

FILED

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CLERK OF COURT
SUPREME COURT OF OHIO

RULES OF PRACTICE AND PROCEDURE

OF THE COURT OF COMMON PLEAS,

JUVENILE DIVISION

JACKSON COUNTY, OHIO

STEPHEN D. MICHAEL, JUDGE

**JACKSON COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION**

Rule

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RULE 1. Conduct in Court

Any conduct which interferes or tends to interfere with the proper administration of the Court is prohibited. Spectators shall not be allowed in the courtroom without consent of the Court. Food, beverages and smoking are strictly prohibited in the courtroom during all hearings. No person carrying a bag, case or parcel shall be permitted to enter or remain in the courtroom without first submitting such bag, case or parcel to the Security Officer for inspection. No papers or mobile phones shall be allowed in the courtroom unless audible signal is turned off.

RULE 2. Sessions of Court

Offices of the Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m. Monday through Friday. The Court shall observe all legal holidays as provided by law. At the discretion of the Judge, the offices of the Court may be open or closed at other times.

RULE 3. Jury Management

All jury trials in the Jackson County Juvenile Court are governed by the jury management procedure of the general division of the Court of Common Pleas.

RULE 4. Official law journal/official notification to counsel

The **Jackson County Telegram** is the official law journal of the Court as authorized by Section 2901.29 of the Ohio Revised Code.

Publication in the Jackson County Journal shall be deemed official and complete notification to all proper counsel of any assignment of any case for any purpose whatsoever. It shall be the duty of counsel to obtain from the Telegram any official notification contained therein.

Where mail notification is provided by these rules, or is otherwise given, non-delivery of such mail notification shall not excuse the non-appearance of Jackson County counsel where such notice has also been given by publication in the Jackson County Telegram as provided above.

Notwithstanding any provisions of any rule to the contrary, any mail notification provided for shall be sufficient if it specifically directs the attention of counsel to the official notification in the Jackson County Telegram

without setting forth, with particularity, any specific case style or number or the exact time of hearing.

RULE 5. Copies of Court records

Uncertified copies of any public record may be obtained at the court of \$0.10 per page. Certified copies of any public record may be obtained at the cost of \$2.00 per page.

RULE 6. Files

All papers filed with the Clerk in any action or proceeding shall be filed under the style and number of the cause and shall remain in the Clerk's office unless otherwise directed by the Court.

RULE 7. Requirements for filing papers

All papers filed with the Clerk including, but not limited to, pleadings, motions, applications, judgments and orders, shall be on a suitable material, neatly and legibly printed, written in ink or typewritten and securely fastened together, if consisting of more than a single sheet. The use of covers or jackets is not permitted. Filings shall be on 8-1/2" by 11" paper.

The first page shall have a margin of at least two inches at the top of the page.

All papers filed subsequently to the complaint shall be designated under this Court's case number and the name of the Judge.

Upon the filing of a complaint or any other pleading or motion for which service of summons is required, sufficient copies shall be filed so that one copy may be served upon each party. The Clerk shall, upon request, furnish additional copies at the fee provided by law.

Upon the filing of any motion or application, sufficient copies shall be filed so that one copy may be provided to the Judge or Magistrate.

(left language out about electronic filings)

RULE 8. Court appointments

This Court shall maintain a list of appointees qualified to serve in the capacity designated by the Court. Appointments may be assigned in the order in which the names of appointees are listed. The Court will periodically review the

appointments. The Court may maintain separate lists for different types of appointments.

For each assignment, appointments shall be compensated at a rate of \$50/hour for casework completed outside the courtroom and at the rate of \$60/hour for courtroom work.

RULE 9. Continuances

Requests for continuances will be made in accordance with the Supreme Court of Ohio Superintendence Rule 7 and Ohio Rules of Juvenile Procedure 19 and 23.

All applications for continuances shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing. Requests shall be granted only after notice to all other counsel and/or parties involved. No case will be continued on the day of the hearing except for good cause shown. Unless otherwise directed, it will be the responsibility of the attorney obtaining the continuance to notify all other counsel and parties of the new hearing date.

Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date.

Ruling on a continuance request may be reserved until the scheduled hearing date where continuance on the record are necessary to preserve service or notice on parties.

RULE 10. Sealing/Expungement of Records

All sealing and expungement requests shall be made in accordance with Section 2151.356 of the Ohio Revised Code. Any person seeking sealing or expungement of juvenile matters may make a written request through the Clerk's office. After notice to the Prosecutor's Office, the Court may conduct a hearing to determine whether the sealing or expungement should be granted. Upon journalization of an Order of sealing or expungement, the Clerk shall notify all appropriate Court departments, law enforcement and other agencies as required by statute.

RULE 11. Warrants

Warrants for arrest of juveniles will be issued only upon the authorization of the Judge or Magistrate.

RULE 12. Motions

All motions, unless made during a hearing or trial, shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

Any motion, unless made during a hearing or trial, shall be submitted and determined by the Court upon the briefs served and filed as hereinafter provided, unless an oral hearing is required or allowed by the Court. No oral argument will be allowed except by leave of the Judge or Magistrate in response to a written request by a party prior to final submission of said motion. The length of any oral argument shall be fixed by the Judge or Magistrate.

The moving party shall serve and file with the motion a brief or memorandum containing the reasons and authorities which support the motion. If consideration of facts not appearing on the record is required, the moving party shall serve and file a copy of those documents, exhibits and affidavits in support of the motion simultaneously.

RULE 13. Communications with the Judge

A. **Ex parte Communications.** No attorney or party shall discuss the merits either orally or in writing, of any litigation with the Judge presiding over the matter before final disposition thereof without the presence of or by mailing or delivering a copy of any writing or opposing counsel or the party, if not represented.

B. **Attorney Conferences.** If it is determined that an issue in a pending action needs to be discussed with the Judge prior to hearing or disposition of the action, the attorney desiring said conference may, with notice to opposing counsel, request a conference with the Judge.

RULE 14. Mediation

Appropriate cases may, upon completion of necessary pleadings or motions, be referred by the Judge to a mediator for a mediation conference.

The mediation conference shall be set at the earliest practical date in light of the pleadings, appearances by counsel for all parties, and other facts and circumstances.

A reference to mediation shall be by Notice of Conference which shall set the time and place of the conference.

At the mediation conference, the mediator shall try to settle the entire case. The mediator may schedule, recess, or continue the conference; order monies held in trust by the Clerk of Court; conduct a view of the scene, if applicable; recommend orders to the Trial Judge for approval; and exercise such other powers as are necessary and proper for mediation of cases.

Statements made during a mediation conference are subject to Evidence Rule 408.

RULE 15. Parentage cases/Motions for custody/Motions for visitation

- (A) Any person may bring an action to establish the parent and child relationship or for an Order establishing visitation and companionship before requesting an administrative determination of the existence or nonexistence of a parent and child relationship from the Child Support Enforcement Agency. Such actions shall be governed by Amended HB 136; effective May 17, 2006.
- (B) When at least twenty-eight (28) days have elapsed since proof of service of the complaint has been filed, upon the request of the plaintiff's attorney, notices of a default hearing shall be mailed to the parties and the plaintiff's attorney.
- (C) When an answer is filed, upon the request of any party or their attorney, notices of a pretrial hearing shall be mailed to the parties and counsel.
- (D) At pretrial hearing, the Court may set the case for further pretrial or trial.

RULE 16. Guardian ad litem

The Court shall adhere to the standards in Rule 48 of the Rules of Superintendence for the Courts of Ohio (effective 3/1/09) regarding the appointment of a guardian ad litem, the responsibilities of a guardian ad litem, and the training and reporting requirements of guardians ad litem. In permanent custody cases, Rule 48 standards shall apply when not in conflict with the provisions of Ohio Revised Code 2151.414. The Court's CASA/GAL Director shall be the Court's administrator for purposes of monitoring GALs' compliance with Rule 48, and performing on behalf of the Court all other administrative requirements of Rule 48.

RULE 17. Bonds

Appearance bonds for adults shall be fixed by the Judge or Magistrate in each individual case upon arraignment, or at such other times as may be provided. The Clerk shall endorse on all warrants for the arrest of adults the amount of bond as may be provided by the Judge or Magistrate for each 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 or Magistrate in Court.

The sufficiency of sureties shall be determined by the Judge or Magistrate in each case. 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 office of the County Auditor.

RULE 18. Objections to Magistrate's Decisions and Appeals of Magistrate's Orders

Any party to the action may file written objections to the Decision of the Magistrate. The filing deadline is fourteen (14) days. A party shall have ten (10) days to appeal from a Magistrate's Order pursuant to Juvenile Rule 40(C)(3).

The Judge may affirm, reject or modify the order only upon the timely filing of an objection or appeal.

The Judge may hear additional evidence at his/her discretion.

The objection or appeal should be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence argument is part of or all of the basis for the objection, a transcript of the testimony is necessary to support the objection to the Magistrate's Decision or Order and **must** be filed with the Court by the moving party within thirty (30) days after the filing of the objections, unless the Judge, in writing, extends the time period. Partial transcripts may be permitted upon leave of the Court. If a transcript is necessary, a party may file a Motion for Extension of Time to allow for preparation of the transcript.

Failure to file a transcript when on is required by this Rule is a basis for dismissal of the objections or request to set aside an order.

Objections or motions to set aside may be set for oral hearing at the request of any part and at the discretion of the Court.

A memorandum in response may be filed by any party within seven (7) days of the filing of the memorandum in support of the objections or motion to set aside or upon a schedule set by the Court.