Court of Common Pleas
Coshocton County, Ohio
Juvenile Division

Local Rules of Practice

Effective (Date)

Jason W. Given, Judge

DRAFT

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Chapter 1 - General Court Information

Local Rule

1.01 Adoption and Scope of Rules

These Rules have been adopted for the governance of the practice and procedures in the Coshocton County Court of Common Pleas, Juvenile Division, pursuant to Article IV, Section 5(B) of the Ohio Constitution. The Court may amend or revise these rules as needed or required by law. Any previously ordered Local Rules that conflict with the following rules shall be rendered void and of no force and effect.

1.02 Access to Rules

Printed versions of the Rules of Practice and Procedure of the Juvenile Court of Coshocton County are available for public viewing at:

Coshocton County Juvenile Court
426 Main Street
Coshocton, Ohio, 43812

or may be viewed on the Court's website: https://www.coshoctoncounty.net/probate/

Prints of these Local Rules have been provided to the offices of the Coshocton County Commissioners, Auditor, Treasurer, and Clerk of the Court of Common Pleas, General Division, as well as being filed with the Ohio Supreme Court. Copies of the Rules are available to view at the Court.

1.03 Location and Sessions of Court

The Courthouse, located at 426 Main Street, Coshocton, Ohio 43812 shall be open from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for legal holidays as set by the Board of County Commissioners and such other days as may be specifically ordered by the Court.

1.04 Security Provisions

All persons entering the Courthouse are subject to search and must pass through security screening before being admission. All packages, briefcases, purses, wallets, outer clothing garments, etc., are subject to search prior to admission.

Cell phones, devices capable of recording audio or video, cameras and other similar electronic devices must be turned off and may not be used for any recording purposes.

The Court may order security staff to hold the device. The sanction for violation of this rule is Contempt of Court and a possible fine not to exceed $500.00 and can result in the confiscation of the cell phone or other device.

Per R.C. 2923.123 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.

1.05 Courthouse Conduct

All parties, witnesses and counsel appearing herein shall conduct themselves with professional courtesy and respect. Failure to follow this rule could result in a finding of contempt and may subject the contemnor to a fine, incarceration or both.

Appearance in the Courthouse under the influence of alcohol or other drugs 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.

All persons must dress in proper attire when entering the Courthouse. Inappropriate attire includes shorts, tank tops, beach flip-flops, or any attire with language which may appear to be inappropriate, discriminatory or otherwise offensive to others. Counsel shall advise parties and witnesses of this rule prior to their appearance in Court. Hearings may be continued or cancelled if parties appear dressed inappropriately.

1.06 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.

1.07 Interpreters and other Accommodations

Persons with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodation to the Court by calling 740-622-8969 at least seven days prior to any scheduled hearing so that arrangements can be made or file a **Written** Request to the Court's e-mail system at:

Doc426@coshoctoncounty.net

Chapter 2 - Court Records

Local Rule

2.01 Public Records

Case documents, as defined by Sup.R. 11.09 are public records. However, some documents submitted to the Court or filed with the Court are excluded from the definition of case documents under Sup.R. 11.14. Copies of case documents can be obtained for a fee per the Court's Cost Schedule from the office of the clerk of courts.

2.02 Abuse, Neglect and Dependency Records

Pursuant to Sup.R. 11.10 - 11.15 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 various factors.

Abuse, neglect, dependency cases have historically been considered nonpublic due to the sensitive nature of the proceedings. In such cases potential 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 shall be restricted from access by the public. The Court may order a specific case file to be a public record upon a Motion and good cause shown.

2.03 Court Recordings / Official Record

The Court records all hearings electronically. Electronic recordings are the official record. Electronic recordings, audio tapes, and any stenographer notes shall be maintained by the Court for 5 years from the date of the particular recording. Any interested party or non-party desiring to preserve the record beyond that period must make arrangements with the appropriate court personnel to have the record transcribed or designated for permanent storage. If an electronic recording of a hearing before a judge is not available for purposes of appeal, refer to Ohio Rules of Appellate Procedure R. 9(C). Refer to local rule 6.05 for the procedure that will be followed when an electronic recording of a hearing in front of the magistrate is not available.

2.04 Transcripts

Parties who desire to have a stenographic record taken of the proceedings must notify the Court in writing **no later than 30 days** prior to the scheduled hearing for which the record is requested, and the requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

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 Court clerk. All requests for transcripts must include the full case caption, and case number including the date and time of the hearing. 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.

The Court will allow an interested party to listen to a copy of the electronic recording upon request made not less than 48 hours in advance. Media shall not be removed from the Court. Upon written request a copy of the digital record may be made at a cost determined by the court.

2.05 Copies of Records

Copies of electronic recordings or other records may be ordered by completing the Records Request form on the Court website.

https://www.coshoctoncounty.net/probate/juvenile-forms/

2.06 Photographing, Recording, or Broadcasting of Proceedings

Refer to Sup.R. 10.00 and Sup.R. 11.00 for governing rules on Recording of Proceedings and Recording, Broadcasting and Photographing court proceedings. A Media Request Form must be filed at least seven days prior to the hearing for permission to record, broadcast, or photograph any proceeding.

https://www.coshoctoncounty.net/probate/juvenile-forms/

Chapter 3 - Filings

Local Rule

3.01 Format

All documents filed with the Court shall be free from staples, folders or covers. The first page shall have a 2.5" unobstructed margin at the top of the document for the clerk to place a file stamp. All subsequent pages should contain a header noting the case name, case number, and page number.

All pleadings and documents shall be one sided and on 8 ½" by 11" paper. The body of the document must be in 12-point font size. If illegible documents have been filed, they may be stricken unless there is a legibly typed copy attached to it.

Black or blue ink must be used for handwritten pleadings. Pencil will not be accepted.

All filings must contain original signatures in ink except for filings made through the electronic means.

Court-generated fillable forms are exempt from the requirements above.

All filings, including attachments, must have the case number identified. Any filings with an incorrect case number will be returned to the filing party for correction.

A party not represented by an attorney must sign the document and state the party's address, telephone number, and email address.

The title of the action in the complaint must include the names and addresses of all parties. In other pleadings and motions, it is sufficient to state the name of the first party on each side with proper indication of other parties.

All post-decree motions re-opening a case must have the same caption as the initial filing.

In actions regarding delinquency, unruly, abused, neglected, or dependent child, juvenile traffic offenders, and juvenile tobacco offenders, the caption shall read "In the matter of (child's name)". In all other actions, the parties shall be listed as "Plaintiff" and "Defendant".

3.02 Complaints and Other Initial Pleadings

Complaints and other initial pleadings and forms should contain the following information:

1. Current name(s) and address(es);
2. The birth dates of children involved in the proceedings;

3. 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; and
4. Instructions for service on opposing parties.

3.03 Guidance for Filings and Submitted Entries

No responsive pleading or motion will be considered by the Court unless proof of service is provided. The proof of service must state how service was done, and the date it was submitted and signed.

Any proposed entry submitted to the Court must contain a certificate of service including the names and addresses of all parties and other interested person required to be served.

Social Security Numbers and other personal identifiers as defined in Sup.R. 11.13 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.

A request for Issuance of Summons is to be filed with all original and amended complaints or petitions in civil actions.

Filings shall not exceed 25 pages unless leave is requested and granted by the court.

Motions in Limine shall be filed 14 days prior to the evidentiary hearing or trial.

3.04 Method of Submission after Initial Complaint

Documents after the original complaint may be filed in -person, by mail, or by e-mail submission. Facsimile filings (fax) are not accepted. Any filing requiring a security deposit should be made in person.

The Court's preferred method of filing is by e-mail mail transmission. The address for e-mail filing is:

doc426@coshoctoncounty.net

A document that is filed via e-mail will be accepted as the original filing. The source document should be kept in the filer's records and should be available upon request by the Court.

Filings received by the Clerk after 3:30 p.m. on a regular business day or anytime on a weekend or holiday, will be considered for filing on the next business day. For timely filing of pleadings and other documents, contact the Clerk prior to transmission at 740-622– 8969.

The date and time of filing is determined by the Clerk's date stamp.

E-mail filing does not relieve any requirements of filing additional copies required by any applicable rules.

Each e-mail filing is required to contain a cover page that includes the following information:

1. Name of forwarding party or attorney;
2. Address of forwarding party or attorney;
3. Ohio Supreme Court attorney registration number;
4. Telephone number of party or attorney;
5. E-mail address of party or attorney;
6. Date and time of electronic filing transmission;
7. Number of pages in documents being forwarded and,
8. Personal Identifiers.

Signatures on electronically filed documents will be considered that of the attorney or of the party. Documents that are found to be filed without authority will be stricken.

The risk of e-mail filing remains with the sender; for filing verification, please contact the Clerk.

In accordance with J.R. 8(A), if it should be established that an e-mail filing was transmitted without authority, the Court shall order the filing immediately stricken.

All e-mail filings shall be in PDF (portable document format). All filings shall include the case number and caption in the electronic filing transmission subject line.

3.05 Exceptions to E-mail Filings

Cases that are not permitted for e-mail filing include:

1. Any document in whole or part under seal;
2. Original complaints;
3. Pleadings pursuant to appeal;
4. Filings requiring a deposit and,
5. Cases pursuant to R.C. 2151.85.

3.06 Service When Address Unknown

A. By Newspaper Publication

A request for service by publication must be accompanied by an affidavit executed by the filing 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.

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

The 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.

A request for service by publication by newspaper shall be submitted at least 20 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.

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

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.

B. By Posting and Mail

Juv.R. 16(A) provision permits service by publication 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.

The request for Service by Posting Affidavit may be found at:

https://www.coshoctoncounty.net/probate/juvenile-forms/

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.

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.

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 on the following bulletin boards:

1. on the first floor of the Coshocton Juvenile Court;
2. at the Coshocton County Justice Center, and,
3. 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.

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.

3.07 Artificial Intelligence

A. Definition

Artificial Intelligence (AI) is any computerized or automated system substituting for human-generated content. AI-Assisted material means any document or evidence prepared with the assistance of AI technologies. For purposes of this rule, it does not include basic legal research tools or basic grammar assistance.

B. Disclosure

Attorneys and parties must disclose the use of any AI-assisted technology in the creation or editing of all documents, pleadings, evidence, and motions submitted to the court.

The disclosure must be made at the time of submission through a certification attached to the document or evidence, indicating the type of AI (such as Chat GPT, Harvey.AI, or Google Gemini) used and certifying the attorney's final review and approval that all language, including any citations (legal or otherwise), drafted by generative AI has been verified for accuracy using traditional legal resources by a human being.

All parties are further reminded that Rule 11 of the Ohio Rules of Civil Procedure continues to apply to all pleadings and filings, in that upon proper filing, documents and pleadings are deemed to be a representation and certification, by the person signing the field document that the claim, defense, request, demand, objection, fact, contention or argument set forth in the document, is/are warranted by existing law, have evidentiary support, or, if so specifically identified, is/are likely to have evidentiary support, after a reasonable opportunity for further investigation or discovery. Parties should not assume that mere reliance on an A.I. tool will be presumed to constitute reasonable inquiry.

All parties and their counsel have a duty to immediately inform the Court if they discover the use of undisclosed AI in any document filed in their case.

C. Sanctions

Violations of this rule may subject an attorney and/or party to sanctions, including, but not limited to, Civ.R. 11 and 37.

3.08 Deposits

A. Security for Costs

As security for costs, an advance deposit must be made with the Clerk before filing any legal action in the Court. The Juvenile Cost Schedule can be found at:

Appendix A – Juvenile Cost Schedule

B. Inability to Pay Deposit

The Financial Disclosure Form must be filed at the time of the initial filing for a determination regarding indigency. No fee shall be required to file the Financial Disclosure Form, found at:

Appendix D – Financial Disclosure Form

Chapter 4 - Trials and Hearings

Local Rule

4.01 Trial Briefs

If ordered by the Court, the parties shall file trial briefs with the Court which shall include:

1. Concise summary of the essential material facts;
2. Brief statement of the uncontested and contested issues involved;
3. 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. List of the demonstrative evidence and exhibits which will be offered by each party at trial; and
5. Summary of information required in the affidavit of income, expenses, and financial disclosure.

4.02 Child Support

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 R.C. 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 people should be obtained prior to the hearing.

4.03 Failure to Appear

In addition to or in lieu of holding a party in contempt when that party fails to appear the Court may:

1. After notice to counsel, dismiss the case or grant any other appropriate relief to the responding party;
2. When the responding party fails to appear at a pre-trial conference or the trial/hearing, order that the case may proceed ex-parte, or
3. Issue an arrest warrant.

4.04 Remote Appearance

The Court, on its own motion or upon the request of any party, may conduct conferences, hearings, and proceedings using a virtual platform for both attorneys and parties, provided the remote attendance complies with the requirements set forth in Juv.R. 27.

Although accommodations may be made by remote appearance via a virtual platform the Court cannot guarantee the connection or the quality of the transmission.

Parties shall not assume they may attend a hearing virtually unless the Court has set the hearing as virtual in advance. Any party, attorney, witness or participant that wishes to appear remotely shall file a motion with the Court requesting the same no later than seven days prior to the scheduled hearing date. The motion shall outline the reasons remote appearance is necessary. The motion will be reviewed by the Court pursuant to the requirements of J.R. 41 or C.R. 43, whichever is applicable to the case.

At trial or hearing, witness testimony is generally inappropriate and is discouraged via the virtual platform.

Matters that may be conducted remotely include, but are not limited to the following:

1. Case Management/ scheduling and status conferences / review hearings;
2. Uncontested hearings;
3. Detention Hearings;
4. Pre-trial hearings; and,
5. Any hearing approved in advance by the Court for appearance by video.

The Court may approve remote attendance even when the above outlined request for virtual attendance has not been filed in a timely manner.

4.05 Decorum for Remote Appearance

Hearings conducted remotely are court proceedings and should be respected as such. All remote participants shall comply with the court decorum standards as set forth in local rule 1.06, Courtroom Conduct. Attorneys and/ or parties who appear remotely are required to keep their cameras on for the entire proceeding if they have video capabilities. All remote participants shall be appropriately dressed and conduct themselves as if they were physically present in the courtroom. All parties and witnesses shall ensure that they are in a quiet environment with no distractions. No parties or witnesses will be permitted to operate a motor vehicle during remote appearance.

Participants may not interrupt or disrupt proceedings during a virtual appearance. If a party does not comply with any part of this rule the Court may, at its own discretion, remove them from the hearing and require that they attend any future hearings in person,

continue the hearing, or any other relief deemed appropriate. Removal of a party or a witness for failing to comply does not automatically continue the hearing.

4.06 Continuances

All motions for continuance must be in writing unless the Court otherwise directs, and include a detailed explanation along with any supporting documentation if applicable. A motion for continuance shall be heard after proper notice is given to opposing counsel. A motion is generally not required when an agreed entry is submitted to the Court.

4.07 Jury Management

The Coshocton County Common Pleas Court, General Division Rule 21 as it relates to juries shall apply to proceedings in the Juvenile Division except to the extent that by their nature they would be clearly inapplicable.

Chapter 5 - Counsel

Local Rule

5.01 Appearance of Counsel

All counsel representing a party on any pending case before this court shall file an appearance in writing so that the same may be entered upon the record. Attorneys failing to file such written appearance shall forfeit notice of hearing and recognition as counsel.

5.02 Court Appointed Counsel

The Court will appoint the Coshocton County Public Defender in all cases that a party is statutorily entitled to counsel based upon indigence requirements. Discretionary appointments may be made on juvenile delinquency, unruly and detention matters. A Public Defender shall also be appointed for any indigent adult defendant including in contempt hearings, indigent parents, any respondent in a Civil Protection Order matter, and any juveniles in abuse, neglect and dependency proceedings.

Upon withdrawal of the Public Defender's Office due to conflict on cases, the court shall appoint only attorneys that are registered with the counsel appointment list held by this court.

5.03 Compensation of Appointed Counsel

Compensation for all Court appointed counsel for delinquency, unruly, truancy, traffic, abuse, neglect and dependency cases shall be at a rate consistent with reimbursable rates as established by the State of Ohio Office of Public Defender. Additional fees may be approved at the Court's discretion for cases involving additional litigation.

Appointed counsel shall submit a timely application for fees in the State of Ohio Public Defender online portal in the Court Appointed Billing System. The application shall be submitted 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 application submitted after these deadlines may be denied for payment.

5.04 Withdrawal of Counsel

An attorney may not withdraw from representation without the permission of the Court. An attorney who desires to withdraw from representation of a party shall file a written motion with the Court which must be served upon opposing counsel and their client. An attorney is not deemed to have withdrawn from the representation until it is reflected in a judgment entry.

In the absence of extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than 30 days prior to a scheduled hearing. Attorneys may not withdraw prior to completion of any assigned entries.

5.05 Substitution of Counsel

Counsel may file a Notice of Substitution of Counsel that includes both the current attorney's signature and the substituting attorney's signature.

Chapter 6 - Case Management

Local Rule

6.01 Scheduling

Pursuant to Sup.R.5, the Court's case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Wherever possible, cases will be resolved in the shortest amount of time. The deadlines set forth by the Ohio Rules of Superintendence shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules. Case management conferences and pretrial conferences will be set as the judge or magistrate deems the same to be appropriate. Deviation from the established time frames is permissible to ensure a just result.

For details regarding the Court's Case Management Scheduling Plan, contact the Chief Deputy Clerk at the Court.

6.02 Motions

All cases involving motions for custody, visitation, support enforcement, support modification, or other civil matters shall be governed by the following guidelines.

1. Within three business days of the filing of a motion a Notice of Hearing or Summons to appear for a preliminary hearing shall issue by the Clerk to all respondents.
2. If the matter is not resolved at the preliminary hearing, after determining the number of witnesses and complexity of issues involved, the matter shall be scheduled for a trial on a date certain, allowing for adequate time upon the calendar for the full development of the evidence at trial, and Notice of trial shall be served upon all respondents and any counsel of record.
3. Notice of Hearing and Summons to a appear upon Motions in Contempt shall comply with the specific notice requirements set forth in R.C. 2705.031(C).
4. All custody and visitation motions shall be resolved **within 120 days** of the filing of the motion or service of summons, whichever is later.

6.03 Permanent Custody Motions

Specific Procedures set forth in R.C. 2151.413 and 2151.414 will be followed in considering all permanent custody matters.

6.04 Referral to Magistrate

The Judge may refer by general order of reference any matter permissible by Ohio law to a magistrate. A magistrate, acting in these matters, shall have all powers set forth in Juv.R. 40, Civ.R. 53 and other applicable rules.

The Court has generally referred delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, URESA, UIFSA, determination of parentage matters, and any other matters, hearings, trials and pretrials and actions as outlined in the Court's Judgement Entry addressing referrals.

Once a matter has been assigned to a Magistrate, the Magistrate will continue to hear the matter and reactivated case filings related to the initial assignment, at the discretion of the Judge. Temporary assignment of a Magistrate on cases in the absence of the Judge will be adjudicated by the Judge at the discretion of the Court.

6.05 Motions to Set Aside a Magistrate's Order

Any party may appeal to the Judge from any order of a Magistrate by filing a Motion to Set Aside pursuant to Civ.R. 53D. The motion shall state the reasons for the motion with particularity, and be filed no later than **ten days** after the Magistrate's Order is filed.

Any party wishing to respond to the Motion to Set Aside the Magistrate's Order must do so no later than ten days after the Motion to set aside is filed unless a request for transcript has been filed.

Motions to Set Aside a Magistrate's Order must be accompanied by a transcript of the proceedings, or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript, the affidavit must state the reason why a transcript is not available. Failure to timely request a transcript or file an affidavit of the evidence presented within 30 days of the Motion to Set Aside being filed will result in dismissal of the Motion to Set Aside.

If the basis for the Motion to Set Aside the Magistrate's Order is not based on an issue of fact, the party filing the Motion to Set Aside may notify the Court in writing, at the time of the filing of the Motion, that the party is requesting that the Court rule on the Motion without a transcript of the proceedings.

The filing of a Motion to Set Aside the Magistrate's Order does not operate as an automatic stay of the order.

Any party may request a hearing for oral argument on a Motion to Set Aside a Magistrate's Order. Unless the Court orders otherwise, a Motion to Set Aside the Magistrate's Order will be determined without oral argument.

6.06 Objections to a Magistrate's Decision

Any party may object to the Judge from any decision of a Magistrate by filing an Objection to a Magistrate's Decision pursuant to Civ.R. 53D the order, stating the reasons for the motion with particularity, **no later than 14 days** after the Magistrate's Decision is filed.

Objections to a Magistrate's Decision shall be in writing and shall in all manners conform with the provisions of Juv.R. 40 and any other applicable Ohio Rules of Juvenile Procedure.

Written Objections to a Magistrate's Decision must be filed **no later than 14 days** after the filing of the Magistrate's Decision. If a party requests findings of fact, the time for filing objections is 14 days after the Magistrate's Finding of Facts are filed.

Chapter 7 - Allocation of Parental Rights and Responsibilities

Local Rule

7.01 Statutory Notices

Orders allocating parental rights, including shared parenting decrees, shall include the following notices:

A. **Relocation Notice**

Pursuant to R.C. 3109.51(G), the parties hereto are hereby notified as follows:

If residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the Court, the residential parent shall file a Notice of Intent to Relocate with this Court. Unless otherwise ordered pursuant to R.C. 3109.51(G)(2,)(3),and (4), a copy of such hearing notice shall be mailed by the Court to the parent who is not the residential parent. Upon receipt of the notice, the Court, on its own motion, or the motion of either party, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the child to revise the Parenting Time Schedule.

B. **Records Access Notice**

Pursuant to R.C. 3109.51(H) and 3319.321(B)(5)(a) the parties hereto are hereby notified as follows:

Excepting as specifically modified or otherwise limited by court order, and subject to R.C. 3125.16 and 3319.321(F), the parent who is not the residential parent, is entitled to access to any record that is related to the child, under the same terms and conditions as the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

C. **Day Care Center Access Notice**

Pursuant to R.C. 3109.051(I), the parties are hereby notified as follows:

Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C 5104.011, the parent who is not the residential parent, is entitled to access to any day care center that is or will be attended by the child with whom parenting time is granted, to the same extent that the residential parent, is granted access to the center.

D. **School Activities Notice**

Pursuant to R.C .3109.051(J), the parties hereto are hereby notified as follows:

Excepting as specifically modified or otherwise limited by court order, and subject to R.C. 3319.321(F), the parent who is not the residential parent, is entitled to access, under the same terms and conditions, as the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

7.02 Actions Involving Minors

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

7.03 Filing Requirements

All actions seeking the allocation of parental rights, including custody, visitation or companionship with a child shall be initiated by a sworn complaint, or in pre-existing cases a motion, and pursuant to R.C. 3127.23 shall be accompanied by a Parent Proceeding Affidavit. The opposing party or parties shall also file the required affidavit with any responsive pleadings or motions or, if no such pleading or motion is filed, no later than 14 days prior to the first assigned hearing date.

In the event a person files the Parent Proceeding Affidavit as approved by the Supreme Court and the filer requests to have the address of the filer, the child(ren) or both be confidential and to have information sealed pursuant to R.C.3127.23(D), the person shall also file a narrative affidavit detailing specific reasons how and why the disclosure of identifying information would jeopardize the health, safety, or liberty of the party or the child(ren). Upon the filing of such narrative affidavit, the clerk shall seal the affidavits required by this rule pursuant to R.C.3127.23(D) until further order of the court.

All Motions filed by the parties shall have attached a Memorandum in Support as well as supporting affidavits as required by the pleadings.

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

7.04 Filing of Agreements

Filings of agreements shall be by a Complaint or a Motion with signatures of the parties and counsel of record. The Complaint or Motion shall attach a Consent Judgment Entry **executed by all parties**. A Parent Proceeding Affidavit is required to be submitted with all written agreements which re-open a case.

Shared parenting plans or agreed custody agreements shall include provisions covering all factors that are relevant to the care of the children as required by R.C.3109.04(G), including but not limited to the following:

1. Physical living arrangements of the children;
2. Vacation, Holidays, and Days of Special Meaning
3. Child Support Worksheet, including Findings of Fact with a schedule for deviation;
4. Health insurance coverage and division of uninsured costs;
5. Parenting time schedule, and
6. Allocation of Income Tax Dependency Exemption

For any matter involving child support, a child support guideline worksheet and Findings of Fact supporting a requested deviation in support shall be submitted.

The Court may refuse to approve orders which are not in the best interest of the children or lack the needed provisions to be considered complete.

Settlement Agreements following hearing shall be filed with the Court as 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, which may include dismissal of the case.

7.05 Expedited Hearing Requests

If a party files a motion and affidavit(s) 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 may be personally served on the opposing party at the court's discretion.

7.06 Ex-Parte/ Temporary "Emergency Orders"

Ex-Parte/Temporary "Emergency Orders" for the allocation of parental rights and responsibilities or parenting time shall be issued only 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.

All 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/temporary "emergency" order are presented for consideration. The Court, in its discretion, may conduct an ex-parte/temporary "emergency" hearing with the filing party.

The Court considers the following to constitute situations of **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 (R.C.2151.031) or a neglected child (R.C.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 another emergency.
6. The residential parent has abandoned the child.

For an **emergency** change of custody to be ordered, t**hird party corroboration of irreparable harm or emergency is required.** Such information would include, but is not limited to, statements from law enforcement or a children services agency.

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/temporary "emergency order" that modifies custody and/or visitation unless all of the following points are addressed in the affidavit(s) in support of the proposed order:

1. Whether the other party was provided prior notice of the filing party's intent to request an ex-parte/temporary "emergency 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/temporary "emergency 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/temporary "emergency" 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/temporary "emergency order" of temporary custody shall obtain physical custody 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, affidavits in support and proposed order requesting ex- parte relief, in the absence of situations of emergency 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 another 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 set within ten days before either the Judge or Magistrate of record. The ex-parte/temporary "emergency" 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.

If a motion requesting emergency orders is filed but no orders are issued on an ex parte

basis, a hearing will be set within 30 days.

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.

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.

Instructions and paperwork for Temporary "Emergency Orders" can be found at:

Appendix C – Ex-Parte Temporary Orders

7.07 Case Assessment

In cases involving children, the Court may refer the parties to meet with the Family Services Specialist for a Case Assessment. The Specialist shall meet with the parties to assess the issues in the case that may be relevant to the Court in assisting the parties to resolve their matter. The parties shall fully cooperate with the requests of the Family Services Specialist, including signing all waivers and releases necessary to obtain information relevant to the issue pending before the Court. The Specialist may assist the parties in resolving these issues, but a case assessment is not mediation.

The Family Services Specialist shall report any findings, recommendations, or notice of a party's non-compliance with Court orders to the Court in writing. Such reports shall be kept in the Confidential Family File. The report of non-compliance shall be served on each self- represented party or their counsel.

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

7.08 Case Investigation

Pursuant to Juv.R.32(D), R.C.3109.04(C) and Civ.R.75(D), the court may cause an investigation by a Court Investigator 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 five days

before trial, upon written request. The court may tax as costs all or any part of the expenses of each investigation.

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

The investigator shall include within any report a factual summary of information regarding;

1. their observations of each parent's home;
2. all official records involving each parent and family and household member, including police, medical and psychiatric records;
3. a summary of the investigator's conversations and interactions with each minor child; and
4. the investigator's concerns regarding parenting issues.

The above list is not intended to be exclusive or exhaustive. This list is intended as a statement by the Court as to the minimum content of any report of investigation.

7.09 Motion to Show Cause for Contempt

The party filing a motion to show cause for contempt shall file with the motion an affidavit which shall set forth the claimed reason for the contempt and shall identify the specific Court order the opposing party 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(s) the opposing party has allegedly 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 motion to show cause for contempt has been filed shall be served with a copy of the affidavit along with the motion to show cause for contempt.

7.10 Parenting and Visitation

The Court's Parenting and Visitation Schedule is amended from time to time. The best parenting / visitation schedule is your own plan. However, if you cannot agree, the Court's Parenting and Visitation Schedule is designed to ensure that your child(ren) will have frequent and consistent contact with both parties.

The following Appendices have been constructed for ease of navigation specific to visitation and age of the child(ren).

A. General Visitation Schedule

Appendix B – Parenting and Visitation Schedule

B. Holidays and Days of Special Meaning

Appendix B-1 - Birth to Six Months
Appendix B-2 – Six Months to 12 Months
Appendix B-3 – 12 Months to 18 Months
Appendix B-4 – 18 Months to Three Years
Appendix B-5 – Three Years and Older

C. Long Distance Parenting Plan

Appendix B-6 Long Distance Parenting Plan

7.11 Notice of Intent to Relocate

Except as provided in R.C. 3109.051(G)(2-4), if a residential parent intends to move a to residence other than the residence specified in the parenting time order or decree of the court, that parent shall file with the juvenile court clerk the following documents:

1. A Notice of Intent to Relocate
2. Instructions for Service by Certified Mail to the other party at the last known address

Except for good cause shown, this notice shall be filed no less than 30 days prior to the intended move.

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. The motion shall be served on the relocating parent in accordance with C.R. 75(J).

Chapter 8 - Guardian Ad Litem

Local Rule

8.01 Appointment

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. The Court may also appoint a Guardian ad Litem to protect the interests of an incompetent adult in a Juvenile Court proceeding. Every effort will be made to ensure equitable distribution of cases between Guardians ad Litem on the Court's appointment list.

Special needs of a particular case may be considered in the appointment of a Guardian ad Litem with specialized qualifications or skills. The Court will make every effort to reappoint the same Guardian ad Litem to a child or party in any subsequent action or proceeding.

In all cases involving Allocation of Parental Rights, a provisional or limited scope appointment of a Guardian Ad Litem may be utilized.

Unless otherwise ordered by the Court, in Custody/Visitation/Support cases, the party requesting the appointment of a Guardian ad Litem shall deposit fees as set by the Court's Cost Schedule.

8.02 Notice and Access

A Guardian ad Litem will be given notice of all hearings and must be served copies of all filings made by the other parties to the action. The Guardian ad Litem will have full access to all Court records regarding that child or adult, including closed prior cases, and will perform whatever functions are necessary to protect the best interests of the child or the incompetent adult pursuant to R.C.2151.281(I), including subpoenaing and examining witnesses. If the Guardian Ad Litem is not an attorney, a request may be made to the Court to appoint an attorney in order to cross examine witnesses, file motions, and conduct legal business.

8.03 Duties

In addition to the duties as outlined in Sup.R. 8, all Coshocton County Juvenile Court Guardian Ad Litem Appointments shall:

1. Interview each parent or party separately (or state in the report why such

interviews would be unnecessary or impractical).

2. Interview the child or children separately (or state in the report why such interviews would be unnecessary or impractical).
3. Observe each child's interaction with each parent.
4. Visit the child or children regularly (or state in the report why such interviews would be unnecessary or impractical). In the initial stages of the case this visit can be combined with interviews or observation.
5. Investigate all significant persons and interview them independently, either in person or by telephone.
6. Review pleadings and consult with each attorney as to position and issues.
7. Contact all mental health providers involved in the case.
8. Contact the school of the child.
9. Review records of the child from school, courts, health care providers, child protective agency, etc.
10. Perform appropriate home visits (this can be combined with interviews or observation).
11. Evaluate the necessity of psychological evaluations or counseling.
12. Communicate with the Children Services worker.
13. Attend all hearings and depositions concerning the child.
14. File, all motions or other pleadings necessary to further the child's interests.
15. Complete necessary actions to fully investigate any case to which a GAL has been appointed.

8.04 List of Providers

The Court will maintain a list of designated persons who are qualified to serve as Guardian ad Litem on an Approved Court Appointment List, which may include Attorney and non-Attorney Guardians ad Litem.

8.05 Complaint Process

The Court Administrator shall coordinate the application and appointment process, receive written comments and complaints regarding Guardians ad Litem, maintain the court appointment list, and perform other duties as required.

8.06 Application, Eligibility and Fees

Sup.R. 8 will control all aspects of the management of the Guardian ad Litem program of this Court, including application, eligibility, and fees.

8.07 Removal

The Guardian ad Litem shall serve on a case until their duties are terminated pursuant to R.C.2151.281(G) or until discharged by order of the Court. Limited Scope and provisional appointments will only serve until the specified issue at the time of the limited appointment has been resolved.

Chapter 9 - Tobacco Violations

Local Rule

9.01 Attendance at Educational Sessions

The Court has established a process by which all tobacco ticket recipients are diverted to the Coshocton Resource Center for the opportunity to attend an educational class on the risks of smoking and vaping.

The Court contracts with a local provider for ten classes per year to educate juveniles and parents on the risks of vaping and smoking. Violators are credited with attending the session and will not be required to attend formal court proceedings unless they have failed to appear at an assigned class.

9.02 Attendance at Tobacco Court

The juvenile and parents may be required to attend a Court hearing at the Court's discretion or in the absence of attending Educational Sessions as a means of diversion from the formal Court process.

A. Admission

If a juvenile decides to enter an admission in court, he/she may arrange a payment plan for the fine or costs. The fine may be waived if the juvenile successfully completes and submits a report about the ill effects of using tobacco or vaping products. The youth may also be required to complete an educational session, community service work at an approved community service work sight or other terms as ordered by the Court.

B. Denial

The juvenile and a parent must attend the hearing for the juvenile to enter a denial to the charge. A pre-trial or trial will be scheduled to adjudicate the matter, and sanctions will be considered by the Court as permitted by law.

Chapter 10 - Unruly Cases

Local Rule

10.01 School Truancy

A truancy diversion process has been established by the Court and the County School Officials have established a uniform process to address school non-attendance issues.

A series of notices, informal meetings and agreements will be utilized to document intervention strategies. Referrals and links to other community agencies, including the Coshocton Resource Center, may be used to address school truancy issues.

If the above interventions do not successfully resolve the truancy matters, a complaint may be issued pursuant to R.C. 2151.022(B), as outlined in local rule 10.02 (below).

In the event a child has been the subject of a truancy proceeding in Juvenile Court during the prior academic year, and the child has failed to make reasonable efforts to attend in the current academic year, the school may file a new complaint with the Court for truancy, or request a further dispositional hearing in the event a case is still pending in the Court.

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

Effective October 9, 2026, an unruliness or delinquency adjudication of the child are not prerequisites to a conviction of contributing to delinquency charge against a parent pursuant to R.C. 2919.24.

10.02 Unruly by School Truancy Filing Process

The Coshocton County Prosecuting Attorney will decide whether sufficient documentation has been received to warrant a filing of Unruly by School Truancy. Information to be reviewed may include:

1. A copy of the excessive absence warning letter issued to the parent, showing delivery date and method of delivery;
2. An accurate legible copy of the juvenile's present year-to-date attendance record, showing the date and number of hours of each absence without legitimate excuse;

3. A complete, dated copy of the Absence Intervention Plan within 14 days after Team Assignment with any updates;
4. Proof that a custodian was advised of the Attendance Policy, including Signature of Acknowledgement (may be included in the Absence Intervention Plan);
5. Narrative detailing (on a separate sheet) participation and/or progress made, if any, by the student in the 60 days following implementation of the Absence Intervention Plan;
6. Whether or not the Coshocton County Children Services was contacted upon failure of the Parent /Guardian to respond to meaningful, good faith attempts.

10.03 Other Unruly Charges Complaint Process

The County Prosecuting Attorney will determine sufficient documentation to warrant an unruly filing at the Juvenile Court.

Interventions to address unruly behavior prior to a request for the filing of unruly charges may include referral to the Coshocton County Family & Children First Council, Coshocton Resource Center, or other community providers to assist parents with addressing unruly behaviors prior to formal filing.

Chapter 11 - Delinquency Cases

Local Rule

11.01 Pre-Initial Appearance Diversion

This Pre-Initial Appearance Diversion Plan was adopted pursuant to Juv.R. 9(C).

The Coshocton County Juvenile Court, Coshocton County Prosecutor's Office / Victim's Services, and Coshocton CountyPublic Defender's Office have established a means of re-direction of youth into pre-initial appearance diversion. Pre-initial appearance diversion means that intervention services prior to an initial appearance before a judge or magistrate occurs to divert youth from formal justice system case processing. This does not apply to any pre-trial or post- adjudication diversion.

The Court recognizes that formal juvenile justice involvement may increase the likelihood of continued delinquency for some youth. Accordingly, this plan prioritizes early, informal responses that promote accountability, strengthen connections to family and school, and address underlying needs through community-based services.

A. Eligibility:

All first-time juvenile offenders with a misdemeanor delinquent or status (unruly) offense are considered appropriate for the Court's pre-initial appearance Diversion program. In limited situations, a youth may be accepted more than one time into the pre-initial appearance Diversion program if their underlying offense was a status offense. Upon receipt of a complaint at the Juvenile Court, the Chief Deputy Clerk reviews the demographics to decide whether the new complaint goes onto the Probation Docket or re-directs to the Diversion Director for admission into Pre-Initial Appearance Diversion.

B. Screening and Case Planning:

Each youth accepted into Pre-Initial Appearance Diversion is administered the Ohio Youth Assessment System's Diversion Screening Tool. A Contract for participation and a Case Plan is drafted with youth and family input, explaining the criteria for this program. The Case Plan includes requirements for completion, which may include victim apology, restitution, community service, educational goals and a parent-child educational course which uses a

pre and post-test for reviewing outcome measures. School attendance, behavior and performance are also considered as factors that may impact successful completion of the Diversion Program. Referrals are made to contracted providers and community behavioral health agencies as needed based on offense specifics or other identified risk factors.

C. Victim Notification:

Upon re-direction of a case into the Pre-Initial Appearance Diversion Program, the Court notifies the Prosecuting Attorney's Office / Victim's Services. The Victim/Witness Coordinator processes all notifications to the victim at each stage of the process as related to R.C. 2930 (Marsy's Law), including notification at the completion of the program.

D. Accessing and Sealing Pre-Initial Appearance Diversion Records:

Upon notification from the Diversion Director that a youth has successfully completed Diversion Program requirements, a Notice to Seal Records is sent to the Coshocton County Prosecutor's Office / Victim's Services, which notifies the appropriate law enforcement agency and victim family to gather information impacting the decision to seal. After 30 days if no objections are received at the Court, the record is to be sealed. A copy of the Journal Entry granting the Diversion case and records is sent to the Prosecuting Attorney, Law Enforcement Agency and Diversion Director to have the case closed and records sealed. The Court maintains a list of sealed cases for future reference of case processing for review of new cases filed.

11.02 Formal Diversion

Formal Diversion operates in most instances the same as Pre-Initial Appearance Diversion, except that a youth may have been re-directed into the program after being sent to juvenile detention or was re-directed from a formal court appearance after the initial appearance but typically prior to formal adjudication. If formal adjudication has occurred and a pre-disposition intervention of participation on a diversion program has been ordered and the diversion program is successfully completed, the complaint may be dismissed pursuant to Juv.R. 29(F).

11.03 Probation

Probation Services utilize evidence-based approaches to provide strength-based services while combining community safety with youth accountability. In addition to Court staff monitoring, many providers are contracted for specific services and assessments related to youth case plans.

A. Eligibility:

Any delinquency or unruly complaint that has been adjudicated by the Court may be considered for the Court's Probation program. For cases that require additional supervision and oversight of the Court, Specialized Probation may be ordered. Specialized Probation may include more intensive services, supervision and requirements, which may include regular Court review hearings, electronic monitoring, and intensive mental health and family services.

B. Screening and Case Planning:

Assessment by the Probation staff will include completion of the Ohio Youth Assessment System's Probation Screening Instrument, whereby the risk in various life domains is reviewed to determine appropriate treatment services for the youth by trained Court Staff. Individualized programming and case planning is developed by staff in conjunction with the youth and family, community providers, and may be based upon the nature and severity of the offense.

C. Victim Notification:

Upon re-direction of a case into the Probation Program, the Court notifies the Prosecuting Attorney's Office / Victim's Services. The Victim / Witness Coordinator processes all notifications to the victim at each stage of the process as related to R.C.2930 (Marsy's Law), including notification at the completion of the program.

D. Accessing and Sealing Probation Records:

Public Access to Probation records shall be governed by Sup.R. 11. Sealing and Expunging of Juvenile Records shall follow procedures as set forth in local rule 13.

11.04 Use of Physical Restraints

Pursuant to Sup.R. 14.30, 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.

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 child represents a current and significant threat to the safety of the child's self or other persons in the courtroom

2. There is significant risk that the child will flee the courtroom; and 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.

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.

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.

Chapter 12 - Traffic Violations

Local Rule

12.01 Traffic Violations Bureau

Pursuant to Traf.R. 13.1, this Court has established a traffic violations bureau for juvenile traffic offenders. The judge serves as violations clerk and shall appoint deputy clerks to conduct the business of the bureau as necessary.

Juvenile traffic offenses that may be disposed of by the violation's bureau include non- moving and other minor moving violations at the discretion of the Court.

Offenses considered for the traffic violations bureau may include:

- Failure to wear a seatbelt
- Failure to display or expired tags
- Riding a bicycle on a sidewalk
- Jaywalking
- Skateboarding or rollerblading on a sidewalk or street
- Muffler Violations
- No headlights or taillights
- Window tint violations
- Bumper height violations
- Vehicle lighting violations
- Loud amplifier violations

Non-eligible offenses to the Traffic Violations Bureau include:

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

A defendant charged with an offense that the Court has decided to include in the Traffic 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 the appearance date.

All cases processed in the Traffic 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 bureau shall be listed separately from those disposed of in open court.

12.02 Traffic Seminar

All first-time juvenile traffic offenders and a parent, custodian, or guardian shall be required to attend the Juvenile Court Traffic Safety Seminar.

12.03 Driving Privileges

When the Court suspends the juvenile's permit or license, the Court may 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, and application forms may also be found on the Juvenile Court website at:

Appendix F - Driving Privileges Packet

Privileges awarded normally extend:

1. To and from school, and designated school-related activities;
2. To and from a place of employment;
3. To such other destinations as the Court deems appropriate.

All driving must be within strict time frames, by the most direct route, and with no passengers other than members of the juvenile's immediate family.

The court shall, within five business days of the date of issuance of driving privileges, notify the appropriate law enforcement agencies of the suspension and scope of privileges extended.

12.04 Fines and Costs

The Court may impose a fine and costs for moving and non-moving violations per the current cost and fee schedule and a driving privilege fee may be imposed. Modifications to driving privileges may be subject to a revision fee.

12.05 Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is authorized in the 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.

Chapter 13 - Sealing and Expungement of Juvenile Records

Local Rule

13.01 Definitions

A) Sealing

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

B) Expunging

To expunge the record means to destroy, delete and erase the record, as appropriate for the records physical or electronic form or characteristic, so that the record is permanently irretrievable as defined in R.C. 2151.355 (A).

13.02 Eligibility for Sealing

The Court shall consider sealing of a juvenile's delinquent, unruly or juvenile traffic record upon application or upon the Court's own motion at any time after six months after the later of termination of any (all) orders made in a juvenile's case or unconditional discharge from the Ohio Department of Youth Services, if at that time the offender is not under the jurisdiction of the court as an alleged delinquent child, as outlined in R.C. 2151.356.

Records of a case in which a juvenile has been adjudicated a delinquent child for committing a violation of R.C. 2903.01, 2903.02, or 2907.02 are not eligible for sealing under this section.

13.03 Eligibility for Expungement

The Court must expunge all sealed records either five years from sealing or from the juvenile reaching age 23, whichever comes first. After a record has been sealed, application may be made for earlier expungement. If the prosecuting attorney files a response that objects to the expungement of a juvenile's records, the Court must conduct a hearing before a record may be expunged.

13.03 Application or Motion

The Coshocton County Public Defender's Office has agreed to assist relevant parties with submitting applications or motions for sealing and expungement of juvenile records.

13.04 Victim Notification

Upon application for Sealing or Expungement of a juvenile record, the Court will provide notice to the Coshocton County Prosecuting Attorneys' Office. The Prosecuting Attorney's Office will notify victims and provide response to the Court as outlined in the Ohio Revised Code. The Court shall conduct hearings related to Sealing and Expungement of cases in the juvenile court as outlined in Ohio Revised Code at the Court's discretion. In the absence of a response to an application for expungement, the Court may expunge a juvenile record without formal hearing.

Chapter 14 - Specialized Dockets

Local Rule

14.01 Family Dependency Treatment Court (FDTC)

Recognizing that alcohol and other drug-related use by children and adults poses unique challenges to the juvenile court system, the Court has created the Family Dependency Treatment Court (FDTC) Docket with the intent of creating a specialized docket according to the requirements set forth in Sup.R. 7.

The FDTC is a specialized docket created by the Court 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 FDTC 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 FDTC include:

1. Encourage access to appropriate mental health and/or substance abuse treatment,
2. Improve family relationships and social functioning,
3. Provide accountability and rehabilitation for non-violent offenders who have mental health and/or substance abuse problems,
4. Decrease recidivism,
5. Develop more stable and sober adults,
6. Enhance appropriate parenting of their children, and
7. Reunify families.

14.02 Referral Process and Eligibility

Eligible adult participants for the FDTC 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 substance abuse and eligible mental health issue that has contributed to their involvement with child protective services.

14.03 Legal Requirements for Acceptance and Placement

To be accepted and placed into the FDTC, 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.

14.04 Clinical Requirements

To be accepted and placed into the FDTC, participants must meet the following clinical eligibility requirements:

1. have a history or drug or alcohol abuse or dependency,
2. be willing to contract for and participate in a drug/alcohol or drug/alcohol and eligible mental health treatment plan, and
3. be willing to participate in the Family Court process including: attending all required court appearances for review, submitting random drug testing, and complying with all program requirements.

14.05 Treatment Docket Case Management

Participants in the FDTC 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.

14.06 Treatment Court 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.

14.07 Treatment Court Team

The Treatment Court Team is comprised of a Judge/Magistrate, FDTC Coordinator, Probation Officer, Licensed Treatment Providers, Children Services Attorney, Defense Counsel, DJFS Caseworker, and other key stakeholders. The

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 FDTC Coordinator to effectively collaborate treatment. Attendance by all Treatment Court Team members at Treatment Team and status review hearings is expected.

14.08 Termination

The goal of the FDTC 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 FDTC.

The Judge has the discretion to terminate or suspend a participant from the FDTC Docket based upon the criteria in these rules.

14.09 Successful Completion

The Judge has the discretion to order that the participant has **Successfully Completed** the FDTC program. In order to successfully complete the FDTC 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 alcohol and drug screens as requested with negative screens provided for 90 days,
5. prepare a Relapse Prevention Plan,
6. prepare an Exit Plan,
7. has stable and appropriate housing,
8. has a plan for financial stability,
9. participate in Phase 4 for a minimum of 2 months, and
10. has been recommended for Successful Completion by the Treatment Team, Treatment Providers and Judge.

14.10 Unsuccessful Termination and Suspension

The Judge has discretion to **Unsuccessfully Terminate** a participant from the FDTC 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; or
6. participant has committed a major and/or serious program violation.

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

The Judge also has the discretion to **Suspend** a participant from the FDTC 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.

14.11 Neutral Termination

The Judge has discretion to **Neutrally Terminate** a participant from the FDTC 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; or
3. a diagnosis of a mental health condition in which FDTC is contrary to participant's best interest.

Chapter 15 - Dispute Resolution by Mediation

Local Rule

15.01 Definitions

As used in this rule:

1. **Mediation:** 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:** an individual who conducts a mediation.
3. **Mediation Communication:** 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:** a person other than a party or mediator that participates in a mediation.
5. **Proceeding:** any judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post hearing motions, conferences, and discovery.

All other definitions found in R.C. 2710.01 are adopted by this Court through this Rule.

15.02 Referral

The Judge or Magistrate may refer 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.

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.

During the mediation process, all court orders remain in effect. No order is stayed or suspended during the mediation process except by written court order.

15.03 Exceptions

Mediation is prohibited in the following:

1. As an alternative to the prosecution or adjudication of domestic violence,
2. In determining whether to grant, modify, or terminate a protection order;
3. In determining the terms and conditions of a protection order; or
4. In determining the penalty for violation of a protection order.

15.04 Filing of Agreements

Upon completion of mediation or once the time frame for mediation has lapsed, the mediator shall file a notice with the court that mediation is complete or has not happened within the established time frame.

The Mediator shall reduce to writing, and parties shall sign, any agreement reached in mediation.

Mediation Agreements with signatures of the parties shall be submitted with the Court **within 14 calendar days** of the final mediation conference for adoption.

If the agreement is approved by the parties and attorneys, the Court shall either:

1. Hold a confirmation hearing to approve the terms of the agreement; or,
2. Adopt a Judgement Entry submitted by the parties for the Court's review and approval.

Any agreement reached during mediation shall not be binding upon the parties until approved by the Court.

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. If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.

Chapter 16 - Miscellaneous

Local Rule

16.01 Payment of Fines and Costs

When a fine and/or court costs are assessed against a party, the 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.

16.02 Bail Bond Schedule

The Court has adopted as its bond schedule the Bail Bond Schedule of the Coshocton Municipal Court.

16.03 Reporting to Law Enforcement and Compliance Plan

A. Pursuant to Sup.R. 3.04, the Court must submit complete, accurate, and timely information to the state's computerized criminal history collection with the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

B. To facilitate this practice, the Court has developed a Reporting to Law Enforcement & Compliance Plan, which identifies specific timelines.

C. The Court shall review the Reporting to Law Enforcement and Compliance Plan every three years from the date of its adoption. A copy of the compliance plan is kept at the Administrative Office of the Coshocton County Juvenile Court.

16.04 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 R.C. 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 notice of hearings to foster caregivers and kinship caregivers a Child Placement Form shall be completed and filed with the clerk by placing agency (ie. Coshocton County Children Services) the next business day or no later than seven days following the initial placement and any changes in placement of the child(ren).

Access to the Child Placement Form may be found on the Juvenile Court website:

Appendix E – Child Placement Form

C. Information regarding the identity of and the 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 any party to the case, The Court shall maintain this information in its family file.