

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

**JUVENILE DIVISION**

**Van Blanchard II, Judge**



**Effective January 1, 2020**

*Modified July 1, 2020*

**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 January 1, 2020.

**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 and Security Provisions**

The Courthouse 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.

(A) SEARCH

All persons entering the Courthouse must pass through a metal detector or other screening device to maintain the security of the Courthouse. All persons entering the Courthouse are subject to search, along with all packages, briefcases, purses, wallets or other containers.

(B) CELL PHONES, RECORDING DEVICES, CAMERAS AND ELECTRONIC DEVICES OF ANY KIND

Cell phones, devices capable of recording audio or video, cameras and other similar electronic devices are prohibited to be conveyed to or possessed in the Coshocton County Common Pleas Court, Juvenile and Probate Courthouse without prior consent of the Court. In the event consent is granted, these devices are to be off and not be in operation at any time except as directed by the Court. The Court may order security staff to hold the device. The sanction for violation of this rule is a fine not to exceed Five Hundred Dollars and Zero Cents (\$500.00) and can result in the confiscation of the cell phone or other device.

(C) FIREARMS AND OTHER WEAPONS PROHIBITED

No person shall knowingly convey or attempt to convey a deadly weapon or dangerous ordinance into a courthouse or into another building or structure in which a courtroom is located.

**RULE 1.2      Conduct in Court**

(A) All parties, witnesses and counsel appearing herein shall be treated with professional courtesy and respect. 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. A finding of contempt may subject the contemnor to a fine, incarceration or both. The definition of “the Court” includes the Judge, all appointed Magistrates, any other judicial officer, and any employee of the Court or security officer assigned to the Court.

(B) Appearance in the Courthouse under the influence of alcohol or drug abuse by any person is strictly prohibited. Any party or other person appearing in this Courthouse 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 Courthouse. No attorney, party, observer or witness shall be permitted to enter the court facility or offer testimony while dressed inappropriately; inappropriate attire includes but is not limited to shorts, tank tops, or any attire with language which may appear to be inappropriate, discriminatory or otherwise offensive to others. 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 Courthouse 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.

(F) The Court reserves the right to remove any person whose conduct disrupts the proceedings before the Court or poses a threat to security. The definition of “the Court” includes the Judge, all appointed Magistrates, any other judicial officer, and any employee of the Court or security officer assigned to the Court.

**RULE 1.3    Ohio Attorney**

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

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



**RULE 1.4    Court Records**

(A) 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) CONFIDENTIAL FAMILY FILE

1. The following records, reports, and documents, including but not limited to those prepared pursuant to Revised Code Sections 2151.281, 3105.171(E)(3) and 3109.04(C) and Rule 48 of the Rules of Superintendence for the Courts of Ohio, shall not be considered case documents.
  - a. Health care documents, including but not limited to physical health, psychological health, mental health and counseling documents;
  - b. Drug and alcohol assessments, recommendations, screens and reports;
  - c. Guardian Ad Litem reports, including collateral source documents attached or filed with reports;
  - d. Home investigation reports, including collateral source documents attached or filed with the reports;
  - e. Evaluations and reports relating to child custody, allocation of parental rights and responsibilities, parenting time, or companionship or visitation, including collateral source documents attached or filed with the evaluations and reports;
  - f. Domestic violence assessments, recommendations, screens and reports;
  - g. Supervised parenting time or companionship or visitation records and reports and supervised parenting time or companionship or visitation exchange records and reports;
  - h. Financial records and financial disclosure statements regarding property, debt, income, expenses, including collateral source documents attached to or filed with records and statements; and
  - i. Asset appraisals and evaluations.

Said documents shall be considered confidential family file information and shall be placed in the Court's Confidential Family File. Unless otherwise ordered by the Court the documents shall only be made accessible to attorneys of records and the self-represented parties.

2. Any other person may request access to a document or information in a Confidential Family File by filing a written motion. The Court shall provide a notice of motion to all parties in a case at the last address on record and may schedule a hearing on the motion. The Court may permit public access to a document or information in a Confidential Family File if it finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest.
3. A Notice of Filing shall be filed contemporaneously with any document that is to be placed in the Courts Confidential Family File. The Notice of Filing shall identify each document filed, which shall be placed in the Court's Confidential Family File. The Notice of Filing, along with the documents to be filed in the Court's Confidential Family File, shall be served upon all parties.

(C) Reports and records generated by the Probation Department 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.

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

(E) For any requests for information and inspection not covered by Local Rule 1.4(B) (i.e. military, government, employment) said request shall be processed within a reasonable period of time based upon the nature of the request. Written Consent of the Juvenile is required for release of court information.

(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 no later than thirty (30) days prior to the scheduled hearing for which the stenographic record is requested, 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 a transcript of any juvenile court hearing, except in the course of an appeal or as authorized by order of the court or by statute.

(C) Transcripts for the purpose of an appeal or objection to a Magistrate's Decision may be ordered by any interested party making a written request. The original request must be filed with the Juvenile clerk of courts. All requests for transcripts must include the full case caption, and case number including the date and time of the hearing. The compensation rates for preparing transcripts shall be determined by the transcriptionist. A person making the request for a transcript shall pay the cost of the transcription and must make a deposit in advance for such transcript as set forth by the transcriber.

The official record for purposes of appeal, or to prosecute or defend objections to a magistrate's decision, remains the transcript as prepared by an official court transcriptionist designated by the Court.

All original transcripts produced shall be filed with the Clerk and shall become part of the official record of the case.

(D) If a recording of a hearing in front of a Judge or Magistrate is not available for purposes of appeal, refer to App. R. 9(C).

(E) The Court will allow an interested party to listen to a copy of the electronic recording upon request made not less than forty-eight (48) hours in advance. Media shall not be removed from the Court. Upon written request by a party or attorneys of record a CD of the record may be requested at a cost of \$5.00 per disc. No public use shall be made by any person, including a party, of any juvenile court record, including the recording or transcript of any juvenile court hearing, except in the course of an appeal or as authorized by order of the court or by statute. Unauthorized use or disclosure of the information contained in the records may be subject to Court action, including but not limited to contempt.

**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 Judgement Entries**

**(A) ABUSE/ NEGLECT/ DEPENDENCY DELINQUENCY, UNRULY, and TRAFFIC CASES.**

All Filings and Judgment Entries in Abuse / Neglect / Dependency cases, Delinquency cases, Unruly cases, or Traffic cases presented to the Court shall contain a caption setting forth the name of the court, the title of the action, and the case number and shall be styled “In Re \_\_\_\_\_” followed by the name of the juvenile. All juvenile court pleadings and other documents shall use the full names of juveniles rather than their initials, except as set forth otherwise in the rules governing the court.

**(B) ALL OTHER CASES**

1. All filings, including attachments, must have the case number identified. Any filing presented to the Court bearing an incorrect case number will be returned to the filing party for correction of same prior to filing. All pleadings and other papers submitted shall comply with Civil Rule 10(A) and the Juvenile Rules. Specifically, these papers shall contain a caption setting forth the name of the court, the title of the action, the case number, and a designation as in Rule 7(A).
2. All pleadings, motions, briefs and other documents filed with the Court 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. All handwritten pleadings must be filled out with blue or black ink; pleadings filled out in pencil shall not be accepted for filing.
3. Counsel shall include within said pleading or paper his or her Ohio Supreme Court Registration Number. Every pleading, motion, or other document of a party represented by an attorney shall be signed by at least one attorney of record in the attorney’s individual name, whose address, attorney registration number, telephone number, facsimile number, and business email address shall be stated. A party who is not represented by an attorney shall sign the pleading, motion, or other document and state the party’s address, telephone number, facsimile number, if any, and email address, if any.
4. In the complaint, the title of the action shall include the names and addresses of all the parties, but in other pleadings, it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

5. All post-decree motions re-opening a case must set forth the same caption as the initial filing.
6. Initial pleadings and forms, to open or re-open a case, shall contain the following pertinent information:
  - a. Current name(s) and address or addresses
  - b. The birth dates of any children involved in the proceedings
  - c. 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;
  - d. If the party filing the pleading or motion desires the Clerk to serve the opposing party in a manner other than by certified mail, instructions for service must be provided to the Clerk at the time the pleading or motion is filed;
  - e. No responsive pleading or motion will be considered by the Court unless proof of service is endorsed thereon. The proof of service shall state the manner in which service was accomplished as well as the date it was submitted and signed in accordance with Ohio Civil Rule 11.
7. 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.
8. Social security numbers and dates of birth are personal identifiers and shall not be filed in any filing in this Court that is available for inspection by the general public. Personal identifiers may be submitted on a separate document that is to be shredded by the Clerk once the information is put into the system. See also Rule 1.9.
9. 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. See Local Rule 1.4 (B) and Local Rule 1.9(B).
10. A request for Issuance of Summons shall be filed with all original and amended complaints or petitions in civil actions.
11. All filings must contain original signatures **in ink** except as set forth in Section 12 herein below. Persons who are not an attorney may not sign on behalf of an attorney.

12. 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 may be filed in this manner:

a. 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.

b. 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 ensure timely filing of pleadings or other papers, contact the Juvenile Clerk prior to transmission at (740) 622-8969.

c. 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:

- i. Name of forwarding attorney,
- ii. Address of forwarding attorney,
- iii. Ohio Supreme Court registration number of attorney,
- iv. Telephone number of attorney,
- v. Facsimile telephone number of attorney,
- vi. Business email address of attorney
- vii. Date and time of facsimile initiation, and
- viii. Number of pages in document being forwarded.
- ix. Personal Identifiers

d. 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.

(C) SPECIFIC CHECKLISTS

The following checklists must be completed and accompany a filing:

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<b>Complaint to Allocate Parental Rights and Responsibilities</b> ~OR~ <b>Motion to Modify Parental Rights and Responsibilities</b>	<b>Complaint for Parenting Time</b> ~OR~ <b>Motion for Modification of Parenting Time</b>
____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature ____ Disclosure of Personal Identifier Information ____ Complaint / Motion ____ Proof of Paternity with Complaints ____ Parenting Proceeding Affidavit ____ Financial Affidavit ____ Health Insurance Affidavit ____ Title IV-D Application and Collection Agreement ____ Request for Service / Instructions to the Clerk of Courts for service  <i>Optional: Motions, Affidavits for Temporary Orders</i>	____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature ____ Complaint / Motion ____ Disclosure of Personal Identifier Information ____ Proof of Paternity with Complaints ____ Parenting Proceeding Affidavit ____ Request for Service / Instructions to the Clerk of Courts for service  <i>Optional: Motions, Affidavits for Temporary Orders</i>
<b>Answer to Complaint to Allocate Parental Rights and Responsibilities</b>	<b>Answer to Complaint for Parenting Time</b>
____ Answer ____ Disclosure of Personal Identifier Information ____ Financial Affidavit ____ Parenting Proceeding Affidavit ____ Title IV-D Application and Collection Agreement  <i>Optional: Motions, Affidavits for Temporary Orders</i>	____ Answer ____ Disclosure of Personal Identifier Information ____ Parenting Proceeding Affidavit  <i>Optional: Motions, Affidavits for Temporary Orders</i>
<b>Counterclaim to Complaint to Allocate Parental Rights and Responsibilities</b>	<b>Counterclaim to Complaint for Parenting Time</b>
____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature ____ Answer and Counterclaim ____ Financial Affidavit ____ Parenting Proceeding Affidavit ____ Title IV-D Application and Collection Agreement  <i>Optional: Motions, Affidavits for Temporary Orders</i>	____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature ____ Answer and Counterclaim ____ Parenting Proceeding Affidavit  <i>Optional: Motions, Affidavits for Temporary Orders</i>



<p><b>Complaint for Child Support ~OR~ Motions to Modify Child Support</b></p> <p>_____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature _____ Disclosure of Personal Identifier Information _____ Complaint / Motion _____ Financial Affidavit _____ Health Insurance Affidavit _____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p><b>Complaint to Determine a Parent-Child Relationship ~OR~ Motions to Determine a Parent-Child Relationship</b></p> <p>_____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature _____ Disclosure of Personal Identifier Information _____ Complaint / Motion _____ Parenting Proceeding Affidavit _____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p><b>Answer to Complaint for Child Support</b></p> <p>_____ Answer _____ Disclosure of Personal Identifier Information _____ Financial Affidavit _____ Health Insurance Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p><b>Answer to Complaint to Determine a Parent-Child Relationship</b></p> <p>_____ Answer _____ Disclosure of Personal Identifier Information _____ Parenting Proceeding Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>
<p><b>Counterclaim to Complaint for Child Support</b></p> <p>_____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature _____ Answer and Counterclaim _____ Financial Affidavit</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p><b>Counterclaim to Complaint to Determine a Parent-Child Relationship</b></p> <p>_____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature _____ Answer and Counterclaim _____ Parenting Proceeding Affidavit _____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>

All Motions for Contempt	Domestic Violence
<p>_____ Filing fee or Motion to File Without Prepayment, completed Financial Disclosure Form and Entry for the Judge's / Magistrate's signature</p> <p>_____ Disclosure of Personal Identifier Information</p> <p>_____ Motion for Contempt</p> <p>_____ Affidavit in Support of Motion</p> <p>_____ Form ____ Explanation of Health Care Bills if the Motion is for unpaid health care expenses</p> <p>_____ Summons in Contempt</p> <p>_____ Request for Service / Instructions to the Clerk of Courts for service</p> <p><i>Optional: Motions, Affidavits for Temporary Orders</i></p>	<p>Please use the standard forms packet provided by the Ohio Supreme Court</p> <p><a href="http://www.supremecourt.ohio.gov/JCS/DomesticViolence/protection_forms/DVForms/default.asp">www.supremecourt.ohio.gov</a>  <a href="http://www.supremecourt.ohio.gov/JCS/DomesticViolence/protection_forms/DVForms/default.asp">/JCS/DomesticViolence/protection_forms/DVForms/default.asp</a></p>

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(D) SUFFICIENCY OF PLEADINGS AND MOTIONS

All pleadings and motions of any kind filed with the court must be in the appropriate form and may be reviewed and approved by the Juvenile Court. The document may not be filed with the Clerk, and the Clerk may not accept it for filing, until it has been approved. In the event that such pleading or motion is found inappropriate in any respect, the party seeking to file such pleading or motion shall be so advised.

(E) EFFECT OF NON-COMPLIANCE

Pleadings or motions which do not conform to the requirements of this rule shall not be accepted for filing by the Clerk and the Court may *sua sponte* strike from the file any complaint, cross-complaint, petition, motion, other pleading or document not in compliance with this rule.

**RULE 1.8**      **Assisting Illiterate Clients, Special Needs and Requests for Interpreters**

(A) 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.

(B) Special Needs/ Interpreters/ Compliance with Americans with Disabilities Act

Persons with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodations to the Court at (740) 622-8969 at least seven (7) days prior to any scheduled hearing so that arrangements can be made.

**RULE 1.9**      **Personal and Private Information**

Pursuant to Rule 45 of the Rules of Superintendence for the Courts of Ohio, the following information is defined as personal and private and is to be omitted from all case documents submitted to the Court.

(A) Social Security Numbers, except for the last four digits;

(B) Financial account numbers, including but not limited to debit card, charge card and credit card numbers;

(C) Employer and employee identification numbers;

(D) Juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or generic abbreviation such as "CV" for "child victim";

(E) Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Court. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports which itemize state tax liens that use social security number, or medical records.

The Court and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Coshocton County Juvenile Court.

Pleadings and journal entries that necessarily include personal and private information must be submitted to the Court as follows: a copy that includes the personal and private information for placement in the non-public file records and a copy with personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) will use the notation "personal and private information redacted" at all places in the document where such information was removed. The copy containing personal and private information shall be destroyed by the Court after inputting the information in the Confidential Records Section of the Court Case Management System. The Court will sign both journal entries.

The Court will not remove any personal and private information from a file stamped document including records or transcripts transmitted to this Court from another Court, without a court order to do so. Any personal and private information in documents filed prior to July 1, 2009 is considered public. Access to personal and private information subsequent to July 1, 2009 shall be by court order only. Any personal and private information in records or transcripts transmitted to this Court from another Court is considered public. A party or an attorney in a case, or any other person whose personal and private information contained in a public record of this Court may petition the Court for the removal of personal and private information. If the request is granted, the personal and private information will be removed from the file-stamped document. A redacted copy of the document will be placed in the public case file.

**RULE 2      SECURITY FOR COSTS**

As security for costs, an advance deposit must be made with the Juvenile Clerk before filing any legal action in the Court. It will be paid by the party bringing the action and will be used by the Clerk to secure the payment of the costs which will accrue during the action or proceeding, except as otherwise provided by law. The amount of the deposit will be in accordance with the cost schedule that is published by the Court. The costs listed therein are, at all times, subject to change without specific amendment of these rules.

The deposit, as security for costs, shall be considered to be met if a party files a Financial Disclosure Form (Appendix Page 76) to proceed in forma pauperis, certifying that the party is without funds or assets to pay the deposit and there is certification by the attorney, if any, that no attorney fees have been paid.

After filing such Financial Disclosure Form, the court may examine the filing party as well as the party's Financial Disclosure Form to determine if there are sufficient facts to support a conclusion the party should be relieved from the requirement of such deposit, and may conduct a hearing to examine the filing party.

The Clerk shall not assign a case number to a complaint or petition in any original action unless the required cost deposit has been made or the Court has issued an order waiving the requirement for the deposit.

If during the course of a proceeding the Court determines that a party who has filed a Financial Disclosure Form is able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a period of time determined by the court.

All judgment entries shall contain a provision for allocating payment of costs. The Clerk shall not accept for filing any decree or post decree entry or order without the payment of costs due, unless waived or otherwise modified by the court.

Upon final judgment, the Clerk is directed to apply the deposits for court costs in the case regardless of which party had been assessed costs. The Clerk shall assess the costs against the proper party and reimburse deposits upon receipt, when appropriate.

Should any final Judgment Entry not allocate the payment of court costs, the initiating party shall be responsible for said costs.

**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.**

Financial Disclosure Form	\$25.00
Complaint/Motion to Establish Paternity/Support	\$95.00

Complaint/Petition for Custody	\$95.00
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	\$95.00
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	\$25.00
Diversion (discretionary group participation fee)	\$75.00
CD of Transcript (per disc fee)	\$5.00
General Copies (per page)	\$0.25

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 <sup>th</sup> Degree Misdemeanor	Not to exceed \$100.00
3 <sup>rd</sup> Degree Misdemeanor	Not to exceed \$150.00

2 <sup>nd</sup> Degree Misdemeanor	Not to exceed \$200.00
1 <sup>st</sup> Degree Misdemeanor	Not to exceed \$250.00
5 <sup>th</sup> Degree Felony	Not to exceed \$300.00
4 <sup>th</sup> Degree Felony	Not to exceed \$400.00
3 <sup>rd</sup> Degree Felony	Not to exceed \$750.00
2 <sup>nd</sup> Degree Felony	Not to exceed \$1,000.00
1 <sup>st</sup> 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     Bail Bond Schedule**

The Court hereby adopts as its bond schedule the Bail Bond Schedule of the Coshocton Municipal Court.

**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**

(A) 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

(B) Time for Paying Initial Deposit; Failure to Pay; Motion for Appointment Denied.

Unless the Court orders otherwise, the initial deposit shall be made to the Clerk's Office within 14 days from the date the Entry appointing the Guardian Ad Litem. If any party fails to pay the initial deposit within this period, the Court may dismiss the Guardian Ad Litem or take such other action as is appropriate. The Guardian Ad Litem shall take no action until the initial deposit has been paid in full.

(C) Fees: Judgment. The Court shall have the discretion to enter a judgment against a party or parties in favor of the guardian ad litem for fees due and owing at the time that the final entry is filed.

(D) Fees: Additional Deposit. In cases involving protracted litigation, the guardian ad litem may request that the Court order the parties to deposit additional funds with the Clerk for the payment of the guardian ad litem fees and expenses.

## **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 1, 2020 it is Ordered that the Clerk of the Court is authorized and directed to charge as Court costs a fee of \$25.00 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      Notice of Appearance and Limited Appearance**

##### **(A) NOTICE OF APPEARANCE**

All entries of appearance of counsel shall be in writing. An attorney licensed to practice in Ohio, and retained by any party in any proceeding pending in this Court shall enter his/her appearance as counsel of record within forty-eight (48) hours of being retained by the party or as soon as possible prior to the next scheduled hearing if the attorney is retained less than forty-eight (48) hours before the scheduled hearing, whichever is sooner. Said appearance of Counsel shall be filed with the Court and served upon all parties or attorneys of record. An entry appointing counsel shall serve as a notice of appearance of counsel.

The Notice of Appearance shall include the attorney's name and Ohio Supreme Court Registration Number, the address of their law office, telephone number, facsimile number (if applicable), and business email address (if applicable).

Until an entry of appearance properly made and signed by counsel has been filed, counsel shall not be entitled to appear at any proceeding in the action, unless waived by the Court.

(B) LIMITED APPEARANCE BY ATTORNEY

An attorney's role may be limited in scope, as authorized by Prof. Cond. R. 1.2(c), if that scope is specifically described in a "Notice of Limited Appearance" stating that the limited appearance has been authorized by the party for whom the appearance is made, and filed and served in accordance with Civ. R. 5 prior to or at the time of any such appearance. The attorney's limited appearance terminates without the necessity of leave of court, upon the attorney filing a "Notice of Completion of Limited Appearance", served upon all parties, including the party for whom the appearance was made, in accordance with Civ. R. 5. If there is no objection within ten days of service of this notice, then no entry by the court is necessary for the termination of the limited appearance to take effect.

**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. 4<sup>th</sup> Street, Coshocton, OH 43812, (740) 623-0800. The party must submit a Financial Disclosure Form, and may 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 withdraw 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) In order to be on the Coshocton County Juvenile Court appointed counsel list to represent unruly, truancy, violation of Court order, felony, bind-over, serious youthful offender, murder and aggravated murder, and misdemeanor cases said counsel shall comply with the Attorney Qualifications for County Reimbursement, Juvenile Cases as outlined in the Ohio Administrative Code Chapter 120. Said attorneys shall file no less than annually with the Coshocton County

Juvenile Court “Annual Certification for Appointment as Assigned Counsel” listing hours of training and experience specific to Ohio Administrative Code 120-10.

(E) Compensation for all Court appointed counsel for delinquency, unruly, truancy, traffic, abuse, neglect and dependency cases shall be at a rate of \$75.00 per hour with a cap of \$1,000.00 per case. Additional fees may be approved at the Court’s discretion for cases involving additional litigation.

(F) 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 and Substitution of Counsel**

(A) It is contemplated that counsel who has entered an appearance in the case shall remain in the case until it is concluded. However, upon written motion for leave to withdraw and for good cause shown, the Court may permit counsel to withdraw.

(B) An attorney desiring to withdraw from representation of a client in civil or criminal cases shall file a motion to withdraw stating the reasons for the withdrawal. The motion shall also include the last current address and phone number of the client and certification by the attorney that the following conditions have been met: (1) notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client, (2) notice has been given to all counsel, or if unrepresented, notice has been given to the parties. The certification shall include the date and manner in which the client and all other counsel of record or parties have been notified.

(C) Leave to withdraw may 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. The Court in which a motion for leave to withdraw as counsel is filed may, in its discretion, set a hearing date on the motion and may require the attendance of all counsel and clients. If the Court requires the attendance of clients at the hearing, it shall be the responsibility of counsel to inform the client of the hearing date and time by certified mail, return receipt requested.

(D) When a succeeding counsel is replacing an attorney of record, the succeeding counsel must file a **Notice of Substitution of Attorney** signed by the withdrawing attorney and the succeeding counsel with the succeeding counsel’s information set forth in Rule 3.1 hereinabove. The succeeding counsel must file proof of service of the notice on all parties.

**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 By Parties**

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

(A) All service of copies and notice to parties must comply with Juvenile Rules 16 and 20 and Civil Rules 4 through 4.6 and 5.

(B) Waiver of service of summons by a party must be notarized or be in writing upon the record.

(C) Service by publication can be made by newspaper publication or by posting and mail. Service by publication of a motion for permanent custody must be accomplished by publication in the newspaper if the address of the party is unknown.

(D) A request for service by publication must be accompanied by an affidavit executed by the party stating that service cannot be made because the residence of the person is unknown and cannot be ascertained with reasonable diligence. The affidavit must also provide what attempts were made to ascertain the address and the last known address of the person to be served. Service by publication will not be made if the required affidavit has not first been filed with the Court and any costs associated with making the publication have been advanced to the Court.

(E) Publication by the newspaper

1. The Clerk will serve notice by publication in a newspaper of general circulation in Coshocton County.

2. A request for service by publication in a newspaper shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.

3. A request for service by publication by newspaper shall be submitted at least twenty days before the date and time of the hearing stated in the notice and the clerk shall ensure that the notice is published at least seven days in advance of the hearing.

4. The publication will be published one time and service is considered complete on the date of publication.

5. The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service.

#### **RULE 4.2    Publication by Posting and Mail**

(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) A request for service by publication by posting and mail shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.

(C) A request for service by publication by posting and mail shall be submitted at least fifteen days before the date and time of the hearing stated in the notice.

(D) If service by publication is made by posting and mail, upon the filing of the affidavit, 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 shall contain the same information required to be contained in a newspaper publication. The notice shall be posted in the required locations for seven consecutive days.

(E) The clerk also shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served. The clerk shall obtain a certificate of mailing from the United States Postal Service. If the clerk is notified of a corrected or forwarding address of the party to be served within the seven-day period that notice is posted pursuant to this rule, the clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarding address. The clerk shall note the name, address, and date of each mailing in the docket.

(F) If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven day period that the notice is posted pursuant to this rule, the Clerk must mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address.

(G) 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 4.3    Electronic Return Receipt**

(A) The Clerk of the Coshocton County Court of Common Pleas - Juvenile Division shall accept service of process methods as outlined in Civil Rule 4.1, which methods shall include electronic return receipt service of process utilizing technology developed by the United States Postal Service for service by certified mail. This technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for electronic technology in the sending of certified mail and

receipt of confirmation to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.

(B) All service of process of complaints or other documents served with electronic return receipt services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's Office.

## **RULE 5      CASE MANAGEMENT**

### **(A) PURPOSE:**

The purpose of the Case Management rule is to ensure the prompt and fair disposition of litigation and to establish the general framework for the management of the cases filed in the Coshocton County Common Pleas Court, Juvenile Division.

## **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, unrepresented parties and guardians ad litem were contacted, and whether these attorneys, unrepresented parties and guardians ad litem 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, and guardians ad litem to confirm availability;

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) The purpose of the conference is to afford counsel and the parties an opportunity to achieve an amicable resolution of the controversy and, in the event that such a resolution is not achieved, to expedite trial of the action. At the time the conference is held, counsel for both parties should be prepared to:

1. Narrow the legal issues in controversy;
2. Admit facts not in dispute;
3. Stipulate to the genuineness of evidence to be introduced at trial, if necessary;
4. Exchange all applicable documents, reports, and other exhibits;
5. Advise the Court as to any additional time necessary to complete discovery;
6. Set a deadline for discovery and memoranda; and
7. Establish a final hearing date.



(C) 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. Furthermore, the Court may sanction any party who fails to either appear in person before the Court or, if excused, who fails to provide a telephone number where the party may be reached during the pre-trial conference.

(D) Each party or counsel of record shall file pre-trial statements which shall include:

1. A concise summary of the essential material facts.
2. A brief statement of the uncontested and contested issues involved.
3. A brief statement of the applicable law and authorities upon which each party relies including copies of any case law which a party feels is applicable to any contested issues.
4. A list of the demonstrative evidence and exhibits which will be offered by each party at trial.
5. A summary of the information required in the affidavit of income, expenses, and financial disclosure.
6. In the event child support is an issue in the matter, each party shall produce all financial information necessary to prepare a child support computation worksheet pursuant to the requirements set forth in Ohio Revised Code §3119.01 et seq. including annual earnings, cost of health insurance, work related child care costs, and other deductions permitted by law and shall provide a completed proposed child support summary worksheet pursuant to statute even if a deviation is being requested. Any necessary information in the possession of other parties or persons should be obtained through Discovery prior to the hearing.
7. The names and addresses of prospective lay and expert witnesses for each party, together with a brief summary of the expert witness' qualifications and subject matter of testimony.
8. A list of depositions and/or video tape depositions that each party intends to introduce at trial.
9. The estimated length of the trial.
10. Each party's proposed disposition of all contested issues.

Copies of exhibits shall not be filed with the pretrial statement. Said pretrial statements shall be filed at least one (1) week prior to pre-trial and copies shall be furnished to the opposing party or counsel of record.

(E) When parties reach agreement or consent on any or all contested issues before the Court, the parties shall comply with Local Rule 6.7.

(F) DISCOVERY PROCEEDINGS

No Discovery pleading shall be considered by this Court unless proof of service is endorsed or demonstrated separately. The proof of service shall state the manner in which service was accomplished, as well as the date it was submitted and be signed in accordance with Ohio Civil Rule 11.

Any requests for Discovery and/or responses to Discovery shall be noted only by the filing of a Notice of Service with the Clerk. No Requests for Production of Documents or Interrogatories shall be filed with the Clerk unless being utilized as an Exhibit for enforcement of Discovery.

**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 which shall include:

1. A concise summary of the essential material facts.
2. A brief statement of the uncontested and contested issues involved.
3. A brief statement of the applicable law and authorities upon which each party relies including copies of any case law which a party feels is applicable to any contested issues.
4. A list of the demonstrative evidence and exhibits which will be offered by each party at trial.
5. A summary of the information required in the affidavit of income, expenses, and financial disclosure.
6. In the event child support is an issue in the matter, each party shall produce all financial information necessary to prepare a child support computation worksheet pursuant to the requirements set forth in Ohio Revised Code §3119.01 et seq. including annual earnings, cost of health insurance, work related child care costs, and other deductions permitted by law and shall provide a completed proposed child support summary worksheet pursuant to

statute even if a deviation is being requested. Any necessary information in the possession of other parties or persons should be obtained through Discovery prior to the hearing.

7. The names and addresses of prospective lay and expert witnesses for each party, together with a brief summary of the expert witness' qualifications and subject matter of testimony.
8. A list of depositions and/or video tape depositions that each party intends to introduce at trial.
9. The estimated length of the trial.
10. Each party's proposed disposition of all contested issues.
11. Each party or counsel of record shall bring to the Court's attention any anticipated legal issues which they expect may arise during the trial.

Trial briefs shall be filed at least two (2) weeks prior to trial and copies served upon the opposing party or counsel of record.

#### **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 residential parent 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.

**RULE 6.3 Case Assessment and Investigation**

(A) CASE ASSESSMENT

In cases involving children, the Court may refer the parties to meet with the Parenting Services Coordinator for a Case Assessment. The Parenting Services Coordinator shall meet with the parties to assess the issues in the case including, but not limited to, whether either of the parties currently or in the past has had any involvement with law enforcement, child protective services, social service agencies; whether either party has been involved in other litigation, whether domestic violence is an issue; identify other issues in the case and to obtain any other information that may be relevant and helpful to the Court in assisting the parties to resolve their matter. The Parenting Services Coordinator may obtain information, records or reports relevant to the pending matter and the parties shall fully and completely cooperate with the requests of the Parenting Services Coordinator including signing all waivers and releases necessary to obtain information relevant to the issue pending before the Court. The Parenting Services Coordinator may assist the parties in resolving these issues but a case assessment is not mediation.

The Parenting Services Coordinator shall report any findings or recommendations to the Court in writing which shall be kept in the Confidential Family File as set forth in Rule 1.4(B) and which shall be served of each self-represented party or their counsel.

Failure of any party to attend the Case Assessment or cooperate with the Parenting Services Coordinator will result in appropriate sanctions including, but not limited to, dismissal of the action, imposition of fees and expenses or a finding of contempt.

(B) INVESTIGATION

Pursuant to Ohio Juvenile Rule 32(D), Ohio Revised Code section 3109.04(C) and Ohio Civil Rule 75(D), the court may cause an investigation to be made as to the character, health, family relations, past conduct, present living conditions, earning ability, and financial worth of the parties to the action. The report of the investigation shall be confidential, but shall be made available to the parties or their counsel upon written request not less than three days before hearing. The court may tax as costs all or any part of the expenses of each investigation.

The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by either parent concerning the contents of such report.

During the course of such investigation, the Court contemplates that the assigned investigator shall include within any report a factual summary of information regarding; their observations of each parent's home; all official records involving each parent and family and household member, including police, medical and psychiatric records; a summary of the investigator's conversations and interactions with each minor child; and the investigator's concerns regarding parenting issues. This is not intended to be exclusive or exhaustive, nor to limit the scope of investigation. Rather, this list is intended as a statement by the court as to the minimum content of any report of investigation.

**RULE 6.4    Ex-parte/Temporary "Emergency" Orders**

(A) No Ex Parte Orders for the allocation of parental rights and responsibilities or parenting time shall be issued except as authorized by statute. Except in emergency situations, the party requesting such orders shall make every good faith effort to provide opposing counsel and unrepresented parties with notice of the application to the Court for such relief.

No case can be opened or re-opened with only a request for ex parte orders. A Complaint or a Motion requesting final orders must accompany the motion for ex parte orders.

The Court will consider post-decree motions for ex parte orders that modify custody or visitation only in situations of extreme emergency. All ex parte motions shall be supported by affidavit(s) that set forth such facts as would be admissible as evidence and that contain sufficient facts to support the claim for relief and establish that an extreme emergency exists. The filing party must be present at the courthouse when the motion, affidavits, and proposed ex parte order are presented for consideration. The Court, in its discretion, may conduct an ex parte hearing with the filing party.

The Court considers the following to constitute situations of extreme emergency:

1. Attempting to cause, or recklessly causing, bodily injury to the child;
2. Committing any act with respect to the child that would result in the child being an abused child (Rev. Code 2151.031) or a neglected child (Rev. Code 2151.03);
3. Engaging in conduct which causes, or is likely to cause, significant emotional and/or mental stress to the child;
4. Engaging in conduct which creates, or is likely to create, an environment which significantly endangers the child's physical health, or mental, moral, or emotional development.

5. The residential parent is unavailable due to extended hospitalization, incarceration, or other emergency.

Third party corroboration of irreparable harm or extreme emergency is preferable. Such information would include statements from law enforcement or a children services agency.

Counsel requesting extraordinary relief shall produce the party seeking the relief to state on the record, under oath, why the relief is sought and why immediate relief is necessary. The moving party shall be subject to examination by the Court.

Hearings under this section may be conducted in camera, however the statement of the movant shall be on the record.

The Court may not consider a proposed ex parte order that modifies custody and/or visitation unless all of the following points are addressed in the affidavit(s) in support of the ex parte order:

1. Whether the other party was provided prior notice of the filing party's intent to request an ex parte order, and if prior notice was not provided, the reason(s) for not providing notice. If the filing party knows, or has reason to believe, that the opposing party is represented by counsel, or has been represented by counsel within thirty (30) days immediately preceding the filing of the post-decree motion, then notice of the filing party's intent to seek an ex parte order shall be provided to that attorney in writing; and
2. If the filing party does not believe parenting time would be appropriate, or that an order of supervised parenting time would be appropriate, then the affidavit shall include sufficient facts to support a no-parenting time, or supervised parenting time order. (The Court will not consider a proposed ex parte order that does not address the issue of parenting time, child support, and health care insurance), and
3. If the children are school age, and if the filing party resides in a school district other than the opposing party's school district, then the affidavit shall recite that fact. If the filing party is unable to maintain the current school placement for the children, he/she shall explain the reason(s) why in the affidavit; and
4. Any party obtaining an ex parte order of temporary custody shall obtain possession of the child(ren) in the least confrontational manner possible and shall minimize any stress to the child(ren).

A party may submit to the Court a motion, affidavit in support and proposed order requesting ex parte relief with respect to children where:

1. A child is about to suffer irreparable harm, including but not limited to, physical abuse, bodily injury, or domestic violence in the other party's household;
2. A residential parent is unavailable due to extended hospitalization or other emergency;
3. A residential parent is about to move out of the jurisdiction of this Court.

Where ex parte relief is granted, and at the discretion of the Court, a de novo or review hearing shall be scheduled before either the Judge or Magistrate of record. The emergency ex parte order shall remain in full force and effect until that hearing. Hearings both for Probable Cause to grant requests for ex parte orders and for review of ex parte orders shall take preference on the docket as to scheduling. All hearings with respect to probable cause to grant and review of ex parte orders shall be recorded. The record of the hearing on the ex parte order shall be provided upon request and the posting of reasonable costs therefore, and the Court shall expedite the production of such record when requested for purposes of the filing of responsive pleadings or preparation for de novo hearing.

(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 Practice and Procedures for Ohio's Courts and Local Rule 4. Upon filing, the Court shall schedule the matter for hearing.

(D) If, after an immediate hearing has been conducted on an ex parte order, the Court determines that the filing party's statements were untrue or inaccurate so as to mislead the Court, that party shall be subject to sanctions, including but not limited to, a dismissal of their action, and/or an award of attorney fees and expenses to the opposing party, and/or a contempt citation.

#### **RULE 6.5    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 3127.23 of the O.R.C. or by Local Rule 1.7.

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

(C) All pleadings opening or re-opening a case, and all pleadings requiring issuance of summons, must include a precipe for service. All subsequent pleadings must include a certificate of service or precipe for service.

(D) If a party files a motion and affidavit that does not allege that an emergency situation exists for the child(ren), but that a situation exists that demands an expedient resolution, then the motion may be scheduled for an expedited hearing. The motion, affidavits and notice of hearing shall be personally served on the opposing party.

(E) 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, Parenting Services Coordinator or Court Investigator may be appointed and involved as part of the pre-trial hearing and possible mediation.

(F) If no agreement is reached between the parties at the pretrial hearing(s) or mediation, an evidentiary hearing will be set. Recommendations of the Guardian Ad Litem, Parenting Services Coordinator, or Court Investigator (if appointed) will be considered at the evidentiary hearing.

#### **RULE 6.6 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. The Complaint or Motion shall attach a Consent Judgment Entry executed by all parties. The Consent Judgment Entry must be accompanied by a Waiver of Summons executed individually by each party.

(B) A shared parenting plan or agreed custody agreement shall be filed with the Court and shall include the following:

1. A plan for shared parenting shall include provisions covering all factors that are relevant to the care of the children, including, but not limited to, provisions covering factors such as physical living arrangements, child support obligations, provision for the children's medical and dental care, school placement, and the parent with which the children will be physically located during legal holidays, school holidays, and other days of special importance, as required by section 3109.04(G) of the Ohio Revised Code.

2. All other custody agreements shall include provisions covering all factors relevant to the care of the children, including but not limited to the following:

- a. Physical living arrangements of the children
- b. Child Support Worksheet, including Findings of Fact with a schedule for deviation
- c. Health insurance coverage and division of uninsured costs



- d. Parenting time schedule
- e. Allocation of Income Tax Dependency Exemption

A Child Custody Affidavit is required to be submitted with all agreed Complaints and Motions. For any matter involving child support, a guideline child support worksheet and Findings of Fact supporting a requested deviation in support shall be submitted.

(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 following hearing 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, to include dismissal of the case.

#### **RULE 6.7    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. If the claim is for failure to pay health care expenses, the affidavit shall include the amount of such health care expenses, shall list each bill individually, the date(s) of service, recipient(s) of service, healthcare provider information, the portion of each bill that was paid by insurance, and the amount of each bill that the moving party alleges is owed by the other party. In addition, the Motion or Memorandum shall state whether this information and a demand for payment has been delivered to the opposing party prior to the filing of the Motion. 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 6.8    Drug Testing**

For good cause shown, the Court may subject any party to drug testing in accordance with policies and procedures of the Court. Testing costs may be assessed.

## **RULE 7      PARENTING/VISITATION TIME**

Parenting/ visitation time is meant for the non-residential parent 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 ensure that your child(ren) will have frequent and consistent contact with both parties.

**PLEASE NOTE:** The Holiday/Days of Special Meaning Schedule shall take precedence over the normal weekly parenting schedule and summer vacation schedule. The Extended Parenting Time / Vacation Schedule shall take precedence over the normal weekly parenting schedule. Unless otherwise agreed or defined, the effective start date for court ordered parenting time begins after the Judge signs the Judgment Entry adopting the Magistrate's Decision.

### **(A) Weekend and Midweek Companionship**

1. **For children birth to age 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 children age 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 age 3 years and older.** Every other weekend from Friday after school (as soon as the non-residential parent 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 8:00 p.m. and weekends from 6:00 p.m. Friday until Sunday at 6:00 p.m., unless otherwise ordered by the Court.

### **(B) Extended Parenting Time / Vacation**

1. For children ages birth to 3 years, the parties shall follow the normal weekly parenting time schedule unless extended parenting time or vacation time is otherwise agreed to by the parties.
2. For children ages 3 years to 5 years, each parent may have up to 10 days in town or out of town each year or two one-week periods separated by at least three weeks. At least 60 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 7 days before travel, each parent must give detailed information to the other parent, including the places they will be going, times of arrival and departure,

method of travel, and how to reach the child or the parent during the vacation. Children may go for extended parenting time throughout the year, provided the parents comply with the sixty (60) day notice requirement.

3. For children ages 5 and older, each year, each parent may take from two to four weeks of vacation time with the child during the child’s summer break from school. “Summer break” is defined as beginning at 9:00 a.m. on the day after the last day the child attends school and ending at 8:00 p.m. on the day before school reconvenes.

Two (2) two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child shall have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 60 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 7 days before travel, each parent must give detailed information to the other parent, including the places they will be going, times of arrival and departure, method of travel, and how to reach the child or the parent during the vacation.

4. Non-residential parent’s schedule shall have priority in odd-numbered years over residential parent, unless residential parent’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 of the vacation schedule at least 60 days in advance.

**(C) Holidays and Days of Special Meaning. For purposes of this section the Residential Parent shall be “Parent 1” and Non-Residential Parent shall be “Parent 2”.**

**BIRTH TO SIX MONTHS** the Non-Residential parent (Parent 2) shall have the following specific parenting time:

Holiday	Time
New Year’s Day	2:00 p.m. until 4:00 p.m.
Martin Luther King Day	2:00 p.m. until 4:00 p.m.
Easter Sunday	2:00 p.m. until 4:00 p.m.
Memorial Day	2:00 p.m. until 4:00 p.m.
Fourth of July	2:00 p.m. until 4:00 p.m.
Labor Day	2:00 p.m. until 4:00 p.m.
Thanksgiving	2:00 p.m. until 4:00 p.m.
Christmas Eve	2:00 p.m. until 4:00 p.m.
Christmas Day	2:00 p.m. until 4:00 p.m.
Parent 2 Birthday	2:00 p.m. until 4:00 p.m.

Mother's Day if "Parent 2" is Mother or Father's Day if "Parent 2" is Father	2:00 p.m. until 4:00 p.m.
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If both parents are mothers, then Parent 1 (Residential Parent) will have the child on Mother's Day in odd-numbered years and Parent 2 (Non-Residential Parent) will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 (Residential Parent) will have the child on Father's Day in odd-numbered years and Parent 2 (Non-Residential Parent) will have the child on Father's Day in even-numbered years.

**SIX MONTHS TO 12 MONTHS** the parties shall follow the specific parenting time below:

<b>Holiday</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>As agreed or</b>
New Year's Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Easter Sunday	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Memorial Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Fourth of July	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Labor Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Thanksgiving	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Christmas Eve	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Christmas Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.

**Days of Special Meaning:**

<b>Event</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>As Agreed Or</b>
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 7:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 7:00 p.m.
Child's Birthday	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 7:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 7:00 p.m.

**12 MONTHS TO 18 MONTHS** the parties shall follow the specific parenting time below:

<b>Holiday</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>As agreed or</b>
New Year's Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Easter Sunday	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Memorial Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Fourth of July	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Labor Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Thanksgiving	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Christmas Eve	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Christmas Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.

**Days of Special Meaning:**

<b>Event</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>As Agreed Or</b>
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 7:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 7:00 p.m.
Child's Birthday	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 7:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 7:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the child on Father's Day in even-numbered years.

**18 MONTHS TO THREE YEARS** the parties shall follow the specific parenting time below:

<b>Holiday</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>As agreed or</b>
New Year's Day	Parent 1	Parent 2	12/31 at 5:00 p.m. to 1/1 at 8:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Easter	Parent 1	Parent 2	Sunday 9:00 a.m. to 8:00 p.m.
Memorial Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Fourth of July	Parent 1	Parent 2	July 4 <sup>th</sup> 9:00 a.m. to 7/5 at 8:00 p.m.
Labor Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.

Thanksgiving	Parent 1	Parent 2	Wed. after school or 3:00 p.m. to Sunday at 8:00 p.m.
Christmas Eve	Parent 2	Parent 1	12/23 at 9:00 a.m. to 12/24 at 9:00 p.m.
Christmas Day	Parent 1	Parent 2	12/24 at 9:00 p.m. to 12/26 at 9:00 a.m.

**Days of Special Meaning:**

Event	Even Years	Odd Years	As agreed or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 8:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 8:00 p.m.
Child's Birthday, in school	Parent 2	Parent 1	5:00 p.m. until 8:00 p.m.
Child's Birthday, not in school	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 8:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 8:00 p.m.

**THREE YEARS AND OLDER** the parties shall follow the specific parenting time below:

Holiday	Even Years	Odd Years	As agreed or
New Year's Day	Parent 1	Parent 2	12/31 at 5:30 p.m. to 1/1 at 7:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	9:00 a.m. to 7:00 p.m.
Easter Sunday	Parent 1	Parent 2	Sunday 9:00 a.m. to 7:00 p.m.
Spring Break	Parent 1	Parent 2	5:30 p.m. day school ends to 7:00 p.m. day before school resumes
Memorial Day	Parent 2	Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
Fourth of July	Parent 1	Parent 2	5:30 p.m. July 3 <sup>rd</sup> to 11:00 p.m. July 4 <sup>th</sup>
Labor Day	Parent 2	Parent 1	5:30 p.m. Friday preceding to Monday at 7:00 p.m.
Halloween	Parent 1	Parent 2	4 hours on "trick or treat" day/night
Thanksgiving	Parent 1	Parent 2	Wed. before holiday after school or 5:30 p.m. to Friday at 7:00 p.m.
	Parent 2	Parent 1	7:00 p.m. Friday to Sunday at 7:00 p.m.
Christmas Eve	Parent 1	Parent 2	12/24 from 9:00 a.m. to 10:00 p.m.
Christmas Day	Parent 2	Parent 1	12/24 from 10:00 p.m. to 12/25 at 7:00 p.m.
Holiday Break			Divide Equally or as otherwise agreed in writing

**Days of Special Meaning:**

Event	Even Years	Odd Years	As agreed or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 8:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 8:00 p.m.
Child's Birthday, in school	Parent 2	Parent 1	5:00 p.m. until 8:00 p.m.
Child's Birthday, not in school	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 8:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 8:00 p.m.

All religious or ethnic holidays celebrated by the parties shall alternate between the parties yearly.

All full siblings are to attend the child's birthday.

If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the child on Father's Day in even-numbered years.

If a parent is available to spend time with the child(ren) on other scheduled school closings, parenting time shall occur, taking into consideration the work schedule of the other parent as well as the usual child care arrangements. If both parents are available, such days shall alternate between the parties.

**(D) MAKE-UP DAYS**

Make-up days shall be given if, due to an emergency, the child or non-residential parent cannot visit at the scheduled time. All make-up days shall be rescheduled and exercised within 30 days.

**Rule 7.1 Extracurricular Activities**

Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. Each party shall ensure the children's attendance at their activities during their respective parenting time. The party with the child at the time of the activity shall provide for 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.

**Rule 7.2**      **Change of Residence**

(A) If the **residential parent** intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a Notice of Intent to relocate with the court that issued the order or decree. **Either parent** must file a Notice of Intent to Relocate thirty (30) days in advance if he or she intends to move to a residence other than the residence specified in the court Order. (See Appendix Page 74). This notice must be filed with the Court that issued the Order and shall include the following: a) the case number under which the original parenting time or visitation order was issued; b) the residential parent's name, old address, and new address; and c) the non-residential parent's name and present address. The moving party and the Court shall send a copy of this notice to the other parent, UNLESS the parent has:

1. previously been convicted or plead guilty to a violation of Ohio Revised Code 2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding;
2. been convicted of an offense involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; or
3. acted in a manner resulting in an adjudication that a child has been abused or neglected child.

Upon receipt of this notice, the Court, on its own Motion or the Motion of the non-residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule.

(B) Long Distance: If a parent intends to relocate his or her residence and the relocation will increase the distance from the other parent's home by more than thirty (30) miles, the relocating parent shall first obtain a modified parenting time order that accommodates the increased distance and travel time.

**Rule 7.3**      **Access to Records, Day Care and Activities.** Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, 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.

(A) Records Access: Subject to Sections 3125.16 and 3319.321(F) Ohio Revised Code, the non-residential parent is entitled to access any record related to the child under the same terms and conditions that access is provided to the residential parent.

NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Section 3109.051 (H) Ohio Revised Code is in Contempt of Court.

(B) Day Care Center Access: The non-residential parent shall have access, in accordance with Section 5104.011 Ohio Revised Code, to any child day care center attended by the child under the same terms and conditions that access is provided to the residential parent.

(C) School Activity Access: Subject to Section 3319.321(F) Ohio Revised Code, the non-residential parent shall have access to any student activity involving the child under the same terms and conditions that access is provided to the residential parent.

NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Section 3109.051(J) Ohio Revised Code is in Contempt of Court.

#### **Rule 7.4      Transportation**

**The party initiating parenting time shall be responsible for transportation unless otherwise agreed.** The child(ren) and the residential parent have no duty to wait for the non-residential parent to arrive for more than 30 minutes. The non-residential parent who is more than 30 minutes late for a particular companionship period shall forfeit that visitation with no right to make-up parenting time.

If a party is unavailable to pick up the child(ren), an adult, licensed driver who is well-known to the child(ren) may provide transportation. All child restraint laws shall be followed by any individual transporting the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

#### **Rule 7.5      Telephone Calls**

Each party shall communicate by telephone or other electronic means with the child(ren) as often as the parties agree. If the parties cannot agree, the non-residential parent shall have telephone or electronic communication privileges at least twice per week. In addition, a party may communicate with a child once during a scheduled or agreed visitation period that is missed. Also, each party

shall have the right to communicate with the child who is on vacation with the other party as often as the parties agree; absent agreement, each party may communicate with the child at least twice per week. Phone calls or other electronic communication shall occur 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 or electronic communication.

**Rule 7.6      Medication/Illness**

If the child(ren) is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent 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-residential parent'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**

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 an interested party 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.

(A) 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; 31 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 11.1 Notice of Hearings to Foster / Kinship Caregiver And the Right to be Heard in Abuse, Neglect and Dependency Cases and Delinquency Cases Involving Court Ordered Placement**

(A) In accordance with ORC 2151.424, the Court will provide notice to foster caregivers and kinship caregivers of their right to attend hearings and the right to be heard concerning the child (ren) in their care.

(B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and kinship caregivers a Child Placement Form (Appendix Page 76) shall be completed and filed with the clerk by the placing agency (ie. Coshocotn County Children Services) the next business day or no later than 7 days following the initial placement and any change in placement of the child (ren).

(C) Information regarding the identity of and contact information for foster caregivers or kinship caregivers provided to assist the Court in fulfilling its duty to give notice under this rule is not accessible to the public, including to any party to a case. The Court shall maintain this information in its family file.

**RULE 12 UNRULY**

**RULE 12.1 School Truancy**

(A) Coshocotn County Juvenile Court and the county school officials have established a uniform truancy process by which charges may be filed at Coshocotn 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.

Youth has been referred to community resources previously for substance abuse education/counseling, but has been unable to achieve abstinence.

6. Youth has been referred for substance abuse evaluation and is diagnosed as high-risk substance abuse or substance dependent.
7. 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.
8. 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 participant's 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 progresses through 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**

**(A) Uniform Mediation Act and Definitions**

The R.C. 2710 "Uniform Mediation Act" (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently-used definitions include:

1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
2. "Mediator" means an individual who conducts a mediation.
3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
4. "Nonparty participant" means a person other than a party or mediator that participates in a mediation.

**(B) Cases Eligible for Mediation**

1. General. The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
2. Exceptions. Mediation is prohibited in 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;
  - d. In determining the penalty for violation of a protection order.
3. Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

**(C) Confidentiality**

1. General. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

2. Exceptions. All mediation communications are confidential with the following exceptions:
  - a. Parties may share all mediation communications with their attorneys;
  - b. Certain threats of abuse or neglect of a child or an adult;

- c. Statements made during the mediation process to plan or hide an ongoing crime;
- d. Statements made during the mediation process that reveal a felony.

**(D) Referral to Resources**

The court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse and mental health services.

**(E) Counsel shall be present at mediation unless waived by the party**

Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a “Waiver of Counsel at Mediation” form prior to participation in mediation. Waivers may be rescinded at any time.

**(F) Referrals to Mediation**

The Judge or Magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.

**(G) Notification of Mediation**

The mediator shall file a notice to the court that a mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.

**(H) Mediator Training and Education**

A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.



### **(I) Mediator Selection and Assignment**

The following methods may be used to determine the mediator for the case:

1. The court may assign a court mediator to mediate
2. The court may randomly assign a mediator to the case from the court's roster of approved mediators
3. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case
4. Parties may select a mediator from the court roster, if any
5. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education and training requirements set forth in section (5) above.

### **(J) Procedures**

In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

### **(K) Party/Nonparty Participation**

Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

#### **(L) Termination**

If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

#### **(M) Stay of Proceedings**

Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order.

Only the following documents may be filed while a mediation stay is in effect:

1. Motion to lift the mediation stay;
2. Response to a motion to lift mediation stay;
3. Motion or Stipulation to Dismiss the case;
4. Notice related to counsel.

#### **(N) Continuances**

It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has

been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, then the request shall be made to the mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

### **(O) Fees and Costs**

The Coshocton County Juvenile Court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

### **(P) Attendance; Sanctions**

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

### **(Q) Evaluation, Comments, and Complaints**

It is the policy of the Coshocton County Juvenile Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback to the Court Administrator regarding the performance of mediators receiving referrals from the court.

### **(R) Filing of Agreements**

Mediation Agreements with signatures of the parties shall be filed with the Court within 14 calendar days.

1. The Mediator shall reduce to writing, and parties shall sign, any agreement reached in mediation. Any agreement reached during mediation shall not be binding upon the parties until approved by the Court, which shall consider the best interests of the children.
2. If the agreement is approved by the parties and attorneys, the Court shall either:

- a. Hold a confirmation hearing to approve the terms of the agreement; or,
  - b. Adopt a Judgement Entry submitted by the parties for the Court's review and approval. If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.
3. If the parties do not reach an agreement, the Mediator shall issue a report stating only that the parties did not reach an agreement, and the case shall be returned to the Court's trial docket.

## **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.

## APPENDIX

### New Local Rules

(Updated 1-1-2020)

<b>Rule 1.9</b>	<b>Personal and Private Information</b>
<b>Rule 2.2</b>	<b>Bail Bond Schedule</b>
<b>Rule 3.1</b>	<b>Notice of Appearance and Limited Appearance</b>
<b>Rule 4.1</b>	<b>Service by Parties</b>
<b>Rule 4.3</b>	<b>Electronic Return Receipt</b>
<b>Rule 6.3</b>	<b>Case Assessment and Investigation</b>
<b>Rule 6.7</b>	<b>Contempt</b>
<b>Rule 6.8</b>	<b>Drug Testing</b>
<b>Rule 7.1</b>	<b>Extracurricular Activities</b>
<b>Rule 7.2</b>	<b>Change of Residence</b>
<b>Rule 7.3</b>	<b>Access to Records, Daycare and Activities</b>
<b>Rule 7.4</b>	<b>Transportation</b>
<b>Rule 7.5</b>	<b>Telephone Calls</b>
<b>Rule 7.6</b>	<b>Medication/ Illness</b>
<b>Rule 9.4</b>	<b>Reports</b>
<b>Rule 9.5</b>	<b>Grievance Procedure</b>
<b>Rule 11.1</b>	<b>Notice of Hearings to Foster / Kinship Caregiver and the Right to be Heard in Abuse, Neglect and Dependency Cases and Delinquency Cases Involving Court Ordered Placement</b>

### Local Rule Updates

(Amended 1-1-2020)

<b>Rule 1.1</b>	<b>Sessions of Court and Security Provisions</b>
<b>Rule 1.2</b>	<b>Conduct in Court</b>
<b>Rule 1.4</b>	<b>Court Records</b>
<b>Rule 1.5</b>	<b>Official Record of Proceedings</b>
<b>Rule 1.7</b>	<b>Filings and Judgement Entries</b>
<b>Rule 1.8</b>	<b>Assisting Illiterate Clients, Special Needs and Requests for Interpreters</b>
<b>Rule 2</b>	<b>Security for Costs</b>
<b>Rule 2.1</b>	<b>Deposit for Costs and Fees</b>
<b>Rule 2.4</b>	<b>Deposit for Fees of Guardian Ad Litem (corrected 7-2-2020)</b>
<b>Rule 2.5</b>	<b>Special Project Fees</b>
<b>Rule 3.2</b>	<b>Court Appointed Counsel</b>
<b>Rule 3.3</b>	<b>Withdrawal and Substitution of Counsel</b>
<b>Rule 4.2</b>	<b>Publication by Posting and Mail</b>
<b>Rule 5.2</b>	<b>Pre-Trial</b>
<b>Rule 5.3</b>	<b>Trial</b>
<b>Rule 6.2</b>	<b>Provisional Guardian Ad Litem Appointment</b>
<b>Rule 6.4</b>	<b>Ex-parte/ Temporary “Emergency” Orders</b>

**APPENDIX**

(Continued)

**Local Rule Updates**

(Amended 1-1-2020)

<b>Rule 6.5</b>	<b>Filings Requesting Hearings</b>
<b>Rule 6.6</b>	<b>Filings of Agreements</b>
<b>Rule 7</b>	<b>Parenting/ Visitation Time</b>
<b>Rule 20</b>	<b>Mediation</b>

<b><u>DATE OF LOCAL RULE REVISIONS</u></b>	<b>Effective</b>	<b>February 1, 2010</b>
	<b>Amended</b>	<b>May 1, 2010</b>
	<b>Updated</b>	<b>June 9, 2010</b>
	<b>Updated</b>	<b>March 1, 2011</b>
	<b>Updated</b>	<b>February 1, 2012</b>
	<b>Amended</b>	<b>April 16, 2012</b>
	<b>Updated</b>	<b>February 1, 2013</b>
	<b>Updated</b>	<b>March 31, 2014</b>
	<b>Updated</b>	<b>May 20, 2014</b>
	<b>Amended</b>	<b>June 3, 2015</b>
	<b>Amended</b>	<b>July 1, 2016</b>
	<b>Amended &amp; Updated</b>	<b>January 1, 2020</b>

**FORMS**

**NAME OF FORM**

**PAGES**

**Financial Disclosure Form**

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**Child Placement Form**

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**FINANCIAL DISCLOSURE FORM**

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION			
Applicant's Name		D.O.B.	Name of Person Being Represented (if juvenile)
Mailing Address		City	State
Case No.		Phone ( )	Cell Phone ( )
SSN Last 4	Gender	Race	
		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other	

II. OTHER PERSONS LIVING IN HOUSEHOLD					
Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY
The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'
Ohio Works First / TANF: _____ SSI: _____ SSD: _____ Medicaid: _____ Poverty Related Veterans' Benefits: _____ Food Stamps: _____
Refugee Settlement Benefits: _____ Incarcerated in state penitentiary: _____ Committed to a Public Mental Health Facility: _____
Other (please describe): _____ Juvenile: _____ (if juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER			
	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
<b>TOTAL INCOME</b>			<b>\$</b>
Employer's Name: _____ Phone Number: _____			
Employer's Address: _____			

V. LIQUID ASSETS	
Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
<b>Total Liquid Assets</b>	<b>\$</b>

VI. MONTHLY EXPENSES			
Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation / Fuel	
Insurance (medical, dental, auto, etc.)		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
<b>EXPENSES</b>		<b>EXPENSES</b>	
<b>\$</b>		<b>\$</b>	

VII. DETERMINATION OF INDIGENCY
If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.
For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.
If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.
If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

**IX. APPLICANT CERTIFICATION**

I, \_\_\_\_\_ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**X. JUDGE CERTIFICATION**

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

**XI. NOTICE OF RECOUPMENT**

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

**XII. JUVENILE'S PARENTS' INCOME\* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income		
	<b>TOTAL INCOME</b>	<b>\$</b>

\*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

**MODEL CHANGE IN PLACEMENT FORM:  
APP. \_\_\_ TO RULE FOR FOSTER CAREGIVER/RELATIVE/KINSHIP CAREGIVER NOTICE**

**NON-PUBLIC: INTENDED FOR COURT PERSONNEL ONLY**  
*Information contained in this form must not be made available to the public or any party.*

**CHILD PLACEMENT FORM**

In re: \_\_\_\_\_ Case No.: \_\_\_\_\_  
(Full Name)

D.O.B.: \_\_\_\_\_ Magistrate/Judge: \_\_\_\_\_

- The above captioned child has been placed with the Foster Caregiver or Kinship Caregiver listed below and this caregiver should be provided with notice of future hearings in compliance with R.C. § 2151.424. Any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings.
- The above captioned child is no longer placed with a Foster Caregiver or Kinship Caregiver and therefore any previous Foster Caregiver or Kinship Caregiver should no longer be provided with notice of hearings in compliance with R.C. § 2151.424.

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

Foster       Kinship

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

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

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

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

*This form shall be completed or updated and submitted to the Clerk's Office the next business day following the initial placement or no later than 7 days after any change in placement of the above-captioned youth.*

(1-1-2020)