records. (Sup.R. 26.01.C)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper Electronic *may destroy paper when electronic is created**		☐
J15-4	**Cash Books** Include expense and receipt ledgers (Sup. R. 26.01.D)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper Electronic *may destroy paper when electronic is created**		☐
J15-5	**Communication Records** Include routine telephone messages on any medium where official action will be recorded elsewhere. (Sup.R. 26.01.E)	**Normal course of business when they are considered no value**	**Paper Electronic**		☐
J15-6	**Correspondence and General Office Records** Include all sent and received correspondence, in any medium. (Sup. R. 26.01.F)	**Normal course of business when they are considered no value**	**Paper Electronic**		☐
J15-7	**Drafts and Informal Notes** Consist of transitory information used to prepare the official record in any other form. (Sup.R. 26.01.G)	**Normal course of business when they are considered no value**	**Paper Electronic**		☐
J15-8	**Employment Applications for Posted Positions** (Sup. R. 26.01.H)	**Two years**	**Paper**		☐

Revised June 2019

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-9	**Employee Benefit and Leave Records** Employee benefit and leave records, including court office copies of life and medical insurance records. (Sup. R. 26.01.I)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper**		☐
J15-10	**Employee history and discipline records** Records containing the hiring, promotion, evaluation, attendance, medical issues, discipline, termination and retirement of court employees. (Sup. R. 26.01.J)	**10 years after termination of employment**	**Paper**		☐
J15-11	**Fiscal Records** Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency. (Sup. R. 26.01.K)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper Electronic**		☐
J15-12	**Grant Records** Records of grants made or received by a court. (Sup. R. 26.01.L)	**3 years after expiration of the grant**	**Paper**		☐
J15-13	**Payroll Records** Payroll records of personnel time and copies of payroll records maintained by another office or agency. (Sup. R. 26.01.M)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper**		☐
J15-14	**Publications received** Publications received by a court. (Sup. R. 26.01.N)	**Normal course of business when they are considered no value**	**Paper**		☐
J15-15	**Receipt Records** Receipt and balancing records. (Sup. R. 26.01.O)	**3 years or until issuance of an audit report by the Auditor of State whichever is later**	**Paper Electronic *may destroy paper when electronic is created**		
J15-16	**Requests for proposals, bids, and resulting contracts** Requests for proposals, bids received in	**3 years after the expiration of the contract**	**Paper**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
	response to a request for proposal, and contracts resulting from a request for proposal. (Sup. R. 26.01.P)	**that is awarded pursuant to the request for proposal.**			
J15-17	**Exhibits, depositions, and transcripts.** At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied: (1) The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification; (2) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification; (3) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts; (4) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (F)(1) of this rule. (Sup. R. 26.F)	**At the conclusion of litigation, including times for direct appeal.**	**Paper Electronic or miscellaneous items**		
J15-18	**Recordings of Hearings** (Sup. R. 26.G)	**5 years after the hearing date or 1 year after issuance of an audit report by the Auditor of State, whichever is later**	**Electronic, Cd, tape**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-19	**Blank Forms** Obsolete, unneeded, or superseded forms stock (county schedule)	**Until obsolete or superseded**	**Paper Electronic**		
J15-20	**Disaster Plan** Documents plans and procedures to protect and reestablish court operations in the event of a disaster. (county schedule)	**Until updated or superseded**	**Paper Electronic**		
J15-21	**Rules of Court**	**Until updated or superseded**	**Paper Electronic**		
J15-22	**Records Request** Requests to inspect and review public records (county schedule – ORC 149.43)	**2 years**	**Paper Electronic**		
J15-23	**Records Retention and Disposition Forms** Records, also called RC-1, RC-2, RC-3 forms, and other locally developed forms documenting the retention and disposition of the records of an office. (county schedule)	**permanent**	**Paper Electronic**		
J15-24	**Speeches/ Presentations** Written and/or recorded materials distributed when speaking to a group or press conference concerning an office and/or its operations. (county schedule)	**Until no longer of administrative value/ appraise for historical value**	**Paper Electronic**		**X (historical)**
J15-25	**Surveys & Questionnaires** Records collected from employees or public to assess how an event or program is perceived to determine if improvements or changes should be made. (county schedule)	**Until no longer of administrative value**	**Paper Electronic**		
J15-26	**Visitors' log or sign-in sheets** Registers or logs used to track visitors visiting an office. (county schedule)	**1 year**	**Paper**		
J15-27	**Accident Reports / Files** Report of personal or property damage involving a county vehicle or occurring on county property. (county schedule)	**6 years**	**Paper**		
J15-28	**Annual Inventory** Departmental inventory of all the materials, machinery, tools and other court supplies. ORC305.18 (county schedule)	**3 years**	**Paper Electronic**		
J15-29	**Audit Reports (Federal, State & Internal)** Financial examinations and reports issued by the Federal Government, Auditor of State, independent auditing agencies or conducted internally. ORC 117.26 (county schedule)	**5 years**	**Paper**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-30	**Backup Data** Computer generated backup tapes and data created, used and maintained for disaster recovery purposes. (county schedule)	**Retain for one system backup cycle then delete, erase or destroy data**	**Tape CD**		
J15-31	**Budget, Annual Departmental/Office** Fiscal allocation to a department or office for fiscal year. (county schedule)	**3 years**	**Paper Electronic**		
J15-32	**Budget Preparation Documents (Working Papers)** Preparation documents used to create annual budgets (county schedule)	**2 years**	**Paper Electronic**		
J15-33	**Contracts** Legal agreements with individuals, organizations, or entities to procure goods and/or services. ORC 2305.06 (county schedule)	**8 years after expiration**	**Paper**		
J15-34	**Employment Applications / Resumes – Unsuccessful – Not Hired** Application submissions for open job positions not chosen for employment, includes unsolicited resumes. (county schedule)	**2 years**	**Paper**		
J15-35	**Equipment Maintenance Records** Files documenting ownership, warranties, routine maintenance and repair of court owned equipment. (county schedule)	**Life of equipment**	**Paper Electronic**		
J15-36	**Personnel Policy**	**Until updated or superseded**	**Paper Electronic**		
J15-37	**Litigation Records** Records related to legal claims against an office and subsequent legal actions and court proceedings (county schedule)	**5 years after case is closed and appeals are exhausted**	**Paper**		
J15-38	**Service Requests** Written requests and tracking logs seeking services, assistance, etc. May include response and/or action taken. (county schedule)	**Until no longer of administrative value**	**Paper Electronic**		
J15-39	**Surveillance Tapes / Videos** Footage documenting daily actions of employees and visitors within an office and on its grounds for security purposes. (county schedule)	**Use for one cycle then reuse provided no action pending**	**Electronic**		
J15-40	**Travel Requests / Expense Reports** Requests for reimbursement for employee travel (county schedule)	**3 years**	**Paper**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-41	**Vehicle Maintenance Records** Records noting repairs and routine maintenance of court vehicles. (county schedule)	**Until vehicle sold or disposed of**	**Paper**		
J15-42	**Vehicle Mileage Records** Log of mileage and expenses incurred in court vehicles. (county schedule)	**Until vehicle sold or disposed of**	**Paper**		
J15-43	**Workers' Compensation Claims** Files covering claims made by employee for Workers Compensation benefits; includes claim, investigation, hearings, results, requirements, terms and conditions, etc. ORC 4123 (county schedule)	**10 years after last activity**	**Paper**		
J15-44	**Index, Docket, Journal** Index: a reference record used to locate journal, docket, and case file records. Docket: The docket of a division shall be programmed to allow retrieval of orders and judgments of the division in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the division, and shall include: (1) Names and addresses of all parties in full; (2) Names, addresses, and Supreme Court attorney registration numbers of all counsel; (3) The issuance of documents for service upon a party and the return of service or lack of return; (4) A brief description of all records and orders filed in the proceeding, the time and date filed, and a cross reference to other records as appropriate; (5) A schedule of court proceedings for the division and its officers to use for case management; (6) All actions taken by the division to enforce orders or judgments; and (7) Any information necessary to document the activity of the clerk of the division regarding the case. Journal: a verbatim record of every order of judgment of a court. (Sup. R. 26.B.3 & 4 and 26.03.C)	**Permanent**	**Paper** **Electronic**		x
J15-45	**Judge, magistrate, and clerk notes, drafts and research.** Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling	**At the discretion of the preparer**	**Paper** **Electronic**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
	a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file. (Sup. R. 26.03.D)				
J15-46	**Certified mail receipts in uncontested case and post-decree motions** In new cases and cases involving post-decree motions where personal jurisdiction is established by certified mail receipt and the defendant/respondent fails to answer, enter an appearance, or otherwise defend, the certified mail receipt. (Sup. R. 26.03.G1)	**30 years after the date of issuance and may be retained in a separate file from the case file.**	**Paper Electronic *may destroy paper when electronic is created**		
J15-47	**Divorce or dissolution: Minor children** Case files of divorce and dissolution that involve minor children. (Sup. R. 26.03.G2)	**25 years after the date of the final order**	**Paper Electronic *may destroy paper when electronic is created**		
J15-48	**Juvenile Protection Order** Case files of petitions for Juvenile Protection Orders. (Sup. R. 26.G)	**2 years after respondent turns 21 *unless earlier expunged pursuant to R.C. 2151.34(E)(6)**	**Paper Electronic *may destroy paper when electronic is created**		
J15-49	**Uniform Reciprocal Enforcement of Support Act (URESA) filings** Case files involving URESA filings. (Sup. R. 26.03.G.8)	**19 years after the final order or for 1 year after transfer of the case to another jurisdiction**	**Paper Electronic *may destroy paper when electronic is created**		
J15-50	**Delinquency and adult records** (Sup. R. 26.03.H1)	**2 years after final order or 1 year after issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a**	**Paper Electronic *may destroy paper when electronic is created**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
		criminal proceeding retained for 50 years after the final order. * unless earlier expunged pursuant to R.C. 2151.355-2151.358			
J15-51	**Juvenile by-pass records** Records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant.	**2 years after the final order or, if an appeal is sought, for 2 years after the filing of the appeal**	**Paper Electronic *may destroy paper when electronic is created**		
J15-52	**Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records** (Sup. R. 26.03.H3)	**2 years after child obtains age of majority. If post-decree motions have been filed, 1 year after the adjudication of the post-decree motion**	**Paper Paper Electronic *may destroy paper when electronic is created**		
J15-53	**Search warrant records** (Sup. R. 26.03.H4)	**5 years after the date of service or last service attempt**	**Paper Electronic *may destroy paper when electronic is created**		
J15-54	**Traffic records – minor misdemeanor records** (Sup. R. 26.03.H5)	**5 years after the final order * unless earlier expunged pursuant to R.C. 2151.355-2151.358**	**Paper Electronic *may destroy paper when electronic is created**		
J15-55	**Traffic records – misdemeanor records** (Sup. R. 26.03.H5)	**25 years after the final order * unless earlier**	**Paper Electronic *may destroy**		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
		expunged pursuant to R.C. 2151.355-2151.358	paper when electronic is created		
J15-56	Other Traffic records (Sup. R. 26.03.H5)	50 years after the final order * unless earlier expunged pursuant to R.C. 2151.355-2151.358	Paper Electronic *may destroy paper when electronic is created		
J15-57	Unruly and marriage consent records (Sup. R. 26.03.H5)	2 years after the final order or 1 year after the issuance of an audit report by the Auditor of State * unless earlier expunged pursuant to R.C. 2151.355-2151.358	Paper Electronic *may destroy paper when electronic is created		
J15-58	Jury Use & Management Plan	Until superseded	Paper Electronic		
J15-59	Prospective Juror List	Permanent	Paper Electronic *may destroy paper when electronic is created		
J15-60	Venire	Permanent	Paper Electronic *may destroy paper when electronic is created		
J15-61	Questionnaire and Requests to be excused and any supporting documents	1 year from end of that jury term	Paper		

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
J15-62	**Probation Files**	**Until subject of file obtains the age of 18 and case is terminated**	**Paper**		
J15-63	**CASA Files**	**Until youngest child in case is 21 years old**	**Paper**		
J15-64	**Court Services Records** Includes files on Study Group, Community Service, Work Detail, and other Juvenile Court program files	**3 years after completion of fiscal year.**	**Paper**		
J15-65	**Ohio Supreme Court Quarterly Report** Statistical reporting information provided to the Ohio Supreme Court	**Permanent**	**Paper Electronic *may destroy paper when electronic is created**		**x**
J15-66	**Family Dependency Treatment Court Files (Past participants)**	**Until youngest child in case is 21 years old**	**Paper**		

Revised June 2019

Appendix B

HURON COUNTY JUVENILE COURT PARENTING TIME GUIDELINES

I. GENERAL GUIDELINES

A. Parenting time shall take place at such times and places upon which the parties agree.

B. Parenting time does not include picking up the children and leaving them with someone else while the visiting parent pursues their own recreation which excludes the children.

C. The Residential Parent shall send with the children sufficient clothing and outerwear appropriate to the season.

D. The Non-Residential Parent shall be entitled to have frequent and continuing contact with the child through telephone, texting or email, but is expected to be reasonable. During extended parenting time with the Non-Residential Parent, the Residential Parent shall have the same privileges detailed above. The calling party shall bear the expense, if any.

E. **IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILD, TO MAKE ALL PARENTING TIME ARRANGEMENTS.** Neither parent should communicate with a child about the issue of parenting time, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over parenting times, dates or activities. If the parents have temporary difficulty communicating about either parenting time or the needs of their child, parents should not enlist the child to resolve their dispute.

F. Both parents are entitled by law to equal access to their child's school records, unless otherwise limited by Court order.

G. The Residential Parent shall, upon request by the Non-Residential Parent, immediately comply with whatever action is required to provide access to any medical, dental, hospital, surgical, optometric or mental health records of the minor children, including the signing of a full release. Both parents are entitled to equal access to these records, unless limited by Court order.

H. Each parent shall have a right of first refusal if the other parent will be unavailable for more than 6 hours during their time with the child. It is the responsibility of the receiving parent to pick up the child. The other parent may then retrieve the child to continue the previously scheduled parenting time when he or she becomes available again.

II. WEEKLY SCHEDULE

Non-Residential Parents are to have frequent and continuing contact with their minor children. The

following schedules for Non-Residential Parents are to be followed in the absence of an agreement between parents or an Order of the Court to the contrary.

A. Infants to 9-months

2 hours, three times weekly, the times of which will be set to accommodate both parents' work schedules. If parents cannot agree, the visits shall be Tuesday and Thursday from 6:00 p.m. to 8:00 p.m. and Sunday from 1:00 p.m. to 3:00 p.m.

B. 9-months through emancipation

1 evening per week from 5:30 p.m. to 8:30 p.m. if the parents reside in the same or adjoining counties, and subject to the child's scholastic and extracurricular activities. If parents cannot agree on the day for this mid-week visit to occur, it shall occur on Wednesday.

Alternating weekends from Thursday at 6:00 p.m. to Sunday at 6:00 p.m. It shall be the responsibility of the Non-Residential Parent to transport the child to school or preschool on Friday mornings during these alternating weekends.

III. HOLIDAYS

The following holiday schedule shall be used in the absence of an agreement between parents, and shall take priority over the weekly schedule set forth above.

A. Even Numbered Years

Mothers shall have the child on 1) Spring Break, if applicable and only if different than Easter Weekend; 2) Memorial Day Weekend from Friday at 6:00 p.m. to Monday Night at 6:00 p.m.; 3) Labor Day Weekend from Friday at 6:00 p.m. to Monday Night at 6:00 p.m.; 4) Thanksgiving, from Wednesday night at 6:00 p.m. to Friday night at 6:00 p.m.; 5) Christmas Eve from 12:00 p.m. (noon) until Christmas Day at 12:00 p.m. (noon); and 6) Child's birthday from 9:00 a.m. to 8:00 p.m.

Fathers shall have the child on 1) Easter Weekend from Thursday night at 6:00 p.m. to Sunday night at 6:00 p.m.; 2) Fourth of July from 6:00 p.m. on the 3rd of July until 12:00 p.m. (noon) on the 5th of July; and 3) Christmas vacation and New Year's Day from Christmas Day at 12:00 p.m. (noon) until 6:00 p.m. on New Year's Day.

B. Odd Numbered Years

Mothers shall have the child on 1) Easter Weekend from Thursday night at 6:00 p.m. to Sunday night at 6:00 p.m.; 2) Fourth of July from 6:00 p.m. on the 3rd of July until 12:00 p.m. (noon) on the 5th of July; and 3) Christmas vacation and New Year's Day from Christmas Day at 12:00 p.m. (noon) until 6:00 p.m. on New Year's Day.

Fathers shall have the child on 1) Spring Break, if applicable and only if different than Easter Weekend; 2) Memorial Day Weekend from Friday at 6:00 p.m. to Monday Night at 6:00 p.m.; 3) Labor Day

Weekend from Friday at 6:00 p.m. to Monday Night at 6:00 p.m.; 4) Thanksgiving, from Wednesday night at 6:00 p.m. to Friday night at 6:00 p.m.; 5) Christmas Eve from 12:00 p.m. (noon) until Christmas Day at 12:00 p.m. (noon); and 6) Child's birthday from 9:00 a.m. to 8:00 p.m.

IV. EXTENDED PARENTING TIME

A. Length. Parents shall each have fourteen (14) days of extended parenting time each year. Extended parenting time shall be exercised in blocks of not less than seven (7) days, and each parent has the right to determine the duration of the block of their own extended parenting time. In no event shall a parent utilize more than one (1) of the other parent's weekends when scheduling extended parenting time.

B. When Exercised. With regard to any child of school age, extended parenting time shall be exercised between the last day of school and the seventh (7th) day before the start of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. With regard to a child who is not of school age, extended parenting time may be exercised anytime during the year, except during holiday time outlined in Section III above.

C. Notification to Other Parent. At least sixty (60) days before the start of extended parenting time, each parent shall deliver to the other parent, in writing, the dates he / she wishes to exercise extended parenting time. This notice shall be delivered by one parent directly to the other, and shall not be sent through the child.

D. Priority of Parents' Schedules. The Non-Residential Parent's choice of extended parenting time has priority over the Residential Parent's choice, unless the Residential Parent's vacation is an annual mandatory shut-down of the place of employment, or unless the Residential Parent is required by an employer to give more than sixty (60) days notice of intent to take a vacation and the Non-Residential Parent has no similar requirement.

E. Contact Information. If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel, and a telephone number where the child can be reached in case of emergency.

V. DAYS OF SPECIAL MEANING

A. Mother's Day & Father's Day. Mother's Day shall always be spent with Mother and Father's Day shall always be spent with Father, regardless of which parent is entitled to the weekend. If parents cannot agree on times, the times shall be 9:00 a.m. to 8:00 p.m. The child shall spend the remainder of the Mother's Day or Father's Day weekend with the parent who has regularly scheduled parenting time for that weekend.

B. Child's Birthday. A child's birthday shall always be spent with Mother in even-numbered years and with Father in odd-numbered years. If parents cannot agree, the time shall be 9:00 a.m. to 8:00 p.m. if the child does not have school on the birthday and 3:30 p.m. to 8:00 p.m. if the child's birthday falls on a school day. Birthday parenting time takes priority over weekend, mid-week, holiday or

extended parenting time.

VI. MISCELLANEOUS PARENTING TIME ISSUES

A. Priority of Parenting Time Periods. In the event of any conflict between parenting time allocated to each parent under this Rule, the following order of priority shall be followed, with 1 being the highest priority and 5 being the lowest priority.

1. Days of Special Meaning
2. Holidays
3. Extended Parenting Time
4. Weekends
5. Midweek Parenting Time

B. Cancellation of Parenting Time by Non-Residential Parent. Except in cases of emergency, the Non-Residential Parent shall give the Residential Parent 24 hours advance notice of any cancellation of parenting time. When cancellation is necessary, parents are encouraged to schedule make-up parenting time.

C. Ending Parenting Time Early. The Non-Residential Parent shall not return the child before the end of the parenting time period, unless parents agree in advance. The Residential Parent shall not attempt to terminate parenting time prematurely, without agreement, by arriving early to pick up the child.

D. Transportation. In the event parents are unable to reach an agreement regarding transportation, the parent who is receiving the children shall provide transportation. "Provide transportation" means that the parent or parent's designee may provide transportation. The parent or designee must be sober, a licensed driver, have current and valid automobile insurance and have proper car seats. Any designee selected by a parent must be known and familiar to the child.

E. Promptness. Each parent shall be prompt for pick-up of the child. Neither parent shall be more than thirty (30) minutes late to pick up a child. A Non-Residential Parent who is more than thirty (30) minutes late forfeits that particular parenting time period, unless the tardiness is for good cause, and unless the Non-Residential Parent gives notice of the tardiness and a reasonable estimated time of arrival.

F. Make-up Parenting Time. The Non-Residential Parent shall be entitled to make-up parenting time if, due to an emergency or unforeseen circumstances, the Non-Residential Parent is not available at the scheduled time for parenting time and has given reasonable notice of that fact to the residential parent. All make-up parenting time shall be rescheduled by the Non-Residential Parent and exercised within sixty (60) days of the missed parenting time, or it is forfeited. The Residential Parent shall make the child available for all make-up parenting time.

G. Schoolwork. A parent must provide time for any child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school before the parenting time, the Residential Parent must inform the Non-Residential Parent of the school work to be done so that it may be timely completed.

H. Contact Information. Unless the Court orders otherwise, each parent shall provide to the other parent current contact information, including telephone number, cell phone number, and an alternate number in case of an emergency. Absent an order of the Court, no parent shall put a block on a phone to prevent the other parent from calling. If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel and a telephone number where the child can be reached in case of an emergency.

I. Illness. If a child is too ill to leave home for parenting time, the Residential Parent shall give the Non-Residential Parent notice of that fact at the earliest available time. The Non-Residential Parent shall then be entitled to make-up parenting time with the child. The Residential Parent shall keep the Non-Residential Parent informed of any health condition of the child which necessitates medication or other treatment. The Residential Parent shall provide the Non-Residential Parent with any necessary prescription medication or treatment instructions before the start of the parenting time.

J. Child's Activities. The child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of the activity shall transport the child to the activity, unless different arrangements are made by parents.

K. Implementation of Revised Appendix B. Appendix B, as set forth above, constitutes the standard schedule of parenting time of this Court. The Court reserves the right, in any given case, to deviate from Appendix B if a preponderance of the evidence shows a different schedule would be in the child's best interest. This revised Appendix B is intended to be prospective in application. The effective date of this revised Appendix B is ***1 January 2013***.

APPENDIX C

COMPANIONSHIP SCHEDULE
HURON COUNTY COMMON PLEAS COURT, Juvenile Division

(For Long Distance Travel - Over 150 Miles One Way)

Companionship is to take place at such times and places as the parties may agree.

This Will Not Normally be Less Than:

I. For the Non-residential parent:

A. Christmas school vacation in the even numbered years or up to five days for preschoolers with no school-aged siblings.
B. Easter school vacation in the odd numbered years or up to five days for preschoolers with no school-aged siblings.
C. One-half of the school summer vacation. Summer school necessary for the children to pass to the next grade must be attended. Must notify the residential parent as to the arrangements by May 1.

1. The parties can determine which half they prefer.

2. If the parties cannot agree, in the even numbered years, the first half of the summer vacation shall be spent at the non-residential home with the second half of the summer vacation at the residential home, and the opposite in the odd numbered years.

3. Unless the parties agree otherwise, responsibility for transportation costs for summer and Easter or Christmas vacations shall be shared, with the non-residential parent paying the cost of transportation to begin the Parenting Time, and the residential parent paying the cost of transportation for the return of the children at the end of the Parenting Time.

4. There will be a 50% decrease of support during the entire Parenting Time period if the Parenting Time is more than two weeks unless the parties agree otherwise. There will be no decrease of support if Parenting Time is two weeks or less. This must be written into the Order of Court and notice to the Child Support Enforcement Agency must be given each time by

affidavit no later than thirty days after child returns to residential parent's home.

5. Children and residential parent must be allowed to communicate by telephone once a week. Calling party shall bear the expense, and should alternate.

6. A general itinerary should be provided the residential parent if any part of the vacation will be spent away from the non-residential parent's home.

D. Additional Parenting Time

1. The residential parent shall be notified at least two days in advance of any time the non-residential parent will be in the area and is desirous of a Parenting Time period.
2. A once-a-month weekend visit to the non-residential home will be permitted if the time the child is traveling does not exceed three hours one way.

   a. The residential parent must be notified at least one week in advance.
   b. The transportation cost shall be the responsibility of the non-residential parent.
   c. Father's Day or Mother's Day can always be spent with the appropriate parent.

II. For residential Parent:

A. Christmas vacation in the odd numbered years.
B. Easter vacation in the even numbered years.
C. One-half of the summer vacation. This parent shall notify the non-residential parent by March 15 of when the summer vacation begins.
D. Additional Parenting Time

1. If given at least a two-day notice, this parent shall give Parenting Time to the non-residential parent when visiting in the area.
2. If given a one-week notice, this parent shall give Parenting Time to the non-residential parent once a month if the travel time does not exceed three hours one way.

NOTE: Sufficient clothing and personal items must be sent with the children. This schedule can be changed or modified by the Court if need for such is shown.