

COSHOCTON COUNTY
RULES OF PRACTICE AND PROCEDURES OF THE
COURT OF COMMON PLEAS

JUVENILE DIVISION

Van Blanchard II, Judge

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

Van Blanchard II, Judge

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 July 1, 2016.

**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 the court facility. No attorney, party, observer or witness shall be permitted to enter the court facility or offer testimony while dressed inappropriately, including shorts and/or tank tops, or wear any attire with language which may appear to be inappropriate, discriminatory or otherwise offensive to another party. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

(D) No person shall be permitted to enter the court facility while exhibiting inappropriate hygiene or appearing to create a public health concern.

(E) All persons ordered to appear shall check-in with the Clerk or designated official, and may be denied entrance or have their case dismissed if valid notice is not provided to the Court regarding their absence in a timely manner. The Court may also deny entrance into any proceeding once a case has officially commenced.

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) In civil cases regarding custody, parenting time, and support, court records shall be open for review and inspection by parties and counsel of record.

(F) 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. The Court's Media Request Form must be submitted for review by the Judge outlining the nature of such media request.

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 and/or pro se parties 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. A document filed by fax shall be accepted as the effective original filing. The person making the fax filing need not file any source document with the Court, but must, however, maintain in their records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for subject filing. 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.

(4) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(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 1.8 Assisting Illiterate Clients

Court Clerks may assist illiterate persons with completing forms. Such assistance shall be limited to writing verbatim information provided to the Clerk without making changes, corrections or editing. The Clerk shall then read back to the party what has been written on the form to confirm accuracy. A disclaimer shall be added as follows: “Dictated by court user, written verbatim by court staff”. The Clerk shall then sign the document and provide the reason assistance was necessary.

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

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

Affidavit of Indigence	\$25.00
Complaint/Motion to Establish Paternity/Support	\$85.00
Complaint/Petition for Custody	\$85.00
Initial Deposit-	
Service by Summons	\$50.00
Precipe for Subpoena	\$50.00
Guardian Ad Litem Fee	\$500.00
Consent Entry/Waiver of Child Support	\$45.00
Motion to Reopen or New Action on Existing Case	\$85.00
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 Privileges	
Initial Fee	\$50.00
Modification Fee	\$10.00
Drug Testing Fee	\$21.00
Diversions (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

RULE 2.2 Inability to Secure Costs

(A) If a litigant claims inability to either prepay or give security for costs, the litigant shall complete an Affidavit of Indigence 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 indigence will be held in “abeyance” until the Evidentiary Hearing, but is subject to review by the Court at any stage of the proceedings.

(B) Litigants shall pay the required fee of \$25.00 along with the filing of “Affidavit of Indigence” in order for the Court to make a determination regarding indigence. No civil action or proceeding shall be accepted for filing with an affidavit of indigence unless the party filing shall first deposit the \$25.00 fee.

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

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. 2151.541 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. 2151.541 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 30 days from the date of disposition and no later than 30 days after all other court hearings and post-adjudicatory matters. Any applications submitted after this deadline may have payments reduced, at the discretion of the Court.

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

(A) 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.

(B) Counsel for all parties shall advise the court, opposing counsel, and all unrepresented parties in writing of any potential conflict or appearance of conflict of interest at the earliest possible time.

RULE 4 SERVICE

RULE 4.1 Service on Pending Matters

Service in any matter filed or pending before the Court shall be in accordance with the Rules of Practice and Procedure in Ohio Courts.

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) The party requesting a continuance shall:

- (1) Contact the Clerk to obtain three available dates for the continued hearing;

- (2) Contact all opposing parties and/ or counsel to confirm availability / agreement;
- (3) Contact the clerk to advise of the new date and shall submit an agreed entry with a new date and time.

(D) If an agreed entry is submitted, it must be approved by the Court. Absent said approval, the hearing shall proceed as originally scheduled and all counsel and parties are required to attend.

(E) If no agreed entry is submitted and approved by the Court, the hearing shall proceed as originally scheduled; all counsel and parties are required to attend.

(F) 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.

(C) If requested by the Court, each party shall file pre-trial memorandums or briefs with the Court stating their respective case, both factual and legal, and bring to the Court's attention any anticipated legal issues which counsel expects to arise during the trial. Said briefs or memorandums shall be filed at least one (1) week prior to pre-trial and copies shall be furnished to opposing council.

(D) When parties reach agreement or consent on any or all contested issues before the Court, the parties shall comply with Local Rule 6.5.

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 child's parent or legal guardian or custodian at all hearings.

RULE 6.2 Provisional Guardian Ad Litem Appointment

(A) In all cases involving Allocation of Parental Rights, a provisional Guardian Ad Litem may be appointed through the pretrial.

(B) Assignment of costs for Provisional Guardian Ad Litem Services may be assessed to the parties by the Court.

RULE 6.3 Ex parte/Temporary "Emergency" Orders

(A) Ex parte / Temporary "Emergency" Orders will not be granted for residential parenting except upon filing of an affidavit from an independent and unbiased third party.

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

(C) If a 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. Certain filings 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 a 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 and describe in detail the efforts made to locate the other party. The Court will publish a notice upon filing of the affidavit.

(E) If temporary orders are requested, the Court will schedule a temporary orders hearing within 14 days, at which time each party will be granted 20 minutes to present their case for consideration of temporary orders.

(F) The Court will schedule a pretrial hearing and a possible order to attend mediation immediately following the pre-trial hearing. In addition, a provisional Guardian Ad Litem may be involved as part of the pre-trial hearing and possible mediation.

(G) If no agreement is reached between the parties at the pre-trial hearing or mediation, an evidentiary hearing will be set. Recommendations of the Guardian Ad Litem (if appointed) will be considered at the evidentiary hearing.

RULE 6.5 Filings of Agreements

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

(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.
- (8) Allocation of Income Tax Dependency Exemption

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

(D) Settlement Agreements shall be filed with the Court within twenty-one (21) days of the hearing, or as otherwise ordered or allowed by the judge or magistrate. Failure to file in a timely manner may result in a review hearing to determine the cause for delay and possible sanctions.

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, date(s) of service, recipient(s) of service, and healthcare provider information. 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

Parenting/ visitation time is meant for the non-custodian and that person's friends and family. The best parenting/ visitation 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. The child's Birthday, Religious & Ethnic Holidays, Mother's Day and Father's Day shall take precedence over all other days not listed below.

(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, Commencing at age 18 months, from 10:00 a.m. to 7:00 p.m.

- (1) Religious or ethnic holidays, Mother’s and Father’s Day—alternate between the parties yearly.
- (2) 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)(2).

(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) Long Distance Parenting Plan

The Court will determine at its discretion any modification to standard visitation if travel is more than two (2) hours. This may impact parenting time and will be reviewed upon submission of the Notice to Relocate form that is available on the Court's website.

(J) 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).
- (4) each party shall provide the name and contact information of all providers to the other party.

(K) 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.

(L) 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.

(M) 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

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) 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 Juvenile 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 Juvenile Judge shall resolve the dispute and the finding shall be final.

RULE 10 HOME STUDIES

The Court may order a home study 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

Pursuant to Ohio Rules of Superintendence 45 (E) that the Court can restrict public access to case documents if it finds by clear and convincing evidence that the presumption of public access is outweighed by a higher interest after considering the following:

- a) Whether public policy is served by restricting public access;
- b) Whether any state, federal, or common law exempts the document or information from public access;

c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

Abuse, neglect, dependency cases have historically been considered nonpublic due to the sensitive nature of the proceedings. The damage to families and children due to the prejudicial nature of the proceeding outweighs the value of public access to such cases.

Therefore all abuse, neglect, and dependency cases should be restricted from access by the public. The Court may Order a specific case to be public record upon a Motion and good cause shown.

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, formal 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 prior to the start of such hearings. The Court will make private 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 further hearing as soon as is reasonable once counsel becomes available. 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 14.1 Use of Physical Restraints

(A) Pursuant to Sup. R. 5.01, children are entitled to a presumption against the use of physical restraints in courtroom proceedings, unless the Court determines in a hearing on the record that restraint is necessary for that particular child at that particular proceeding. The child or any party as defined in Juv. R. 2(Y) will have an opportunity to present evidence and be heard at such hearing in which a formal concern has been brought to the Court's attention prior to the start of any Court proceeding.

(B) Instruments of restraint, including but not limited to handcuffs, chains or shackles may be used on a child during a court proceeding if both of the following apply:

(1) The necessity of using restraints is demonstrated to the satisfaction of the Judge or Magistrate by the presence of one or more of the following factors:

- a. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
- b. There is significant risk that the child will flee the courtroom; and

(2) The court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

(C) When used, restraints shall allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing unless there is a demonstrated need for more restricted movement.

(D) This rule does not limit the ability of law enforcement, security personnel or other court staff from restraining a child if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

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.

(A) Juvenile traffic offenses that may be disposed of by said violations bureau may include non-moving violations such as expired tags, seat belt violations, and other minor moving and non-moving violations at the discretion of the Court except:

- (1) An offense listed in Traffic Rule 13(B) (1) to (5) and (7) to (9);
- (2) A second or subsequent moving offense;
- (3) An offense that involves an accident.

(B) A defendant charged with an offense that the Court has decided to include in the Violations Bureau shall not be required to appear at the Court if a signed plea of guilty, waiver of trial, and full payment of fines and costs assessed are received at the Court at least 24 hours prior to said appearance date. Payment shall be in the form of check or money order, unless payment of cash is made in person at the Court.

(C) All cases processed in the violations bureau shall be numbered and recorded for identification and statistical purposes. In any statistical reports required by law, the number of cases disposed of by the violations bureau shall be listed separately from those disposed of in open court.

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. Information regarding limited driving privileges, instructions for completing a driving privileges request form, and application forms shall be provided to the juvenile with the arraignment hearing notice. Access to the forms may also be found on the Juvenile Court Website. Any juvenile granted driving privileges will be required to remit the \$50.00 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 five (5) business days of the date of issuance of driving privileges, 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 Juvenile Traffic Court of Coshocton County, Ohio, Court of Common Pleas, the Court may impose a fine not to exceed \$50.00 and costs in the amount of \$48.00 for non-moving violations and \$77.00 for moving violations. In addition, a \$50.00 driving privilege fee may be imposed. Modifications to driving privileges may be subject to a \$10 revision fee.

RULE 15.5 Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Coshocton County Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

RULE 16 TOBACCO

For a tobacco violation the juvenile has the following choices:

- (A) To admit to the charge without coming into Tobacco Court, this Court shall accept waiver of appearance. The payment and documents must be received prior to the scheduled hearing date.
- (B) Attend the hearing, admit to the charge, make payment arrangements for paying the \$100 fine and \$67 in costs. The fine may be waived if the juvenile successfully complete and submit a report about the ill effects of using tobacco products and successfully completes 8 hours community service work at a Court approved community service work sight.
- (C) Attend the hearing and deny the charge and a trial will be scheduled to settle the matter.

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 SPECIALIZED DOCKETS: JUVENILE & FAMILY DRUG COURT

RULE 18.1 Establishment of Juvenile Drug Court

Established in 2002, the Court of Common Pleas, Juvenile Division, Coshocton County began operating a Juvenile Drug Court Docket. Program and Policy manuals were created in conjunction with the Drug Court Planning Initiative grant. In 2013, it was decided that the Court shall operate a post-adjudication specialized docket, according to the requirements set forth in Rules of Superintendence for Courts of Ohio 36.20 through 36.29 for substance abuse cases that have not responded to traditional methods of treatment intervention.

This Specialized Docket shall be referred to as “*Coshocton County Juvenile Drug Court*”, and will begin official operations as a Supreme Court of Ohio certified specialty docket program effective January 1, 2014.

Specific Program Goals include successful completion and integration of treatment knowledge; improve home life which reduces need for out-of-home placement; and increasing competency through educational achievement.

Program Objectives include: successful completion of treatment and all program requirements; increased competency as exhibited by enhanced education and employment opportunities; and a reduction in alternative placement.

RULE 18.2 Referral Process and Eligibility

(A) Target population eligibility & legal requirements for Juvenile Drug Court

- (1) Post-adjudicated juvenile offenders who have current convictions of the following offenses:
 - delinquent offense including misdemeanor and non-violent felony offense
 - unruly offense
 - traffic offense involving DUI/OMVI
- (2) Prior offenses may include any of those listed above.
- (3) An initial and at least one subsequent positive urine screen has been reported by the youth's probation officer.
- (4) Parents and/or youth have reported substance use on a continuing basis regardless of frequency.
- (5) Youth is between the ages of 14 and 16 ½ and is a resident of Coshocton County. Other youth will be reviewed on a case by case basis by the entire drug court team.
- (6) Youth has been referred to community resources previously for substance abuse education/counseling, but has been unable to achieve abstinence.

- (7) Youth has been referred for substance abuse evaluation and is diagnosed as high-risk substance abuse or substance dependent.
- (8) Youth has not been diagnosed as psychotic, schizophrenic, or as having any other mental health problem that would severely limit their understanding of the program format and requirements, including treatment components.
- (9) Eligibility and acceptance is determined by the Drug Court Team, consisting of the Judge, Probation Staff, Prosecutor, Treatment Providers, Defense Attorney or Public Defender, and School Personnel.

(B) **Exclusions for Acceptance and Placement**

The following offenses or charges that may make an individual ineligible include:

- Drug Trafficking
- Sex Crimes
- Crimes involving the use of a weapon
- Crimes involving children as victims
- Violent offenses involving a victim with a serious injury.

(C) **Clinical Requirements for Acceptance and Placement**

To be considered for Drug Court, a youth should be at middle (abuse) to latter stages of chemical dependency. This information will be gained through, but not limited to the following instruments and information:

- School records, which also reflect suspensions/expulsions as the result of substance abuse. Records should also include functioning level of youth referred including Multi-factor Evaluations and Individual Education Plans.
- Felony Drug Offense Charge
- Court History of Involvement
- Misdemeanor Drug and Alcohol Charges
- Drug testing results
- Current probation violations resulting from use of drugs/alcohol

- Youth Level of Service Inventory/ Yo-LSI
- SoQic bio-psychosocial evaluation
- Health history
- Lethality assessment

During the interview and evaluation process, if it is discovered that the youth has had or currently has a mental health history or condition, further attempts at collecting collateral information will be made from other identified care providers. The drug court team is committed to continuing to service and treat needful youth if practical and possible.

The fact that a juvenile may meet the clinical and legal eligibility requirements does not create a right to participate in the Coshocton County Juvenile Drug Court. The Judge shall have discretion to decide admission into the program. The Coshocton County Juvenile Drug Court is a voluntary program.

RULE 18.3 Treatment Court Docket Case Management

The Probation Officer assigned to the referred case shall act as the primary case manager and shall be responsible for all paperwork and statistical information as outlined in Policy and Procedural Manuals. The process for referral, screening and assessment, program admission, case flow, and specialized docket file maintenance is explained in the Coshocton County Juvenile Drug Court Policy Manual.

The Probation Officer assigned to each case accepted into the Coshocton County Juvenile Drug Court Program shall be responsible for getting signatures and thoroughly reviewing the Participant Agreement, and all rules and responsibilities of each party.

Each participant's substance abuse use shall be closely monitored by random, frequent and observed alcohol and other drug testing protocols. Each participants performance and progress shall be closely monitored by regularly conducted status team meetings and ongoing judicial interaction which occur no less frequently than twice monthly while in the initial phases

of the program. As the participant promotes phases, judicial interaction shall become less frequent.

RULE 18.4 Juvenile Drug Court Docket Review Hearings

The Court will schedule regular review hearings to monitor compliance with the original orders, including treatment, in accordance with the program phases. The Treatment Team is responsible for obtaining and presenting information at Court review hearings regarding the participant's progress. It is the responsibility of the Treatment Team to monitor compliance through periodic communication with the designated treatment providers, and through direct monitoring and meeting with the participant.

RULE 18.5 Treatment Court Team

The Treatment Court Team is comprised of a Judge/Magistrate, Family Drug Court Coordinator, Probation Officer, Licensed Treatment Providers, Prosecutor, Defense Counsel. Treatment Team is a problem solving team focused on helping participants reduce the factors that led to their court involvement. Treatment Team members work together to help support participants toward successful treatment and rehabilitation.

All Treatment Team members are notified of Family Court hearing dates and times. Treatment Team members are encouraged to maintain communication with the Family Drug Court Coordinator so as to effectively collaborate treatment. Attendance by all Treatment Court Team members to both Treatment Team hearings is expected.

RULE 18.6 Termination from Juvenile Drug Court Docket

(A) Written Criteria for Successful Completion

Successful Completion: In order to be considered a candidate for graduation from the Drug Court Program, client must meet the following conditions:

- (1) Youth has successfully completed all four (4) phases of the Drug Court Program.
- (2) Youth has completed all other probation conditions as ordered by the court.
- (3) Youth has demonstrated a willingness to continue with the lifestyle changes that he has learned in the Drug Court Program.
- (4) The Probation Officer/ Case Manager has recommended that the client be a candidate for graduation.

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.

(B) **Written Criteria for Unsuccessful Termination**

A youth shall be considered for termination (unsuccessfully) from the Drug Court Program for the following:

- (1) Youth has committed a new felony offense.
- (2) Youth has committed a violent felony or misdemeanor offense.
- (3) Youth/Family has had multiple issues of non-compliance with the Drug Court Program.
- (4) Youth has had multiple issues of non-compliance with other orders of the court or probation terms.
- (5) Youth is diagnosed with a medical/ physical/ psychiatric / psychological condition that would prevent active participation in the Drug Court Program.

(C) **Written Criteria for Neutral Discharge**

A youth shall be considered a neutral discharge from the Drug Court Program for the following:

- (1) A serious medical condition

- (2) Serious mental-health condition
- (3) Death
- (4) Change of residence
- (5) Other factor that may keep the participant from meeting the requirements for successful completion.

RULE 18.7 Establishment of Family Drug Court (2014)

Recognizing that alcohol and other drug-related use by both juveniles and adults poses unique challenges to the juvenile court justice system, the Coshocton County Juvenile Court has created the Family Drug Court Docket with the intent of creating a specialized docket according to the requirements set forth in the Rules of Superintendence for the Courts of Ohio 36.20 through 36.29. The Family Drug Court is a specialized docket created by the Court so as to enable participants to recognize their condition, accept personal responsibility for addressing it and its consequences, and to provide resources and assistance so participants can lead a productive life beyond their court involvement.

The Family Drug Court Docket seeks to provide appropriate mental health and/or substance abuse treatment and related services to parents with identified mental health and/or substance abuse issues. The goals and objectives of the Family Drug Court are to encourage access to appropriate mental health and/or substance abuse treatment, improve family relationships and social functioning, provide accountability and rehabilitation for non-violent offenders who have mental health and/or substance abuse problems thereby decreasing recidivism, have more stable and sober adults parenting their children and to reunify families.

RULE 18.8 Referral Process and Eligibility

(A) **Eligibility Requirements for Family Drug Court**

Eligible adult participants for the Coshocton County Family Drug Court Docket must have an open Abuse, Neglect and/or Dependency case with the Coshocton County Department of

Job and Family Services and must have an underlying substance abuse or mental health issue that has contributed to their involvement with child protective services.

(B) **Legal Requirements for Acceptance and Placement**

To be accepted and placed into the Coshocton County Family Drug Court, participants must meet the following legal requirements: (1) have no prior sex offense or violent crime convictions; (2) be mentally competent to participate in treatment; (3) have no pending permanent custody filing; and (4) be adjudicated in an Abuse, Neglect or Dependency case.

(C) **Clinical Requirements for Acceptance and Placement**

To be accepted and placed into the Coshocton County Family Drug Court, participants must meet the following clinical eligibility requirements: (1) have a history of drug or alcohol abuse or dependency; (2) be willing to contract for and participate in a drug/alcohol and/or mental health treatment plan; (3) be willing to participate in the Family Drug Court process including: attending all required court appearances for review, submitting random drug testing, and comply with all program requirements.

RULE 18.9 Treatment Court Docket Case Management

Participants in the Family Drug Court Docket will be referred to local agencies based on his or her needs for treatment. Participants will be provided with the Program Description, Participant Handbook and Participation Agreement. The Treatment Team will continuously monitor participant's progress and behavior and will otherwise hold the participant accountable to the terms and conditions of the Participation Agreement.

RULE 18.10 Family Drug Court Docket Review Hearings

The Court will schedule regular review hearings to monitor compliance with the original orders, including treatment, in accordance with the program phases. The Treatment Team is

responsible for obtaining and presenting information at Court review hearings regarding the participant's progress. It is the responsibility of the Treatment Team to monitor compliance through periodic communication with the designated treatment providers, and through direct monitoring and meeting with the participant.

RULE 18.11 Treatment Court Team

The Treatment Court Team is comprised of a Judge/Magistrate, Family Drug Court Coordinator, Probation Officer, Licensed Treatment Providers, Prosecutor, Defense Counsel, DJFS Caseworker, and other key stakeholders. Treatment Team is a problem solving team focused on helping participants reduce the factors that led to their court involvement. Treatment Team members work together to help support participants toward successful treatment and rehabilitation.

All Treatment Team members are notified of Family Court hearing dates and times. Treatment Team members are encouraged to maintain communication with the Family Drug Court Coordinator so as to effectively collaborate treatment. Attendance by all Treatment Court Team members to both Treatment Team hearings is expected.

RULE 18.12 Termination from Family Drug Court Docket

The goal of the Family Drug Court is for the participant to successfully graduate from the program and to be reunified with their family. Participants can successfully complete, can be unsuccessfully terminated, can be suspended, or can be neutrally terminated from Family Drug Court. The Judge has the discretion to terminate or suspend a participant from the Family Drug Court Docket based upon the criteria set forth herein.

(A) **Successful Completion**

The Judge has the discretion to order that the participant has Successfully Completed the Family Drug Court program. In order to successfully complete the Family Drug Court program, participants must: (1) be compliant with treatment and prepared for post-graduation treatment

needs; (2) successfully complete all phases; (3) attend all required activities in Phase 4; (4) attend all alcohol and drug screens as requested with negative screens provided of 90 days; (5) prepared a Relapse Prevention Plan; (6) prepared an Exit Plan; (7) has stable and appropriate housing; (8) has a plan for financial stability; (9) participated in Phase 4 for a minimum of 2 months; and (10) has been recommended by the Treatment Team, Treatment Providers and Judge.

(B) **Unsuccessful Termination and Suspension from Program**

The Judge has discretion to Unsuccessfully Terminate a participant from the Family Drug Court program for noncompliance. Behaviors that may lead to unsuccessful termination include, but are not limited to: (1) participant refuses to follow program requirements; (2) Participant has been charged with a new criminal charge; (3) resistance to treatment; (4) violations of probation; (5) participant has engaged in a pattern of criminal behavior; and (6) participant has committed a major and/or serious program violation.

If a participant is unsuccessfully terminated from the Family Drug Court program for noncompliance, the participant may incur the loss of future eligibility to the Family Drug Court Docket and may otherwise be subject to other court action.

The Judge also has the discretion to Suspend a participant from the Family Drug Court program if a participant has been placed in a residential facility from which the participant cannot be transported for case review hearings; has been charged with a new crime pending conviction and/or disposition; and/or has a warrant issued for non-compliance.

(C) **Neutral Termination**

The Judge has discretion to Neutrally Terminate a participant from the Family Drug Court program. Reasons that may lead to unsuccessful termination include, but are not limited to: (1) a serious medical condition; (2) participant/family moves out of Coshocton County; (3) a diagnosis of a mental health condition in which Family Drug Court is contrary to participant's best interest.

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 six months after one of the following:

1. The termination of any court order made in relation to the adjudication;
2. The unconditional discharge of the person from the Department of Youth Services or other institution or facility;
3. The Court enters an order determining that the child is no longer a juvenile offender registrant.

(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, Murder, and Rape, shall not be sealed as outlined in Section 2151.356(A). Cases adjudicated delinquent for committing Sexual Battery or Gross Sexual Imposition may be considered for sealing pursuant to Section 2151.356 of the Ohio Revised Code.

(D) No fee shall be charged for any person applying to have their records sealed, pursuant to Section 2151.356 of the Ohio Revised Code.

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

The Court of Common Pleas, Juvenile Division, incorporates by reference, R.C. 2710 "Uniform Mediation Act" and Rule 16 of the Rules of Superintendence for the Courts of Ohio.

The Court may order mediation on its own motion, or at the request of a party. Mediation may be ordered in custody, visitation enforcement or modification cases. Mediation will be conducted by a certified mediator selected by the Court. However, the parties may choose a certified mediator as agreed upon. The court, upon ordering mediation, will submit an order setting forth certain deadlines and requirements of the parties, who may also be responsible for paying the costs of mediation.

(A) Scope

(1) Voluntary Mediation.

At any time prior to filing of a case with the Court, a party may voluntarily contact the Mediator at Family Pact of Coshocton and schedule mediation if the opposing party is in agreement.

Any agreement from voluntary mediation may be filed by a party with the court in order for the agreement to be legally binding. Costs may be assessed by the court for the filing of such agreement.

(2) Mediation when ordered

At any time after service of summons, unless expressly excluded hereunder and unless otherwise directed by the Court, all new Applications to Determine the Custody of a Child not the Ward of Another Court of this State and/or Motions for Parenting Time and/or Motions to Modify the Allocation of

Parental Rights and Responsibilities, and such cases as the Court directs, may be referred to any Court-approved mediator or mediation program for a mandatory first session, including assessment for mediation.

(3) Exemptions from mediation upon the request of any party:

- (a) Cases in which one party has been convicted of, or pled guilty to, a violation of R.C. 2919.25 (domestic violence) within the past two (2) years or when a civil temporary protection order is in effect;
- (b) Cases in which the physical distance between parties is so great that it is not feasible for them to participate in mediation sessions;
- (c) Cases in which one of the parties is mentally ill;
- (d) In emergency circumstances requiring an immediate hearing by a jurist; or,
- (e) Cases in which the parties have achieved an executed Agreed Judgment Entry.

(B) Mediators shall contact all the parties within time frames approved by the Court, conduct assessments and mediation sessions, and submit either an agreement or a report. Any agreement reached during mediation shall be binding upon the parties.

(C) Domestic violence

The court shall utilize procedures for all cases that will:

- (1) Ensure that the parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in the mediation.
- (2) Screen for domestic violence before and during mediation.
- (3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of

domestic violence.

(4) Prohibit the use of mediation in any of the following:

- (a) As an alternative to the prosecution or adjudication of domestic violence;
- (b) In determining whether to grant, modify or terminate a protection order;
- (c) In determining the terms and conditions of a protection order; and
- (d) In determining the penalty for violation of a protection order.

(5) For mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children, mediation may proceed, when violence or fear of violence is alleged, suspected, or present, only if the mediator has specialized training set forth in "Specific qualifications and training: domestic abuse" of this rule and all the following conditions are satisfied:

- (a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, and his or her option to have a support person present at mediation.
- (b) The parties have the capacity to mediate without fear of coercion or control.
- (c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- (d) Procedures are in place for the mediator to terminate mediation if he or she believes there is a continued threat of domestic violence or coercion between the parties.
- (e) Procedures are in place for issuing written findings of fact, as required by O.R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

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.

RULE 22 CIVIL PROTECTION ORDERS INVOLVING A MINOR

(A) The Court shall follow all provisions of O.R.C. 2151.34 and has adopted forms as prescribed by the Supreme Court of Ohio for filing Civil Protection Orders involving juveniles. These forms are available in the Supreme Court of Ohio website and the Coshocton County Juvenile Court website, or in person at the Coshocton County Juvenile Court, 426 Main Street, Coshocton, Ohio during normal business hours.

(B) Any party seeking to file for a civil protection order against a minor may obtain voluntary services through another community agency. This is not to deter a party from filing for this action with the Court, but to educate the filing parties on the Court process and assist with the filing of such action.

RULE 22.1 Filing of Petitions

(A) All petitions filed with the Court shall be filed by an adult seeking relief on behalf of a minor as outlined in O.R.C. 2151.34 (C) and such petitions will be provided by the Court if requested.

(B) Information contained in the petition must include the nature of the allegations, the type of relief sought, the extent to which the respondent presents a continuing danger, and any other information which may be helpful to the Court in making a determination whether to grant a temporary or full protection order.

RULE 22.2 Court Hearings / Notices

(A) The court shall decide within 24 hours or no later than the next Court day whether to grant a temporary protection order if requested at an ex-parte hearing. The Court will set further hearings if necessary to make a determination whether to grant the full protection order. All hearing date timelines shall adhere to the guidelines as established in O.R.C. 2151.34.

(B) All notices of hearings, data input into NCIC, and enforcement of the valid protection orders shall be made by local law enforcement.

RULE 22.3 Records

(A) The Court shall maintain a registry of certified copies of protection orders of other counties that have been registered with this Court and of this county.

RULE 23 COMPETENCY PROCEEDINGS

The purpose of the rule is to expedite proceedings under O.R.C. sections 2152.51 to 2152.59 to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

RULE 23.1 Expedited Hearings

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

RULE 23.2 Notice

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

RULE 23.3 Stay of Proceedings

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