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

**CLERK OF COURT
SUPREME COURT OF OHIO**

**IN THE MATTER OF
ADOPTION OF
RULES OF COURT**

JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section B, of the Ohio Constitution, prescribed certain Rules of Juvenile Procedure which became effective July 1, 1972, since amended; and the court finds that in order to implement such rules and to replace any existing rules which are in conflict therewith, it is necessary and proper to adopt local rules of practice and procedure.

Now therefore, pursuant to Section 2151.17, Ohio Revised Code, it is ordered that the following rules shall be and the same hereby are adopted and all prior rules, if any, be replaced.

**ALAN LEMONS, JUDGE
Court of Common Pleas
Juvenile Division
Scioto County, Ohio**

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RULES OF COURT - JUVENILE DIVISION

RULE 1: Sessions of Court

1. The Juvenile Court office shall be open for the transaction of ordinary business from 8:30 a.m. to 4:30 p.m., on all business days, Monday through Friday, with legal holidays as provided by law to be observed.
2. The Juvenile Court office, at the discretion of and upon the order of the judge, may be open at other hours for matters of extraordinary nature or importance.
3. Court sessions shall be held at the Scioto County Courthouse or any annex thereof in such manner as shall be ordered by the judge; sessions may be held at such other places in the county as may be provided by order of the judge from time to time or for special cases as the interest of justice may require.
4. Sessions shall be held in the privacy of chambers, or in the courtroom, or in such other place with this county as may be ordered. Plea, arraignment and detention hearings may be held by video communication in accordance with these rules. In every case of an adult charged with a criminal offense, the right of public trial and hearing will be observed with the right to trial by jury as provided by law or Rules of Criminal Procedure.
5. At each session of the Juvenile Division, cases involving adults shall take precedence as to arraignment, fixing of bond and entering of sentence when the defendant is presented in open court in the custody of the Sheriff of Scioto County or other law enforcement officer.
6. Sessions may be adjourned from time to time as the justice of the case may require, and for the court to have an opportunity to obtain additional evidence or testimony.

RULE 2: Conduct in Court

1. Proper decorum in the court is necessary to the administration of the court's functions and any conduct which interferes, or tends to interfere, with the proper administration of the court's business is prohibited. Radio or television transmission, voice-recording device, making a record of a proceeding before the Court, or the making or taking of pictures shall be permitted upon written application to the Court and authorization by Court entry.
2. In order to facilitate the transaction of the court's business, each case shall be assigned, inter alia, a hearing date and time. To the greatest degree possible, the court will adhere to this hearing schedule. It is expected that the attorneys involved in a particular case will be on time for and present in court at the date and time of a scheduled hearing. Failure of a party or counsel to appear at the scheduled time for trial or hearing may, at the court's discretion, be deemed a contempt of court. A fine in the amount of \$50.00 may, at the court's discretion, be imposed and paid, unless suspended by the court, in addition to any other penalties imposed pursuant to law.
3. In order to facilitate the transaction of the court's business, the court shall, on its own motion, set cases for pre-trial hearings when deemed appropriate and necessary by the court, notify and require the attendance at said hearings by the parties involved and the attorneys representing said parties. All attorneys are required to have immediate access to their schedule during all hearings before the Court.
 - A. The procedure herein set forth shall apply to all cases, except to the extent that by their nature they would clearly be inapplicable.
 - B. Upon the filing of the appropriate case, a status conference shall be scheduled by the Court within a reasonable time. At the status conference, the Court shall discuss with counsel the status of the case, the contested nature of the action, inclusion of necessary and permissible parties, completion or amendment of pleadings and possibility of settlement. The Court shall also set a scheduling order, which shall include the dates of trial, final pretrial conference, hearings on motions, exchange of trial materials, discovery and any other matter deemed necessary by the Court.

C. Prior to the final pretrial, counsel shall:

- 1) Amend complaint or other pleadings, if necessary, by filing a motion with copy to opposing counsel. Opposing counsel, upon receipt of such motion, shall promptly advise the judge of his position of either opposing said motion or consenting thereto. The judge shall then rule on the motion promptly.
- 2) If further depositions or other discovery measures are desired, complete them so that the transcript will be available at the hearing.
- 3) If further medical examinations are desired, make necessary arrangements to complete them prior to the hearing.
4. At the final pre-trial hearing counsel shall:
 - A. Have present the counsel who is fully authorized to act and negotiate on behalf of the parties.
 - B. Have party, or parties, in interest, present at pre-trial conference, unless prior to date of pre-trial and for good cause shown, counsel obtains from the judge, permission excusing such appearances.
 - C. Present a written statement of the issues involved.
 - D. Submit a written statement of all questions of law that it is expected will be involved.
 - E. Submit exhibits expected to be offered into evidence for the purpose of stipulating such matters with respect thereto as may avoid formalities of proof.
 - F. Present statements of items of expenses and damages, with proper proof thereof for the purpose of stipulating with respect thereto and avoiding formalities of proof.

- G. Present a list of the names and addresses of witnesses to be used at the trial. Depositions of witnesses not available for trial shall have been completed.
- H. File a statement that all depositions and all discovery procedures and all law and motions made have been completed and the case is ready for trial.
- I. Come prepared to discuss seriously, the possibility of settlement of the case.

5. General Provisions.

- A. All hearings shall be conducted by the judge and/or magistrate.
- B. At the conclusion of the status hearing or final pre-trial, a pre-trial order may be prepared by the court or an attorney at the direction of the court, setting forth all matters determined at the status or final pre-trial hearing. Said order shall control at the trial, unless otherwise directed by the court. The court may require counsel to submit a proposed order within five (5) days after the conference.
- C. Counsel shall file, in such form and at such time as directed by the court, trial briefs covering such special questions of law as the court shall specify. A copy shall be served on the opposing parties at the time of filing with the court. Any matters not specifically included in this rule may be determined by the court and included in said order.
- D. Statements of the parties or their counsel made during a pre-trial hearing shall not be binding upon the parties unless expressly agreed to or entered into the pre-trial order.
- E. After the case has been assigned for trial, no vacation thereof or continuance will be permitted except in case of death, serious illness or extreme emergency, which could not have been reasonably anticipated. See Rule 8(8).
- F. If hospital records are desired from the adverse party, counsel will make a written request therefore upon opposing counsel at least 30 days before the pre-trial. If counsel upon whom the demand is made

considers the demand unduly onerous or unjust, upon application, the court may require the expense of procuring the same to be paid, all or in part, by the party making the request. Copies shall be substituted and received into evidence, unless a specific objection thereto is sustained.

If any privileged information is disclosed, and the privilege is not thereafter waived, counsel is ethically bound not to utilize the same in any manner after the pre-trial.

In any discovery procedures, the policy of the court will be to encourage full, fair and free disclosure of information.

No physician shall be subpoenaed or called as a witness to testify in any proceeding, either personally or by deposition, without prior conference with the attorney calling him concerning the subject of his testimony. Such attorney shall make arrangements for notifying the physician of the approximate time his appearance will be required at a hearing, either by telephone or other personal contact.

6. Notification of Assignment Commissioner.

It shall be the duty of counsel to immediately notify the assignment commissioner of the settlement of any cause, including motions, which has been assigned a trial date or hearing date and placed on the docket.

It shall be the duty of counsel to notify the assignment commissioner at least three (3) days prior to hearing upon any matter set by the assignment commissioner, either with or without the request of counsel, in which counsel desires a court report.

7. Indigency Fees.

Pursuant to the Resolution Setting Fee Schedules to Provide for the Defense of Indigent Persons charged with Criminal Offenses as adopted and amended by the Board of County Commissioners of Scioto County pursuant to Section 2941.51 of the Revised Code, court appointed attorneys in cases involving indigent parties shall be paid, upon the submission of appropriate voucher forms, at the hourly rate established by the County Commissioners up to a maximum of \$250.00, together with reimbursement for reasonable expenses incurred in such representation. Extraordinary fees may be granted within the discretion of the court by the filing of a proper motion and memorandum and exhibits in support.

RULE 3: Juvenile Traffic Procedure

1. The statutory procedures with respect to the trial of adult traffic cases will be followed insofar as they may be relevant in this division, with the Rules of Practice and Procedure in Traffic Cases for All Courts Inferior to Common Pleas adopted by the Supreme Court of Ohio and these rules.
2. The Uniform Traffic Complaint form will be used in traffic cases; each person filing a complaint on said form will be required to provide thereon and on a separate form to be provided by this court the names and addresses of the parent(s) or guardian(s) or person(s) having custody of the alleged juvenile traffic offender.
3. Law enforcement officers are encouraged to use the statement-of-fact forms provided by the court to provide sufficient information with respect to the juvenile and the alleged violation to permit the court to make final disposition in the case without requiring the attendance of the said arresting officer.
4. In attempting to achieve the maximum benefit from the service of probationary orders, the court reserves unto itself the imposition of a probationary disposition in each traffic case when the said cause is continued, without additional language in the complaint; the duration of such probation to be the period terminating upon order of the court of the attainment of lawful adulthood.

RULE 4: Bonds and Recognizances

1. Appearance bonds for adults and/or juveniles shall be fixed by the judge in each individual case upon arraignment, or at such other time as may be provided; the deputy clerks shall endorse on all warrants for the arrest of adults the amount of bond as may be provided by the judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the judge.
2. Other bonds or recognizances to appear as may be provided by the judge shall be in the form as provided by law, order or this court or other court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.
3. The sufficiency of sureties shall be determined by the judge in each case; and when real property is offered as security by a surety, the court shall require twice the value of the bond in real property as such value shall appear upon the county tax list maintained by the officer of the County Auditor multiplied by two (2).

4. No attorney or other officer, or employee of this court shall be accepted as bail or surety in any action or matter in this court.

RULE 5: Procedures - Juveniles

1. The Supreme Court of Ohio, Rule 9, Ohio Rules of Juvenile Procedure, effective July 1, 1972, stated that in all appropriate cases formal court action should be avoided and other community resources be utilized to ameliorate situations brought to the attention of the court and this court hereby ratifies and affirms such statement of policy.

Such rule further states that information that a child is within the court's jurisdiction may be informally screened prior to filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

The court hereby designates the Chief Probation Officer as Intake and Diversion Officer, under the direction and supervision of the court, and assigns to him the duty of informally screening all complaints prior to the filing thereof to determine appropriate proceeding, and the manner of proceeding thereon.

2. Upon detention, arrest or apprehension of a juvenile by an officer of a law enforcement agency, after the officer has information of a reasonable credibility as to the age of the accused, the officer may detain or cause such juvenile to be detained until he or she may be presented before the court. In the event that the court is not in session, the officer shall cause said juvenile to be released to a parent, guardian, or other responsible adult person having the custody or control of said juvenile. Failing in the foregoing procedure, the officer shall cause said juvenile to be forthwith taken to the juvenile detention center, emergency shelter care or custodial detention facilities as they presently exist or may hereafter exist, and to cause said juvenile to be

presented in open court at the next session thereof providing said officer shall have obtained the permission of an Intake Officer of this court, or the judge/magistrate to place said child in juvenile detention center, emergency shelter or custodial detention facilities.

Immediately upon the arrest or apprehension of any juvenile for a felony offense, or suspicion of a felony, or a misdemeanor offense described in division (A)(1)(a) or (A)(10)(a) of Ohio Revised Code section 109.572 (or any amendment or replacement thereto) shall take the juvenile's fingerprints in the manner prescribed by Ohio Revised Code section 109.60 (or any amendment or replacement thereto).

The Sheriff of Scioto County, the Chief of Police of the Village of New Boston, and the Chief of Police of the City of Portsmouth, Ohio, and the Executive Secretary of the Scioto County Children Services Board are hereby designated as officers of the Juvenile Division of the Common Pleas Court of Scioto County, Ohio.

3. The primary detention facility for the Scioto County Juvenile Court shall be the Scioto County Juvenile Detention Center. However, in the event of unavailability due to extenuating circumstances, the following shall also be acceptable for use and duration pursuant to law and the continued unavailability of the Scioto County Juvenile Detention Center.
 - A. That portion of the Scioto County jail which is separated from the rest of the said facility and is specially equipped for the detention facility for the court, and shall be administered by the Sheriff of Scioto County under the rules and regulations of this court.
 - B. That portion of the New Boston Police Department which is designated a jail or lockup and which is separated from the remainder of the facility and is specially equipped for the detention facility for the court, and shall be administered by the New Boston Police Department under the rules and regulations of this court.
 - C. That portion of the Portsmouth Police Department which is designated a jail or lockup and which is separated from the remainder of the facility wherein adults are incarcerated is hereby designated as a custodial detention facility by the court, and shall be administered by the Chief of Police of the City of Portsmouth under the rules and regulations of the City of Portsmouth, and the laws of the State of Ohio.
 - D. The Emergency Receiving Home operated by the Scioto County Children Services Board in the City of Portsmouth, Ohio, is hereby designated as an emergency shelter care facility for juveniles.
4. The Sheriff of Scioto County, the New Boston Police Department, and the Portsmouth Police Department shall receive into said juvenile custodial facilities and the Emergency Receiving Home operated by the Scioto County Children Services Board shall receive into emergency detention and emergency shelter care those juveniles delivered to their charge by other law enforcement officers in accordance with these rules and shall cause said juveniles to be presented at the next session of the court.

5. In the event that any law enforcement agency shall determine that immediate consideration of certain matters with respect to a juvenile should be had by the judge or other officer of the court, they shall contact the juvenile intake officer or such other member of the court staff as that said officer shall designate; the orders and/or instructions of the said officer shall be carried out until other or contrary orders or instructions shall be issued by the judge or such other court officer as may be designated by the court.
6. Any law enforcement officer upon taking any juvenile into custody shall cause to be prepared a complaint on forms to be supplied by the court; and once prepared the complaint shall be verified as may be required by law and deposited with the law enforcement agency or filed with the court.
7. In all cases wherein the juvenile is not taken into custody by the officer, or the juvenile is not in custody, a complaint shall be prepared by the officer or other representative of the law enforcement agency with the assistance of the intake officer of the Juvenile Court of Scioto County, Ohio.
8. In all cases in which a juvenile is arrested, the arresting officer shall cause the juvenile to be fingerprinted in the manner prescribed by law.
9. Process for summons, warrants and subpoenas shall be issued to the Sheriff of Scioto County, Ohio, or any other lawfully authorized law enforcement agency.

RULE 6: Procedures - Adults

1. The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions wherein the Juvenile Division has jurisdiction.
2. All persons charged with offenses and who are being held under process from this court or who have been arrested and charged in this court shall be brought before the court for arraignment immediately upon arrest or post bond in accordance with rules of criminal procedure established by the Supreme Court of Ohio.
3. In the event that a person charged with an offense, under the provisions of Chapter 2151, Revised Code, is detained in the custody of a law enforcement officer, and which offense is not otherwise a felony, the court hereby orders that such officer may take such defendant before an officer of a court of record for his appearance before this court. Bail for any such offense is hereby fixed in the sum of Two hundred Dollars (\$200.00), unless otherwise ordered in a warrant to arrest as provided in Rule 3. Any such appearance shall be fixed at the next session of the Juvenile Division at 9:00 a.m. unless otherwise directed by a member of the staff of this court.

4. In cases in which the defendant has a right to a trial by jury, the defendant or his counsel shall demand a trial by jury at least pursuant to the Ohio rules of Criminal Procedure.
5. In cases wherein an adult is charged with an offense, the court shall appoint an attorney to represent a defendant who appears to the satisfaction of the court to be without funds or property to provide his own counsel, unless the defendant affirmatively waives such right in open court.

RULE 7: Probation Department – Personnel

1. The judge of the Juvenile Division of the Common Pleas Court of Scioto County, Ohio, hereby establishes a probation department with the Juvenile Court in accordance with Section 2151.14 of the Revised Code.
2. The deputy clerks of the Juvenile Division shall render such assistance to the probation staff as may be directed by the judge. Deputy clerks may administer oaths, issue warrants of arrest, warrants of detention, and other writs in the name of the judge of the Juvenile Division as may be provided by law, these rules or the Juvenile Rules adopted by the Supreme Court of Ohio.
3. The deputy clerks and members of the staff of the Juvenile Division may request of any officer, board, commission, or official the cooperation provided by Section 2151.40, Revised Code.

RULE 8: Probation Department - Operation

1. The probation department shall make such investigations, obtain such reports and perform such other duties as shall be directed by the judge or as provided in the statutes and Juvenile Rules.
2. A juvenile probation officer shall serve such process issuing from the court as may be directed to him and shall make prompt return thereof.
3. A juvenile probation officer may make arrests without a warrant upon reasonable information or upon view of violations coming within the Juvenile Court Act as amended, and detain the person so arrested pending the issuance of a warrant or other process, and may assist in the enforcement of the orders of the court respecting probation and the terms thereof; he may take any juvenile into custody for violation of any probationary order of the court respecting probation and the terms thereof; he may take any juvenile into custody for violation of any probationary order of the court and shall report such fact to the judge forthwith. He may discharge from his custody or the custody of the Sheriff of this county as provided in these rules any juvenile whom he has reason to believe will appear in court at the next

session thereof as he may direct. He may call upon any other law enforcement officer to assist him in the discharge of his duties under the law or these rules.

4. A juvenile probation officer with the assistance of any staff member shall prepare and cause to be prepared such reports as shall be required by the judge/magistrate or as may be directed.
5. Any staff member of the Juvenile Division may attend meetings of juvenile agency personnel, persons concerned with child welfare, juvenile delinquency and traffic safety as the court may direct from time to time and shall be compensated for the actual and necessary expenses incurred by such attendance; reimbursement shall be made from funds appropriated for the use of the court. Transportation by use of personal auto shall be at the rate set by the County Commissioners
6.
 - A. There shall be at least one (1) juvenile probation officer on duty to accept referrals from the court between 8:30 a.m. to 4:00 p.m. Monday through Friday.
 - B. At least one-half hour prior to dispositional hearing, the investigating probation officer shall meet with the court in conference to review the written reports, proposed terms of probation, situations, etc.
 - C. If a probationer violates his terms of community control, the probation officer shall file a separate report with the court detailing the violations of community control.

Said probationer shall receive detailed information of his violation of terms of community control along with a copy of the notice of date for court hearing.
 - D. The referral secretary shall transmit to the designated probation officer; a) face sheet information; b) signed authorization forms for school records and other court records (confidential information); c) make the appointment for conference between the probation officer and the child and said child's family.
7. Receipts for all payments of funds into the probation department shall be issued upon forms as provided by the court. The depository of such funds as established shall be in any appropriate banking institution protected by FDIC, in a checking account with consecutively numbered checks provided that any funds from a devise, bequest, gift or grant received by the probation

department for the purpose for which property may be accepted shall be separately maintained and accounted for.

RULE 9: Records, Assignments and Hearings

1. The records of official cases shall be maintained as provided by law (Section 2151.18, Revised Code) and the Juvenile Rules adopted by the Supreme Court of Ohio and as provided by local rules of this court. For cases involving juveniles there shall be maintained an appearance docket, juvenile traffic offender docket, an adult appearance docket, juvenile journal, and a cash book.

Such records of juvenile cases involving juveniles shall be open for inspection by the parent(s) of any child affected by any order of proceeding and in the event that said child has no parent having custody, or next of kin, either in person or by designated counsel. Otherwise, such records shall not be available to any person except by order of the judge, or legal process from a court of competent jurisdiction.

The clerk shall file together in a numerical system hereinafter set forth and shall carefully preserve all original papers filed in every action or proceeding. Copies of papers belonging to the files of the court, shall, on demand, be furnished by the clerk to the attorneys or parties interested upon payment of the usual fee therefore.

2. The records of adult cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.
3. Effective May 1, 1979, all official matters filed in the Juvenile Division shall be assigned a case number.
4. Unofficial cases considered by the court staff shall not be subject to the provisions of the foregoing record rules; and no person shall have access to such cases without the order of the judge. This rule provision shall extend to law enforcement personnel as well as court personnel. Violations may be considered as amounting to a contempt of the court and punishable as such.
5. When any juvenile shall be taken into the juvenile detention center of this county by any law enforcement officer, the appropriate law enforcement agency may cause said juvenile to be photographed (with front view and a profile view). The said agency shall cause each such juvenile to be fingerprinted on forms approved by the State of Ohio and shall obtain the information required on said form (if possible) which shall include the full name, present residence address, color, sex, place of birth, date of birth, height, weight, color of eyes and hair, notation of any scars or identifying

marks and signature. Said photo record and fingerprint record shall be delivered to the court in accordance with the provisions of Section 2151.313, Revised Code and the Juvenile Rules. These records shall be subject to the provisions of said section and rules and are ordered to be taken for purposes of identification only.

The arresting law enforcement agency shall be responsible for compliance with this rule. Requests for the use of any photograph or fingerprints in the possession of the court under this rule shall be made in writing and shall state the facts forming the basis for the request. The court shall by entry upon its journal permit use of such photos and/or fingerprint records. Consent for administration of polygraph tests to juveniles shall be given upon application by the office of the prosecuting attorney or law enforcement agency and, with the consent of the parents, guardian or custodian of the juvenile, upon written consent by the court upon its journal.

6. Any complaint certified to this court from any other court exercising juvenile jurisdiction with respect to a child who is determined by this court not to be a resident of Scioto County, or not presently within this county and not expected to return within a reasonable time, shall be transferred to the county of residence of said juvenile if said determination is possible; a copy of the order of such transfer shall be forwarded to the transferring court. Complaints involving juveniles who are residents of another state shall be considered upon the merits of the particular case, but the policy of transferring all cases except minor traffic matters will be maintained.
7. In order to provide a means for scheduling detention hearings in accordance with the mandated time requirements of law and the Juvenile Rules, detention and shelter care hearings shall be held by the court when possible, between 1:00 PM and 2:00 PM, each afternoon and shall take precedence over other matters regularly assigned. Notice of such hearings may be provided by the retaining officer or as provided by law or the Juvenile Rules. Said notice may be given by phone to any person entitled to the same if other means have been found by said officer to be ineffective.

In the event that any such hearing is required to be adjourned for any reason, it shall be continued to the next regular court business day, unless otherwise requested by counsel, a parent or guardian or custodian.

Hearings for juveniles detained pending hearing shall be assigned as soon as possible upon direction by the court or assignment office should the judge/magistrate be unavailable.

8. Motions.

- A. 1) All motions must be served and filed within the time limits prescribed by the Ohio Rules of Juvenile Procedure (hereinafter, the Juvenile Rules). If no specific time limits are prescribed by the Juvenile Rules, then the Ohio Rules of Civil Procedure shall be followed. Motions may be served within such time as not to unduly delay the proceedings, and shall be filed with the court not later than the third day following the day of service.**
- 2) Motions shall be submitted and determined upon the motion papers hereinafter referred to without oral argument, unless specifically requested and allowed by the court.**
- 3) If the motion for an oral hearing is granted, the oral hearing shall be scheduled as soon as possible according to Rule 18 of the Juvenile Rules.**
- B. As permitted by the Juvenile Rules, motions may be supported and opposed by documentary evidence in testimonial form. In general, only the following types of documentary evidence may be used for the purpose: (a) affidavits, (b) depositions, (c) answers to interrogatories, (d) written admissions, (e) transcripts of evidence in the pending case, and (f) written stipulations of fact.**
- C. 1) Unless an oral motion is allowed, no motion will be considered unless the movant serves and files a motion package consisting of:**
- (a) A written motion which fully complies with the requirements of Juvenile Rules 18, 19, 20, and 22;**
- (b) A written brief in support of the motion which shall bear the caption of the case, and which shall consist of (1) a concise statement of the pertinent facts; (2) a description of the relief or order sought by the motion; (3) a verbatim extract of all applicable statutes, ordinances, rules, regulations, or the like (lengthy extracts may be attached to the brief as an appendix); and (4) an argument which shall establish the legal and factual grounds upon which the motion is premised, and which shall contain citations to the cases, statutes and other authorities relied upon. The brief shall be signed and shall be subject to the obligations imposed by that Rule, the applicable Code of Professional Responsibility and any subsequent rules of professionalism;**

- (c) Supporting documentary evidence in testimonial form, if any, as authorized by subsection (B)(1) of this rule; and
 - (d) A proof of service which meets the requirements of Juvenile Rule 20(C) and which itemizes the documents contained in the motion package, unless the motion is one which may be made ex parte, or unless service of the motion package is not required by the Juvenile Rules. The proof of service may be endorsed on the motion, or may be included in the motion package as a separate document, but in either event, the copy served on other parties shall affirmatively show the exact date and method of service.
 - (e) With the exception of the initial pleadings in a matter, the attorneys' boxes located in the Probate Court Office are an approved method of service on opposing counsel on cases filed in the Scioto County Juvenile Court. Every attorney is responsible to regularly checking his or her attorney's box for pleadings from opposing counsel or from the court. Each attorney shall make all effort to ensure that the boxes are not used for non-legal matters.
- 2) The motion package, and the proofs of service pertaining thereto, shall be filed with the court not later than the third day following service.
- D. 1) Unless the motion was made orally, or ex parte, the party opposing the motion (hereinafter the "opponent") shall serve and file an opposition package consisting of:
- (a) A written brief in opposition to the motion which shall bear the caption of the case, and which shall consist of (1) a concise statement of the pertinent facts, or a statement that the opponent accepts the facts as set forth in the movant's brief, (2) a verbatim extract of all applicable statutes, ordinances, rules, regulations, or the like, unless the same have been set forth in, or appended to, the movant's brief (lengthy extracts may be attached to the brief as an appendix); and (3) an argument which shall establish the legal and factual grounds for denying the motion, and which shall contain citations to the cases, statutes and other authorities relied upon. The brief shall be signed, and shall be subject to the obligation imposed by that Rule, the applicable Code of Professional Responsibility and any subsequent rules of professionalism;

- (b) Opposing documentary evidence in testimonial form, if any, as authorized by subsection (B)(1) of this rule; and
 - (c) A proof of service which meets the requirements of Juvenile Rule 20(C), and which itemizes the documents contained in the opposition package, unless service of the opposition package is not required by the Juvenile Rules. The proof of service may be endorsed on the brief in opposition, or may be included in the opposition package as a separate document, but in either event, the copy served on other parties shall affirmatively show the exact date and method of service.
- 2) If an oral hearing has been scheduled, the opposition package shall be served not later than seven days before the day of hearing; if no oral hearing has been scheduled the opposition package shall be served within 14 days after the service of the motion package.
 - 3) Unless otherwise provided in the Civil Rules but subject to the provisions of subsection (G) of this rule, the failure to serve an opposition package in accordance with this subsection (D) may be construed by the court as an admission that the motion should be granted.
 - 4) The opposition package and the proofs of service pertaining thereto, shall be filed with the court not later than the third day following service.
- E. No other briefs or evidence shall be considered, except that to the extent permitted by the Juvenile Rules, and for cause shown in a motion made therefore, the court may grant leave to serve and file additional briefs and/or supplementary documentary evidence in testimonial form, or may permit the introduction of additional evidence at the oral hearing, if one is scheduled. If the court grants leave to file additional briefs or supplementary documentary evidence in testimonial form, the court's order shall specify the date on which such papers are to be served and the manner of service, as well as the date on which such papers must be filed with the court. If no filing date is specified, such papers must be filed within three days after service, but in no event later than the day before a scheduled oral hearing.
- F. 1) If no oral hearing has been scheduled, the motion shall be deemed submitted for hearing on the eighth day following the last day for service of the opposition package.

- 2) If cross-motions have been served and filed, or if the original motion has been challenged by a motion, and no oral hearing has been scheduled, all motions timely and properly served and filed shall be deemed submitted for hearing on the eighth day following the last day for service of the opposition package directed to the last motion served.
- G.
- 1) In its discretion, and to the extent permitted by the Juvenile Rules, the court may enter an order extending or limiting any time period prescribed by this rule.
 - 2) Under the provisions of the Juvenile Rules any party to the motion proceeding may move ex parte for an order extending any time period prescribed by this rule, but no such order shall be entered unless an extension of time is permitted by the Juvenile Rules. If such order is granted, the party applying therefore shall serve a copy of the order on all other parties to the motion proceeding. Any party adversely affected by such extension of time may request reconsideration, vacation or modification of such order.
 - 3) To the extent permitted by the Civil Rules, any party to the motion proceeding may move for an order limiting any time period prescribed by this rule, but no such order shall be entered until all other parties have had an opportunity to be heard thereon.
- H. All counsel are reminded of his or her obligations under the provisions of Rule 11 of the Ohio Rules of Civil Procedure. The presentation to the court of unnecessary motions and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the courts, subject an offender to appropriate discipline including but not limited to, the payment of the other party's reasonable expenses, attorney fees and costs.
9. Continuances of any proceeding shall be granted within the discretion of the judge/magistrate, upon good cause shown upon written application or in open court, either by a person entitled to notice or his counsel. The policy as reflected in the Juvenile Rules is that continuances should be avoided whenever possible unless the court can find that the best interest of the juvenile will be served by granting such request.
- A. An application for the continuance of a case shall be by written motion, supported by affidavit of someone knowing the facts upon which the application is based; or in case of sickness, by the certificate of a reputable physician, unless such affidavit or certificate

be waived, in which case the professional written statement of an attorney or record for the party asking the continuance may be taken in lieu of such affidavit or certificate.

- B. If the continuance be asked for on the grounds of inability to produce the testimony of an absent witness, the party making the application must state in writing what he expects to prove by such witness and, also, by what acts of diligence he has endeavored to procure the testimony of such witness. If the court finds the testimony material and that due diligence has been used, such cause may be continued unless the opposite party consents to the reading of such affidavit in evidence in which case the trial may proceed and such affidavit be read in the trial and treated as the deposition of the absent witness.
 - C. All motions for continuances will be decided without argument and no supplemental or amended affidavit or counter affidavit or statement will be received. Hearing will be had only after leave has been obtained.
 - D. A motion for the continuance of a case if made after the assignment of the case for trial will not be granted if the reasons upon which such motion is based were within the knowledge of the party or his attorney when the case was so assigned.
10. Receipts for all payments of funds into the Juvenile Division shall be issued upon forms as provided by the court. The depository of such funds as established shall be an appropriate banking institution protected by FDIC, in a checking account with consecutively numbered checks; provided that any funds from a devise, bequest, gift or grant received by the Juvenile Division, for the purpose for which property may be accepted shall be separately maintained and accounted for.
11. File folders for official cases shall be labeled setting forth the case number and name of the juvenile or adult, arranged with the last name first in capital letters; each filed folder shall contain a reference to the proper docket and page maintained for said case. Pending matters shall be filed alphabetically and closed cases shall be filed by case number designation.
12. Entries and Briefs (a) All judgment entries shall be approved and signed by the court before being filed with the Clerk of Courts. All counsel shall have the opportunity to present objections thereto before such approval.
- (b) In all cases other than judgments by default and cases in which entries are prepared by the Clerk, counsel for the party in whose favor an order, decree or judgment is rendered shall upon assignment by the court, prepare the proper judgment entry within five (5) days after the assignment and

submit the same to counsel for the opposite party, who shall approve or reject the same, in writing, within three (3) days after the receipt thereof. Counsel, to whom such entry is so submitted may, within such three (3) days period, request the court, in writing, for a hearing on the entry and until such hearing is had no entry shall be approved by the court. All objections to a proposed entry must be in writing and may be answered in writing. If counsel in whose favor an order, decree or judgment is rendered fails to submit or furnish the court with the entry as herein provided, or counsel fail to agree upon the form of entry, the court may prepare its own entry and cause it to be journalized within 10 days of the verdict, decree or decision.

In cases of judgments by default, all entries shall be in typewritten form and shall be signed by counsel preparing the same and by the trial judge before the same shall be entered on the journal of the court.

All entries prepared by the clerk shall be in typewritten form and shall be approved by the trial judge before the same shall be entered on the journal of the court. Entries reflecting decisions on preliminary matters may be prepared and journalized by the court at its discretion.

RULE 10: Services to Children

1. There are two methods of entry into the service facilities of Scioto County Children Services Board; these rules are restricted to the child or children, subject to the jurisdiction and orders of the court.

If the child is detained by a law enforcement agency pending the filing of a complaint or those being placed with Children Services by virtue of Court order or commitments, then the following words and phrases are defined:

- A. Emergency Shelter Care means care for twenty-four hours a day for a period of not more than ten (10) days (Section 2151.311) and pertains to a legal detention of the child after the filing of a complaint and prior to a judicial determination as to the merits of the complaint (pre-adjudication).
- B. Temporary Custody means care for:
 - 1) a period of not more than ninety (90) days, when the child is placed in the Children Services Center for the purpose of having a pre-dispositional diagnosis and evaluation study completed. Child may not be removed from Scioto County Children Services Center without prior written or oral approval of the court (pre-disposition).
 - 2) a period of not more than six (6) months depending upon the type of care, treatment or placement that the child may require, or can

be provided in a certified foster home, or a foster home, approved by the court for not more than sixty (60) days, or a certified organization or placement facility or family approval by the court. (Section 2151.011; B-13 and B-10) (post-disposition). Temporary custody may be terminated at any time at the discretion of the court. Child placement may not be changed not shall a child be removed from the jurisdiction of the court, even temporarily, without prior written or oral approval of the court.

- C. Permanent Custody means a transfer by court order of all parental rights, duties and obligations, including visitation and obligation to support to Children Services Board and may be terminated only upon request of Scioto County Children Services Board.
2. Upon apprehension of a juvenile pursuant to law, a law enforcement agency may, in accordance with the procedure establish by Rule IV, Section 2 of Rules of Procedure of the Juvenile Division of the Common Pleas Court of Scioto County proceed to deliver a child to emergency shelter care to be presented in court on the next court day if apprehended after court hours, providing said officer shall have obtained the permission of the Intake Officer of this court, or the judge or a properly authorized officer of the court to place said child in emergency shelter care.
 3. Upon the receipt of such child, the Scioto County Children Services Board shall prepare a referral card or sheet on such child, which shall contain, if possible to obtain, the following information:
 - A. the child's name and address and the name and address of each parent, guardian or other custodian;
 - B. the circumstances and reason for delivery of child;
 - C. the child's mental and physical health;
 - D. the child's prior placement or home;
 - E. the family history of child, including all siblings, parents, grandparents, and other relatives (as possible source of placement);
 - F. school district if of school age and educational history if available.

A copy of this information to be delivered to the court, if possible, by the law enforcement agency upon the filing of the complaint. If not immediately available to be delivered to court forthwith after filing complaint in order to assist court in making emergency shelter care or temporary custody (post-disposition) order.

4. Upon the assignment of post-adjudication and pre-dispositional investigation by the court, the appropriate personnel of said agency shall submit such pre-dispositional report in writing ten (10) working days of such assignment or file as much of said report as has been completed with an explanation or reason for incomplete report.

The person making such report shall meet with the court in conference to review the written report, alternative dispositions suggested, situation, etc., at least one-half (1/2) hour prior to the dispositional hearing.

5. When child is placed in protective service or temporary custody of the Scioto County Children Services Agency, unless otherwise specified in the order of the court, the maximum period of such protective service or temporary custody shall be six (6) months from the date of the entry. This six-month period may be extended by order of the court upon the submission of a motion.

A progress report concerning said child shall be filed in writing with the court at least every thirty (30) days, unless otherwise directed by specific order, concerning the treatment and rehabilitative progress of said child and/or its family and suggestions or recommendations for alteration of program, custody, living arrangements, etc.

6. Every obligee of a court order of support made in the Court of Common Pleas, Juvenile Division, Scioto County, Ohio shall make application for IV-D child support collection services with the Scioto County Department Human Services. Obligee's who have assigned their right to child support to the Scioto County Department of Human Services need not make application for IV-D collection services.

A. Application for IV-D collection services may be obtained from either the Scioto County Bureau of Support office, second floor, Scioto County Courthouse or the Scioto County Department Human Services, IV-D office, 712 Court Street, Portsmouth, Ohio 45662.

B. Completed applications for IV-D collection services shall be returned to the Scioto County Department of Human Services IV-D office, 712 Court Street, Portsmouth 45662

RULE 11: Court Staff and Officers of the Court

1. The staff of the court shall consist of such juvenile probation officers provided by the Scioto County Court of Common Pleas, Juvenile Division, Magistrate, Court Administrator, Detention Supervisor, Work Option Coordinator, detention staff, deputy clerks, court reporters, intake officers,

assignment commissioner, bailiffs, transport officers and such additional persons as may be appointed from time to time. Certain of the staff members may also be assigned for duties in the Probate Division. Nothing in these rules shall be construed as being prohibitive of same person serving in more than one capacity.

The juvenile probation officers shall have the duties assigned under these rules in addition to those provided by law. The court shall control and supervise any volunteer services, which may be made available to the court from time to time.

2. The conduct, duties, hours, expenses, leaves of absence and vacations of staff shall be regulated by these rules and by direction of the judge and Court Administrator. The court may promulgate employee rules and regulations consistent with these court rules.
3. All attorneys, fiduciaries, special advocates, guardian's ad litem, caseworkers for Department of Jobs and Family Services and Children Services Boards, counselors, investigators, and law enforcement personnel are officers of the court. As officers of the court, these individuals at all times shall conduct themselves in a professional manner and shall not engage in acts that would impede or demean the administration of justice. Officers of the court shall dress in appropriate court attire for all hearing before the court.

RULE 12: Reasonable Visitation

The following provisions shall control visitation with minor children in all custody proceedings and will not be modified except upon the showing of good cause.

Whenever "reasonable visitation" for a non-custodial parent appears in an entry, it shall be defined as providing at a minimum for:

1. Infants up to 18 months. Non-custodial parent may visit in custodial home from 2:00 to 5:00 p.m. each Sunday and from 4:00 to 5:00 p.m. twice weekly.
2. From 18 months to 3 years of age. Two weekends per month from 9:00 a.m. Saturday until 5:00 p.m. Sunday and one day per week from 3:00 p.m. to 5:00 p.m.
3. After 3 years of age. Non-custodial visitation shall be as follows:
 - A. Visitation by the non-custodial parent on alternate weekends from Friday at 7:00 p.m. to Sunday at 7:00 p.m. (the beginning and ending times may be varied to accommodate the work schedule of the

parties).

The non-custodial parent shall have one weekday visit per week for a three-hour period as agreed upon by the parties.

- B. Mother's Day the children shall be with the mother and Father's Day the children shall be with the father. In the event this provision requires the children to be with the custodial parent when it is the non-custodial parent's normal weekend visitation, the non-custodial parent shall return the children by 9:00 a.m. on Mother's Day or Father's Day. In the event that this provision requires the children to be with the non-custodial parent when it is the custodial parent's normal weekend visitation, said non-custodial parent shall receive the children at 9:00 a.m. on that day and shall return them at 7:00 p.m. on said day.
- C. The parents shall have the children on holidays as follows:

EVEN YEARS

Custodial Parent

President's Day - Friday night to Monday night.

Memorial Day - Friday night to Monday night.

Labor Day - Friday night to Monday night.

Christmas - Christmas Eve and Christmas Day until 2:00 p.m.

Non-Custodial Parent

Easter - Thursday night to Sunday night.

4th of July - Night before the morning after except when the 4th falls on Friday, Saturday, Sunday or Monday when the visitation shall commence on Friday night and continue to end of weekend or end of holiday, whichever is later.

Thanksgiving Day - Wednesday night to Sunday night.

Christmas Vacation and New Year's Day - Christmas Day at 2:00 p.m. until night at the end of New Year's holiday.

ODD YEARS

The above schedule shall be reversed as to Custodial Parent and Non-custodial Parent.

Unless otherwise indicated, said holiday visitation shall commence at regular hour as set for the commencement of weekend visitations and shall end at the regular hour set for the ending of weekend visitation. Said holiday visitations shall have precedence over the regular visitation schedule but shall not otherwise modify it (for example, if the holiday granted in any particular year to a non-custodial parent falls between the regular weekend visitation, the non-custodial parent will have visitation three (3) weekends in a row at that particular time).

- D. The non-custodial parent shall have an extended visitation each summer, however, same shall not exceed four (4) weeks in duration. The non-custodial parent shall notify the custodial parent of the desired time thereof as early as possible, but not later than sixty (60) days in advance thereof.
 - E. Both parties shall be diligent in having the children ready and available at the appointed times and the transporting party shall be prompt in picking up and delivering the children provided however, that the transporting parent for visitation shall have a grace period of fifteen (15) minutes for pick-up and delivery if both parties live within a distance of thirty (30) miles from each other. If the one-way distance to be traveled is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. In the event the visiting parent exceeds the grace period, the visitation for the weekend is forfeited unless prior notification and arrangements have been made and except in cases where the visiting parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en-route and the visiting parent promptly notifies the custodial parent by phone of the delay. Repeated violations by either parent shall be cause for granting a modification of the custody order either by changing custody or curtailing visitation as the case may be.
4. The custodial parent shall send with the children on visitation sufficient clothing and outerwear appropriate to the season to last the period of the visitation. (For a weekend visitation, this shall consist of a minimum of two (2) extra sets of play clothes and one (1) dress outfit in addition to the clothes the children are wearing at the time of the start of the visitation.) In the case of infants, the custodial parent shall send with the child sufficient bottles, formula and diapers to last the visitation period. Continued violations of this requirement shall be deemed sufficient cause for a change of custody.

5. The custodial parent shall encourage free communications between the children and the non-custodial parent and shall not do anything to impede or restrict communications by phone or mail between the children and the non-custodial parent, whether initiated by the children or by the non-custodial parent. The mail between the children and parent shall be strictly confidential between them and that parent and shall not be opened or read by the other parent. This rule applies equally to the non-custodial parent when the children are on extended visitation with the non-custodial parent.
6. Both parents shall refrain from criticizing or demeaning the other parent in the presence of the children. Both parents shall try to prevent undue influence by grandparents in implementing visitation.
7. Neither of the parties shall attempt to modify the religious practice of the children without first having consulted with each other.
8. The custodial parent shall take the following action with the school authorities of the schools in which the children are enrolled:
 - A. List the non-custodial parent as a parent of the children.
 - B. To authorize the school to release to the non-custodial parent any and all information concerning the children.
 - C. The custodial parent shall promptly, after receipt of same, furnish to the non-custodial parent a photocopy of the child's grade or report card and copies of any other reports concerning the child's status or progress.
9. When a journal entry or divorce decree confers "the right of reasonable visitation" upon the non-custodial parent, this rule shall be considered incorporated into and made a part of the entry or decree.
10. Attorneys shall provide copies hereof to clients involved in child custody litigation.

RULE 13: Facsimile and Electronic Transmission Filings

1. *Definitions.* --The following terms in this Rule shall be as follows:
 - A. **Facsimile transmission** - means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

- B. Facsimile machine - means a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system.
 - C. Fax or faxes - an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
 - D. Source document - means the document transmitted to the court by facsimile machine/system.
 - E. Original document - means the facsimile copy of the source document received by the Clerk of Courts and maintained as the original document in the court's file.
 - F. Electronic Filing -- (E-filing or e-filing) The process of transmitting a digitized source document electronically via the Internet to the Clerk's office for the purpose of filing the document and refers, as indicated by the context, to the means of transmission or to a document so transmitted.
 - G. Electronic Mail -- (Email or e-mail) Messages sent by a user and received by another through an electronic service system utilizing the public Internet.
2. The court does not accept filings via facsimile or the internet. Should a pleading be submitted to the court by either of these methods, the court will accept it for review only and will be accepted for filing only when the original is presented to the court either by personal presentation to the court or through the U.S. Postal Service.

RULE 14: Magistrates

1. The judge may appoint a magistrate who will be assigned cases by the judge. The magistrate will preside over hearings, pretrials, trials, and issue any and all Magistrate's orders and decisions in accordance with Juvenile Rule 40, Civil Rule 53, Criminal Rule 19 and O.R.C. 2101.01
2. When a request for findings of fact and conclusions of law is made or an objection is made to a magistrate decision, the party requesting the same shall prepare and file proposed findings of fact and conclusions of law within seven days of the judge's order or the magistrate's decision. Thereafter, the judge or the magistrate will prepare findings of fact and conclusions of law, which shall become part of the record. Any objections shall be heard pursuant to Civil Rule 53.

3. When preparing entries for the magistrate's signature, the attorney shall include the Ohio Rules of Civil Procedure rule 53(E)(3) – Notice to Attorneys and Parties.
4. All entries submitted from the magistrate's docket shall contain a signature line for the magistrate and a signature line for the judge approving the decision.

RULE 15: Video Conferencing

1. Video conferencing may be used to conduct an arraignment, plea and/or detention hearing pursuant to the following conditions:
 - A. In delinquency cases and with the consent of the child and a parent/custodian/guardian. Consent may be given orally through use of the video conferencing;
 - B. The child is at a different location than the courtroom.
 - C. The child and judge can observe one another and engage in a dialogue.
 - D. Procedure is in compliance with all applicable laws and regulations that may be promulgated from time to time.

RULE 16: Juvenile Detention Facility

1. The Court may establish and maintain a facility for the detention of all juveniles pursuant to law. This facility shall be maintained in accordance with the Ohio Revised Code and Ohio Administrative Code and all applicable law. The Scioto County Juvenile Detention Center is established pursuant to this rule and is part of the Scioto County Juvenile Court in all organizational, operational and budgetary aspects. The facility may be utilized for the detention of juveniles pre-adjudication, pre-disposition and post disposition.
2. The Court shall appoint a Detention Superintendent and an Assistant Superintendent who shall oversee the daily operation of the facility and report to the Court on all matters. Additional detention staff may be appointed by the Court as deemed necessary. Detention staff are officers of the Court.
3. The Court shall promulgate all necessary rules for the proper detention of juveniles, maintenance and operation of the facility, and employment of the detention staff so long as such are consistent with state and federal law.

RULE 17: Guardians Ad Litem and CASA Volunteers

1. Guardians ad litem (GAL) may be appointed by the Court pursuant to the Ohio Revised Code. The Court in its discretion may appoint a Court Appointed Special Advocate (CASA) in lieu of a guardian ad litem.
2. The role of the GAL/CASA is to act in the best interest of the child. The GAL/CASA shall investigate the circumstances and make a recommendation to the Court regarding the child's best interest.
3. The GAL/CASA shall provide a written report of his/her recommendation and the general basis of the recommendation prior to the dispositional hearing, unless the GAL/CASA receives prior approval from the Court to submit the report after disposition.

RULE 18: Mediation

1. *Definitions.* --All definitions found in "Uniform Mediation Act" (UMA) Ohio Revised Code section 2710.01 are adopted by this Court through this Rule, including the following as use din this Rule:
 - A. "Mediation" means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
 - B. "Mediator" means an individual who conducts and mediation.
 - C. "Mediation Communication" means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation and is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
 - D. "Proceeding means either of the following:
 - 1) Judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences and discovery;
 - 2) A legislative hearing or similar process.
2. *Purpose.* To promote greater efficiency and to facilitate the earliest possible resolution in Scioto County Court of Common Pleas, Juvenile Division cases, Court Mediation Services has been established.
3. *Scope.* At any time and in any action under the jurisdiction of the Scioto County Court of Common Pleas, Juvenile Division, Court Mediation

Services may be chosen as an appropriate method of resolution. The following actions shall be exempted from mediation upon request of any party:

- A. Cases in which one party has been convicted of, or plead guilty to, a violation of O.R.C. 2915.25 (domestic violence) within the past two (2) years or when a civil temporary protection order is in effect;
- B. Cases in which the physical distance between parts is so great it is not feasible for them to participate in mediation sessions;
- C. Case in which one of the parties is mentally ill;
- D. In emergency\y circumstances requiring immediate hearing by a jurist, or
- E. Cases in which the parties have achieved and executed Agreed Judgment Entry.

4. *Case Selection.*

- A. **Referral Process.** A Case in Juvenile Court may be referred to Court Mediation Services in the following manner:
 - 1) For formal proceedings in Juvenile Court, the Court may order parties to participate in the mediation process;
 - 2) For formal proceeding in Juvenile Court, upon written or oral motion to the Court, the Court may order parties to participate in the mediation process;
 - 3) For informal cases in Juvenile Court, a referral to Court mediation Services may be made by Court personnel.
- B. **Eligibility of Cases.** Court Mediation Services will determine the eligibility and appropriateness of each referral prior to commencement of the mediation process. Court Mediation Services may decline any referral deemed inappropriate.
- C. **Domestic Violence.** All parties and counsel shall advise the judge or magistrate of any domestic violence allegations know to them to exists or have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

D. Notice. The mediation shall be communicated via a "Notice of Scheduled Mediation; which shall, at a minimum indicate the date, time, place and contact information for the mediation.

5. *Procedure*. If a case is deemed appropriate by Court Mediation Services, mediation will be scheduled. A mediator may meet with parties individually prior to bringing the parties together. A mediator may schedule multiple mediation sessions as is necessary and mutually acceptable for the resolution of some or all issues.

A. Party/Nonparty Participation.

- 1) Parties to informal cases may voluntarily attend mediation sessions.
- 2) Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases.
- 3) A judge, magistrate and/or a mediator may require the attendance of the parties' attorneys at the mediation sessions if the Judge, magistrate, and/or mediator deem it necessary and appropriate.
- 4) A guardian ad litem shall participate in the mediation sessions upon written order of the Court.
- 5) If the opposing parties to any case are a) related by blood, adoption, or marriage; b) have resided in a common residence, or c) have known or alleged domestic abuse at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the Court.
- 6) By participating in mediation a nonparty [participant, as defined by the O.R.C. 2710.01(D), agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by O.R.C. 2710.03(B)(3) and 2710.04(A)(2).
- 7) Each party shall proceed with mediation in good faith to reach a compromise agreement. Any party who agrees to mediation shall perform all obligations expeditiously and shall not use the mediation process for purposes of delay or discovery in any manner other than in a good faith attempt at resolution.

B. Stay of Proceedings. All remaining Court orders shall remain in effect. No order is stayed or suspended during the mediation process except by written order of the Court.

C. Confidentiality Privilege.

- 1) All mediation communications relayed to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10, O.R.C. 3109.052, the Rules of Evidence and any other pertinent judicial rules.
- 2) In furtherance of the confidentiality set forth in this rule, parties and non-parties, desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session.
 - a) Said "Agreement to Mediate" outlines the confidentiality and privilege of all mediation communications, including but not limited to, written and/or verbal agreement.
 - b) If a new or different person(s) attend a subsequent session, their signature shall be obtained prior to proceeding further in the process. The form of agreement is available for review by any prospective participant by contacting Court mediation Services.

D. Mediator Conflict of Interest. In accordance with O.R.C. 2710.08(A) and (B), the mediator conducting a mediation shall disclose to the mediation parties, counsel, if applicable, and any non-party participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflict(s) become known to the mediator. If counsel or a mediation party requests that the mediator withdraw because of the facts disclosed, the mediator may withdraw in favor of another mediator. If the mediator determines that withdrawal is not warranted, the mediator may elect to continue. The objecting party may then request the Judge or magistrate to remove the mediator. The Judge or magistrate may remove the mediator and appoint another mediator. If the judge or magistrate decides that the objection is unwarranted, the mediation shall proceed as scheduled, or, if delay was necessary, as soon after the scheduled date as possible.

E. Mediation Termination. If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is

terminated using the procedure required by this Court.

- F. **Domestic Violence.** Pursuant to Rule 16 of the Rules of Superintendence as adopted by this Court through this Rule, any mediator providing services for the Court shall utilize procedures for all case that will:
- 1) Ensure that the parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
 - 2) Screen for domestic violence both before and during mediation.
 - 3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
 - 4) Prohibit the use of mediation in any of the following:
 - a) As an alternative to the prosecution or adjudication of domestic violence;
 - b) In determining whether to grant, modify, or terminate a protection order;
 - c) In determining the terms and conditions of a protection order; and
 - d) In determining the penalty for violation of a protection order.
 - 5) Nothing in this division of this rule shall prohibit the use of mediation in a subsequent custody case even though that case may result in the termination of the provisions of a protection order.
 - 6) For mediation of allocation of allocation of parental rights an responsibilities or the care of, or visitation with, minor children or delinquency or status offence cases, mediation may proceed, when violence or fear of violence is alleged, suspected, or present, only if the mediator has specialized training set forth in "Specific qualifications and training: domestic abuse" of this rule and all of the following conditions are satisfied:
 - a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about

the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.

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

G. Abuse, Neglect and Dependency and Mediation. Pursuant to Rule 16 of the Rules of Superintendence adopted by this Court through this Local Rule, mediation in child abuse, neglect, or dependency cases shall include all provision outlined above and shall proceed only if the mediator has specialized training set forth in the "Qualifications" section of this rules and utilizes procedures that will:

- 1) Ensure that the parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court, and that the parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers can be rescinded at any time.
- 2) Provide for the selection and referral of a case to mediation at any point after the case is filed.
- 3) Notify the parties and nonparty participants of the mediation.

H. Conclusion of Mediation. At the conclusion of the mediation and in compliance with O.R.C. 2710.06, the Court shall be informed by the mediator of the following:

- 1) The attendance of the parties at the scheduled mediation sessions;
- 2) If an agreement was reached on all or some of the issues;

- 3) If no agreement was reached;
- 4) Any future scheduled mediation dates;
- 5) Any additional information the parties mutually agree they wish to be disclosed to the Court.

6. *Agreement.* Parties may reach agreement on all or some issues through the mediation process. Upon mutual agreement of the parties, agreement may be verbal or written. All agreements reached through mediation, are subject to confidentiality and privilege pursuant to "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10 (if the agreement is signed it will not be privileged pursuant to O.R.C. 2710.05(A)(1)).

- A. If an agreement is reached through the mediation process and the parties mutually agree, a mediator may put said agreement in writing.
- B. Written agreements reached by the parties during mediation may become an Order of the Court after review and approval by each party and their attorneys', if represented, and presented to the Court by the parties and/or their attorneys', if represented. No oral agreement by the parties and/or their attorneys' will be regarded as an Order unless made in open Court.
- C. The Judge or magistrate retains final approval on all agreements reached through the mediation process in formal cases.

7. *Mediator Qualifications.* Pursuant to Rule 16 of the Rules of Superintendance as adopted by this Court through this Local Rule, the following qualifications apply to all mediators to whom the Court makes a referral:

A. General Qualifications.

- 1) Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court.
- 2) Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court.

- B. Specific Qualifications and Training: Family. A mediator employed by the Court or to whom the Court makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall satisfy, in addition to the above, at least forty hours of specialized family of divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.
- C. Specific Qualifications and Training: Domestic Abuse. A mediator employed by the Court or to whom the Court makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who had completed the specialized training.
- D. Specific Qualifications and Training: Abuse, Neglect and Dependency. In addition to satisfying the requirements outlined above, a mediator employed by the Court or to whom the Court makes referrals for mediation of abuse, neglect and dependency cases shall satisfy both of the following:
- 1) Possess significant experience in mediating family disputes;
 - 2) Complete at least thirty-two hours of specialized child protection mediation through either a formal training session or through a mentoring program approved by the Dispute Resolution Section of the Supreme Court.
8. *Sanctions.* If any individual ordered by the Court to attend mediation and fails to attend mediation without good cause, the Court may impose sanction which may include but not be limited to award of attorneys fees and other costs, contempt or other appropriate sanction at the discretion of the Judge or Magistrate.
9. *Fees and Costs.* All costs shall be determined by the Court if applicable. The parties may agree between themselves to apportion costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the Court shall determine the apportionment of the mediation costs to the parties. The Court may waive costs for the parties who are unable to pay.

RULE 19: Order of Reference

The foregoing rules, the RULES OF PRACTICE AND PROCEDURE IN TRAFFIC CASES FOR ALL COURTS INFERIOR TO COMMON PLEAS, the JUVENILE RULES, the RULES OF CRIMINAL PROCEDURE, adopted by the SUPREME COURT OF OHIO as they are effective, and the statutes of the State of Ohio form the basis for the exercise of jurisdiction conferred upon this Division of the court.

Copies of this entry shall be provided to the judges of this county, members of the bar of this county, the Administrative Assistant to the Supreme Court of Ohio, the Ohio Association of Juvenile Court Judges, and the presiding judge, Court of Appeals of Scioto County, Ohio, the Sheriff of Scioto County, Ohio, the Chief of Police Department of the City of Portsmouth, Ohio, the Chief of Police Department of the Village of New Boston, the Commanding Officer of the Ohio State Highway Patrol Post 73, the Scioto County Children Services Board, and any other person or agency requesting same.

RULE 20: Pro-se Custody

The attached packet shall be utilized by pro-se petitioners in cases in which Scioto County Children Services Board is not a party. The packet shall be given to potential petitioners regarding custody.

Forms Attached:

- Scioto County JU Form 5 - Instructions
- Scioto County JU Form 6 - Petition
- Scioto County JU Form 7 - Affidavit of Inability to Pre-pay Costs
- Scioto County JU Form 8 - Request for Service
- Scioto County JU Form 9 - UCCJEA Affidavit
- Scioto County JU Form 10 - Consent to Custody
- Scioto County JU Form 11 - Payment Plan for Filing Fee (for Juvenile Court use only)
- Scioto County JU Form 12 - Payment Plan Appointment GAL (for Juvenile Court use only)
- Scioto County JU Form 13 - Emergency Temporary Ex-parte Order of Custody

- Scioto County JU Form 14 - Agreed Judgment Entry of Custody
- Scioto County JU Form 15 - Motion to Modify Prior Order of Custody
- Scioto County JU Form 16 - Judgment Entry on Motion to Modify Prior Order of Custody

RULE 21 Use of Electronically Produced Traffic Ticket

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

RULE 22 Service of Process

Pursuant to Sup R 5 and Civ R 73(C) and 73.(E)(7) the Court hereby adopts the following rule for service by publication. Service by publication may be made in any manner set forth in the Ohio Civil Rules of Procedure 4.4(A)(2). If service by publication is desired by posting and mail, an affidavit shall be filed by the party or party's attorney requesting service pursuant to Civil Rule 4.4(A)(2). The notice shall be posted on the bulletin board inside the Juvenile Court and at any two (2) of the following designated locations:

- 1) Portsmouth Municipal Court (main lobby bulletin board)
728 Section Street
Portsmouth, OH 45662
 - 2) Scioto County Department of Job and Family Services (main lobby bulletin board)
710 Court Street
Portsmouth, OH 45662
 - 3) Portsmouth Public Library (main or any branch bulletin board)
1220 Gallia Street
Portsmouth, OH 45662
- South Webster Branch
496 Webster Street
South Webster, OH 45682
- Vern Riffe Branch
3850 Rhodes Avenue
New Boston, OH 45662
- W. Gordon Ryan Branch
103 St. Rt. 728

Lucasville, OH 45648

Wheelersburg Branch
666 Center Street
Wheelersburg, OH 45694

The notices shall be posted at the required locations for seven (7) consecutive days, all of which are at least seven (7) days prior to the date of the hearing. The clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served.

Once this Court establishes a website, the postings may alternatively be made on the Court's website in the section designated for such purpose.

RULE 23 Use of Child Restraints during Court Hearings

Pursuant to Ohio Supreme Court Rule of Superintendent 5.01, the Scioto County Juvenile Court adopts this Rule regarding the use of restraints during court hearings:

(A) Children appearing before the Court shall be free of physical restraint during any hearing unless the Judge or Magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:

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 a significant risk the child will flee the courtroom
3. 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.

(B) In making the necessary findings to use physical restraints, the Judge or Magistrate shall consider

1. The nature and severity of the offense for which the child is before the court;
2. The child's prior history with the Court;
3. The child's prior and current behavioral history while being held in detention and in the presence of the Court; and
4. Any other factors the Judge or Magistrate deem appropriate in making the individualized determination to apply physical restraints during the hearing.

(C) The Judge or Magistrate shall permit the child who is the subject of a juvenile court proceeding (by himself or herself or through counsel), the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of that

parent, in appropriate cases, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the Court, to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding. This hearing may take place absent the presence of the child as long as the child is represented by an appropriate person and given the opportunity to respond at the time he or she appears in the hearing room. A child shall not be required to be free of physical restraint during the hearing to determine the necessity of physical restraint.

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

(E) In no circumstance does this rule limit the ability of law enforcement, security personnel, or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

Rule 24: Notice to Foster/Kinship Caregivers

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

(B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster and kinship caregivers a Child Placement Form available at Juvenile Court shall be completed and filed with the Court the next business day or no later than seven (7) days following the initial placement and any change in placement of the child(ren).

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

Rule 25: Youth Engagement in Court Proceedings

(A) A youth or child who is the subject of an abuse, neglect, or dependency case is a party to his/her case and has the right to notice of adjudicatory and dispositional hearings in accordance with the Ohio Rules of Juvenile Procedure.

(B) The Court shall presume that all youth who are subject to an abuse, neglect, or dependency case do wish to attend all hearings related to the case unless the youth, or the youth's attorney, Guardian ad Litem, or Court Appointed Special Advocate acting on his/her behalf, expresses otherwise. A youth or child who is the subject of an abuse, neglect, or dependency case has the right to attend and is to be encouraged to

attend or otherwise participate in any and all hearings related to his/her case if he/she so desires.

(C) At the Court's discretion, a youth or child may participate in such hearings by:

- (1) attending all or part of the hearing;
- (2) speaking with the Court in the presence of all parties;
- (3) speaking to the Court in camera;
- (4) observing the hearing;
- (5) otherwise participating by submitting a letter, drawing and/or photograph to the Court and all parties through a Guardian ad Litem or Court Appointed Special Advocate, kinship caregiver, or the child's attorney.

(D) The Court has discretion to excuse a child or youth from any hearing or any portion of a hearing in the case if the Court finds it to be in the child's or youth's best interest based on factors such as the age of the child, the child's capacity for understanding and participating in the hearing, the nature of the proceeding, and other relevant factors aligned with the child's best interest in the case.

Rule 26: Process: Service Refused; Service Unclaimed

The Court within its discretion and upon such terms as are just will reissue any process issued via certified mailed that has been returned by the U. S. Postal Service and marked "refused" or "unclaimed" by regular mail without instruction from the attorney of record, or, if there is no attorney of record, the party at whose instance process was issued. The fact and method of notification shall be entered on the Court's appearance docket.

These rules shall be effective upon filing and all prior rules are ordered superseded.

IT IS SO ORDERED:

ALAN LEMONS, JUDGE
Court of Common Pleas
Juvenile Division of Scioto County

Rule 27: Broadcasting, televising, recording, and photographing by news media

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 12, and Ohio Revised Code Section 2151.35.

(1) Administration.

Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Judge as far in advance as reasonably practical. Request forms may be obtained from the Court.

(2) The Court shall immediately attempt to inform the attorneys for all the parties in the case of the media request. If time does not permit notification by mail, then telephonic means or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge deciding the media request.

(3) In the event the Judge approves the media request, a Journal Entry shall be prepared by the Judge setting forth the conditions of media broadcasting, televising, recording, or photographing. This entry shall be made a part of the record of the case.

(4) Pooling.

Arrangements shall be made between or among media for 'pooling' equipment and personnel authorized by this rule to cover the court sessions. Such arrangements are to be made outside the courtroom and without imposing on the Judge or court personnel to mediate any dispute as to the appropriate media 'pool' representative or equipment authorized to cover a particular session.

(5) Equipment and personnel.

Not more than one portable camera (television, video-tape, or movie), operated by not more than one person, shall be permitted without authorization of the Judge.

(6) Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the Judge.

(7) Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the Judge.

(8) If audio arrangements cannot be reasonably made in advance, the Judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

(9) Visible audio portable tape recorders may not be used by the news media without prior permission of the Judge.

(10) Light and sound criteria.

Only professional quality telephonic, photographic, and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor-driven still cameras shall be permitted.

(11) No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Judge may permit modification.

(12) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, media purposes shall be unobtrusively located in places designated by the Judge or Magistrate, in advance of any session.

(13) Location of equipment and personnel.

The television, broadcast, and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts, or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts or courtroom sessions, except to leave or enter the courtroom.

(14) Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess. Neither television film magazines, rolls, or lenses still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during recess.

(15) Miscellaneous.

Proper courtroom decorum shall be maintained by all media pool participants, including proper attire, in a manner than reflects positively upon the journalistic profession.

(16) Limitations.

There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel, or the Judge and counsel.

(17) The Judge shall prohibit photographing or televising by any means victims of sexual assault or undercover police officers. The Judge shall retain discretion to limit or prohibit

photographing or televising of any juvenile juror, victim, witness, or counsel or his/her work product, upon objection.

(18) Revocation of permission.

Upon the failure of any media representative to comply with the conditions prescribed by the Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the Judge may revoke the permission to broadcast, photograph, or record the trial or hearing.