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CLERK OF COURT
SUPREME COURT OF OHIO

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

LOCAL RULES

**Steve Christopher, Judge
One Courthouse Square, Suite 200
Kenton, Ohio 43326
(419) 674-2233**

Effective February 1, 2015

Revised September 7, 2022

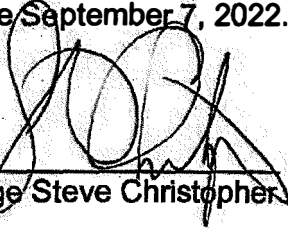
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HARDIN COUNTY
JUVENILE COURT

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**IN THE COURT OF COMMON PLEAS, HARDIN COUNTY, OHIO
JUVENILE DIVISION**

**IN RE: ADOPTION OF REVISED)
 LOCAL COURT RULES) ENTRY
)
)**

In accordance with the Ohio Rules of Superintendence of Courts Rule 5, the Ohio Rules of Criminal Procedure 57, Ohio Rules of Juvenile Procedure and the Ohio Rule of Civil Procedure 83, the Court hereby adopts the attached Local Court Rules after notice and an opportunity for comment effective September 7, 2022.



Judge Steve Christopher

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

LOCAL RULES

Effective February 1, 2015

- 1) Conduct and operations in the Court of Common Pleas, Hardin County, Ohio, Juvenile Division are governed by the Ohio Revised Code, the Rules of Superintendence of the Supreme Court of Ohio and by these Local Rules adopted pursuant to Civ. R. 83 and Sup. R. 5.
- 2) All persons before this Court are expected to know and comply with all applicable law and the rules.
- 3) In compliance with Sup. R. 75, the numbering of these Local Rules are intended to supplement the Rules of Superintendence in order to facilitate the expeditious disposition of cases and shall be construed and applied in such manner as to be consistent with the Revised Code and the Rules of Superintendence.
- 4) References to "this Court" or "the Court" are to the Court of Common Pleas, Hardin County, Ohio, Juvenile Division.
- 5) For the purpose of these rules, "fiduciary" includes a commissioner in a no administration estate and an applicant in a release from administration.

HARDIN COUNTY COURT OF COMMON PLEAS

JUVENILE DIVISION

Judge Steve Christopher

LOCAL RULES OF COURT

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1. HEADERS ON PLEADINGS

All pleadings and documents, other than original documents attached or offered as exhibits, present for filing with the Hardin County Juvenile Court shall be offered for filing without folders or covers and the first page of filings shall have a 3" unobstructed space at the top of the document for the Clerk to place a file stamp, all subsequent pages shall indicate the names of the case/parties, name of document, case number and page number. All pleadings and documents shall be one-sided and on 8.5" x 11" bond paper.

The Court may strike documents for filing that do not conform to this Rule.

2. DEMAND FOR TRIAL BY JURY

The defendant shall be tried by the Court unless said party demands a jury trial. Such a demand must be in writing and filed with the Clerk of this Court not less than ten (10) days prior to the date set for trial, or on or before the third (3rd) day following receipt of notice of the date set for trial, whichever is later.

Failure to demand a jury trial as provided in this rule is a complete waiver of the right thereto.

[See Crim. R. 23(A), Civ. R. 38(D)]

3. JUROR SELECTION

This Court hereby approves the use of magnetic tapes, magnetic discs, punched paper tapes, or other similar devices and the use of an automated information retrieval system and visual display apparatus with provision for the random selection of names of prospective jurors under provisions of O.R.C. 2313, Commissioners of Jurors.

The other provisions of O.R.C. 2313 will be adhered to strictly.

4. JURY MANAGEMENT

This Court hereby adopts the Hardin County Common Pleas Court, General Division's Jury Management Plan, insofar as they are applicable to matters heard by this Court.

5. ISSUANCE OF SUBPOENAS FOR OUT OF COUNTY WITNESSES

Any party to a proceeding wishing to subpoena a witness who resides outside of Hardin County, Ohio, shall prepare the subpoena and deliver same to the Clerk of this Court

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The subpoena shall be accompanied by a check made payable to the witness being subpoenaed for one (1) day's attendance fee, Six Dollars (\$6.00) for half day and Twelve Dollars (\$12.00) for full day, along with twenty-five cents (.25) Cents per mile from the person's residence to One Courthouse square, Kenton, Ohio, and return.

The requirement for tendering mileage and attendance fee shall be excused upon filing of an affidavit of indigency by the party requesting issuance of the out of county subpoena. Subpoenas filed without the appropriate fees will be issued, but the Court will not enforce attendance.

6. REQUEST FOR LIVE COURT REPORTER

Any request for a record of the proceedings, other than standard audio, pursuant to Juvenile Rule 37, may be made in writing.

All recording of hearings shall be by electronic recording device, unless the party requests a stenographic record, which shall be provided at the sole expense of the party requesting same.

Arrangements for the attendance of a stenographic report shall be by the requesting party.

7. COURT RECORDS MANAGEMENT AND RETENTION RULE

Pursuant to Rule 26 of the Rules of Superintendence of the Court of Ohio, The Juvenile Division of the Court of Common Pleas, Hardin County, Ohio, adopts the Records Management and Retention Rules of the Superintendence for the Courts of Ohio. (SEE APPENDIX F)

8. JUVENILE CASE MANAGEMENT PLAN (CASES OTHER THAN PATERNITY, CUSTODY, COMPANIONSHIP, AND SUPPORT.)

This Court hereby adopts the Schedule of Events as shown in **Appendix A** (see attached) for the purpose of ensuring the readiness of all cases for pre-trial, trial, adjudication and disposition.

9. BOND FOR ADULTS ARRESTED AND HELD FOR APPEARANCE IN THE JUVENILE DIVISION

Pursuant to Rule 46 of the Ohio Rules of Criminal Procedure, the Bond schedule in **Appendix B** (see attached) is hereby adopted.

Any person arrested on the charges shown in **Appendix B** may be released on his own recognizance, pursuant to the criteria specified in Crim. R. 46, unless he has a history of failure to appear when required in judicial proceedings, or if his physical, mental, or emotional condition appears to be such that he may pose a danger to himself or others if released immediately.

10. MOTION FOR CONTINUANCE OF HEARINGS

A Motion for Continuance due to conflicting court hearing date(s) must be filed at least ten (10) days before the scheduled hearing date and contain the Assignment Notice of the conflicting hearing date(s) from the other court. Said Motion shall:

1. Not be granted if a hearing date was set in this court prior to another court designating a hearing date for that same time.
2. Be granted where a hearing date was set in this court after another court had set a hearing for that same date.
3. Shall state on the face of the Motion that the opposing party has been notified and state the position of the opposing party to said continuance request.
4. Be accompanied by an entry bearing counsel's approval and/or disapproval.

A Motion for continuance for reasons other than conflict with another previously scheduled hearing will not be considered by the Court except as follows:

1. by written consent of all parties;
2. After opposing parties have had adequate response time per the Ohio Rules of Civil Procedure and, if desired by the Court, a hearing upon said continuance request;
3. because of verified emergency or Acts of God.

The Court retains discretions to grant or deny any and all requests for continuances.

11. CONTINUANCE REQUESTS AND REQUEST FOR EARLY RELEASE – CHILD SUPPORT CASES

No continuances for child support related cases shall be granted, nor shall requests for early release from incarceration be granted until the Child Support Enforcement Agency's position on the continuance or request for early release has been filed.

12. IV-D APPLICATION TO BE FILED WITH A PATERNITY COMPLAINT

The Clerk of this Court shall not accept any complaints, other than those filed by the Child Support Enforcement Agency, that request the determination of the existence or non-existence of a parent and child relationship unless the Complaint is accompanied by a "IV-D Application" as shown in **Appendix C** (see attached), prepared by the attorney or the party filing the Complaint, or an attorney certification that such has been sent to with the Hardin County Child Support Enforcement Agency.

13. MAGISTRATES

- A. Paternity, custody and other matters relating thereto may be heard by a magistrate appointed by this Court. Objections to the decision of the magistrate shall be in accordance with Juv. R. 40. Any Party wishing to respond to objections filed in their case shall do so within 14 day of the filing of the objections. A reply to a response may be filed within seven (7) days of the filing of the response.
- B. A decision of the magistrate shall be made pursuant to Juv. R. 40, unless an agreement or other pleading in the case provides for a waiver of decision generally following the format set forth below:
By stipulation this Judgment Entry constitutes the decision of the magistrate required by Juvenile Rule 40 (E), and the parties hereby waive any objections thereto, and waive service of a separate magistrate's decision.
- C. The merits of any objections relating to factual findings, without other evidence contained in the record, will not be considered unless a transcript is filed with the court within a period designated by the court upon motion for extension.
- D. The time for filing objections may be extended upon the written request of either party, only if said request is made during the initial objection or appeal period. This extension will automatically extend any response time by the same period. All requests for extensions of time in which to file objections to a magistrate's decision must include the following information:
1. The party filing objections to a magistrate's decision shall specify the nature of the objections and the bases for them within the original 14 day period for objections. The time for filing objections may be extended for cause shown upon the written request of either party filed within the initial objection period. Any extension shall automatically extend any response time by the same period. All transcripts supporting the objections shall be filed with the court within 40 days after the filing of objections, unless, with leave of court, an alternative method of reviewing the evidence is approved by the court within that 40 day period. If additional objections become apparent after the transcript is prepared and filed with the court, and that party has timely filed his/her initial objections, the objecting party may seek leave of court to supplement previously filed objections.
 2. It is objecting party's or attorney's responsibility to have the transcript filed within the required 40 day period. Any requests to extend the period for filing the transcript must include the following:
 - a. A statement by the attorney, or party if appearing *pro se*, that the court reporter who will be preparing the transcript has been contacted and the transcript ordered, and the date the transcript was ordered; and
 - b. A statement by the attorney, or party if appearing *pro se*, that (i) the costs or fees required by the court reporter for the preparation of the transcript have been paid and the date payment was made, or (ii) the estimated cost has been requested but not yet received and the date the estimate
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was requested, **OR** a written statement from the court reporter that the transcript cannot otherwise be prepared within the necessary 40 day period.

- E. Objections shall be ruled upon by the Court without a formal hearing.
- F. Attorneys are required to prepare a Judgment Entry based upon the Magistrate's Decision or upon the Court's Order on objections.
- G. All Judgment Entries for cases being handled by the Magistrate must first be approved by the Magistrate before being submitted to the Judge.

14. EX-PARTE ORDERS

- A. Unless an emergency situation exists, as determined by the Court, based upon supporting affidavits, no ex-parte orders will issue, except reciprocal, mutual restraining orders following the language in Rule 31, below, for which no affidavits are necessary.
- B. Requests for Temporary Orders shall be set for hearing at the Court's earliest convenience. A continuance may be granted to either party for good cause shown.
- C. Notice of hearing shall be served with the pleadings pursuant to Civil Rules.
- D. After filing of a Paternity or Custody Complaint and prior to any temporary Orders being issued, except for parenting time periods, neither party shall relocate the minor child(ren) from the child(ren)'s home, school district, or the jurisdiction of the Court. The purpose of this rule is to not disrupt the home and school environment of the child(ren) any more than necessary.

15. TEMPORARY STANDING ORDERS

All parties to actions in the Hardin County Juvenile Court may be subject to reciprocal, mutual restraining orders from the date service of summons is completed. This order shall be strictly complied with under penalty of contempt of Court. Use of the following language is suggested:

- A. Each party is hereby enjoined and restrained from doing, attempting to do, or threatening to do any act of injuring, maltreating, vilifying, molesting, or harassing the adverse party, their attorney, family members, employer, or any of the child(ren) of the parties.
- B. Each party is hereby enjoined from removing any child(ren) who is/are subject to the jurisdiction of the Court in this matter from the jurisdiction of the Court without first obtaining consent, in writing, from the other party or the Court.

- C. Except for parenting time periods, neither party shall relocate the minor child(ren) from the child's home, school district, or the jurisdiction of the Court. The purpose of this rule is to not disrupt the home and school environment of the child(ren) any more than necessary.

16. HEARING AND PRE-TRIALS

- A. No contested Complaints or Motions shall be set for hearing on the merits until such matter has been set for pre-trial unless a pre-trial is waived by the Court.
- B. Any requests for Psychological Evaluations, the appointment of a Guardian Ad Litem (GAL), etc., must be made no later than the time of the first scheduled Pre-Trial, unless leave to file said request is granted by the Court.
- C. A final Pre-Trial will be scheduled within 30 days prior to the date set for final hearing.
- D. If attendance at the Parenting Seminar is ordered, the attendance certificate must be filed by the date of the final Pre-Trial.
- E. All parties should mark all exhibits and have stipulations filed prior to trial.

17. CONTINUING JURISDICTION – POST JUDGMENT RELIEF

Post decree motions shall contain the exact language of the original order sought to be changed, the change requested, and a complete and accurate statement of the movant's reasons and/or basis for change, as well as a citation to pertinent Ohio Revised Code Sections. Failure to supply this information may result in the motion being dismissed.

All motions to invoke the continuing jurisdiction of the Court in all post-paternity matter and other matters relating thereto, such as parental rights and responsibilities, shall be made by written motion filed in the original action. Said motions shall be accompanied by instructions to the Clerk for service of notice on all parties as set forth in Civ. R. 4 through 4.6, incl. by the movant.

Service and notice shall be made to all parties individually. Notice to an attorney is not proper service on a party. Courtesy copies to opposing counsel are appropriate if the party has reason to believe that prior counsel is still representing the other party.

In all Motions of Modification of Support, the modification shall be effective as of the date of the filing of the request for the modification, unless otherwise directed by the Court or required by statute. If either party acts in a manner to prolong or delay the proceedings, the Court may, in its discretion, assign a different effective date, including the date of notice of a request for administrative hearing. All modifications or terminations of child support based on the emancipation of a child shall be effective on the date of such occurrence.

**18. CONTINUING JURISDICTION – POST JUDGMENT RELIEF
ACCOMPANIED BY CITATION FOR CONTEMPT**

A. Since contempt actions are controlled by Chapter 2705 of the Ohio Revised Code, any motion requesting a citation in contempt shall:

1. Specifically state the basis for the contempt citation, including the alleged contemnor's conduct and the order alleged to have been violated.
2. Contain notice of hearing and after filing shall be submitted to the assignment commissioner for scheduling.
3. Include the following language:

FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF AN ORDER OF ARREST AND IN THE ISSUANCE OF AN ORDER FOR PAYMENT OF SUPPORT BY WITHHOLDING AN AMOUNT FROM YOUR PERSONAL EARNINGS OR BY WITHHOLDING OR DEDUCTION AN AMOUNT FROM SOME OTHER ASSET YOU MAY OWN.

YOU HAVE THE RIGHT TO COUNSEL AND IF YOU BELIEVE YOU ARE INDIGENT YOU MAY APPLY FOR COURT APPOINTED COUNSEL WITHIN THREE (3) BUSINESS DAYS AFTER YOUR RECEIPT OF THIS SUMMONS.

THE COURT MAY REFUSE TO GRANT A CONTINUANCE AT THE TIME OF THE HEARING FOR THE PURPOSE OF YOUR OBTAINING COUNSEL, IF YOU FAIL TO MAKE A GOOD FAITH EFFORT TO RETAIN COUNSEL PRIOR TO THE HEARING.

IF YOU ARE FOUND GUILTY OF CONTEMPT, THE COURT MAY IMPOSE ANY OF THE FOLLOWING PENALTIES (Ohio Revised Code Section 2705.05

(A):

- (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$250.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 30 DAYS IN JAIL, OR BOTH;**
- (2) FOR A SECOND OFFENSE, A FINE OR NOT MORE THAN \$500.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 60 DAYS IN JAIL, OR BOTH;**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN \$1,000.00, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 90 DAYS IN JAIL, OR BOTH.**

B. Notice of such motion and of the hearing thereon shall be served upon the subject party pursuant to the rules of service of summons contained in Civ. R. 4 through Civ. R. 4.6, incl., and the responsibility for initiating such service shall be on the movant.

C. Any finding in contempt on the part of a party will include an assessment of costs and may include an award of reasonable attorney's fees and costs. Unless proper evidence is presented justifying a higher fee awarded, the Court will not award attorney's fees in excess of \$250.00.

19. REMOVAL FROM COUNTY AND LONG DISTANCE PARENTING TIME

If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court intends to move more than 20 miles from the child(ren)'s residence, then such party shall file a written notice of relocation at least 45 days in advance of such removal and serve said notice of relocation upon the other parent. A period of less than 45 days may be appropriate in emergency situations.

If any legal custodian and residential parent of a minor child or children subject to the jurisdiction of the Court moves more than 20 miles from the child(ren)'s residence then, if the Court determines it to be in the best interest of the child(ren), **Rule 27 of the local rules of the Hardin County Common Pleas Court, General Division** to these Rules shall become the Order of the Court.

If a written notice of relocation is filed and served as required herein, and no objection or request for hearing is filed within 45 days of the filing of the notice of relocation and served on the party filing the notice of relocation, then **Hardin County Common Pleas Court, General Division, Rule 27** shall become the order of the Court. Hardin County Juvenile Court 16 Rules of Court.

20. JUDGMENT ENTRIES

A. All judgment entries in this Court in paternity matters or other matters relating thereto shall contain the approval of the judgment entry by signature of both parties and/or their attorneys and a recommendation and approval of such judgment entry by the magistrate. In addition thereto such judgment entry shall recite the waiver of such decision by the magistrate, when appropriate.

B. Judgment entries shall dispose of all matters prayed for in the proceedings including, costs, interest, and attorney fees, if applicable.

C. Judgment entries which initiate child support shall include or have attached thereto:

1. The Orders, as applicable, which are contained in Section 3121.01 *et seq.* of the Ohio Revised Code. The wording contained in **Appendix D** should be used, if applicable.

2. Requirements contained in Section 3121.28, 3121.51, 3121.52 and 3121.53 of the Ohio Revised Code, including the provisions that all support orders shall be in monthly support obligation for all children of the parties, rather than a weekly per child order.

D. The following language is required in all orders pertaining to the allocation of parental rights and responsibilities.

1. The plaintiff/defendant/petitioner will, in spite of his/her differences with the other party, discuss with him/her matters pertaining to the children's welfare, health and education, knowing full well that the general welfare of said children is of paramount importance.
2. Each of the parties shall encourage the children to respect, honor and love the other party, and neither party shall use the children to solve differences between themselves.

3. As residential parent, the plaintiff/defendant/petitioner shall:

a. Take any necessary action with the school authorities of the schools in which the children are enrolled to:

(1) List the other party as a parent of the child.

(2) Authorize the school to release to the other party any and all information concerning the children.

(3) Make sure that the other party receives copies of any notices regarding the children.

b. Promptly transmit to the other party any information received concerning parent teacher meetings, school club meetings, school programs, athletic, etc.

c. Promptly after receipt of same, furnish to the other party a photocopy of the children's grade report cards and copies of any other reports concerning the children's status or progress.

d. Notify the other party of when to make appointments for parent-teacher conferences.

e. Promptly inform the other party of any illness of the children which shall require medical attention.

4. Further, open and free communication between the children and the other party shall be encouraged and neither party shall do anything to impede or restrict communications by any method between the children and the other party. The communication between the children and the other party shall be kept confidential and shall not be opened or read by the party to whom the mail was not addressed.

5. Both parties shall refrain from criticizing the other parent in the presence of the children. Neither parent shall encourage the children to call anybody other than biological parent "Mom, Dad", or an equivalent.

6. Neither of the parties shall attempt to modify the religious practices of the children without first having consulted each other and the Court.

- E. In all matters involving children, the requisite order regarding health insurance coverage shall be a part of the final order. See **Appendix E**.
- F. Counsel for the party in whose favor a judgment is rendered, or who is directed to do so by the court, shall, within fourteen (14) days thereafter, unless further time be given by the Court, prepare and submit a judgment entry to opposing counsel who shall approve or reject same within fourteen (14) days after its receipt. All objections to such proposed judgment entry shall be in writing and may be answered in writing. If an agreement of the parties is placed on the record, the Court will approve a Judgment Entry which contains said agreement even if a party or attorney fails to approve the Judgment Entry. Failure to timely submit a judgment entry may result in sanctions being imposed by the Court, including but not limited to the dismissal of the pending matter or an award of attorney fees related to the preparation of the judgment entry by opposing counsel.

21. PARENTING TIME

Absent a stipulation of the parties, **Hardin County Common Pleas Court, General Division, Rules 26 and 27** of these Local Rules will be the standard parenting time order of the Court, unless the Court determines that such order would not be in the best interests of the child(ren). In each case in which **Hardin County Common Pleas Court, General Division, Rules 26 and 27** is the order of the Court, there shall be, attached to the entry in which the order occurs, or a certification that each party has been provided with a true and accurate copy of the applicable parenting time rule, and which version of the rule is being used. The certification shall be signed by counsel for the party, if any, and by the party acknowledging receipt of the rule. (See **Appendix G**) **Hardin County Common Pleas Court, General Division, Rules 26 and 27** may be attached to an entry with prior approval of the Court.

22. PSYCHOLOGICAL EVALUATIONS

A. If any party wishes to have any minor child(ren) who are involved in a dispute as to the allocation for parental rights and responsibilities evaluated by a psychologist or psychiatrist for the purpose of testimony at a Court hearing he/she must obtain the consent of the Court prior to such evaluation.

B. In no event will an expert be permitted to testify regarding such an evaluation if the above procedure is not followed.

C. The Court may order psychological evaluations of the entire family at any time during a contested matter, upon the request of any party or upon the Court's own motion. The reports from the psychological evaluations will be made available to counsel for the parties, and the GAL if one has been appointed, unless good cause is found which would justify restriction of access to said evaluations, and the parties will have the opportunity to depose or subpoena the evaluator at hearing. By requesting the evaluation, the party or parties consent(s) to the Court considering the Court ordered psychological reports, even if the evaluator is not called upon to testify.

D. Unless otherwise agreed by the parties or ordered by the Court, the costs associated with a psychological evaluation will be assessed against the party requesting the evaluation. If the
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Court, upon its own motion, orders psychological evaluations, the costs associated with a psychological evaluation, unless otherwise ordered, will be assessed equally against the parties.

23. MEDIATION

1. 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.

2. Case Eligible for Mediation

a. 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.

b. 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;
- 4.) In determining the penalty for violation of a protection order.

c. 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.

3. Confidentiality

Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

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.

4. Referral to Resources

The court administrator 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.

5. 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.

6. 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.

7. 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.

8. Each party shall deposit the value of one (1) hour mediation charges for the Court's mediator before mediation will be scheduled.

24. GUARDIAN AD LITEM

The Court hereby adopts Rules 19 and 20 of the Local Rules of Court of the Hardin County Common Pleas Court, General Division.

K. All Guardians ad Litem, either attorney or volunteer, shall be in full compliance with Rule 48 of the Rules of Superintendence for the Courts of Ohio.

25. MEDICAL SUPPORT OBLIGATIONS

The Court hereby adopts Rule 24 of the Hardin County Common Pleas General Division.

26. COST DEPOSIT FOR ATTORNEY/GAL AND COLLECTION OF FEES

Upon the filing of a motion for appointment of an Attorney Guardian ad Litem (GAL) the movant shall, in addition to any other cost deposit that may be required by the Court, make a deposit of Three Hundred Fifty Dollars (\$350). The deposit may be waived by the Court. The Court may request that the parties make additional cost deposits while the case is pending as may be necessary to compensate the GAL. Any deposits made for the GAL should be reserved for the GAL unless these funds are otherwise released by the Court. It shall be the GAL responsibility to notify the Court ahead of time if the deposit is going to be insufficient.

27. COST DEPOSIT FOR VOLUNTEER CASA/GAL

RESERVED

28. SECURITY FOR COST

The Juvenile Division of the Hardin County Court of Common Pleas requires a security deposit for costs in the filing of any original action, except complaints alleging that a child is delinquent, unruly, neglected, dependent, abused, or a juvenile traffic offender and in criminal actions filed against adults.

28.1 DEPOSIT FOR COSTS

No civil action or proceeding shall be accepted by the Clerk's Office for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment unless otherwise provided by law. Such advance deposit shall be in accordance with the following schedule, unless otherwise ordered by the Court:

DEPOSITS (ORC §§ 2151.54 / 2303.20)

1.	Civil Complaint	\$300.00
2.	Cross Claim, Counterclaim, Third Party Complaint/ Motion to Intervene (<i>except in delinquent, unruly, abuse, neglect, or dependency proceedings</i>)	\$200.00
3.	Additional Defendants	\$25.00
4.	Motion for Guardian ad Litem (<i>includes deposit of \$250.00</i>)	\$350.00
5.	All post-judgment Motions	\$150.00

6.	All pleadings after deposit depletion	\$50.00
7.	Service by Publication	\$175.00
8.	Personal Service by Sheriff per person served	
	a. Foreign Sheriff	\$100.00
	b. Hardin County Sheriff	\$150.00

COURT COSTS (ORC §§ 2151.54 / 2303.20)

1.	Felony Delinquent Base Costs	\$170.00
2.	Misdemeanor Delinquent Base Costs/Probation Violations	\$139.00
3.	Status Offense (Unruly) Base Costs	\$110.00
4.	Juvenile Traffic Base Costs	
	a. Non-moving Offenses	\$110.00
	b. Moving Offenses	\$149.00
5.	Adult Criminal Base Costs	\$139.00
6.	Civil Complaint or Post Decree Civil Motions Base Costs	\$81.00
7.	Abuse, Neglect, & Dependency Base Costs	\$81.00
8.	Additional entries requiring Court Signature	\$2.00
9.	Witness Fees (ORC § 2335.06)	
	a. half day or less	\$6.00
	b. more than half day	\$12.00
	c. round trip mileage beyond Kenton city limits	\$0.25

***NOTE: ANY PARTY TO A CASE SUBPOENAING AN OUT OF COUNTY
WITNESS IS REQUIRED TO PROVIDE A MILEAGE CHECK MADE
PAYABLE TO THE WITNESS AT THE TIME THE PRAECIPE IS FILED
IN THE COURT***

12.	Photo copy (per page) (ORC § 149.43)	\$0.10
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13.	Certification of Court Records (per document)	\$1.00
14.	Documents faxed by the Court	\$2.00 plus \$1.00/page
15.	All Postal Fees	Actual Costs
16.	Court Appointed Attorney Application (<i>ORC§120.36</i>)	\$25.00
17.	Bond or Recognizance	\$2.00
18.	Notice of Appeal (<i>ORC§2303.20</i>)	\$25.00
19.	Drug & Alcohol Testing (<i>ORC§2152.202</i>):	
	a. Dual Analysis Testing	Actual Costs
	b. ETG Alcohol Testing	Actual Costs
	c. Initial Urinalysis Testing	Actual Costs
20.	Curriculum and Assessment Fees:	
	a. Gain Q	Actual Costs
	b. Gain I	Actual Costs
	c. Gain 90	Actual Costs
	d. MRT Workbook	Actual Costs
21.	Detention Costs (per day)	Actual Costs
23.	CarTeens Driver Education Program (<i>ORC§2152.20</i>)	\$25.00
24.	Electronic Monitoring (<i>ORC§§2152.19(A)(3)(k) / 2929.23</i>):	
	a. Daily Fee	\$11.00
	b. Daily Fee including alcohol monitoring unit	\$12.00
	c. EM Installation Fee	\$50.00
	d. EM Removal Fee	\$20.00
	e. Mileage for installation & removal	\$0.50/mile
25.	Copy of Local Court Rules	\$5.00

28.2 INABILITY TO SECURE COSTS

If a litigant claims inability to either pre-pay or give security for costs, the litigant shall complete an Affidavit of Poverty required by the O.R.C. 2323.30 and O.R.C. 2323.31, substantiating such inability, all of which shall be filed with the pleadings and treated as other papers in such case, and be subject to review by the Court at any stage of the proceedings.

28.3 PAYMENT OF FINES AND COSTS

In any case, regardless of its nature, where fines 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.

28.4 RECORDING OF PROCEEDINGS

- A) All hearings before the court, if requested, will be recorded electronically. The audio electronic recording shall be the official record. In addition, any party, by the party's own arrangement and at that party's own expense, may provide for a court reporter. The stenographer record, upon special order, may be the official record.
- B) A transcript of the record may be requested in accordance with Rule 9(A) of the Rules of Appellate Procedure.
- C) The original CD or other recording medium of the audio-electronic recording shall be maintained by the court for a period of one (1) year from journalization of the final entry or judgment in the case. However, if a written request for transcription has been made, the original CD or other recording medium shall become part of the record of proceedings.
- D) A party may request a copy of the electronic recording of all proceedings at the party's expense. The court may permit a party to hear the electronic recording. The court does not permit indiscriminate public access to electronic recordings of hearings; a request for access by a non-party must be served on all parties. (See commentary to Sup. R. 11(D)).
- E) Any party requesting a transcript will bear the responsibility of arranging and paying for said transcript, as well as responsibility for filing the same with any appropriate court or administrative agency.

28.5 DISCRETION OF THE COURT

The Clerk's Office is granted the following use of discretion:

A. If the costs are not paid at the termination of the litigation, any deposit for costs or bond to secure appearance may be applied to the unpaid costs. Unused deposits will be first applied to cost owed, being the same party in other cases before a refund is remitted.

B. The Clerk's Office may make periodic or partial distribution of monies deposited for the purpose of restitution, pursuant to court order, unless otherwise ordered by the Court in a particular case.

28.6 STATUTORY CHARGES

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

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 O.R.C. 2303.20 (A), (Q), and (U).

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 by this Court in procuring and maintaining computerized legal research services.

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

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 O.R.C. 2303.20 (A), (P), (Q), (T), and (U).

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 the authority of O.R.C. Section 2303.201 (E)(1), it is determined that, for the efficient operation of this Court, additional funds are necessary to acquire and pay for special projects of the Court.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of twenty-five dollars (\$25.00) upon the filing of each criminal cause, civil action or

proceeding, or judgment by confession.

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 dispersed upon an Order of the Court of Common Pleas, Juvenile Division, and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Court of the projects.

28.7 PUBLICATION BY POSTING

A. Pursuant to Ohio Juvenile Rule 16 (A), service by publication shall be made by posting unless otherwise ordered by the Court.

B. In addition to the Juvenile Courthouse at One Courthouse Square, Suite 200, Kenton, Ohio, the Court designates the following as locations where publication of service of process by posting may be made, in accordance with Juvenile Rule 16 (A). Pursuant to that Rule, posting shall be made at any two (2) of the following designated locations:

(1) The Hardin County Department of Job and Family Services, 175 West Franklin Street, Kenton, Ohio, or any other location to which it might relocate;

(2) The Hardin County Department of Health, 175 West Franklin Street, Kenton, Ohio, or any other location to which it might relocate.

C. The Clerk of this Court shall cause the required notice to be posted in a conspicuous place and manner in the above denominated places for the requisite seven (7) days.

Upon completion of the posting for seven (7) days, the Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

29. COURT FEES FOR COMPACT DISC BEING PREPARED AND DISTRIBUTED

Effective immediately any person, who would be entitled to a copy of the record in a juvenile proceeding, may request a copy of the hearing on compact disc and shall pay this court Ten Dollars (\$10.00) for the cost of the same prior to the compact disc being prepared. Recordings of court hearings will be kept for one (1) years from the date the recording is made, except in abuse neglect or dependency cases.

30. SEALING/EXPUNGEMENT

The Clerk of this Court shall not accept a filing fee for any Application for Sealing or Expungement of Record.

At the age of 23 or beyond, the court may, upon its own motion, seal and expunge any court record so long as the matter is paid in full and the person is no longer the subject of any court actions. This rule does not apply to the precluded by statute.

31. ADDITIONAL FEE FOR COURT COMPUTERIZATION

Pursuant to Ohio Revised Code 2153.081 this Court hereby determines that for the efficient operation of this Court additional funds are required to computerize the office of the Clerk of the Juvenile Court and therefore authorizes, pursuant to the above-section, that the Clerk or a Deputy Clerk of this Court shall charge an additional fee of Twenty Dollars (\$20.00) on the filing of each cause of action filed in this Court. The additional Twenty Dollars (\$20.00) fee shall be paid to the County Treasurer to be disbursed upon an order of this Court and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual costs to this Court for procuring and maintaining computer systems for the Clerk's Office.

32. INCREASE IN COURT COSTS FOR COURT COMPUTERIZATION ORC 2151.541(A)

Pursuant to the provisions of O.R.C. 2151.541(A), this Court hereby determines that for the efficient operation of this Court additional funds are required to computerize the court and to make available computerized legal research services. Therefore this Court orders that an additional fee in the amount of Three Dollars (\$3.00) be added to the costs of all actions or appeals under division A, Q, or U of section 2303.20 of the Revised Code if filed in this Court on or after the effective date of this rule of court.

All moneys collected under this Rule shall be paid to the County Treasurer to be distributed upon an order of this Court and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Juvenile Court of procuring and maintaining computerization of this Court, computerized legal research services, or both.

33. TRANSCRIPT FEES AS TO RECORDED PROCEEDINGS

- A. All hearings before the Court, if requested, will be recorded electronically. The audio electronic recording shall be the official record. In addition, any party, by the party's own arrangement and at that party's own expense, may provide for a court reporter. The stenographer record, upon special order, may be the official record.
- B. A transcript of the record may be requested in accordance with Rule 9(A) of the Rules of Appellate Procedure.
- C. The original CD or other recording medium of the audio-electric recording shall be maintained by the court for a period of one (1) year from journalization of the final entry or judgment in the case. However, if written request for transcription has been made, the original CD or other recording medium shall become part of the record of proceedings.

- D. A party may request a copy of the electronic recording of all proceedings at the party's expense. The court may permit a party to hear the electronic recording. The court does not permit indiscriminate public access to electronic recordings of hearings; a request for access by a non-party must be served on all parties. (See commentary to Sup. R. 11(D)).
- E. Any party requesting a transcript will bear the responsibility for filing the same with any appropriate court or administrative agency.

34. FAX FILING

- A. Authorization: The Juvenile Clerk shall maintain a telephone line and facsimile (fax) machine to allow parties to file documents no longer than 10 pages in length with the court. Filings in excess of 10 pages shall be charged a fee of \$2 per page, payable within fourteen (14) days.
- B. Fax Copies: Filing of documents subsequent to an original complaint and prior to a final judgment entry and other filings not requiring a security deposit may be filed by fax copy with the Juvenile Clerk, exhibits shall be filed with the Juvenile Clerk as a separate document no later than five (5) court days following the filing of the original fax document. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by Rule. Any exhibit filed pursuant to this rule shall include a cover sheet or notice of the filing that contains the caption of the case, i.e. sets forth the name of the Court, title of the case, the case number, name of the Judge or Magistrate and the title of the exhibit being filed (e.g., Defendant's Smith's Notice of Filing Exhibit "G" to Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

In accordance with Civ. R.5(E), any signature on the fax filing shall be considered to be authentic. If it is established that any transmission was made without authority, the Court shall order the filing stricken.

Subject to the provisions of these rules, all documents sent by fax and received by the Juvenile Clerk shall be considered filed with the Court as of the date and time the Juvenile Clerk time-stamps the document during regular hours, as opposed to the date and time of the fax transmission that is imprinted by the facsimile machine.

However, the fax machine will be available to receive fax transmission of documents on the basis of 24 hours per day, seven days per week, including holidays at the following number: 419-675-2941. If a facsimile filing is sent by fax to the Clerk of Court without the cover page as designated in this rule, the Clerk at their discretion may deposit the document in a file of failed faxed documents with a notation as to the reason for the failure. In this instance the document **shall not** be considered filed with the Clerk of Courts. The Clerk of Courts is not required to notify the transmitting party of a failed fax filing.

- C. 1. Requirements: Any fax copy filed shall conform to the Civil and Juvenile Rules and shall be preceded in transmission by a cover page, which includes the following information:

- a. Caption of the case
- b. Case number
- c. Assigned Judge/Magistrate
- d. Description of the document being filed
- e. Attorney name, address, Ohio Supreme Court registration number, telephone number and fax number
- f. Date and time of fax initiation
- g. Transmitting fax number
- h. Number of pages, including the cover page, being transmitted

2. Any document requiring a signature shall either contain the signature on the source document at the time of fax transmission or be submitted without the signature by the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

D. Fax Documents as Originals: The faxed document shall be considered the original. Additional originals of the document shall not be filed with the Juvenile Clerk. The sending party must maintain possession of the source documents and make them available for inspection by the Court upon request.

E. Fees: No additional fee shall be assessed for facsimile filings of 10 pages or less. However, facsimile filings shall not exceed ten (10) pages in length, including exhibits.

F. Copies to Serve: The party filing documents by fax shall not transmit copies by fax to the Juvenile Clerk for service upon other parties but shall provide service directly upon all necessary parties.

G. Applicability: This rule applies to cases involving all areas of the court’s jurisdiction, with the exception of cases filed pursuant R.C. 2151.85 regarding a minor’s complaint for an abortion. In such cases, no document shall be filed by facsimile transmission.

The following documents may not be sent by facsimile transmission to the Juvenile Clerk for filing:

- a. an ex-parte motion for emergency custody;
- b. any document in whole or part under seal;
- c. original complaints;
- d. pleadings pursuant to appeal;
- e. filings requiring a deposit;

H. This Local Rule has been instituted solely as an accommodation to persons filing documents with the Clerk of the Juvenile Court. The person making the facsimile filing shall bear all risk of transmitting a document by facsimile, including all risk of equipment failure.

I. Effective date: This rule shall govern all proceedings in actions brought after it takes effect, and also in further proceedings in pending actions, except to the extent that, in the

opinion of the court, the application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

35. DELIVERY BY OR TO COUNSEL OR PARTIES/SERVICE OF NOTICES

- A. Where copies of pleadings, motions, briefs, memoranda and other papers have been placed in the appropriate attorneys drawer in the Hardin County Probate Court, One Courthouse Square, Suite 210, and certificate of delivery reflects such action, it shall be deemed by the Court as delivery to counsel pursuant to the requirements of the Ohio Rules of Civil Procedure.
- B. All assignment notices generated by the Hardin County Juvenile Court shall be placed in the attorney drawer of appropriate counsel in the Hardin County Probate Court or Clerk of Courts office. If counsel has no such drawer, the assignment notices shall be deposited with the Postal Service, postage prepaid.

If a party or counsel wants a file-stamped copy of a document filed by that party or counsel to be returned by the Clerk of this Court via U.S. mail, that party or counsel must provide an addressed, postage prepaid envelope for that purpose.

The Clerk of this Court shall note on the docket of the case the type of service completed using language such as *"Judgment Entry filed. Photo copy served on all parties."*

36. RULES TO EXPEDITE COMPETENCY PROCEEDINGS

The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Ohio Revised Code, 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.

- A. Upon the request for a competency hearing, the court shall schedule a hearing on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.
- B. Upon conclusion of each hearing, the court shall provide written notice or oral notice on the record to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, 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.
- C. 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 proceeding is dismissed.

37. PARENTING CLASS

The Court hereby adopts Rule 21 of the Local Rules of Court of the Hardin County Common Pleas Court, General Division.

38. CHILD SUPPORT DEVIATION

The Court hereby adopts Rule 23 of the Local Rules of Court of the Hardin County Common Pleas Court, General Division.

39. TAX EXEMPTION

The Court hereby adopts Rule 25 of the Local Rules of Court of the Hardin County Common Pleas Court, General Division.

40. MEDICAL REPORTS IN PATERNITY/CUSTODY CASES

The Court hereby adopts Rule 17 of the Local Rules of Court of the Hardin County Common Pleas Court, General Division.

41. EMAIL OR ELECTRONIC FILINGS

The Court will not accept email or electronic filings, except as otherwise provided in these rules.

42. COURT APPOINTED COUNSEL AND GUARDIAN ad LITEM MOTION FOR FEES

1. All Motion, Entry, and Certification for APPOINTED COUNSEL Fees (hereinafter "*Motion*") submitted by court appointed attorneys shall be filed with the Court in following manner:
 - a. the original *Motion*, fully completed, attached to copies of:
 - i. the client's Affidavit of Indigency (a copy of which shall be served upon attorney by Deputy Clerks of the Juvenile Division); and
 - ii. the Court's entry appointing the attorney to the case.
 - b. one (1) copy of the *Motion* with the same attachments referenced above.
 - c. two (2) additional copies of the *Motion*, without attachments.

2. All Motion, Entry, and Certification for *Guardian AD Litem* Fees ("*Motion*") submitted by the *Guardian ad Litem* shall be filed with the Court in the following manner:
 - a. the original *Motion*, fully completed, attached to a copy of the Court's entry appointing them to the case;
 - b. one (1) copy of the *Motion*, attached to appointment entry; and
 - c. two (2) additional copies of the *Motion*, without attachments;
 - d. the *Guardian ad Litem* shall check the appropriate box in the caption section of the *Motion*, indicating that they were appointed as *Guardian ad Litem*.
3. At the time they are appointed to the case, the Court shall provide to all court appointed attorneys and *Guardian ad Litem* (when applicable) copies of their client's Affidavit of Indigency and the Court's entry appointing them to the case. In the event a court appointed attorney or *Guardian ad Litem* requires additional copies of these documents for their records, they may request copies from the Court, subject to the standard copy fee of ten cents (.10) per page.
4. Defective *Motions* shall be returned to the court appointed attorney and/or *Guardian ad Litem* to provide them the opportunity to remedy the defect. The time provided to remedy the defect shall not stay any time limits established by this rule, or any other rule or order of this Court, unless approved and journalized by the Court. For the purpose of this rule:
 - a. defective *Motions* are those which fail to conform with requirements of this rule and any rule adopted by this Court or other Court's of competent jurisdiction; and
 - b. unless otherwise approved and journalized by the Court, Appointed Counsel and Guardian ad Litem fees included on defective *Motions* which do not conform to the time limits established by this rule, or any other rule or order of this Court, **SHALL NOT BE APPROVED** for payment.
 - c. **IF GRANTED, ANY EXTENSION BEYOND THE TIME LIMITS HEREIN MAY BE SUBJECT TO SIGIFICANT REDUCTION IN APPROVED COMPENSATION.**
5. All *Motions* shall be filed with the Court **WITHIN THIRTY (30) DAYS** after the case is finally disposed of by the Court. For the purpose of determining timelines, "finally disposed of by the Court" is defined as follows:

- a. the date of final judgment or journal entry filed by the Court, excluding extraordinary fees motions;
 - b. if no journal entry or disposition date, the date of the last appearance in Court; or
 - c. in periodic billings, the last date of activity on Itemized Fee Statement portion of the *Motion* (excluding time spent preparing the bill, which is not allowable) or the filing of the journal entry from the last Court appearance.
 - d. requests for phone, photo copy, travel and other expenses must be approved before the expenditures are made.
6. Requests for extraordinary fees shall be made by written motion, and shall be filed with supporting information and documentation NO LATER THAN THIRTY (30) DAYS after the final disposition date as defined in paragraph 5 of this rule. An award of extraordinary fees will be made upon the Court finding a reasonable basis and justification for said fees, and sustaining said motion.

43. PRIOR RULES

All previous Local Rules adopted by this Court and not embodied in these Rules are hereby resinded.

44. ELECTRONICALLY PRODUCED TRAFFIC TICKETS

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Hardin 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, in compliance with Traffic Rule 2 (F) (1) and (2).

45. RESTRAINTS IN THE COURTROOM

1. Restraints shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following:
 - a. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
 - b. There is a significant risk the child will flee the courtroom.
2. If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

46. SECURITY

All persons are hereby prohibited from conveying or attempting to convey a deadly weapon or dangerous ordnance into, or from possessing, or having under one's control a deadly weapon or dangerous ordnance in the courtroom or court staff offices (herein "court facilities"). This judge; (2) a peace officer, or an officer of another state, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties unless said person is appearing as a witness or party in a personal, as opposed to a professional capacity; (3) a person who conveys, attempts to convey, possesses, or has under the person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceedings; (4) a bailiff, court staff or deputy bailiff of the court who is authorized to carry a firearm as a requirement to that individual's duties; or (5) a prosecutor, or a secret service officer appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon or dangerous ordnance in the performance of the individual's duties, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties.

Except for law enforcement officers as designated above whose weapon is carried openly, no person shall bring a weapon or dangerous ordnance into the courtroom or court staff offices without first informing the judge presiding over the proceedings.

47. CONDUCT OF THE MEDIA & SPECTATORS IN THE COURTROOM DURING PROCEEDINGS IN THE JUVENILE DIVISION

SUP. R. 12

CONDITIONS FOR BROADCASTING AND PHOTOGRAPHING COURT PROCEEDINGS

Adoption, mental illness, and mental retardation proceedings are confidential (Sup. R. 55(c)). Other proceedings in juvenile court are open to the public if provided by Ohio Law. A media representative must timely submit a request for media access to the court and to affected parties. In order to ensure that the safety, decorum, integrity, and propriety of court proceedings are preserved at all times, the following protocols must be followed by members of the media and spectators who are granted access to court proceedings.

FOR THOSE GRANTED ACCESS TO THE COURTROOM:

1. All persons, granted access to the courtroom, are subject to search prior to entering the courtroom. Unless expressly authorized by the court prior to the start of the proceedings, all persons admitted to the courtroom, who are in the possession of any electronic devices which record photographic, audio and/or video images, including but not limited to cellular phones, PDA's and "I-Pods" shall be required to turn off each device prior to entering the courtroom, and shall not be permitted to turn them on while in the courtroom.
2. No video cameras, still cameras or audio recorders shall be permitted in the courtroom, unless applied for in writing pursuant to Sup. R. 12(A) and expressly authorized by the court, subject to the following conditions.
 - a. Still Cameras:
 - i. Photographs shall not be taken while testimony or statements are taking place;
 - ii. Only one (1) still photographer shall be permitted in the courtroom; the photographer shall be limited to two (2) cameras with two (2) lenses for each camera;
 - b. Video Cameras:
 - i. only one (1) portable television, video tape, or movie camera with one (1) operator shall be permitted in the courtroom;
 - ii. the camera shall be set up prior to the start time of any hearing and shall not be moved from the designated location at any time while court is in session;
 - c. Limitations on photographs and video: no person possessing a video camera, motion picture camera and/or still camera shall use and/or operate such cameras in such a manner to:
 - i. record above the waist images of all minors present in the courtroom during these proceedings.
 - ii. film, videotape, photograph and/or record any witness and/or victim who objects to the same;
 - iii. take pictures and/or video footage of any item present on the table or bench within the courtroom;
 - d. Media Pooling: Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding;

- i. pooling arrangements are to be made outside the courtroom and without imposing on the judge or court personnel;
 - ii. if disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings;
- e. All use of these devices **shall** be restricted if they interfere with the conduct or propriety of the proceedings.
3. Media representatives, including still photographers and television and radio representatives will be provided a clear view to the extent reasonably possible considering the size and layout of the courtroom and subject to not interfering with proceedings, but **shall not** be permitted to move about in the courtroom during court proceedings, except to enter or to leave the courtroom;
4. Interviews **shall not** be conducted in the courtroom by/with any person at any time;
5. All cellular phones, pages, and other electronic devices not in conformity with this protocol **shall not** be permitted in the courtroom;
6. **ANY VIOLATION OF THESE PROTOCOLS WILL BE CAUSE FOR YOUR REMOVAL FROM THE COURTROOM.**

ALL MEMBERS OF THE MEDIA, AND SPECTATORS INCLUDING THOSE GRANTED ACCESS TO THE COURTROOM:

1. **shall not** block, interfere with or otherwise impede access to any door within the courthouse;
2. **shall not** conduct interviews in the courthouse except in the following locations:
 - a. designated by the Sheriff or deputy on duty if they have security concerns concerning the proceedings;
 - b. in an area which will not interfere with the proceedings;
3. **shall** respect the wishes of those who do not want to speak with you.
4. At all times, while in the courthouse, media representatives and spectators must conduct themselves in a manner so as to not interfere with the proceedings and normal courthouse business.