



LOCAL RULES OF PRACTICE  
Court of Common Pleas  
Juvenile Division  
Richland County, Ohio

EFFECTIVE JANUARY 1, 2016  
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# **Local Rules of Practice of the Court of Common Pleas, Juvenile Division, Richland County, Ohio**

The following rules have been promulgated by the Richland County Court of Common Pleas, Juvenile Division, pursuant to Article IV, Section 5(B) of the Ohio Constitution, Rule 5 of the Rules of Superintendence for the Courts of Ohio, and Rule 45 of the Ohio Rules of Juvenile Procedure. They are adopted to provide for the efficient and expeditious management of business before this Court.

These rules become effective January 1, 2016 and supersede or otherwise replace all previous rules promulgated by the Court. The Court may amend these rules from time to time as needed or required by law.

These rules shall be known as the Local Rules of the Juvenile Division of the Richland County Court of Common Pleas, and may be cited as “Richland County Juvenile Rules” or “Richland Juv. R\_\_.”

## **RULE 1. SCOPE AND CONSTRUCTION OF RULES**

These rules are intended to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules, the Rules of Superintendence for the Courts of Ohio, and any controlling statutes, as may be applicable.

These rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings of this Court. In their application they shall be construed so as to provide fairness and to secure a just, expeditious, and cost-effective determination of all proceedings. They shall apply to proceedings pending at the time they take effect.

Unless otherwise provided herein, all pleadings, motions, or other filings shall comply in form and content with the Ohio Rules of Juvenile Procedure. If the Ohio Rules of Juvenile Procedure do not expressly address the form or content of any particular filing, said filing shall comply in form and content with the Ohio Rules of Civil Procedure or other Ohio Rule of Court, as may be applicable.

## **RULE 2. HOURS OF THE COURT**

The regular business hours of the Court shall be Monday through Friday from 8:00 A.M. until 4:00 P.M. The Court will be closed on all legal holidays as adopted by the Richland County Board of Commissioners. Court shall be in session at such times as ordered by the Judge and as required to meet special situations or conditions.

### **RULE 3. COURT DECORUM**

Proper decorum in the Court is necessary for the administration of the Court's business.

- (A) Any person entering the Juvenile Court area is subject to search. No person carrying a bag, case, or parcel shall be permitted to enter or remain in any courtroom without first, if requested by court personnel, submitting such bag, case, or parcel to security personnel for inspection.
- (B) The general public may be excluded from the courtroom under such circumstances as is authorized by law, and only those persons who have a direct interest in the case or who demonstrate a prevailing legal right to attend, shall be admitted to a hearing.
- (C) In the event that children must be brought to court, adequate supervision must be provided for them. The Court is not responsible for the care of children during court proceedings.
- (D) Persons engaging in any improper or disruptive conduct may be removed from the courtroom, hallway, or entryway by security personnel charged with the enforcement of this rule.
- (E) Food, beverages, and smoking are prohibited in the courtroom at all times. Smoking is not permitted inside the Juvenile Justice Center at any time.
- (F) All parties, witnesses, or other persons admitted to the hearing must be properly attired at all hearings. Tank tops, shorts, sandals, bare feet, etc. are not acceptable. If the parties are not properly attired, the Court may order that the hearing not go forward. No radio or television transmission equipment, voice recording device (other than the recorder used by the Court), photographic or videography equipment, cellular telephone pagers, beepers, or other devices shall be permitted in the courtroom, except upon the express consent of the Court and in accordance with these rules and the Rules of Superintendence for the Courts of Ohio.
- (G) No electronic devices, other than court equipment, shall be permitted to be utilized in any courtroom during hearings unless such devices are silent in operation and the Court expressly consents to their utilization. All persons attending proceedings shall deactivate any and all electronic, cellular, or digital communication devices in their possession prior to entering the courtroom. Any person failing to abide by this rule may be subject to sanctions, including contempt or removal, and any such device which is observed being used in violation of this rule may be confiscated.
- (H) Hearings shall commence promptly at the designated time on the assigned date. Counsel and parties shall be present and before the Court at the assigned hearing time. If counsel anticipates that he/she will be late for a hearing, counsel shall use all due diligence to notify the Court as soon as possible of the anticipated delay and the reason for the same.

If counsel or a party is not present in court at the assigned time, the case may commence in the absence of counsel or a party, the case may be continued, or the matter may be dismissed, subject to the sound discretion of the Judge or Magistrate.

## **RULE 4. HEARING ACCESS AND CLOSURE**

- (A) Public Requests. Any member of the public not a party to the proceeding may request to attend and observe proceedings before the Court. Said request shall be made orally or in writing and shall be subject to determination by the Court after inquiry of all parties and/or their counsel. If closure is not waived by all parties, or if any party otherwise objects to the presence of a non-party at the hearing, the request to attend and observe the proceedings will be determined pursuant to law. Any non-party person admitted to the hearing will be subject to removal for any violation of Rule 3 of the rules herein. Because of the limited space available in the courtrooms, the Court reserves the right to consider space, required occupancy, and safety issues when determining any such request.
- (B) Media Requests. Any member of the media may request to attend and observe proceedings before the Court. Said request shall be made in writing prior to the scheduled hearing before the Court, and shall identify by name, caption, or case number the specific case to which hearing access is requested. The request shall be determined pursuant to law after inquiry of the parties and their counsel regarding consent to media access or request for closure of the hearing. Because of the limited space available in the courtrooms, the Court reserves the right to consider space, required occupancy, and safety issues when determining any such request.
- (C) Hearing Access as a Matter of Right. The right of a victim to attend a hearing pursuant to O.R.C. §2930.09; the right of a foster parent, relative, or prospective adoptive parent to attend a hearing pursuant to O.R.C. §2151.424; the right of a defendant to an open and public hearing in a serious youthful offender proceeding; and the right of any other person who has a prevailing right to attend a hearing as a matter of law, shall be preserved inviolate.

## **RULE 5. PLEADINGS AND MOTIONS**

- (A) Form
1. All pleadings, motions, briefs, and other papers filed with the Court shall be legibly typewritten or printed on letter size paper (approximately 8 ½” x 11”), without backing or cover, and printed on only one side.
  2. The caption in every complaint, petition, or initiating document involving any of the following types of cases shall state the name, address, and date of birth, if known, of each party: adult criminal case; petition for juvenile civil protection order or juvenile domestic violence civil protection order.
  3. The caption in every complaint, petition, or initiating document involving any of the following types of cases/matters shall state “In re” or “In the matter of” and the child’s full legal name, unless initials only are required pursuant to Rule 6 of the rules herein, Ohio Juv. Rule 5, or other applicable rule or statute: abused, neglected, or dependent child; delinquent or unruly child; juvenile traffic offender; and grandparent powers of attorney or caretaker authorization affidavits.

4. The caption of each and every subsequent pleading, motion, or other filing shall state the case number and the proper caption as set forth above.
  5. All captions shall briefly identify or describe the general nature of the action or matter.
  6. Every pleading, motion, or other paper filed in the cause shall be identified by title and shall bear the name, address, telephone number, fax number, and business e-mail address of the attorney or the party filing the same. If the filing is made by an attorney the Ohio Supreme Court registration number of the attorney and the name of the firm with which the attorney is affiliated, if any, must also be included.
  7. Except with regard to court-automated form entries, a blank space of at least two (2) inches shall be left at the top of the first page of all case filings.
- (B) Pursuant to and consistent with Rule 19, Ohio Rules of Juvenile Procedure, and upon written order of the Judge or a Magistrate of this Court, motions may be submitted and determined without oral hearing upon brief written statements by the parties of reasons in support and opposition to the motion.

## **RULE 6. USE OF JUVENILE'S INITIALS**

All pleadings and other documents filed in Juvenile Court shall use the full legal name of a juvenile, rather than initials, except in the following instances, in which cases the juvenile's name shall be replaced with initials:

- (A) When filing a notice of appeal and any/all subsequent documents pursuant to the appeal;
- (B) When a copy of a court decision is to be submitted or released for any public purpose, including, but not limited to, publication in journals, press releases, educational events, or any public presentation or disclosure;
- (C) When otherwise required by law pursuant to Rule 45(E)(3)(e) of the Rules of Superintendence for the Courts of Ohio or pursuant to any other applicable rule or statute.

## **RULE 7. OMISSION OF PERSONAL IDENTIFIERS PRIOR TO SUBMISSION OR FILING**

Subject to Rule 6 above and the directives immediately below, personal identifiers must be omitted prior to submission or filing of any document with the Court. A personal identifier is a Social Security number, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; and a minor child's name when the minor child is a victim in any kind of case.

- (A) When submitting a case document to the Court or filing a case document with the Clerk of Court, a party to a judicial action or proceeding shall omit personal identifiers from the document.

- (B) When personal identifiers are omitted from a case document submitted to the Court or filed with the Clerk of Court, the party shall submit or file that information on a Richland County Juvenile Court Information Sheet. Unless otherwise directed by the Court, the Richland County Juvenile Court Information Sheet must be in substantial conformity with the form contained in the Appendix herein. All Information Sheet information must be typed. A separate Information Sheet must be submitted for each case number.
- (C) All Information Sheets shall be retained by the Clerk of Court and are not subject to service on the parties.
- (D) Redacted or omitted personal identifiers shall be provided to the Court or Clerk upon request, or to a party to the judicial action or proceeding upon motion.
- (E) The responsibility for omitting personal identifiers from a case document submitted to the Court or filed with the Clerk of Court shall rest solely with the party. The Court or Clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.
- (F) Failure to follow these mandatory rules may result in sanctions.

## **RULE 8. DEPOSIT OF COSTS**

- (A) Deposit Required. The Richland County Juvenile Court requires a security deposit for costs in the filing of any original action except with regard to the following: actions alleging a child to be delinquent or unruly; neglected, dependent, or abused; or a juvenile traffic or tobacco offender; and except with regard to a petition for a juvenile civil protection order, a criminal action filed against an adult, or an action for judicial consent to have an abortion without parental consent pursuant to O.R.C. §2151.85. The amount of the security deposit will be established in the Court's cost schedule, as may be amended from time to time.
- (B) Inability to Pay Costs. If a litigant claims inability to either pre-pay or give security for costs, the litigant shall complete an affidavit of indigency required by O.R.C. §2323.30 and O.R.C. §2323.31, substantiating such inability. The affidavit of indigency shall be filed with the pleadings and treated as other papers in such case. Said affidavit will be reviewed by the Court to determine whether to waive the deposit, and said determination is subject to review and revision by the Court at any stage of the proceedings.

## **RULE 9. FILING BY FACSIMILE**

Pleadings and other documents may be filed with the Clerk of the Richland County Juvenile Court by facsimile transmission to (419) 774-5555 **during regular business hours** as provided in this rule.

- (A) Applicability:

1. This rule applies to proceedings in the Richland County Juvenile Court;

2. The following documents will not be accepted for fax filing: a complaint alleging that a child is delinquent or unruly; abused, neglected, or dependent child; or a juvenile traffic offender; any other pleading or filing that constitutes the initiation of an original action under O.R.C. §2151.23 or that requires a filing fee.

(B) Original Filing:

1. A document filed by fax shall be accepted as the effective original filing. The person filing a document by fax shall file the original source document with the Clerk as soon thereafter as possible.

(C) Definitions. As used in these rules:

1. “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. “Facsimile transmission” does not include transmission by email;
2. “Facsimile machine” means a machine that can send and receive a facsimile transmission;
3. “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(D) Cover Page:

The person filing a document by fax shall also include a cover page containing all of the following information:

1. Name of the court;
2. Title of the case;
3. Case number;
4. Name of hearing officer to whom the case is assigned, if any;
5. Title and/or description of the document being filed;
6. Date of transmission;
7. Transmitting fax number;
8. Indication of the number of pages included in the transmission, including the cover page;
9. If a hearing officer or case number has not been assigned, state that fact on the cover page;
10. Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available.

If a document is sent by fax to the Clerk without the cover page information listed above, the Clerk may do either of the following:



1. Enter the document in the case docket and file the document;
2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure;
3. If the Clerk acts pursuant to division (2) of this section, the document shall not be considered filed with the Clerk.

(E) Exhibits:

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason shall 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. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by this section;
2. Any exhibit filed shall include a cover sheet containing the caption of the case that 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 Smith's Response to Defendants' Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

(F) Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Court as of the date and time automatically imprinted by the fax machine of the Clerk of Court.

(G) 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 Court.

(H) The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

(I) The risks of transmitting a document by fax to the Clerk of 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 Court through whatever technological means are available.

(J) No documents filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Court costs and fees may be paid by credit or debit cards. The forms necessary for the authorization of payment by credit or escrow account shall be available at the Clerk's office during normal business hours. Documents tendered to the Clerk without payment of court costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed. INFORMATION FURNISHED FOR AUTHORIZATION OF PAYMENT BY CREDIT/ DEBIT CARD SHALL NOT BE PART OF THE CASE FILE.

No additional fee shall be assessed for facsimile filings. An Authorization for Payment form shall accompany each fax transaction for which payment is being authorized.

## **RULE 10. CONTINUANCES AND ADVANCEMENTS**

- (A) Requests for hearing/trial continuances or advancements shall be governed by Rule 41 of the Rules of Superintendence for the Courts of Ohio and Rules 19 and 23 of the Ohio Rules of Juvenile Procedure. All pre-hearing requests for continuances or advancements shall be submitted by motion filed with the Court at the earliest possible time, and in no event less than three (3) working days prior to the date of the scheduled hearing or trial. The applicant for the request must provide notice of such request to all other counsel and to any party not represented.
- (B) All requests for continuances or advancements shall be in writing and shall contain the following information:
1. The date on which the need for event rescheduling arose;
  2. The reason(s) for requesting the continuance or advancement;
  3. The date(s) on which all other attorneys of record and guardians ad litem on the case were contacted or notified of the request for continuance, and whether any attorney of record, unrepresented party, or guardian ad litem has objected to the request for continuance or advancement; and
  4. The earliest date that the counsel requesting continuance or advancement will be available to proceed if the continuance or advancement is granted.
- (C) No case will be continued on the day of trial or hearing except for good cause shown, which cause was not previously known to the party or counsel. This rule may not be waived by consent of counsel.
- (D) If objection to the proposed continuance or advancement is noted in the motion for continuance or advancement, or is submitted by written objection of a party or guardian ad litem, the Court in its discretion may schedule a hearing on the motion for continuance or advancement, or grant or deny the motion for continuance or advancement without a hearing.
- (E) If a continuance or advancement is requested because counsel is scheduled to appear in another case on the same date and time, the Court will not consider any motion for rescheduling unless a copy of the conflicting assignment is attached.
- (F) The Court may waive the above requirements for good cause.

## **RULE 11. CASE MANAGEMENT**

Scheduling of Hearings. All hearings which have scheduling requirements imposed by the Ohio Revised Code, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, or the Ohio Rules of Criminal Procedure, shall be so scheduled. All other cases shall be scheduled for hearing within thirty (30) days of the filing of the complaint or motion.

Case-Management and Pre-trial Conferences. Case-management and pre-trial conferences shall be scheduled upon the motion of a party or upon the Court's directive, as may be appropriate to facilitate a just, expeditious, and cost-effective determination of the proceedings. Full discovery pursuant to Ohio Juv. Rule 24 and Richland Juv. Rule 17 must be timely completed prior to any scheduled pre-trial conference, unless good cause is shown for failure to comply.

Disposition of Cases. Except for extraordinary reasons, cases shall be disposed of within the time frames established by Rule 39 of the Rules of Superintendence for the Courts of Ohio, as may be amended. The time frames are from the date the specified action is commenced. Until and unless later modified, the following cases or matters shall be disposed of within the following times frames:

- A) Delinquency – 6 months
- B) Unruly – 3 months
- C) Dependency, Neglect, or Abuse – 3 months
- D) Traffic – 3 months
- E) Adult Criminal Cases – 6 months
- F) Motion for Permanent Custody – 9 months
- G) Custody, Change of Custody, Visitation – 9 months
- H) Support Enforcement or Modification – 12 months
- I) All Other Cases – 6 months

## **RULE 12. TRANSCRIPTS/RECORDING OF PROCEEDINGS**

- (A) Pursuant to Ohio Juv. Rules 37 and 40 a party's attorney, or the party if the party is unrepresented, may request a transcript of any proceeding for the purpose of filing an appeal or objecting to a Magistrate's Decision. All such requests shall be in writing and shall specify the date(s) of the hearing(s) sought to be transcribed, the caption of the case, the case number, and the express purpose(s) for which the transcript is requested and will be utilized.
- (B) Unless the requesting party is deemed indigent by the Court, a request for preparation of the transcript shall be accompanied by a deposit for the cost of the transcript as determined by the court reporter. If, for good cause shown, the deposit is not made at the time of the filing of the request, the deposit for the cost of the transcript must be made within seven (7) days from the date of filing the request.
- (C) If the deposit for the cost of the transcript is not made within seven (7) days of the date of filing the transcript request, the request for transcript will be deemed by the Court to have been withdrawn. The Court may thereupon rule upon any objections to a Magistrate's Decision as though no transcript had been requested.
- (D) An indigent party may request that the transcript be produced without filing a deposit. Indigency will be determined via a valid affidavit of indigency that has been filed with the Clerk's office. Requests for transcripts for the benefit of indigent parties, other than those represented by the office of the public defender, shall be submitted to the Court and supported by an order of the Court directing that the transcript be prepared at public expense. The order shall serve in lieu of the deposit otherwise required by this rule.

## **RULE 13. JUDGMENT ENTRIES AND COURT ORDERS**

Unless the Judge or Magistrate otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered shall within five (5) days thereafter prepare the proper judgment entry and submit it to the counsel for the adverse party, who shall approve or reject the same within three (3) days after the receipt thereof. Name of counsel, counsel's Ohio Supreme Court registration number, and the name and title of the hearing officer shall be typed or printed on the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the Judge or Magistrate for signing and filing with the Court. If counsel are unable to agree upon the terms of the entry, each counsel shall prepare a proposed entry for signing and shall forthwith submit the same to the Court for discretionary approval.

## **RULE 14. COUNSEL**

- (A) Appearance of Counsel. Except with regard to court-appointed counsel, an attorney shall enter an appearance as legal counsel in a proceeding by filing a written notice with the Court, or by personally appearing at a Court hearing and informing the Court of the same. Attorneys are encouraged to enter their appearances in writing as soon as possible.
- (B) Withdrawal of Counsel. An attorney may withdraw as counsel of record only with the consent of the Court and upon good cause shown, subject to the following requirements:
1. The request to withdraw must be in the form of a written Motion to Withdraw, stating with particularity the grounds for the motion. The motion shall be accompanied by a proposed order approving withdrawal of counsel.
  2. An attorney requesting permission to withdraw as counsel for a party shall timely comply with all of the following directives:
    - a) Notify the client and opposing counsel of the request to withdraw as counsel;
    - b) Notify the client of all scheduled hearing dates and that the client's attendance at the hearings is mandatory;
    - c) When reasonably required to preserve or protect a client's rights or interests, timely file a Notice of Appeal, Objection, Motion to Set Aside a Magistrate's Order, or other appropriate filing on behalf of the client, prior to receiving a determination by the Court regarding the withdrawal request.
  3. An attorney is not withdrawn as counsel of record unless and until an order to that effect is signed by a Judge or Magistrate and filed with the Clerk of Court.

## **RULE 15. COURT APPOINTMENTS**

- (A) Appointed Counsel List. The following is the procedure for applications to be placed on the Juvenile Court appointed counsel list. An attorney who wishes to be appointed to represent indigent adults and children shall first submit the request to the Judge of the Court in writing.

The request shall be accompanied by any supporting information or documentation apprising the Court of the attorney's educational background, professional experience, and whether the attorney is in good standing with the Ohio Supreme Court. Approval to be on the appointed counsel list is subject to the sound discretion of the Court. It is expected that any attorney who applies to be on the appointed counsel list will have an office in Richland County where he/she will be able to confer with clients. An attorney approved for appointment will be approved on a continuous basis unless otherwise notified by the Court. Approved attorneys shall follow all policies and procedures provided and approved by the Court, and shall otherwise fulfill his/her professional responsibilities pursuant to the Ohio Rules of Professional Conduct. The failure to adhere to such policies, procedures, or rules shall be cause for removal from the appointed counsel list.

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

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

Counsel Appointment Process. The Juvenile Court shall maintain a list of attorneys who have been deemed eligible for appointment as counsel in cases before the Juvenile Court. Attorneys shall be appointed on the basis of a rotating schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments. The Court may, in its discretion, deviate from the rotating schedule in order to assure the efficient, orderly, and effective administration of justice.

- (B) Guardian ad Litem Appointment Lists and Process. The Juvenile Court shall maintain a list of attorneys who have been deemed eligible for appointment as guardians ad litem for children in cases before the Juvenile Court. Eligibility for inclusion and continuing inclusion on that list is subject to the standards and guidelines set forth in Rule 48 of the Rules of Superintendence for the Courts of Ohio, and the sound discretion of the Court. Attorneys shall be appointed to act as guardians ad litem on the basis of a rotating or randomized schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments.

The Juvenile Court may also maintain a list of non-attorneys who have been deemed eligible for appointment as guardians ad litem for children in cases before the Juvenile Court. Eligibility for inclusion and continuing inclusion on that list is subject to the standards and guidelines set forth in Rule 48 of the Rules of Superintendence for the Courts of Ohio, and the sound discretion of the Court.

## **RULE 16. SERVICE BY PUBLICATION**

Pursuant to Rule 16 of the Ohio Rules of Juvenile Procedure the Court hereby adopts the following rule for service by publication. Subject to the express limitation regarding permanent custody actions stated below, service by publication may be made in any manner set forth in Juv. Rule 16. Service by publication may be made by posting and regular mail. If service by publication is to be made by posting and mail, a properly executed affidavit shall first be filed by the party or party's attorney requesting service pursuant to Juv. Rule 16. The notice shall be posted in a conspicuous place in the Juvenile Justice Center, specifically in the lobby of the Juvenile Justice Center reception area, and in any two of the following public places in Richland County: The lobby of the Richland County Common Pleas Courthouse located at 50 Park Avenue East, Mansfield, Ohio 44902; the lobby of the Mansfield Municipal Court located at 30 North Diamond Street, Mansfield, Ohio 44902; or the Richland County Department of Job & Family Services, 171 Park Avenue East, Mansfield, Ohio 44902.

The notice shall be posted at the required locations for seven (7) consecutive days prior to the date of the hearing, and the Clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served.

Permanent custody actions shall not be subject to service of process by posting and regular mail, but shall in all cases require local newspaper publication when the residence of a party is unknown and cannot with reasonable diligence be ascertained. Service by publication, however, may be supplemented by posting and regular mail.

## **RULE 17. DISCOVERY – DELINQUENCY AND TRAFFIC CASES**

In all delinquency and traffic cases, and without the prior express request of any party, the prosecutor and defense shall each timely provide full Ohio Juv. Rule 24 discovery to the opposing party at least seven (7) days prior to the scheduled pretrial conference. If no pretrial conference is scheduled, the prosecutor and defense shall each provide full discovery pursuant to this rule to the opposing party at least fourteen (14) days prior to the scheduled trial. Each party shall timely provide supplemental discovery as may be required to effectuate good-faith compliance with this rule.

## **RULE 18. SUBPOENAS**

The use of praecipes or written requests for the preparation and issuance of subpoenas is discouraged in all cases except when filed by an unrepresented party. Parties represented by attorneys shall prepare and submit to the Clerk of Court completed subpoenas directed to the appropriate serving agent, no less than fourteen (14) days prior to the scheduled hearing or event. If a represented party fails to timely submit the subpoena to the Clerk pursuant to this rule, the failure to secure the presence of the intended witness at the scheduled trial or hearing shall not be just cause for a continuance unless other just cause is shown.

## **RULE 19. DIVERSION PROGRAM**

- (A) If the Court determines, in its sole discretion, that it is in the best interests of a child and of the community that a matter be processed informally pursuant to Ohio Juv. Rule 9(A), the child may be referred to diversion in lieu of formal court action. Referral to informal status/diversion may occur either pre-filing or post-filing of any complaint.
- (B) Informal cases shall not be part of the permanent record of the child.
- (C) No person, except for designated court staff, shall have access to records of informal matters or cases without the consent of the Court.
- (D) Informal cases processed to successful completion are subject to automatic sealing pursuant to O.R.C. §2151.356.

## **RULE 20. RECORDS**

### **I. TYPES OF RECORDS**

#### **(A) Non-Public Records**

1. The following records are designated as a matter of law to be confidential and will not be made available to the public:
  - (a) Child abuse, neglect, and dependency investigative records pursuant to O.R.C. §5153.17 and §2151.421(H)(1);
  - (b) Confidential law enforcement investigatory records pursuant to O.R.C. §2151.141(B)(2)(b) and §149.43(A)(1)(h);
  - (c) Victim impact statements pursuant to O.R.C. §2152.19(D)(3);
  - (d) Records relating to parental notification of abortion proceedings pursuant to O.R.C. §2151.85(F) and §149.43(A)(1)(c);
  - (e) Fingerprints or photographs of a child arrested or taken into custody pursuant to O.R.C. §2151.313;
  - (f) Sealed juvenile records pursuant to O.R.C. §2151.356;
  - (g) Names, documentation, and other identifying information regarding foster caregivers pursuant to O.R.C. §5101.29(D)(1);
  - (h) Any other documents or records defined by law to be confidential non-public records.

#### **(B) Probation and Unofficial/Family File Records**

1. Pursuant to O.R.C. §2151.14 all reports and records of the Probation Department, including, but not limited to, pre-disposition reports, social history or report of a mental or physical examination, or reports from community agencies serving the Court, are considered confidential and shall not be made public.

2. Psychological reports, drug/alcohol assessments, victim impact statements, school reports, and other reports of a personal nature, are also considered confidential and shall not be made public. These documents are contained in each child's unofficial or family file.
3. Any/all other documents or records considered by law to be confidential shall not be made public. All confidential records not maintained by the Probation Department shall be maintained in the Court's unofficial or family files.

(C) Official Records

1. Pursuant to O.R.C. §2151.18 and §2152.71 the Court maintains an official file regarding each case that may be inspected by the parties or their attorneys upon request as set forth below. Official files are maintained by the Juvenile Court Clerk.
2. Exhibits introduced and admitted into evidence at a trial or hearing shall be recorded and preserved by the court reporter through the office of the Juvenile Court Clerk.

II. INSPECTION OF RECORDS

(A) The inspection of **official** records by attorneys, interested parties, or the public is governed by O.R.C. §2151.18, §2152.71, and Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio. Upon request, the Clerk of Court shall permit a party, or attorney of record representing a party, to examine but not remove, any original document or case file that is maintained by the Court, subject to the following requirements.

1. The authorized person must sign in and out with the Clerk's office;
2. The records must be reviewed in an area designated by the Clerk during regular business hours;
3. Only written notes may be taken regarding the records;
4. The making of copies of any case document or other filing is expressly prohibited without prior Court authorization;
5. Information contained in any record or file may not be recorded, photographed, videotaped, or otherwise reproduced by electronic device without prior Court authorization;
6. No document or other case filing shall be falsified, destroyed, removed, concealed, altered, defaced, or mutilated. Violators are subject to criminal prosecution pursuant to O.R.C. §2913.42.

(B) The inspection or release of **confidential** records is governed by O.R.C. §2151.14, Ohio Juv. Rule 32(C), and Rule 48(F) of the Rules of Superintendence for the Courts of Ohio.

1. Unless otherwise provided by law, no person is permitted to inspect confidential records without prior Court authorization.



## **RULE 21. COMPETENCY PROCEEDINGS**

- (A) General Purpose. The purpose of this rule is to expedite proceedings under O.R.C. §2152.51 to §2152.59, 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.
- (B) Expedited Hearings. Juvenile competency hearings 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.
- (C) 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.
- (D) 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 22. ELECTRONICALLY PRODUCED TRAFFIC TICKETS**

Pursuant to Rule 3(E) of the Ohio Traffic Rules the use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized. The electronic ticket shall conform in all substantive respects to the “Ohio Uniform Traffic Ticket.” If the electronic ticket is issued at the scene of an alleged offense, the issuing officer shall provide the alleged juvenile traffic offender with a paper copy of the ticket in accordance with Traffic Rule 3(E) and in a format approved by the Court. The ticket that will be filed with the Court must be in paper form. Electronic filing of the ticket is prohibited.

## **RULE 23. JURY MANAGEMENT PLAN**

The selection of jurors for Richland County Common Pleas Court, Juvenile Division, shall be in accordance with Rule 13 of the Local Rules of Court for the General Division of the Richland County Court of Common Pleas.

## **RULE 24. NOTICE TO FOSTER CAREGIVER/RELATIVE PLACEMENT PROVIDER OF HEARINGS**

- (A) In accordance with O.R.C. §2151.424 the Court will provide notice to foster caregivers and relative placement providers of their right to attend hearings and present evidence concerning the child in their care.
- (B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and relative placement providers, a Child Placement Form must be completed and filed with the Clerk the next business day following the initial placement or change in placement. Unless otherwise directed by the Court, the Child Placement Form must be in substantial conformity with the form contained in the Appendix herein. The responsibility to accurately complete and timely file the Child Placement Form (and all updates) pursuant to this rule shall be that of the Richland County Children Services Board or other agency facilitating the placement.
- (C) Information provided regarding foster caregivers to assist the Court in fulfilling its duties under this rule is non-public or otherwise confidential, and is not subject to public disclosure, including to any party to a case. The Court shall maintain this information in the child's unofficial or family file.
- (D) The duty to timely and accurately file, and regularly update, the Child Placement Form specified above may be waived by the Court if, in the Court's sole discretion, Richland County Children Services Board or other placing agency provides certifiable proof to the Court that the notice requirement herein is otherwise being fulfilled in each case through the Board's/agency's administrative processes.

## **RULE 25. USE OF CHILD RESTRAINTS IN COURT HEARINGS**

- (A) Presumption Against Use of Physical Restraints. Pursuant to Rule 5.01 of the Rules of Superintendence for the Courts of Ohio, physical restraints for any child appearing in court proceedings shall not be utilized unless the Judge or Magistrate makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint, and that physical restraint of the child 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 person in the courtroom, or; 2) There is a significant risk the child will flee the courtroom. If physical restraint is found necessary by the Judge or Magistrate, the restraint utilized shall be the least restrictive necessary to meet the risk requiring the restraint, and in a manner which does not unnecessarily restrict the movement of the child's hands.
- (B) Right to be Heard. Any current party (as defined by Rule 2(Y) of the Ohio Rules of Juvenile Procedure) shall have a right to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

- (C) Court Security Authorization Form. In order to assist the Court in its determination of whether and to what extent the use of physical restraints may be appropriate pursuant to this Rule, the Court shall utilize the “Court Security Determination” form contained in the Appendix herein, as may periodically be amended.
  
- (D) Inherent Court Authority Preserved. Notwithstanding the express provisions of this Rule 25, nothing in this Rule shall be construed or applied so as to infringe upon the inherent authority and duty of this Court to preserve or protect the safety of persons and to maintain order and decorum in all judicial proceedings.

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

**W. STEVE MCKINLEY, JUDGE**

**CHILD PLACEMENT FORM**

**COURT PERSONNEL ONLY**

INFORMATION CONTAINED IN THIS FORM IS CONFIDENTIAL AND NOT  
TO BE MADE AVAILABLE TO ANY PARTY TO THE CASE OR THE PUBLIC

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

Case Number: \_\_\_\_\_ DOB: \_\_\_\_\_

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

- The above captioned child has been placed with the **Foster Caregiver or Relative Caregiver** listed below, and this provider should be served with notice of all future hearings. Any previous Foster Caregiver or Relative Caregiver should no longer be provided with notice of future hearings. O.R.C. §2151.424(A).
- The above captioned child is no longer placed with a Foster Caregiver or Relative Caregiver and, therefore, any previous Foster Caregiver or Relative Caregiver should no longer be provided with notice of future hearings. O.R.C. §2151.424(A).
- The above captioned child is in the permanent custody of Richland County Children Services Board, and the person(s) named below are the **Prospective Adoptive Parent(s)** of said child in an **adoption proceeding currently filed and pending** pursuant to Chapter 3107 of the Ohio Revised Code. Notice of all future hearings shall be provided to said Prospective Adoptive Parent(s) named below. O.R.C. §2151.424(B).

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

Foster Caregiver     Relative Caregiver (Non-Parent)     Prospective Adoptive Parent(s)

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

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

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

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

# RICHLAND COUNTY JUVENILE COURT INFORMATION SHEET

**W. STEVE MCKINLEY, JUDGE**

Please complete the following information in any case where complete Social Security numbers, financial account numbers, debit/credit/charge card numbers, employer and/or employee identification numbers, or a child's full name, are to be omitted from court filings. Only the last four digits of the Social Security number should be placed on any filing when required. It should appear in the following format: XXX-XX-1234. Addresses and dates of birth may only be omitted on your filings if you present a valid protection order or proof under the Family Violence Act.

## REFERENCE LIST

	<b>COMPLETE PERSONAL IDENTIFIER</b>	<b>CORRESPONDING REFERENCE</b>	<b>LOCATION</b>
	Use this column to list the personal identifiers that have been redacted from the document that is to be placed in the case file.	Use this column to list the reference or abbreviation that will refer to the corresponding complete personal identifier.	Use this column to identify the document or documents where the reference appears in place of the personal identifier.
<b>1.</b>			
<b>2.</b>			
<b>3.</b>			
<b>4.</b>			

Check if additional pages are attached

\_\_\_\_\_  
Signature of Person Submitting Information

\_\_\_\_\_  
(Printed Name)

This is Page \_\_\_\_\_ of \_\_\_\_\_ Pages

\_\_\_\_\_  
(Agency/Entity Represented, if any)

**RICHLAND COUNTY JUVENILE COURT  
COURT SECURITY DETERMINATION  
(Sup.R. 5.01 & Richland Juv.R. 25)**

Juvenile Name: \_\_\_\_\_ Case No: \_\_\_\_\_

Detention Admission Date: \_\_\_\_\_ Days Detained: \_\_\_\_\_ Scheduled Court Date/Time: \_\_\_\_\_

Alleged Offense/Arrest: \_\_\_\_\_ Degree of Offense: \_\_\_\_\_

**DETENTION ADMINISTRATION ASSESSMENT AND RECOMMENDATION:**

RISK FACTORS:

- Youth Detained/Charged with **Offense of Violence**
- Youth Detained/Charged with **Felony Offense**
- Youth **Tested Positive for Drugs Upon Detention Admission**, to wit: \_\_\_\_\_
- Recent** Disrespectful/Threatening/Assaultive **Detention Behaviors**
- Past History** of Disrespectful/Threatening/Assaultive **Detention Behaviors**
- Youth Exhibiting Recent **Self-Harm/Suicidal Ideation**
- Youth Exhibiting Signs of **Serious Emotional Distress/Illness**
- Youth Expressing/Exhibiting Signs of **Flight Risk**
- Youth Detained on **Adult Bindover Charges**
- Anticipated Commitment to DYS/CCF or Other Secure Facility**
- Anticipated Continued Detention** Confinement

Additional Information: \_\_\_\_\_

RESTRAINT

RECOMMENDATION:    No Restraints    Dominant Hand Only    Hands Only    Feet Only    Full Restraints  
(Least Restrictive)

Detention Administration/Behavioral Management Specialist Signature: \_\_\_\_\_

**JUDICIAL OFFICER RESTRAINT DETERMINATION**

**No Restraints**

The Court finds that the use of the following restraints during the scheduled hearing is necessary because the child represents a current and significant threat to the safety of the child’s self or other persons in the courtroom, or because there is a significant risk the child may flee the courtroom. The Court further finds that the restraint determination made herein is the least restrictive necessary to meet the risk.

**Dominant Hand Only**                       **Hands Only**                       **Feet Only**                       **Full Restraints**

**Judicial Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_