

# **RULES OF PRACTICE**

## **MORROW COUNTY COURT OF COMMON PLEAS JUVENILE DIVISION**

**Revised: MARCH 1, 2016**



**MORROW COUNTY RULES OF PRACTICE  
COMMON PLEAS COURT  
JUVENILE DIVISION  
48 East High Street  
Mt. Gilead, OH 43338  
Tel: 419-947-5545  
Fax: 419-946-1270**

**JUVENILE COURT STAFF**

**Judge Robert C. Hickson, Jr.  
Judge Tom C. Elkin  
Court Administrator/Magistrate Sara Babich  
Chief Deputy Clerk Sheri Clever  
Deputy Clerk Brittany Bigelow  
Deputy Clerk Rachel Ferrington  
Diversion Officer Nicole Hicks  
Chief Probation Officer Gregory Thomas  
Juvenile Probation Officer Dustin Stark  
Juvenile Probation Officer Richelle Ettl  
Administrative Assistant to Magistrate(s) Da Rhodebeck  
Deputy Clerk Cheryl Watts**

\*\*\*\*\*

**PHONE EXTENSIONS FOR SUPPORT STAFF:**

<b>Sheri Clever</b>	<b>2254</b>
<b>Rachel Ferrington</b>	<b>2243</b>
<b>Brittany Bigelow</b>	<b>2244</b>
<b>Cheryl Watts</b>	<b>2263</b>
<b>Dan Rhodebeck</b>	<b>2230</b>

# Contents

RULE		PAGE
1.	Adoption and Amendment of Rules	4
2.	Court Hours and Facilities	4
3.	Court Records	5
4.	Sealing/Expungement of Records	5
5.	Appointed Counsel	5
6.	Continuances	6
7.	Withdrawal of Counsel	7
8.	Courtroom Decorum	7
9.	Custody and/or Parenting Time Actions	8
10.	Parentage Cases	8
11.	Detention/Shelter Care Hearings	8
12.	Support Orders	9
13.	Motions	14
14.	Transcripts/Recording of Proceedings	15
15.	Warrants	15
16.	Filing Fees and Costs	15
17.	Mediation	16
18.	Publication Service	18
19.	Diversion	18
20.	Magistrates	19
21.	(Reserved)	19
22.	Assignment of Cases	19
23.	Model Parenting Time Schedule	20
24.	Case Management	20
25.	Guardian Ad Litem	21
26.	Servicemembers Civil Relief Act	21
27.	(Reserved)	22
28.	(Reserved)	22

## **RULE 1**

### **Adoption of Rules**

The Morrow County Juvenile Court hereby promulgates and adopts the following rules of practice pursuant to authority under Rule 5 of the Rules of Superintendence for the Courts of Ohio. These rules are effective MARCH 1, 2015 and may be amended from time to time as necessary. These rules shall be known as the Rules of Practice of the Morrow County Juvenile Court.

These rules are to be referred to in conjunction with the Local Rules of Court, and any other procedural and statutory authority that may be applicable.

## **RULE 2**

### **Court Hours and Facilities**

The court facility at 48 East High Street, Mt. Gilead, OH shall be open for the general transaction of business Monday through Friday from 8:00 a.m. to 4:00 p.m., excepting legal holidays. The court may be in session at such other times and hours as the judges or magistrates or mediator shall prescribe to meet the special conditions of a case.

Any person entering the court facilities at 48 East High Street or 80 North Walnut Street is subject to scanning by a metal detector and to a search of any bag, case, or parcel by security personnel. Smoking is prohibited in all court facilities.

## **RULE 3**

### **Court Records**

Reports and records of the Juvenile Probation Department, Victim Witness, Guardian Ad Litem and Job and Family Services shall be considered confidential information and shall not be made public. The inspection of court Records by attorneys and other interested parties shall be governed by Rule 32 and Rule 37(B) of the Ohio Rules of Juvenile Procedure. Any probation, physical or mental examination prepared at the discretion of the Court shall not be copied by counsel without leave of the Court. The Court may limit or deny inspection for good cause shown pursuant to Rule 32(C) and 37(B).

Juvenile Traffic Records maintained by the court are confidential and shall not be made public. Inspection by attorneys or any interested parties may be allowed by leave of the Court.

Juvenile Probation files including the Family History shall be considered confidential information and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the Court.

Record checks by counsel, law enforcement and other agencies shall be directed to the Juvenile Deputy Clerks who shall provide reasonable access to public records.

## **RULE 4**

### **Sealing/Expungement of Records**

#### Sealing:

After adjudication as a Juvenile Delinquent, juveniles who are under 18 may file an application to seal the record with the Court after six (6) months from the termination of the case. Juveniles who are 18 years of age or older may file a request to seal a juvenile court record if they have completed all court orders when the case is terminated. RC 2151.356. Upon the filing of the application, the Deputy Clerk shall notify the Prosecutor. If the Prosecutor files an objection to sealing the juvenile's record the Court shall hold a hearing to determine whether to seal the record. If there is no response or the Prosecutor does not object in 30 days, the Deputy Clerk shall notify the Court and the Court may then Order the records sealed, without holding a hearing.

With unruly adjudications, juvenile traffic offender or juvenile tobacco offender adjudications, the Deputy Clerk shall automatically seal the records after six months from the termination of the case.

#### Expungement:

Any person seeking expungement of a juvenile record, as provided in R.C.2151.358 shall make a written application through the Deputy Clerk's Office.

After Notice to the Prosecutor's Office, the Court shall conduct a hearing to determine whether the person's record should be expunged within thirty (30) days after the Court receives a response from the Prosecutor. If no response, or the Prosecutor does not object, the Court may order the records expunged without a hearing on the motion or application.

Upon journalization of the order to seal or expunge the person's record, the Deputy Clerk's Office shall notify all appropriate court departments, law enforcement and other agencies as required by statute.

## **RULE 5**

### **Appointed Counsel**

(A) The court shall maintain a list of attorneys willing to accept appointments for Juvenile Court cases. The following lists shall comprise the court appointment list:

List 1. Attorneys who will serve as Guardians ad Litem for children in delinquency, unruly, abuse, neglect and dependency cases.

List 2. Attorneys who represent children in delinquency and unruly cases.

List 3. Attorneys who will serve as counsel for parties in abuse, neglect and dependency cases.

List 4. Attorneys who will represent parties in contempt actions.

List 5. Attorneys who will serve as Guardian ad Litem and/or counsel for children who file a complaint pursuant to R.C. 2151.85.

Attorneys desiring to be placed on the appointment list shall apply in writing to the Court Administrator, specifying the list(s) from which (s)he is willing to accept appointments. Those who apply for GAL appointments must file verification of GAL training or a certificate of completion of a GAL certified program pursuant to Rule 25.

The chief deputy clerk shall maintain an individual file for each appointed counsel for the purpose of providing appointments, notices and other matters as may be necessary. It will be the responsibility of appointed counsel to inspect said file not less than weekly.

Rates of compensation shall be determined by the Morrow County Board of Commissioners. For each assignment, appointees shall be compensated at an hourly rate for casework completed outside the courtroom and at an hourly rate for courtroom work. The hourly rate is subject to review and change without Notice.

Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents, to the Chief Deputy Clerk.

## **RULE 6**

### **Continuances**

Requests for continuances will be made in accordance with Supreme Court of Ohio Superintendence Rule 41 and Ohio Rules of Juvenile Procedure 19 and 23. All requests for a continuance must comply with Rule 12 of the Local Rules of Court.

No case in which a date has been assigned for a detention hearing, preliminary conference, adjudicatory hearing or dispositional hearing shall be continued, except for good cause, and only by the Judge or Magistrate to whom the matter is assigned, or other designated Judge to act on an assigned Judge or Magistrate's behalf.

Any motion requesting a continuance due to a scheduling conflict involving another court shall be accompanied by a copy of the assignment notice issued by the other court.

## **RULE 7**

### **Withdrawal of Counsel**

An attorney seeking to withdraw as counsel in a pending case shall submit a motion with a proposed Entry. If the client has agreed to the withdrawal and has signed the entry, the court may consider the motion forthwith. If not, the motion shall state that the entry will be signed by the Court unless, within seven (7) days after the motion is served, a hearing is requested by the client or the Court feels that a hearing is necessary.

As an alternative to filing the motion and entry to withdraw as counsel, an entry providing for substitution of counsel may be filed.

Attorneys are referred to The Ohio Rules of Professional Conduct Rule 1:16.

## **RULE 8**

### **Courtroom Decorum**

Proper decorum in court is necessary for the proper administration of the court's business. Chewing gum, food, and beverages are prohibited in the courtroom during all hearings. Cellular phones, pagers, radios, compact disc or cassette players, headphones, and other electronic devices shall be turned off prior to entering the courtroom and not utilized except upon consent of the court.

All counsel shall wear business attire. All parties and witnesses shall wear appropriate attire. The following are not appropriate: excessively revealing attire, bare feet, cutoffs, tank tops, crop tops, shorts, pajamas, bare midriffs, low-cut blouses and visible undergarments.

Counsel and parties shall be present and before the court at the assigned time. If counsel or a party is unavoidably delayed, notice must be given to the judge or magistrate as early as possible. Counsel should make all reasonable efforts to engage substitute counsel in the event of an unexpected absence.

Counsel and parties shall have all witnesses and evidence present at the scheduled hearing time unless the court has specifically permitted an alternate schedule. Any delay in the

appearance of a witness or change in the order of presentation shall be brought to the attention of opposing counsel and approved by the Court.

Counsel and parties shall act in a professional and respectful manner. Permission must be sought before approaching the bench or a witness. Argument shall be directed to the Court and not to opposing counsel or parties.

Except for those who are witnesses, victims, or subjects of the proceeding, children are not permitted in the courtroom unless by consent of the Court. Children who are permitted in the courtroom must be accompanied by an adult who will be solely responsible for their safety, care, and behavior.

## **RULE 9**

### **Custody and/or Parenting Time Actions**

All actions seeking custody of and/or parenting time with a child shall be initiated by sworn complaint, or in preexisting cases, by Motion, and pursuant to R.C. 3127.23(A), shall be accompanied by a parenting proceeding affidavit as provided by the Uniform Ohio Domestic Relations Forms. <http://www.sconet.state.oh.us>.

Investigations concerning the best interests of the child or children shall be conducted by the Morrow County Department of Job & Family Services, or its representative, in all abuse, neglect and dependency cases unless expressly waived by the Judge or Magistrate.

Pursuant to Juvenile Rule 32(D) the court may order an investigation following the filing of a complaint requesting the allocation of parental rights and responsibilities. Prior to ordering a social investigation the court may refer the parties to mediation.

Temporary orders allocating parental rights and responsibilities shall not be granted ex parte or without hearing except in the case of an emergency and only upon a showing from specific facts that such an emergency exists. The Judge or Magistrate may rule upon a motion for temporary orders without oral hearing, upon the submission of affidavits in support or opposition.

## **RULE 10**

### **Parentage Cases**

All parentage complaints shall be governed by R.C. 3111.381 and all complaints filed pursuant to R.C. 3111 shall be governed by the Ohio Civil Rules.

When service has been perfected and/or an Answer is filed, upon the request of any party or their attorney, notices of a pretrial conference shall be mailed to the parties and counsel by the Deputy Clerk.



At the pretrial hearing the Court may set the case for further pretrial or trial.

The Court may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

## **RULE 11**

### **Detention/Shelter Care Hearings**

All juveniles received into detention or shelter care shall be brought before the Judge or Magistrate on the same or next court day, not later than seventy-two (72) hours after placement, pursuant to Rule 7(F) of the Ohio Rules of Juvenile Procedure. If a parent is unable to attend a detention hearing or has not received notice of the hearing, a rehearing may be held pursuant to Rule 7(G) of the Ohio Rules of Juvenile Procedure. An appeal from the Magistrate's Detention Order may be filed by any party or the Guardian ad Litem requesting that the child be released from detention or shelter care. Upon the filing of the motion, the Court shall hold a hearing within seventy-two hours.

## **RULE 12**

### **Support Orders**

(A) Completed child support worksheets, as prescribed by R.C. 3119.02 to 3119.24, shall be presented to the Court at or prior to hearing on a motion or complaint for child support. If the parties are unable to agree on the proper completion of the worksheets, each shall present a proposed worksheet prior to the hearing.

Proposed agreed entries for child support shall be accompanied by completed support worksheets and all appropriate orders required by RC 3119.32. If the child support provided in the agreement deviates from the child support guidelines, the proposed entry shall contain findings of fact sufficient to substantiate the deviation.

(B) A motion requesting modification of an existing child support order shall state with particularity the grounds therefore, and shall be accompanied by a memorandum or an affidavit of the moving party.

(C) All persons required to pay child support pursuant to a decree or order of the Juvenile Court shall make those payments, plus processing charge through the Morrow County Child Support Enforcement Agency.

1. All orders which contain an order of support for children or spouse shall either attach Addendum A (attached hereto) or shall contain the following language or contain the following notice which shall be in boldface type and in all capital letters:

2. PURSUANT TO R.C. 3121.29, EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

Additionally, if there is support for children involved, the following notices shall be included in the order:

NOTICE TO REPORT REASON WHY SUPPORT SHOULD TERMINATE

Pursuant to R.C. Sections 3119.87 and 3119.88

1. The Child Support Obligees and Obligor shall immediately notify the CSEA of any reason for which the child support order should terminate. Reasons for which a child support order should terminate include any of the following:
  - a. The child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis;
  - b. The child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority;
  - c. The child's death;
  - d. The child's marriage;
  - e. The child's emancipation;
  - f. The child's enlistment in the armed services;

- g. The child's deportation; or,
- h. Change in legal custody of the child.

All child support and spousal support orders shall contain the following provision:

CHILD SUPPORT NOTICE PROVISIONS

1. The current child support obligation and cash medical support obligation shall continue until the child reaches the age of eighteen (18) years, the support obligor dies, the child dies, or the child becomes otherwise emancipated, whichever first occurs; however, as long as the child continuously attends on a full-time basis any recognized and accredited high school, the current child support obligation and cash medical support shall continue until the child reaches the age of nineteen (19) years. The current child support obligation and cash medical support obligation shall continue during the child's seasonal vacation periods.
2. Payments are to be paid to Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. The Child Support Obligor shall make payments by certified check, money order, personal check, or traveler's check until such time as the payments are withheld by an income withholding or deduction notice. Case Number and Order Number shall be included on all payments.
3. All child support ordered by this Order shall be withheld or deducted from the wages or assets of the obligor under the Order in accordance with R.C. 3121.03 and shall be forwarded to the Child Support Obligees under the Order in accordance with the Ohio Revised Code. Pursuant to R.C. 3121.34, a person required to comply with withholding or deduction notices described in O.R.C. Section 3121.03 shall determine the manner of withholding or deducting from the specific requirement included in the notices without the need for any amendment to the support order, and a person required to comply with an order described in R.C. 3121.03, 3121.04 to 3121.06, and 3121.12 shall comply without the need for any amendment to the support order.
4. Pursuant to R.C. 3121.33, the withholding or deduction notices and other Orders issued under R.C. 3121.03, 3121.04 to 3121.06, and 3121.12, and the notices that required the obligor to notify the Child Support Enforcement Agency administering the support order of any change in the status of the obligor's assets, are final and enforceable by the Court. Each withholding notice shall include

the current child support, current cash medical support, any arrearage payment, and processing charges.

5. Pursuant to R.C. 3121.51, the Child Support Enforcement Agency that is required to administer the child support order shall administer it on a monthly basis. Pursuant to R.C. 3121.52, a court or child support enforcement agency that issues or modifies a support order with support payments to be made other than on a monthly basis shall calculate a monthly amount due under the order, in the following manner:
  - a. If the support order is to be paid weekly, multiply the weekly amount of support due under the order by fifty-two (52) and divide the resulting annual amount by twelve (12);
  - b. If the support order is to be paid bi-weekly, multiply the bi-weekly amount of support due under the order by twenty-six (26) and divide the resulting annual amount by twelve (12);
  - c. If the support order is to be paid periodically but is not to be paid weekly, bi-weekly, or monthly, multiply the periodic amount of support due by an appropriate number to obtain the annual amount of support due under the order and divide the annual amount of support due by twelve (12).
2. Pursuant to R.C. 3121.45, any payment of money by the Child Support Obligor to the Child Support Obligees that is not made through Ohio Child Support Payment Central or the Child Support Enforcement Agency administering the support order under R.C. 3125.27 to 3125.30 shall not be considered a payment of support under the support order, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift. No child support payments shall be paid or forwarded to any third party, including a private collection agency, without a court order.
3. Pursuant to R.C. 3121.24, the Obligor shall immediately notify the Child Support Enforcement Agency, in writing, of any change in his/her employment or income situation.
4. Pursuant to R.C. 3121.24, each party to this action shall notify the Child Support Enforcement Agency, in writing, of any change in their mailing or residence address.
5. Pursuant to R.C. 3125.36(B), the Obligees shall sign an application for Title IV-D services and file, as soon as possible, the signed application with the Morrow County Child Support Enforcement Agency.

#### MEDICAL SUPPORT PROVISIONS

6. Pursuant to R.C. 3119.30, if, after the issuance of this order, private health insurance coverage for the child named in the order becomes available through any group policy, contract, or plan available to the Child Support Obligor or Child Support Oblige, the Child Support Obligor or Child Support Oblige to whom the coverage becomes available SHALL IMMEDIATELY INFORM THE CSEA OF THE AVAILABLE COVERAGE. When the CSEA becomes aware through reporting by either party or by any other means that private health insurance may be available, the CSEA will then determine whether the private health insurance is reasonable in cost. When the CSEA determines that the private insurance is reasonable in cost, the CSEA shall notify both parties that the person to whom the coverage is available is now the Health Insurance Obligor and is ordered to secure and maintain private health insurance for the child named in the order and to meet the requirements identified under this addendum without an additional order or hearing.
7. In accordance with Paragraph (C) of O.R.C. Section 3119.30, the Child Support Obligor shall pay cash medical support during the period in which the child named in the order is not covered by private health insurance. The cash medical support shall be paid in the amount as determined by the child support computation worksheet pursuant to O.R.C. Sections 3119.022 or 3119.023.
8. Within thirty (30) days of the date of this support order, the Health Insurance Obligor must designate the child named in this order as covered dependents under any health insurance policy, contract, or plan for which the Health Insurance Obligor contracts.
9. The health plan administrator that provides the health insurance coverage for the child named in this order may continue making payments for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan.
10. The Health Insurance Obligor may be required to pay the co-payment or deductible costs required under the health insurance policy, contract, or plan that covers the child named in the order.
11. The Health Insurance Obligor's employer is required to release to the other parent, any person subject to an order issued under R.C. 3109.19, or the CSEA on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract,

or plan number, and to otherwise comply with R.C. 3119.32 and any order or notice issued under R.C. 3119.32.

12. If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of R.C. 3119.32, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child named in the order in private health insurance coverage provided by the new employer.
13. Within thirty (30) days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

#### OTHER NOTICE PROVISIONS

14. Pursuant to R.C. 3109.051(G), if the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the residential parent shall file a notice of intent to relocate with the Court.
15. Pursuant to R.C. 3109.051(H), (I), and (J) (1) and subject to R.C. 3125 and R.C. 3319.321(F), both parents shall have access to all records (including medical and school records), school activities and to any day-care center which the child(ren) attend or have attended on the same basis the said records or access is legally permitted to a custodial parent, unless a restrictive order has been obtained from the court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.

NOTICE TO ALL KEEPERS OF RECORDS AND SCHOOL OFFICIALS AND EMPLOYEES: ANY KEEPER OF A RECORD AND/OR ANY SCHOOL OFFICIAL OR EMPLOYEE WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

## **RULE 13**

### **Motions**

(A) All motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure. A party may request a hearing in advance of trial to consider a motion.

(B) All motions, briefs, and memoranda shall be submitted to the judge or magistrate. The motion shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. Failure to provide authority may result in the motion being summarily dismissed. Any pleading responsive to the motion must be filed at least seven (7) days prior to the scheduled hearing. If such a responsive pleading is filed, the originally scheduled hearing may be used as a pretrial and scheduling conference rather than a hearing on the merits. Clients must be present.

(C) Counsel, or a party if pro se, who seeks an oral hearing on a motion properly before the Court shall obtain the date and time for said hearing from the Deputy Clerk and shall serve notice of the date and time of hearing on the opposing counsel/parties, including the Guardian ad Litem. Oral hearings may be waived by agreement of the parties in writing and the Magistrate or Judge.

### **Discovery**

Pursuant to Criminal Rule 16 and Juvenile Rule 24, discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it shall be the duty of a party to promptly respond to the request. Discovery should be provided in fourteen days from the date of receipt of the demand. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

## **RULE 14**

### **Transcripts/Recording of Proceedings**

Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure a complete record of all testimony or other oral proceedings shall be taken by any adequate mechanical or electronic recording device as prescribed by the Court.

No public use shall be made by any person, including a party, of any record or transcript thereof, except in the course of the proceedings or appeal or as authorized by the Court.

Within three (3) days after the filing of objections, the request for the transcript of the record shall be filed with the Deputy Clerk, with a copy to be delivered to the Transcriber's Office. The cost of same shall be as the Court shall from time to time determine at a per page amount. At the time of ordering a transcript, the ordering counsel or party shall arrange for payment to the Transcriber. An advance deposit approximating the transcript cost shall be posted by the ordering counsel or party with the balance due prior to delivery of a copy or filing of an original with the Court.

## **RULE 15**

### **Warrants**

Warrants for the detainment of juveniles will be issued only upon authorization of a Judge or Magistrate if permitted under law.

At the conclusion of the time period specified in R.C. 2901.13, the Deputy Clerk shall return any unexecuted warrant to the Judge or Magistrate who authorized issuance of the warrant. The Judge or Magistrate, if permitted under law, shall then determine whether the warrant shall be cancelled.

## **RULE 16**

### **Filing Fees and Costs**

In all actions to establish the existence or nonexistence of the parent and child relationship, the party instituting the action shall deposit with the Deputy Clerk an amount determined by the Court as security for costs.

In all actions for Custody, the moving party shall deposit with the Deputy Clerk the amount determined by the Court as security for costs.

Any person seeking to file pleadings without posting a deposit or security for costs shall complete a financial disclosure/affidavit of indigency. All affidavits filed pursuant to this Rule shall be on the form authorized by the Court, which is appended hereto and incorporated herein, or in a format consistent therewith. Upon approval of the Court, the deposit shall be deferred and the Deputy Clerk shall receive and file the documents without deposit or security.

Court costs for adjudicated juvenile traffic offenders shall be assessed an amount determined by the Court. The amount assessed will be determined on the nature of the offense, unless modified, waived, or suspended in total or in part. Costs for juvenile traffic offenders include the costs mandated by R.C. 2743.70 and R.C. 2949.091.

Costs for delinquency cases shall include the costs mandated by RC 2743.70 and RC 2949.091. Costs in delinquency/unruly proceedings may be waived at the discretion of the Court.

## **RULE 17**

### **Mediation**

#### **(A) Actions for Custody or Parenting Time**

After service of summons in an action requesting custody, parenting time, or other child-related matters, the Court may order the parties to participate in Mediation. Parties may also participate in Mediation prior to or after the filing of a Contempt motion for denial of parenting time. Mediation Services will also provide voluntary Mediation screenings to parties wishing to mediate without litigation pending.



(B) Post-Decree Motions to Modify Custody or Parenting Time

Upon the filing of a motion to modify custody or parenting time, the court may order the parties to participate in Mediation screening and Mediation. If Mediation Services determines that Mediation is appropriate for the parties, the parties shall participate in Mediation.

(C) Mediation Process

If Mediation Services determine that mediation is appropriate for the parties and the parties agree to or are ordered to mediate, then the parties shall participate in good faith in mediation. Mediation sessions may be convened from time to time until all issues are resolved in a manner mutually acceptable to the parties or until the mediator determines continued efforts would not be productive. Unless ordered to participate in mediation, the parties may agree to terminate mediation. The Court may order parties to participate in or return to mediation at any time. At the request of the parties or counsel, or upon the court's own motion, the court may stay the proceedings for mediation for a period of time not to exceed ninety (90) days.

Parties are generally referred to mediation to mediate issues related to custody, parenting time and other child-related matters. However, parties may agree to mediate issues other than, or in addition to, custody, parenting time and other child-related matters, with the approval of their respective counsel or pursuant to a court order.

Upon the conclusion of the mediation, the mediator shall notify the Court as follows:

- A. (1) If the Mediation reaches an impasse, the Mediator should report the lack of an agreement to the Court without comment or recommendation;
- (2) If an agreement is reached on all or some issues, the agreement shall be reduced to writing and the appropriate judgment entry reflecting the settlement shall be submitted to the Court for approval. Agreements reached in mediation shall not be binding upon the parties until reviewed and approved by their counsel and the Court. Statements made during mediation are confidential and shall be considered compromise negotiations and not admissible as evidence pursuant to Evidence Rule 408. Mediators are not permitted to testify regarding the substance of the mediation negotiations.
- (3) If the parties reach an agreement in a mediation conference and the agreement is filed as a Mediation Report pursuant to R.C. 3109.052, the Court shall consider the Mediation Report and may adopt it as an Order of the Court. The Court is not bound by the Mediation Report and shall consider the best interest of the children when making the allocation or establishing the parenting time schedule.
- (4) Unruly and Truancy matters may be referred for participation in the Juvenile Mediation Program.

B. Mediators

To be a court approved Mediator for custody, parenting time, and other child related issues, a Mediator should possess the following qualifications and provide verification with the Court that the following has been completed:

- 1) Completion of at least 12 hours of basic mediation training, 40 hours of specialized family and divorce mediation training, and 12 hours of specialized domestic violence training for mediators;
- 2) Adherence to the Model Standards of Practice for Family and Divorce Mediation;
- 3) An undergraduate degree and at least two years of professional experience with families. “Professional experience with families” includes counseling, casework, mediation, legal representation in family law matters, or equivalent experience as is satisfactory to the court;

The undergraduate degree requirement may be waived by the court upon consideration of well-documented equivalent educational experience;

- 4) Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator;
- 5) Substantial divorce and family mediation experience.

## **RULE 18**

### **SERVICE BY PUBLICATION**

Service by publication may be perfected by posting and mailing or by newspaper publication. When publication service is perfected by posting and mailing, the Deputy Clerk shall cause notices to be posted in accordance with Rule 26 of the Local Rules of the Court, including the Morrow County Child Support Enforcement Agency and the Morrow County Auto Title Department.

## **RULE 19**

### **Diversion**

Pursuant to Rule 9(A) of the Ohio Rules of Juvenile Procedure, in all appropriate cases, if the best interests of the child and of the public require, the matter may be referred to unofficial status and the child subject to the Complaint referred to Diversion, in lieu of formal court action.

(A) Screening: Cases that satisfy the following criteria shall be eligible for Diversion:

- (1) The child subject to the Complaint is a first time offender; and

- (2) the offense charged is an unruly, an alleged delinquency for violation of R.C. 4301.631 or 4301.639 or an alleged delinquency which would be a minor misdemeanor or misdemeanor of the fourth, third or second degree if committed by an adult;
  - (3) any case may be referred to Diversion upon order of the Court;
- (B) Juveniles who are referred to Diversion shall enter into a written Diversion Agreement which shall address accountability and behavioral issues of the child, assessments and evaluations for identification of the causes contributing to the unruly or delinquent behaviors, services for remediation of such behaviors, and such other matters as may be deemed in the child's best interest.
- (1) The performance of the Diversion Agreement shall be supervised by a Court Diversion Officer.
  - (2) Successful performance of the Diversion Agreement shall be completed within ninety (90) days unless the Court, for good cause, extends the time for completion.
  - (3) Failure to successfully complete performance of the Diversion Agreement may result in referral of the case to the Court's official docket.
  - (4) Successful completion of the Diversion Agreement will result in dismissal of the Complaint.

As part of the Court's overall effort to conform with the above provisions, informal intake conferences and referral to court diversion programs may occur in lieu of formal actions for certain delinquency and unruly cases.

Generally, informal conferences will be available only for the first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.

Discretion regarding the availability of an informal conference shall be exercised by the Intake/Diversion Department. If, after review, a request for an informal conference has been denied, the matter may still be handled informally if so ordered by the Court.

## **RULE 20**

### **Magistrates**

The powers and duties of Magistrates are set forth in Juvenile Rule 40; Criminal Rule 19; and Civil Rule 53. Magistrates shall be appointed to hear all matters not otherwise acted upon by a Judge of the Juvenile Division, including:

Delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, UIFSA, and determination of parentage matters, juvenile traffic offenses, juvenile MCSAC, and any other matters as referred by a Judge of the Juvenile Division.

Where any party in interest requests a hearing by a Judge rather than by the Magistrate to whom such case has been assigned, such request shall have full force and effect upon being adopted by the Court unless timely written objections are filed.

## **RULE 21 RESERVED**

## **RULE 22**

### **Assignment of Cases**

Upon the original filing of a case, the Court View system shall randomly assign cases to a specific Judge. The Chief Deputy Clerk shall be responsible for the assignment of all cases to the Magistrates in a percentage and manner as directed by the Court. A case that is reactivated by motion shall be assigned to the original Judge and Magistrate unless the Administrative Judge determines that cases must be reassigned to balance caseloads between Judges/Magistrates.

Once assigned a case, the assigned Judge becomes primarily responsible for the determination of every issue and proceeding in the case. All preliminary matters, including requests for continuances, must be submitted for disposition to the Judge or Magistrate to whom the case or motion is assigned.

None of the above language shall be construed to limit the reference of cases to Magistrates pursuant to Juvenile Rule 40, Criminal Rule 19 or Civil Rule 53.

## **RULE 23**

### **Model Parenting Time Schedule**

This Court hereby adopts the parenting time schedule as adopted by the Domestic Relations Division of the Morrow County Court of Common Pleas in Local Rule 2, which is found in APPENDIX A.

## **Rule 24**

### **CASE MANAGEMENT**

(A) Cases filed in the Morrow County Juvenile Court shall be heard and disposed of in accordance with the Case Management Plan established in this rule.

(B) Schedule. The following case management schedule shall be adhered to in all cases coming before the Morrow County Juvenile Court unless the Court, for good cause, extends the time. Hearings shall be conducted within the number of days provided in the case management schedule as measured from the time of the filing of the Complaint or other pleading which commences the proceeding.

	Initial Appearance Pretrial Hearing	Adjudication Hrg	Disposition
Delinquency	60	179	180
Unruly	60	89	90
Juv Traffic	60	89	90
Dependency, Abuse & Neglect	30	60	90
Permanent Custody	60	120	270
RC 2151.415 Dispo Order	60	120	180
Paternity	12 months for completion		
Juvenile Custody	9 months for completion		

(C) The purpose of the Pretrial Conference Hearing shall be to:

- (1) Identify those issues which are disputed and which may be stipulated;
- (2) Identify those issues requiring Prehearing determination;
- (3) Discuss settlement;
- (4) Schedule further hearings; and
- (5) Do all such matters as may facilitate final disposition of the case within the time limits established in the case management schedule.

(D) The term “Adjudicatory hearing” as used in the Case Management Schedule means the hearing at which the Court hears evidence for the purpose of determining whether the allegations of the pleading initiating the action are proved by the requisite standard of proof.

(E) The term “Dispositional hearing” as used in the case management schedule means the Court’s Journal Entry, which contains Dispositional Orders.

## **RULE 25**

### **Guardian Ad Litem**

The Court of Common Pleas, Domestic Relations Division, Juvenile Branch may appoint Guardians Ad Litem to represent the best interest of the minor child (ren)/incompetents in matters regarding the allocation of parental rights and responsibilities, arising out of abuse, neglect or dependency filings, wherein said Branch has jurisdiction. Rule 13 of the Local Rules of Practice shall govern the appointment of a Guardian Ad Litem.

## **RULE 26**

### **Servicemembers Civil Relief Act: 50 U.S.C. App. §§ 501-597**

In any action commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to represent that party pursuant to the Servicemembers Civil Relief Act, and may assess and allocate the cost of said counsel as costs in the case. The Court may stay the proceeding until such time as the party in the military service is available for trial. During the pendency, the party will be ordered to cooperate in all discovery procedures and to notify the court upon his/her return.

### **RULE 27 Reserved**

### **RULE 28 Reserved**

**MORROW COUNTY COURT OF COMMON PLEAS  
COMPANIONSHIP SCHEDULE  
EXHIBIT A**

**RULE 2**

**Local Model Parenting Time Rule**

Parenting time is a time for children to do things with the parent they do not reside with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such action is shown. This schedule does not affect support payments.

Please be advised that this schedule is merely a guideline for parenting time. It is each party's responsibility to tailor this schedule as necessary to meet the best interests of their children. The Ohio Supreme Court's guide, "Planning for Parenting Time: Ohio's Guide for Parent's Living Apart" that contains guidelines for parenting schedules is a good resource for alternate arrangements that consider the age and the circumstance of a particular child.

PARENTING TIME BETWEEN THE CHILDREN AND THE PARENT WHO IS NOT THE RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE BUT WILL NOT NORMALLY IS LESS THAN:

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even if interrupted by holiday and birthday, summer and/or vacation parenting time.
2. **Weekdays:** One weekday evening per week from 5:00 p.m. to 8:00 p.m.
3. **Extracurricular Activities:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the parent who is not the residential parent with notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available to the residential parent).

**4. Pre-School Age Children:** Pre-school age children follow the same schedule of school age children in the school district where they live regardless of whether or not other school age children live in the family.

**5. Holidays and Birthdays:** In odd-numbered years, mother has New Year’s Day, Spring Break, Memorial Day, Labor Day, Christmas Eve and the first half of Christmas break. In odd-numbered years, father has Martin Luther King’s Day, Easter, Fourth of July, Thanksgiving, Christmas Day, and the second half of Christmas break. In the even-numbered years, the schedules are reversed.

a. In the event of a conflict between regular visitation and holiday visitation, holiday visitation prevails. The alternating weekend visitation shall be suspended as a consequence of the holiday schedule and shall recommence with the same rotation the first weekend immediately following. For example: If the weekend immediately preceding a holiday was mother’s weekend, the holiday weekend would be celebrated with the parent entitled to the holiday. The weekend rotation would recommence the weekend after the holiday as father’s weekend. This occurs even though one parent may have the children two weekends in a row.

For any holiday falling on a Monday or Friday, if the immediately preceding or following the holiday visitation is spent with the same parent, there is no need for that parent to return the children that evening and then pick them up the next morning. For holidays falling on a Friday, parenting time commences Friday evening and continues to Monday evening.

b. Mother’s Day and Father’s Day and the parent’s birthdays, only when they fall on a Saturday or Sunday, to be spent with the appropriate parent. These are as agreed, or 10:00 a.m. to 7:00 p.m. These do not have to be made up.

c. Other days of special meaning, such as religious holidays, etc., (i.e., New Year’s Eve and Day, Kwanzaa, Passover, Easter, Rosh Hashana, Christmas Eve, Christmas Day) should be decided together as follows:

---

These do not have to be made up.

d. Hours for parents who can not agree are:

1. New Year’s Day.....9:00 a.m. to 7:00 p.m.
2. Martin Luther King Day.....9:00 a.m. to 7:00 p.m.
3. Spring Break.....6:00 p.m. ON THE DAY school is out to 7:00 p.m. the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school.)
4. Memorial Day and Labor Day..... 6:00 p.m. Friday to 6:00 p.m. Monday
5. July 4<sup>th</sup> ..... 9:00 a.m. to 9:00 a.m. the next day



- 6. Thanksgiving.....6:00 p.m. Wednesday to 6:00 p.m. Sunday
- 7. Winter Break..... (first half commences at 6:00 p.m. the last day of school before Winter Break begins, until December 25 at 1:00 p.m.; Second half commences at 1:00 p.m. December 25 until 6:00 p.m. the day before school recommences.)

e. 48-hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.

f. The children's birthdays should be alternated per child, between the parents and on an annual basis. Hours for parents who can not agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.

**6. Transportation:** The parties shall divide the transportation equally. The parent who is exercising their parenting/visitation rights shall pick up the child.

**7. Waiting:** Neither parent shall be more than 30 minutes late picking up the children. If the non-residential parent has not arrived to pick up the children within the 30 minute period, parenting time is forfeited and shall not be made up.

**8. Cancellation:** The parent who is not the residential parent should give 24 hour notice to cancel. The time canceled by the parent who is not the residential parent is forfeited.

**9. Illness:** If a child is ill, the residential parent should give 24 hour notice, if possible, so appropriate plans can be made. However, if more than one day of any visitation, weekend, holiday/birthday, or vacation is missed due to non-emergency.

**10. Summer:** The non-residential parent shall have parenting time with the children for the last half of the summer each year. The summer school vacation commences the day after the children are out of school and continues until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided in half, and the non-residential parent shall have the last half of the summer vacation with the children.

During the summer visitation, the residential parent receives weekday and alternating weekend visitation as afforded the non-residential parent the rest of the year.

**11. Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. Each parent shall schedule this vacation during his/her half of the summer. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion is made up. Alternate weekends are missed during vacation, and are therefore not required to be made up.

12. **Moving:** Upon either parent learning that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051 (G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.

13. **Telephone Access:**

- a. Parents may provide child(ren) with cell phones for communication. Child(ren) will not be deprived of the use of the cell phone as punishment for infractions. Appropriate software may be placed on smart phones limiting access to specified internet sites, such as sites involving gambling or pornography.
- b. Child(ren) shall be permitted to contact the parent, not exercising parenting time, a minimum of three times per week via telephone for no less than 20 mins. per call. As an alternative to phone calls, the parent may use SKYPE to communicate with the child.
- c. **At school, day care facilities, extracurricular activities, or all other public locations:** Provision 13a., above, shall not in any way contravene the statutory directives granting equal access by both parents to their children at any and all times while the children are at school, at a day care facility, babysitter, attending extracurricular activities, etc.

14. **Make-up Parenting Time:** Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.

15. **Current Address and Telephone Number:** Except as provided in the Court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

- a. **Emergency Contact:** Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

16. **Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchanges occur.

17. **Clothing:** The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

## **MODEL PARENTING TIME RULE FOR PARENTS TRAVELING OVER 90 MILES ONE WAY**

Parenting time is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time to be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Court Order take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown.

AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE.

This will not normally be less than:

1. **Christmas:** Christmas vacation will be divided in half and alternated annually, by half, between the parents.
2. **Spring Break:** School vacation (the day school is out to the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school) in odd-numbered years.
3. **Alternate Holiday Plan:** Those who desire more frequent contact, and who develop a plan to pay for the transportation, can have half of Easter vacation, half of summer, alternate year Thanksgiving, an half of Christmas vacation each year. The holidays themselves must be alternated, as the parties agree, or Easter and Thanksgiving in the odd-numbered years and Christmas in even-numbered years, for the parent who is not the residential parent.
4. **Summer:** One half of the school summer vacation. Summer school necessary for the child to pass to the next grade must be attended. The residential parent shall notify the parent who is not residential parent by March 15 of when the summer vacation begins and ends. The parent who is not the residential parent must notify the residential parent as to their intentions by April 15.
  - a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the home of the parent who is not the residential parent, and in the odd-numbered years, the second half.
  - b. The children must be allowed to communicate by telephone, one time per week, with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one half hour conversations. The calling

party shall bear the expense. The children may call either parent, collect, at any and all reasonable times as he or she wishes.

c. A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.

**5. Vacations:** Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. A general itinerary of the vacation shall be provided for the other parent including dates, locations, addresses, and telephone numbers.

a. A vacation is defined as a trip away from the parent's home. It does not include a parent's vacation time off from work where the parent spends it at home.

b. Summer school necessary for the child to pass to the next grade must be attended.

**6. Additional Parenting Time:**

a. **Weekend:** A once-a-month weekend visit to the parent who is not the residential parent will be permitted if the child's traveling time does not exceed three (3) hours one way. The residential parent must be notified at least one week in advance.

b. Father's Day and Mother's Day can always be spent with the appropriate parent.

c. The parent who is not the residential parent shall notify the residential parent at least two days in advance of any time the parent who is not the residential parent will be in the area and wants a visitation period. Absent extraordinary circumstances, this visitation shall occur.

d. The residential parent must notify the parent who is not the residential parent at least two days in advance when the residential parent and child will be in the area of the parent who is not the residential parent, and visitation must be allowed.

**7. Transportation:** Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule.

**8. Moving:** Upon either parent learning that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.

**9. Current Address and Telephone Number:** Except as provided in the Court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

a. **Emergency Contact:** Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

**10. Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchanges occur.

**11. Clothing:** The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

*Last Revised April 2014*