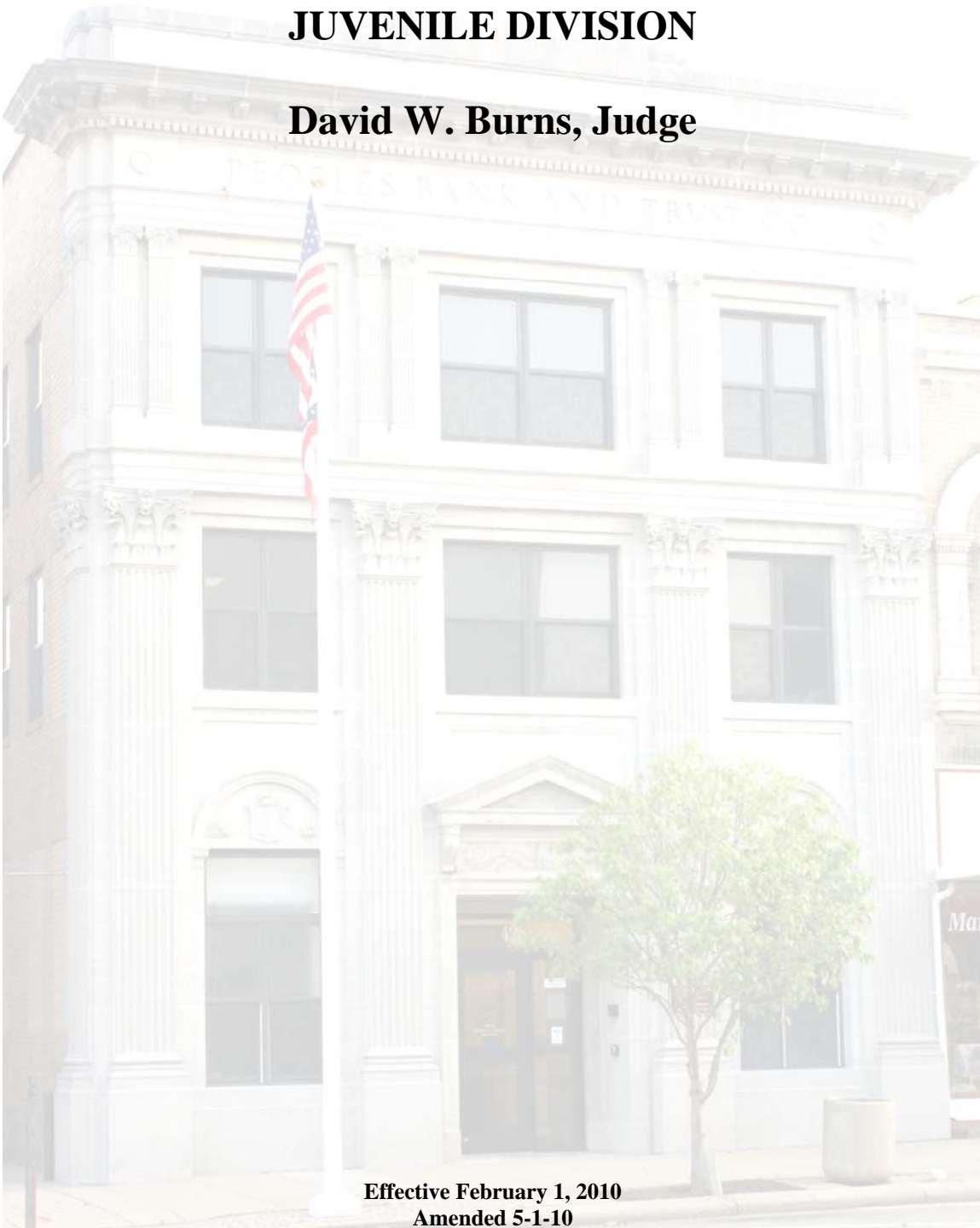


**COSHOCTON COUNTY
RULES OF PRACTICE AND PROCEDURE OF THE
COURT OF COMMON PLEAS
JUVENILE DIVISION**

David W. Burns, Judge



**Effective February 1, 2010
Amended 5-1-10
Updated 6-9-10**

Updated March 1, 2011

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RULES OF PRACTICE AND PROCEDURE OF THE
COURT OF COMMON PLEAS
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Introduction

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Court of Common Pleas, Juvenile Division, Coshocton County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Constitution, to Section 2123.15 of the Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

Adoption, Scope and Construction of Rules

- A. The Juvenile Division of the Common Pleas Court for Coshocton County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.
- B. These Rules are intended to supplement and complement the Ohio and U.S. Constitutions, Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes.
- C. 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 just and expeditious determination of all proceedings.
- D. These Rules shall be effective February 1, 2010.

**COMMON PLEAS COURT OF COSHOCTON COUNTY, OHIO
JUVENILE DIVISION**

LOCAL JUVENILE COURT RULES

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RULE 1 GENERAL

RULE 1.1 Sessions of Court

The Court Office shall be open for the transaction of ordinary business from 8:00 a.m. to 4:00 p.m. on all business days, Monday through Friday, except for legal holidays and such other occasions as may be specifically ordered by the Court. Additionally, the Court shall be closed the day after Thanksgiving.

RULE 1.2 Conduct in Court

(A) All parties or witnesses appearing herein shall be treated with professional courtesy and respect by counsel. Conduct which interferes, or tends to interfere with the proper administration of justice and/or the business of the Court is strictly prohibited and may, at the discretion of the Court, subject the offending counsel, parties or other participants to sanctions, including, but not limited to, contempt.

(B) Appearance in Court under the influence of alcohol or drug abuse by any person is strictly prohibited. Any party or other person appearing in this Court who appears to be under the influence of alcohol and/or any drug of abuse may, at the discretion of the Court, be ordered to submit to alcohol testing and drug screening. A positive alcohol test and/or drug test may result in a finding of direct contempt. A finding of contempt may subject the contemnor to a fine, incarceration or both.

(C) All persons must dress in proper attire when entering a courtroom. No attorney, party or witness shall be permitted to appear in the courtroom or offer testimony while dressed in shorts and/or tank tops. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

RULE 1.3 Ohio Attorney

(A) No action in the Court of Common Pleas, Juvenile Division, shall be filed or tried by an attorney who is not admitted to practice in the State of Ohio unless there is co-counsel admitted to practice in this state. This does not preclude individuals who represent themselves (pro se appearances).

(B) At the request of the Judge or Magistrate, an attorney may be required to present identification that he or she is registered and in good standing with the Ohio Supreme Court to practice law in this state.

RULE 1.4 Court Records

(A) Official Court records for cases involving Juveniles shall be open for review and inspection as required by public records law. All psychological reports, medical records, social histories, and home studies are considered confidential and shall not be available to any person except by order of the Judge or Magistrate, or by the written consent of the juvenile herein. The written consent of the juvenile shall be executed before the Court in the presence of an officer of the Court or Deputy Clerk.

(B) Reports and records generated by the Probation Department and Court staff shall be considered confidential information and shall not be made public. The inspection of Probation records by attorneys and interested parties shall be governed by Rule 32(c) of the Rules of Juvenile Procedure.

(C) The records of adult cases shall be public records as provided by law.

(D) Most written requests for information (i.e. military, government, employment) will be processed within a reasonable period of time based upon the nature of the request. For release of Court information a written consent of Juvenile is required.

(E) Copies of public records shall be provided at a cost of 25¢ per page. If a request is received to send copies by regular U.S. mail, such copies will be mailed only if the cost of the copies, postage and any other mailing expenses are pre-paid. (Section 149.43 O.R.C.)

RULE 1.5 Official Record of Proceedings

(A) The Court will make a digital recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must notify the Court in writing and the requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

(B) No public use shall be made by any person, including a party, of any Juvenile Court record, including the recording or transcript thereof of any Juvenile Court hearing, except in the course of an appeal or as authorized by the order of the Court.

(C) All requests for typing of transcripts for the purpose of an appeal or objection to the Magistrate's Decisions shall be filed with the Clerk of the Juvenile Court. All original transcripts produced shall be filed with the Clerk and shall become part of the official record of the case. The compensation for making transcripts and copies shall be paid forthwith by the party for whose benefit the same is made at an amount and upon such terms as the Court shall determine. No transcript will be prepared by the Court for any party until satisfactory arrangements for payment have been made.

RULE 1.6 Photographing, Recording or Broadcasting of Proceedings

No radio or television transmission, voice recording device, other than a device used in making an official record of the proceeding for the Court, or the making or taking of photographs, shall be permitted without the prior approval of the Judge.

RULE 1.7 Filings and Judgment Entries

(A) When required on a Court document, an address must be a street address and, if applicable, any post office box numbers used as a mailing address. Also, a telephone number of the attorney must be included on a Court document.

(B) All filings, including attachments, must have the case number on each page.

(C) All filings must be legible, on 8-1/2" x 11" paper and the type size for the body of the document shall not be less than ten (10) point or greater than twelve (12) point. Filings that are not legible for any reason including poor handwriting or photocopying may be refused, or if filed, may be stricken unless there is a legibly typed copy attached thereto. The Court will accept for filing only pleadings that are complete.

(D) Any proposed entry submitted to the court which is subject to Civ. R. 58(B) as modified by Civ. R. 73(I) must contain a certificate of service including the names and addresses of all parties and other interested persons required to be served.

(E) Social security numbers are confidential and shall not be filed in any filing in this Court that is available for inspection by the general public.

(F) All financial account numbers shall be treated as confidential and will not be part of the public record. A separate confidential file will be maintained by the Court which contains such numbers.

(G) Pursuant to the authority extended the Court by Civil Rule 5(E) and Juvenile Rule 8, the Court adopts the following procedures for the acceptance of facsimile copies, subsequent to the original complaint, of pleadings and other papers not longer than five (5) pages in length may be filed in this manner:

(1) The Court shall maintain an independent private telephone line, publish the number of the same, and maintain a facsimile machine for utilization by members of the bar authorized to practice law in Ohio in filing documents with the Court and its Clerk as provided herein. The facsimile telephone number is (740) 623-6514.

(2) The filing of pleadings or other papers, subsequent to the original complaint and not requiring a security deposit pursuant to Local Rule, may be filed with the Clerk by facsimile copy. Within three (3) business days after the transmission to the Clerk of a facsimile copy, an original document bearing original signatures shall be filed with the Clerk. The Clerk shall docket any facsimile copy when received as a facsimile copy. Thereafter, when the original document is filed, the Clerk shall docket it in the usual and customary manner and the filing shall relate back to the date upon which the facsimile copy was filed. In the event any facsimile copy is received by the Clerk after 3:30 p.m. on a regular business day or anytime on a weekend or holiday the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk. To insure timely filing of pleadings or other papers, contact the Juvenile Clerk prior to transmission at (740) 622-8969.

(3) Any facsimile copy filed pursuant to this rule shall conform to the requirements of applicable Civil Rules, Juvenile Rules and Local Rules, in both form and substance, and shall be preceded in transmission by a cover page which includes the following information:

- (a) Name of forwarding attorney,
- (b) Address of forwarding attorney,
- (c) Ohio Supreme Court registration number of attorney,
- (d) Telephone number of attorney,
- (e) Facsimile telephone number of attorney,
- (f) Date and time of facsimile initiation, and
- (g) Number of pages in document being forwarded.

(H) A request for Issuance of Summons shall be filed with all original and amended complaints or petitions in civil actions.

(I) All filings must contain original signatures. Persons who are not an attorney may not sign on behalf of an attorney.

RULE 2 SECURITY FOR COSTS

No civil action or proceeding, initiated by a person or non-governmental agency, shall be accepted for filing unless the party offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law.

RULE 2.1 Deposit for Costs and Fees

Complaint/Motion to Establish Paternity/Support	\$70.00
Complaint/Petition for Custody	\$70.00
Consent Entry/Waiver of Child Support	\$45.00
Motion to Reopen or New Action on Existing Case	\$70.00
Transcript (as required by Court transcriber)	
Felony Offenses	\$98.00
Unruly and Misdemeanor Offenses	\$67.00
Traffic Moving	\$77.00
Traffic Non-Moving	\$48.00
Driving Privilege Fee	\$25.00
Drug Testing Fee	\$21.00
Diversion (discretionary group participation fee)	\$75.00

The Court may also impose a fine in accordance with the following schedule (O.R.C. 2152.20):

Minor Misdemeanor	Not to exceed \$50.00
4 th Degree Misdemeanor	Not to exceed \$100.00
3 rd Degree Misdemeanor	Not to exceed \$150.00
2 nd Degree Misdemeanor	Not to exceed \$200.00
1 st Degree Misdemeanor	Not to exceed \$250.00
5 th Degree Felony	Not to exceed \$300.00
4 th Degree Felony	Not to exceed \$400.00
3 rd Degree Felony	Not to exceed \$750.00
2 nd Degree Felony	Not to exceed \$1,000.00
1 st Degree Felony	Not to exceed \$1,500.00
Aggravated Murder or Murder	Not to exceed \$2,000.00
Tobacco Offenses	Not to exceed \$100.00
Driver No Seat Belt	\$30.00
Passenger No Seat Belt	\$20.00
All other traffic offenses	Not to exceed \$100.00

These Court costs and fees may be changed by the Court without amendments of these Local Rules or as required by statute.

RULE 2.2 Inability to Secure Costs

If a litigant claims inability to either prepay 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, all of which shall be filed with the pleadings and treated as other papers in such case. The final determination of indigency will be held in “abeyance” until the Evidentiary Hearing, but is subject to review by the Court at any stage of the proceedings.

RULE 2.3 Payment of Fines and Costs

In any case, regardless of its nature, where fine and/or court costs are assessed against a party, said fine and/or court costs are due and payable immediately unless otherwise ordered by the Court. Failure to pay can result in a citation for contempt or other collection efforts.

RULE 2.4 Deposit for Fees of Guardian ad Litem (Amended 3/1/11)

Any party requesting appointment of a Guardian ad Litem in a proceeding involving allocation of parental rights and/or parenting time shall, at the time of appointment of a Guardian ad Litem, deposit with the Court the sum of \$500.00 to be applied toward the satisfaction of the fees for the Guardian ad Litem. After initial deposit for fees has been exhausted, additional deposits may be ordered by the Court. No deposit for fees of Guardian ad Litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly or delinquent. The assessment of the costs for the fees of Guardian ad Litem shall be made by the Court at the completion of the proceedings. In any case, the Court reserves the right to reallocate the fees of the Guardian ad Litem at the completion of the proceedings.

RULE 2.5 Special Project Fees

(A) Pursuant to the authority of R.C. 2303.201(A) it is determined that, for the efficient operation of this Court, additional funds are required to obtain computerized legal research services.

(1) The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of three dollars (\$3.00) upon the filing of each cause or appeal under R.C. 2303.20(A), (Q) and (U).

(2) All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

(B) Pursuant to the authority of R.C. 2303.201(B) it is determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas, Juvenile Division.

(1) The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive or modify a judgment under R.C. 2303.20(A), (P), (Q), (T) and (U).

(2) All funds collected pursuant to this rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be disbursed, upon an order of the Court of Common Pleas, Juvenile Division and subject to appropriation by the Board of Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas, Juvenile Division.

(C) Pursuant to R.C. 2303.201(E)(1), the Court determines that for its efficient operation, additional fees are necessary to acquire and pay for Special Projects of the Court that are permitted by the statute.

(1) Therefore, effective January 12, 2010, it is Ordered that the Clerk of the Court is authorized and directed to charge as Court costs a fee of \$21.00 for the purpose of purchasing equipment, supplies and laboratory testing necessary to administer drug and alcohol screens and other associated evaluations. Said assessment shall be made on the filing of each delinquency and unruly actions.

(2) Therefore, effective April 1, 2010 it is Ordered that the Clerk of the Court is authorized and directed to charge as Court costs a fee of \$10.00 per case or filing for the purpose of purchasing and upgrading the equipment and security system for the Court of Common Pleas, Juvenile Division. Said fee shall be assessed for all cases and post-judgment motions including, but not limited to delinquency, unruly, juvenile traffic offense, juvenile tobacco offender, domestic relations case or motion, contributing, paternity and other civil causes of action.

RULE 3 COUNSEL OF RECORD

RULE 3.1 Attorney Registration

Any filing made by an attorney licensed to practice law in this state shall, in addition to the requirements of Rule 11 of the Rules of Civil Procedure, include the attorney's address, telephone number and attorney registration number.

RULE 3.2 Court Appointed Counsel

(A) In any traffic, delinquency, unruly, abuse, neglect and dependency case where a party believed to be indigent seeks counsel, said party shall first apply for the services of the Coshocton County Public Defender, 239 N. 4th Street, Coshocton, OH 43812, (740) 623-0800. The party must submit a Financial Disclosure/Affidavit of Indigency Form, and will be assessed

a non-refundable \$25.00 application fee, the fee is to be paid to the Clerk of Courts within seven (7) days of submitting this form, unless the fee is waived or reduced by the Court. No Court appointed counsel will be provided for any other juvenile cases, unless otherwise required by statute or rule.

(B) In the event the Coshocton County Public Defender's Office has a conflict of interest on a Court appointed case causing a party to be ineligible for their services, their office will file a motion to withdrawal from the case and request the Court appoint alternative counsel.

(C) In cases where counsel is appointed by the Court, representation shall continue until completion of the case, or until an Order for Withdrawal is approved by the Judge or Magistrate.

(D) Compensation for all Court appointed counsel for delinquency, unruly, truancy, traffic, abuse, neglect and dependency cases shall be at a rate of \$55.00 per hour out of Court and \$65.00 per hour in Court, with a cap of \$500.00 per case. Additional fees may be approved at the Court's discretion for cases involving additional litigation.

(E) Appointed counsel shall submit an application for fees no later than 45 days from the date of disposition, or in post-adjudicatory matters, 45 days from the date of the last action. Any applications submitted after this deadline may be denied payment.

RULE 3.3 Withdrawal of Counsel

(A) Attorneys seeking to withdraw as counsel in a pending case shall submit a motion, memorandum and order to the Judge or Magistrate assigned to hear the case. Said motion and order must contain a certificate of service to opposing counsel and to the withdrawing attorney's client.

(B) Leave to withdraw shall not be granted within thirty (30) days of scheduled trial or hearing, except for good cause shown. Nonpayment of attorney's fees by the client is not a basis for withdrawal except by permission of the Court.

RULE 3.4 Attorney Scheduling

(A) Each attorney is responsible for requesting adequate Court time for all motion hearings and final hearings. In the event no Court time is requested, each motion hearing will be scheduled for one (1) hour. Each attorney will have one-half (1/2) hour to proceed and complete his or her case.

(B) In the event adequate time has not been requested, continuances will be granted at the discretion of the Court.

(C) Each attorney shall have a copy of his or her calendar available at all scheduling conferences, status conferences, pretrial conferences and hearings.

(D) Each attorney shall cooperate fully with the Court in the scheduling of all appearances before the Court with consideration for prior scheduled appearances in other Courts. Client appointments or conferences are not a basis for non-availability for scheduling.

RULE 3.5 Attorney Decorum

Counsel for all parties shall be present and before the Court at the assigned hearing time. If counsel is not present in Court at the assigned hearing time, the case may commence without counsel, may be continued, or may be dismissed. If counsel is going to be late for a hearing, counsel must make a reasonable effort to notify the Judge or Magistrate as soon as is practical in order to explain the reason for his or her lateness. Repeated lateness or absences may result in contempt of Court and/or the removal of counsel from the appointment of cases in the Coshocton County Juvenile Court.

RULE 4 SERVICE

RULE 4.1 Service by Civil Rules

Service in any matter filed or pending before the Court shall be in accordance with the Rules of Civil Procedure.

RULE 4.2 Service by Posting

(A) Consistent with the provisions of Rule 16(A) of the Ohio Rules of Juvenile Procedure provision is hereby made by local rule to permit service by publication to be made by posting and mail in lieu of publication by newspaper whenever it does not appear that newspaper publication is any more likely to provide actual notice to the person upon whom service is to be made.

(B) Upon the filing of an affidavit attesting that the residence of a party is unknown and cannot be ascertained with reasonable diligence and the filing of a request or instructions to the Clerk of this Court for service by posting and mail as well as a copy of the notice to be posted, the Clerk shall cause service of notice to be made by posting the notice so filed upon the bulletin board on the first floor of the Coshocton County Courthouse Common Pleas Court Juvenile Division as well as upon a bulletin board at the Coshocton County Jail, and upon a bulletin board in the lobby of the Public Assistance Division of the Coshocton County Department of Job and Family Services. The notice so posted shall contain the same information required to be contained in newspaper publication and shall be posted in the required location for seven consecutive days.

(C) After the seven days of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

RULE 5 CASE MANAGEMENT

RULE 5.1 Continuances

(A) All requests for continuances or advancements shall be in writing and shall be submitted to the Judge or Magistrate to whom the case is assigned at the earliest possible time, at least fourteen (14) working days prior to the date of a jury trial, seven (7) days prior to other hearings.

(B) All requests for continuances shall contain the following information:

- (1) The date on which the need for continuance arose,
- (2) The reasons(s) for requesting the continuance,
- (3) The date on which all other attorneys of record and guardians ad litem were contacted, and whether these attorneys and guardians agree on the need for a continuance, and
- (4) The earliest date that all parties will be ready to proceed.

(C) No case will be continued on the day of the trial or hearing except for good cause shown, which cause was not known to the party or counsel prior to the date of trial or hearing, and provided that the party and/or counsel have used due diligence to be ready for trial and have notified or made diligent efforts to notify the opposing counsel or party as soon as they became aware of the necessity to request a continuance. This rule may not be waived by consent of counsel.

RULE 5.2 Pre-Trial

(A) The Court may, on its own motion, set any matter for pre-trial hearing. Any party may move, in writing, for a pre-trial. If the Judge or Magistrate determines that a case warrants a pre-trial, a date and time shall be set. All parties named in the action shall be present at the pre-trial unless their presence is excused, in advance, by the Judge or Magistrate. In that event, the parties shall be available by telephone.

(B) It shall be the duty of counsel to come to the pre-trial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the

case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.

RULE 5.3 Trial

(A) Motions *in limine* shall be filed not less than seven (7) days prior to trial, except for good cause shown.

(B) If requested by the Court, the parties shall file trial briefs with the Court stating their respective cases, both factual and legal, and bring to the Court's attention any anticipated legal issues which counsel expects to arise during the trial. Copies shall be furnished to opposing counsel prior to trial. Trial briefs shall be filed at least two (2) weeks prior to trial.

RULE 5.4 Failure to Appear

In addition to or in lieu of holding a party in contempt when that party fails to appear within fifteen (15) minutes of a scheduled conference or hearing, the Court may:

(A) When the moving party fails to prosecute or comply with these rules or any Court order, the Court may, after notice to counsel, dismiss the case or grant any other appropriate relief to the responding party.

(B) When the responding party fails to appear at a pre-trial conference or the trial/hearing, the Court may order that the case will proceed ex parte.

(C) Issue an arrest warrant.

RULE 6 ALLOCATION OF PARENTAL RIGHTS & RESPONSIBILITIES

RULE 6.1 Actions Involving Minors

Actions for parentage, child support, and contempt for failure to pay child support in which a parent or an alleged parent is a minor require the attendance of the minor parent's parent or legal guardian or custodian at all hearings.

RULE 6.2 Job & Family Services Case Involvement

Cases in which Job & Family Services has had a history of involvement concerning the child, a caseworker shall attend said hearing.

RULE 6.3 Ex parte/Temporary "Emergency" Orders

(A) Ex parte orders will not be granted for residential parenthood except upon the written recommendations provided by Job & Family Services.

(B) The Court may issue temporary orders which may restrict the removal of a child from the jurisdiction of the Court upon the filing of an Ex parte Motion.

(C) If either party wishes to contest an Ex parte/temporary order granting temporary residential parent status, the party shall file a motion for relief or motion to set aside, as appropriate. Copies of the motion shall be served in accordance with the Rules of Civil Procedure. Upon filing, the Court shall schedule the matter for hearing.

RULE 6.4 Filings Requesting Hearings

(A) An initial filing in a case is a Complaint and any additional filings thereafter are Motions. A filing must be accompanied by an Affidavit of Child Custody in accordance with 3109.27 of the O.R.C.

(B) All Complaints/Motions filed by the parties shall have attached the Memorandum In Support as well as affidavits.

(C) All filings must be accompanied by a certificate of service and a precipe for service.

(D) If a party's address is unknown then the filing party shall file an affidavit stating they cannot obtain an address with due diligence. The Court will publish a notice upon filing of the affidavit.

(E) The Court will schedule a pre-trial hearing and a possible order to attend mediation immediately following the pre-trial hearing.

(F) If no agreement is reached between the parties at the pre-trial hearing or mediation, an evidentiary hearing will be set. If Job & Family Services has history with a case involving *pro se* litigants, a caseworker shall attend all pre-trials and hearings and investigate as ordered by the Court.

RULE 6.5 Filings of Agreements

(A) Filings of agreements shall be by a Complaint or a Motion with notarized signatures of the parties.

(B) A shared parenting plan or agreed custody agreement shall include the following:

- (1) Physical living arrangements of the children;
- (2) At least one of the following:
 - (a) Child Support Worksheet, including Findings of Fact with a schedule for deviation; or
 - (b) An agreement to contact CSEA to establish Child Support;
- (3) Health insurance coverage and division of uninsured costs;
- (4) School placement;
- (5) Parenting time schedule;
- (6) A designation of legal custodian if necessary for public assistance or school or upon agreement.
- (7) Child Custody Affidavit.

(C) The Court may refuse to approve orders which are not, in the Court's opinion, in the best interest of the children.

RULE 6.6 Contempt

The party filing any contempt action shall file therewith an affidavit which shall set forth the claimed reason for the contempt and shall identify the specific Court order the

contemnor has allegedly violated by identifying the filing date of the order and the specific paragraph, article or section where the order may be found. A copy of the Court order the contemnor has violated shall be attached to the affidavit. If the claim is a failure of payment of support the affidavit shall include the amount of delinquency claimed. In the event the claim is for failure to pay medical expenses, the affidavit shall include the amount of such medical expenses. The party against whom the contempt action has been filed shall be served with a copy of the affidavit along with the motion for an order in contempt.

RULE 7 PARENTING/VISITATION TIME

The best visitation/companionship schedule is your own plan.

However, if you cannot agree, this Court Parenting/Visitation Plan is designed to insure that your child(ren) will have frequent and consistent contact with both parties.

PLEASE NOTE: Summer vacations shall take precedence over the holiday schedule and the holiday schedule shall take precedence over the normal weekly schedule.

(A) Weekend and Midweek Companionship

- (1) **For children from birth to 18 months.** Three weekly visits for 2-6 hours, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 6:00 p.m. and every Tuesday and Thursday from 4:30 p.m. until 7:00 p.m., unless otherwise ordered by the Court.
- (2) **For a child 18 months to three years.** One or two weekly visits for 2-6 hours, plus one overnight, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday and Thursday from 4:30 p.m. until 7:00 p.m. and overnight from Friday at 5:30 p.m. until Saturday at 5:30 p.m., unless otherwise ordered by the Court.
- (3) **For children from age 3 through age 13.** Every other weekend from Friday after school (as soon as the non-custodian can pick up the child) until Sunday at 6:00 p.m. plus one evening a week, as the parties can agree. If the parties cannot agree, the midweek will be Wednesday from 4:30 p.m. until 7:00 p.m. and weekends from 6:00 p.m. Friday until Sunday at 6:00 p.m., unless otherwise ordered by the Court.
- (4) **For a child age 14 and older.** Visitation is expected to take place weekly, with the days and times to be agreed upon between the child and the non-

custodian. If the child and non-custodian cannot agree upon weekly visitation, upon the filing of a motion the matter will be set for hearing.

(B) Summer Vacation – 4 Weeks Commencing at Age 18 Months.

- (1) For children from ages 18 months up to 5 years vacation shall be taken in no longer than one or two week segments. For children ages 5 and older vacation may be taken in one, two, three, or four - week periods.
- (2) During any vacation when the children are in the vicinity, the custodian shall have the same mid-week visitation as the non-custodian.
- (3) Each party must provide the other party with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
- (4) Non-custodian’s schedule shall have priority over custodian’s, unless custodian’s vacation time is mandated by provisions of his/her employment (such as annual plant shut-down). The parties shall give written notice to the other as the vacation schedule at least 60 days in advance.

(C) Holiday Parenting/Visitation, Commencing at 18 months.

HOLIDAY	EVEN #’D YEARS	ODD #’D YEARS	DAYS & TIMES
Martin Luther King Day	custodian	non-custodian	9:00 a.m. to 7:00 p.m.
President’s Day	non-custodian	custodian	9:00 a.m. to 7:00 p.m.
Easter Sunday	custodian	non-custodian	9:00 a.m. to 7:00 p.m.
Spring Break	custodian	non-custodian	5:30 p.m. day school ends to 7:00 p.m. day before school resumes
Memorial Day	non-custodian	custodian	5:30 p.m. Fri. preceding to Mon. at 7:00 p.m.
Fourth of July	custodian	non-custodian	5:30 p.m. day preceding to 11:00 p.m. on the 4 th
Labor Day	non-custodian	custodian	5:30 p.m. Fri. Preceding to Mon. at 7:00 p.m.
Halloween	custodian	non-custodian	4 hours on “trick or treat” day/night
Thanksgiving	custodian	non-custodian	5:30 p.m. Wed. before Holiday to Fri. at 7:00 p.m.
	non-custodian	custodian	7:00 p.m. Fri. to Sun. at 7:00 p.m.

Christmas Eve	custodian	non-custodian	9:00 a.m. 12/24 to 10:00 p.m.
Christmas Day	non-custodian	custodian	10:00 p.m. 12/24 to 7:00 p.m. 12/25
New Year's Holiday	custodian	non-custodian	5:30 p.m. 12/31 to 7:00 p.m. 1/1*
Holiday Break	divide equally (or as the parties may otherwise agree in writing)		

***New Year's Holiday shall be based upon the 12/31 calendar year.**

(D) Days of Special Meaning

- (1) Religious or ethnic holidays – alternate between the parties yearly.
- (2) Mother's and Father's day with respective parties.
- (3) Children's birthdays with custodian in even-numbered years and non-custodian in odd-numbered years. All siblings to attend.

(E) Make-up Days

Make-up days shall be given if, due to an emergency, the child or non-custodian cannot visit at the schedule time, or if the custodian denies visitation time with just cause. All make-up days shall be rescheduled and exercised within 30 days.

(F) Extracurricular Activities

Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The party with the child at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parties.

(G) Change of Residence within Ohio

If the custodian intends to move his or her residence, the custodian shall immediately file a written notice with the Clerk of Courts. The written notice shall include the following:

- (a) The case number under which the original visitation order was issued;
- (b) The custodian's name, old address and new address; and
- (c) The non-custodian's name and present address.

Upon receipt of this notice, the Clerk shall file the original and send the non-custodian a copy of the notice unless the custodian has filed with the notice a motion requesting a hearing pursuant to O.R.C. 3109.051(G).

(H) Removal from Ohio

The custodian shall not remove the child(ren)'s residence from the State of Ohio without first obtaining either written consent of the non-custodian in a Judgment Entry providing for a modified visitation schedule or an order of this Court.

(I) Access to Records, Day Care and Activities. Each party is entitled, under the same terms and conditions under which access is provided to the custodian, to access:

- (1) any school, health, or agency records or reports that are related to the child(ren);
- (2) any child day care center which the child attends; and
- (3) Any student activity in which the child(ren) participated. O.R.C. 3109.051(H), (I), (J).

(J) Transportation

Unless the parties agree otherwise, the non-custodian has the responsibility for obtaining the children at the beginning of a visitation period, and the custodian has the responsibility for picking up the children after their visit. The child(ren) and the custodian have no duty to wait for the non-custodian to arrive for more than 30 minutes. The non-custodian who is more than 30 minutes late for a particular companionship period shall forfeit that visitation. If a party is unavailable to pick up the child(ren), an adult licensed driver who is well-known to the children may substitute for the party. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

(K) Telephone Calls

Each party shall talk over the telephone with the child(ren) as often as the parties agree. If the parties cannot agree, the non-custodian shall have telephone privileges at least twice per week. In addition, a party may call a child once during a scheduled or agreed visitation period that is missed. Also, each party shall have the right to call a child who is on vacation with the other party as often as the parties agree; absent agreement, each party may call the child at least twice per week. Phone calls shall be during the normal hours a child is awake; and if the child is unavailable for conversation, each party shall be responsible to see that the child timely returns the call. Each party shall keep the other apprised of their current working telephone number.

(Effective 3/1/11)

(L) Medication/Illness

If the child(ren) is taking medication (prescription or non-prescription) upon the advice of a physician, the custodian shall send with the child(ren) sufficient medication to last the entire visitation period; written instructions for the administration of the medication to the child(ren); and the name and telephone number of the physician. If visitation time is cancelled due to the child(ren)'s illness or injury, then the time shall be made up within sixty (60) days at a time of the non-custodian's choosing.

RULE 8 CHILD SUPPORT (Reserved)

RULE 9 GUARDIAN AD LITEM (Amended 01/31/11)

RULE 9.1 Appointment

(A) All appointments of a Guardian Ad Litem will be in compliance with Rule 48 of the Rules of Superintendence for Ohio Courts.

(B) The Court will appoint a Guardian Ad Litem when necessary and appropriate to protect the interests of a child or whenever the Court is required to do so by statute.

(C) Appointment may also be made for a person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(5) or section 2152.02(C) of the Revised Code.

(D) If the Guardian Ad Litem finds that a conflict of interest exists with his/her appointment, he/she must file an appropriate motion.

(E) As practical, the Court will attempt to appoint local (in-county) qualified individuals that have completed training requirements set forth in Rule 48 (D), (E), and (F) of the Rules of Superintendence for the Courts of Ohio.

(1) Special needs of a particular case may be considered in the appointment of a Guardian Ad Litem with specialized qualifications or skills.

(2) In cases returning to the Court which require a Guardian Ad Litem, every effort will be made to ensure the reappointment of the previous Guardian Ad Litem to the case, unless otherwise specified by the Court.

(F) An attorney, who wishes to serve as Guardian Ad Litem and attorney for the ward may be appointed as an explicit dual appointment by the Court, provided no conflict between these roles exists.

(G) Non-attorney Guardian Ad Litem shall sign a Memorandum of Understanding (M.O.U.) which outlines duties of such position and also outlines hourly compensation rates at an agreed upon amount between the Court and interested party.

(H) Attorneys appointed to serve as Guardian Ad Litem shall be compensated at the appointed counsel fee as determined by the Court.

(I) Attorneys appointed to serve as Guardian Ad Litem shall be compensated at the appointed counsel fee as determined by the Court.

(J) The Court will maintain a list of Guardian Ad Litem and may offer appointment on cases in a rotating order. The Guardian Ad Litem can deny the appointment to the case, at which time the next person designated in order on the list shall be asked to accept the appointment.

RULE 9.2 Duties

(A) Comply fully with Rule 48 of the Rules of Superintendence for Ohio Courts.

(B) The duties of a Guardian Ad Litem, including Attorney/Guardian Ad Litem appointments, conclude 30 days after the case is closed unless otherwise ordered by the Court.

(C) The Guardian Ad Litem shall have full access to all Court records, school records, medical records and Job & Family Services records as ordered by the Court regarding that child or children, including closed prior cases. The Guardian Ad Litem will perform whatever functions are necessary to protect the best interests of the child or incompetent adult pursuant to

Ohio Revised Code, including subpoenaing and examining witnesses. All costs will be waived for any filings made by a Guardian Ad Litem.

(D) If a Guardian Ad Litem finds that one or more of the listed duties are impractical or unreasonable to complete, they shall file a preliminary report to the Court regarding the “Exception to Duty” which prevents them from completing all aspects of the report and the reasons therefore. The Court will make reasonable efforts to provide service to the parties involved with the case.

RULE 9.3 Qualifications

(A) A Guardian Ad Litem shall successfully complete the pre-service training course and annually complete a minimum of three (3) hours of in-service continuing education training as set forth in Rule 48 (E) of the Rules of Superintendence for Courts in Ohio. A Guardian Ad Litem shall also sign a Memorandum of Understanding (M.O.U.) with the Court that outlines duties as required by the Court.

(B) An attorney who wishes to serve as Guardian Ad Litem shall meet all the requirements to be a Guardian Ad Litem as outlined above and shall be duly licensed to practice law in the State of Ohio.

(C) In order to be considered on the Court’s Guardian Ad Litem appointment list, the applicant or attorney shall do the following:

- (1) Complete and submit a resume, outlining education, training and expertise demonstrating the person’s ability to successfully perform the responsibility of Guardian Ad Litem.
- (2) Complete a BCI criminal background check.
- (3) Provide copies of training certificates that will be maintained by the Court to document certification standards that said Guardian Ad Litem has completed

educational requirements as set forth by Rule 48 in the Rules of Superintendence for Ohio Courts.

- (4) At the Court's own discretion, applicants and attorneys may be required to participate in an interview and/or provide additional qualifying information.
- (5) At the Court's own discretion, the Court may limit the number of Guardian Ad Litem Investigator positions to be considered and maintained on the Court's Appointment List.

(D) In order to be included and maintained on the Court's Guardian Ad Litem appointment list, the applicant or attorney shall do the following:

- (1) Based upon review of criteria listed in above Local Rule 9.3 (C) 1-5, the Court may add the applicant or attorney to the Court's appointment list.
- (2) Certify annually in writing after the initial appointment that they are unaware of any circumstances that would disqualify them from serving as Guardian Ad Litem and to provide updated training certificates for ongoing appointment consideration.
- (3) Guardian Ad Litem appointments shall be reviewed on an annual basis by the Court to determine whether he or she qualifies to remain on the appointment list. Criteria for removal may include but is not limited to the following: not performing the duties as outlined in this Court's Rules or Rule 48 of the Rules of Superintendence for Ohio Courts; not meeting continuing educational requirements; committing a criminal offense; or for any other factor which the Court believes may hinder the effectiveness or ability to complete the assignment as Guardian Ad Litem.
- (4) Any Guardian Ad Litem may be removed from the Court's appointment list at their own request. The Court may, in its own discretion, remove any Guardian Ad Litem from the Court's appointment list at any time.

RULE 9.4 Grievance Procedure

(A) It is the goal of the Coshocton County Juvenile Court to resolve problems and grievances regarding a Guardian Ad Litem fairly and promptly and as soon as is reasonable. When a parent, family member, attorney, professional, or any other person has a grievance or concern about a Guardian Ad Litem, that person shall try first to resolve the issue with the Guardian Ad Litem directly.

(B) If such an effort is unsuccessful or impractical, the person shall utilize a formal process by outlining concerns in writing and presenting these to the Court for review by the Administrative Judge. The Court may choose to have the parties mediate their differences with formal mediation. Any formal resolution from mediation must be signed and presented to the Court for verification of the settlement of the dispute. If no resolution is reached regarding the dispute, the Administrative Judge shall resolve the dispute and the finding shall be final.

RULE 10 HOME STUDIES

The Court may order a homestudy to be performed in any case of allocation of parental rights and responsibilities, parenting time and companionship or placement of a child outside the home.

RULE 11 ABUSE/NEGLECT/DEPENDENCY CASES (Reserved)

RULE 12 UNRULY

RULE 12.1 School Truancy

(A) Coshocton County Juvenile Court and the county school officials have established a uniform truancy process by which charges may be filed at Coshocton County Juvenile Court. A series of notices and informal meetings and agreements will be utilized to document intervention strategies. Referrals and links to other community agencies will be used to address school truancy issues.

(B) A complaint may be issued pursuant to Ohio Revised Code 2151.022(B) if the intervention strategies have not successfully resolved the truancy matters. In the event a child has been the subject of a truancy proceeding in Juvenile Court during the prior academic year(s), ONE (1) *unexcused absence* shall be deemed sufficient for the school to file a new complaint with the Juvenile Court for truancy, or request a further dispositional hearing in the event a case is still pending in the Court.

(C) Additional orders or charges may be filed with the Court if the preceding intervention strategies have not been successful.

RULE 12.2 Other Unruly Behavior

All other unruly behavior complaints must be processed by the Coshocton County Prosecuting Attorney's office.

RULE 12.3 Out of County Transfer

Unruly complaints transferred to Coshocton County from other counties due to residency may be considered for referral to other service providers or accepted into this Court's Diversion Program as outlined in Rule 15.1.

RULE 13 DELINQUENCY

RULE 13.1 Filing of Complaints

(A) Complaints in Juvenile cases shall comply with Ohio Rules of Juvenile Procedure, Rule 10; complaints alleging delinquency shall be reviewed by the office of the Coshocton County Prosecuting Attorney.

(B) Upon receipt of the pending complaint, the Court shall immediately notify the complainant to review and sign the complaint within 7 days of notification. Upon signature said complaint shall be filed immediately with the Court and assigned to Probation for arraignment proceedings.

RULE 13.2 Arraignment

(A) **Admission**

(1) Once a plea of admission has been entered, the case may be disposed of (sentenced) immediately or continued to a later date.

(2) Any case continued for final disposition hearing include the following: pre-sentence investigation, Ohio Youth Assessment, mental health evaluation, community service,

curfew, detention, no contact orders, drug testing and any other order that the Court finds to be fair and reasonable.

(B) **Denial**

(1) Once a plea of denial has been entered, the case shall be continued at the discretion of the Court for pre-trial proceedings. The Juvenile may obtain counsel or if found to be indigent receive Court appointed counsel.

(2) The Court may issue interim orders while the case is pending.

RULE 13.3 Diversion

(A) Coshocton County Juvenile Court and the Prosecutor's Office have established a screening process by which first time misdemeanor delinquent youth may be eligible for the Court's Diversion Program.

(B) Upon acceptance in the Program, a Diversion Contract is created with individualized treatment goals. After successful completion of the Diversion Program, the charges against the child are dismissed or the charges prepared against the child are not officially filed with the Court.

(C) First time misdemeanor delinquent cases that transfer in from other counties will be considered for acceptance into the Coshocton County Diversion Program. If acceptance is granted for the Program enrollment, upon successful completion of the Program this Court will dismiss the initial Complaint pursuant to Juvenile Rule 29 of the Ohio Rules of Juvenile Procedure.

(D) If the youth fails to abide by the Diversion Contract or additional charges are filed while the youth is in the Diversion Program, termination may be considered resulting in official Court proceedings.

(E) If the parent and/or child elects not to enroll in the Diversion process official Court proceedings shall occur.

(F) The Court shall maintain a confidential record of youth successfully completing the Diversion Program, which will be used to ensure that any subsequent filings on those youth exclude enrollment into the Diversion Program.

RULE 14 DETENTION/SHELTERCARE HEARINGS

(A) All juveniles received into detention or sheltercare shall have a hearing within 24 hours or the next Court day if detainment occurred after normal Court hours or on a weekend or holiday. Requests for hearings can be made by the Prosecutor or Court staff. Law Enforcement can place youth into detention or sheltercare upon the approval of the Prosecutor or Court staff.

(B) The Court may utilize computers or live video for purposes of detention hearings. Parents and youth will be advised of all rights and will have opportunity to discuss the rights as they apply to the detention hearing including the right to counsel. Upon request, the Court will make telephone contact or video meetings available for said discussion. The Court may proceed if counsel is requested but not available for purposes of further detention of the youth, and will set the matter for hearing as soon as is reasonable. Parents shall assume responsibility for youth released from detention, and will be given paperwork authorizing the discharge of the child into their custody and control.

RULE 15 TRAFFIC

RULE 15.1 Traffic Violations Bureau

Pursuant to Ohio Traffic Rule 13.1, there is hereby established a traffic violations bureau for juvenile traffic offenders to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as prescribed herein. The Judge of the Juvenile Division of the Coshocton County Court of Common Pleas shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of said bureau as necessary. The violations bureau shall accept waiver of appearance, adjudicatory hearing, plea of admit, and payment of fine and costs for offenses within its authority.

All juvenile traffic offenses may be disposed of by said violations bureau, except as follows:

- (A) Indictable offenses;
- (B) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- (C) Leaving the scene of an accident;
- (D) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (E) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
- (F) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (G) Willfully eluding or fleeing a police officer;
- (H) Drag racing;
- (I) A second or subsequent moving offense;
- (J) An offense that involves an accident;
- (K) Speeding, traveling 15 mph or more over the posted speed limit;
- (L) Any holder of a probationary driver's license that meets Ohio Revised Code Section 4507.071(B)(1)(a), which restricts driving privileges prior to age 17.
- (M) Any traffic offense, otherwise eligible to be disposed of by said violations bureau, that the Court, in its discretion and upon a case-by-case basis, determines should not be disposed of by said violations bureau.

RULE 15.2 Traffic Seminar

All first time juvenile traffic offenders and a parent shall be required to attend the Juvenile Court Traffic Safety Seminar. This requirement is to promote discussion among families concerning safer driving practices.

RULE 15.3 Driving Privileges

(A) In any case where the Court suspends the juvenile's permit or license, the Court may, in its discretion, award driving privileges during the period of suspension upon such terms as the Court deems appropriate. Any juvenile granted driving privileges will be required to remit the \$25.00 privilege fee to the Court.

- (B) Privileges awarded normally extend to:
- (1) To and from school, and designated school-related activities;
 - (2) To and from a place of employment;
 - (3) To such other privileges as the Court deems appropriate.

All driving while under privileges must be by the most direct route, with no passengers other than members of the juvenile's immediate family.

(C) The deputy clerk shall, within two (2) business days of the date of suspension, notify the appropriate law enforcement agencies of the suspension and scope of privileges extended.

RULE 15.4 Traffic Fines and Costs

In cases processed by the violations bureau of the Juvenile Division of the Coshocton County, Ohio, Court of Common Pleas, the following fines and costs will be assessed.

<u>OFFENSE</u>	<u>FINE</u>	<u>COST</u>
Speeding up to 14 mph over the limit (Speeding 15 mph or over does not qualify)	\$35	\$77
<u>OFFENSE</u>	<u>FINE</u>	<u>COST</u>
Stop sign/traffic signal violation	\$35	\$77
Driving in marked lanes	\$35	\$77
Left of center	\$35	\$77
Following too close	\$35	\$77
Reckless operation (no accident)	\$35	\$77
Fail to yield right of way (no accident)	\$35	\$77
Improper passing	\$35	\$77
No turn signal	\$35	\$77
Squealing tires	\$35	\$77
Driver no seat belt	\$30	\$48
Passenger no seat belt	\$20	\$48
Operating unsafe vehicle	\$25	\$48
Loud Exhaust	\$25	\$48
Expired tags	\$25	\$48
Driving Privilege Fee	NA	\$25

RULE 16 TOBACCO

For a tobacco violation the juvenile has the following choices:

- (A) To admit the charge without coming into Court, this Court shall accept the waiver of appearance. The following must be received in order to avoid having the matter set for hearing:
 - 1) Payment of \$67 in Court Costs and a Fine in the amount of \$100.

- (B) To admit the charge without an official Court hearing, this Court shall accept the waiver of appearance in person. The Fine in the amount of \$100 referred to in (A) above shall be waived providing the juvenile complete the following:
 - 1) Payment \$67 in Court Costs or a schedule approving payments for costs
 - 2) Successful Completion of 8 hours Community Service Work
 - 3) Submission of a 250 word report about the health impacts of tobacco use

- (C) Request a Court Hearing to have the case heard and potentially set for trial.

(Effective 3/1/11)

RULE 17 JUVENILE SEX OFFENDERS

- (A) The Juvenile may be subject to detention and/or a specific supervision plan to protect the victim, community and individual.

- (B) Upon adjudication the Juvenile may be referred for assessment and case specific counseling services at a state certified provider that specializes in sex offender programming. The Court will be involved in the development of a case specific treatment plan, and upon disposition of the case may adopt conditions of specialized probation.

- (C) The Court will conduct regularly scheduled review hearings in which probation, treatment, parents and interested parties provide updates.

(D) Qualifying offense classification shall occur at disposition or upon discharge of a treatment facility pursuant to Ohio Revised Code.

RULE 18 DRUG COURT

The Court shall operate a post-adjudication specialized docket for substance abuse cases that have not responded to traditional methods of treatment intervention.

RULE 18.1 Referral

(A) After assessment at Coshocton Behavioral Choices, cases that are officially involved with the Court may be referred for the Drug Court Program.

(B) Cases will be reviewed by a committee of the Drug Court Team, which consists of the local Assistant County Prosecutor, Substance Abuse Counselor, Probation Officers, Judge and Court provided Attorney for Drug Court Participants.

(C) Upon acceptance into the program, the Juvenile will begin involvement in a four phase program which takes approximately one year to complete.

RULE 18.2 Programming/Phases

(A) A Handbook which outlines phase requirements and program involvement is provided to each participant and parent. The expectations of the program are outlined in each phase, including but not limited to drug screening, attendance and participation at appointments, treatment compliance, school success and compliance with probation terms. Sanctions and incentives are utilized to ensure compliance and successful completion of the program.

(B) Intensive case monitoring is provided and documented by the Probation Officer assigned to the case and regular Court reviews are held through each phase to evaluate the Juvenile and family compliance with the program standards.

RULE 18.3 Graduation

(A) Upon successful completion of all phases of the Drug Court Program, the Drug Court Team will schedule a graduation ceremony to be held at the Juvenile Court. At the conclusion of the ceremony, the identified complaint which allowed for involvement in the Drug Court

Program will be dismissed pursuant to Rule 29D of the Ohio Rules of Juvenile Procedure, and the probation case may be closed successfully if all other probation requirements have been met satisfactorily.

RULE 19 SEALING AND EXPUNGEMENT OF RECORDS

In most cases, application may be made to the Coshocton County Juvenile Court for an order to seal a juvenile record, or to expunge the record under Section 2151.358 of the Ohio Revised Code.

RULE 19.1 Sealing

(A) The Court shall consider sealing of Juvenile records upon application or upon the Court's own motion at any time after two years after the later of termination of any (all) orders made by the Court or upon unconditional discharge from the Department of Youth Services, if at the time the juvenile is not under the jurisdiction of the Court as an alleged or adjudicated delinquent child as outlined in Section 2151.356(C) of the Ohio Revised Code.

(B) To seal a juvenile record means to have the record removed from the main file of similar records and to have it secured by the Court in a separate file that contains only sealed records accessible only to the Juvenile Court, as defined in Section 2151.355(B) of the Ohio Revised Code.

(C) Cases adjudicated delinquent for committing Aggravated Murder, Rape, Sexual Battery or Gross Sexual Imposition, shall not be sealed as outlined in Section 2151.356(A).

RULE 19.2 Expungement

(A) The Court must expunge all sealed records either five years from sealing or from the juvenile reaching age 23, whichever comes first. After the record has been sealed, application may be made for earlier expungement. If the prosecuting attorney files a response that objects to the expungement of the records, the Court must conduct a hearing before the records may be expunged, as defined in Section 2151.358 of the Ohio Revised Code.

(B) To expunge the record means to destroy, delete and erase the record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable as defined in Section 2151.355(A) of the Ohio Revised Code.

RULE 20 MEDIATION (Reserved)

RULE 21 JURY MANAGEMENT

The Coshocton County Common Pleas Court General Division Rule 23 as they relate to juries, shall apply to proceedings in the Juvenile Division except to the extent that by their nature they would be clearly inapplicable.