

Lawrence County, Ohio
Rules of Court of Common Pleas

**Juvenile
Division**

May 30, 2007

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**LAWRENCE COUNTY, OHIO
RULES OF COURT OF COMMON PLEAS
JUVENILE DIVISION**

RULE 1: Sessions of Court.

1. The Court Offices shall be open for the transaction of Business from 8:00 a.m. to 4:00 p.m., Monday through Friday, each week with legal holidays to be observed as provided by law.

2. The Juvenile Court, at the discretion of the Judge, may be open at other hours for matters of extraordinary importance.

3. Court sessions shall be held at the Lawrence County Court House. Sessions may also be held at such other places within the County as may be provided by order of the Judge, from time to time, or for special cases as the interests of justice may require.

4. Sessions shall be held in the privacy of chambers, or in the courtroom or in such place within this County as may be ordered. In every case of an adult charged with a criminal offense, the right to trial and hearing will be observed, with the right to trial by jury as provided by law or the Ohio Rules of Criminal Procedure (hereinafter the "Criminal Rules").

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 Lawrence County (the "Sheriff") or other law enforcement officer.

6. Sessions may be adjourned from time to time as the justice of the court may require, and for the Court to have an opportunity to obtain additional evidence or testimony.

RULE 2: Conduct in the Court.

1. Proper decorum in the Court is necessary to the administration of justice and the Court functions. Any conduct which interferes, or tends to interfere, with the proper administration of justice and/or the Court's business is prohibited. No radio or television transmission, voice recording device (other than a device used by the court reporter making a record in a proceeding before the Court), or taking of pictures shall be permitted, unless authorized by the Court. Any request for such authorization must be made to the Court in writing at least three (3) days prior to the hearing.

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 shall adhere to the hearing schedule. Unless otherwise requested by the parties, all hearings shall be scheduled for thirty (30) minutes and shall be concluded within such time frame. It is expected the attorneys involved in a particular case will be on time for and present in Court at the date and time scheduled. Failure of a party or counsel to appear at the scheduled time for trial or hearing shall be deemed a contempt of court. Unless such failure is authorized or excused by the Court, a fine may be imposed by the Court in addition to any other penalties imposed.

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, and shall notify and require the attendance of the parties involved and the attorneys representing the parties at said hearings.

4. The procedure herein set forth shall apply to all cases, except to the extent that by their nature would clearly be inapplicable or unless otherwise waived by the Court.

Upon receipt of the notice of a pre-trial hearing, counsel shall:

(a) Amend the 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 Court of his/her position of either opposing said motion or consenting thereto. The Judge shall then rule on said motion.

(b) Depositions or other discovery measures shall be completed so the transcript shall be available at the hearing.

(c) Any desired medical examination shall be completed prior to the hearing.

5. Pre-Trial Hearing: At the pre-trial hearing, counsel shall:

(a) Be fully authorized to act and negotiate on behalf of the parties.

(b) Have the party or parties in interest present, unless prior to the date of the pre-trial and for good cause shown, counsel obtains permission from the Judge excusing such appearance.

(c) Present a written statement of the issues involved.

(d) Submit a written statement of the questions of law expected to be involved.

(e) Submit any exhibits expected to be offered into evidence for the purpose of stipulating such matters with respect thereto and avoiding 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) Submit the names and address of witnesses to be used at trial. Depositions of witnesses not available for trial shall be completed.

(h) File a statement that all depositions and all discovery

procedures have been completed, all questions of law and motions have been filed and the case is ready for trial.

(i) Come prepared to seriously discuss case settlement.

6. General Provisions:

(a) The pre-trial shall be conducted by the Judge or a Magistrate of the Court.

(b) At the conclusion of the pre-trial, a pre-trial order may be prepared by the Judge, or a report by the Magistrate for approval as an order by the Judge, setting forth all matters agreed or determined at pre-trial. 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, briefs covering such special questions of law as the Judge may specify. A copy shall be served upon the opposing party(s) at the time of filing with the Court.

(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) If hospital records are desired from the adverse party, counsel shall make a written request upon opposing counsel at least thirty (30) days before the pre-trial. If counsel upon whom the demand is made considers the demand unduly onerous or unjust, the Court may, upon application, require all or a portion of the expense of procuring said records to be paid by the requesting party. Copies shall be substituted and received into evidence, unless a specific objection thereto is sustained.

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

(g) No physician nor attorney shall be subpoenaed or

called as a witness to testify in any proceeding, either personally or by deposition, without prior conference with the calling attorney concerning the subject testimony. Such attorney shall make arrangements for notifying the physician or attorney, either by telephone or other personal contact, of the approximate time of the witness's appearance shall be required at the hearing.

(h) Any matters not specifically included in this rule may be determined by the Judge.

(i) It shall be the policy of the Court to encourage full, fair and free disclosure of information in any discovery procedures.

7. Continuances:

(a) Requests for continuances shall be made in accordance with Rule 7 of the Ohio Supreme Court's Rules of Superintendence (the "Superintendence Rules") as well as Rules 19 and 23 of the Ohio Rules of Juvenile Procedure (hereinafter the "Juvenile Rules").

(b) All applications for continuances shall be made as far in advance of hearing dates as practicable. Except for emergency situations, requests shall be in writing with a proposed new date included. Requests shall be granted only after notice to all other counsel and/or parties involved. No case shall be continued on the date for hearing, except for good cause shown. Unless otherwise directed, it will be the responsibility of counsel obtaining the continuance to notify all other counsel and parties of the new hearing date. All counsel shall make reasonable efforts to have a contested request for continuance determined prior to the hearing date.

(c) A motion for the continuance of a case, made after the assignment of the case for trial will not be granted, if the reason upon which such motion is based was within the knowledge of the party or the party's counsel when the case was assigned.

8. Motions:

(a) All motions must be served and filed within the time limits prescribed by the Juvenile Rules. If no time limits are prescribed by the Juvenile Rules, motions shall be served within such time so as not to

unduly delay the proceedings, and shall be filed with the Court no later than three (3) days following the date of service.

(b) Motions shall be submitted and determined, without oral argument, upon the motion papers hereinafter referred to unless specifically requested and allowed by the Court. If either party requests a hearing on the motion, such request along with a proposed hearing date shall be filed with the motion or within three (3) days of service by the other party.

(c) Motions shall be noticed and scheduled for hearing according to Rule 18 of the Juvenile Rules.

(d) Motions may be supported and opposed by documentary evidence in a testimonial form as permitted by the Juvenile Rules. In general only the following types of documentary evidence may be used for this purpose: (i) affidavits, (ii) depositions, (iii) answers to interrogatories, (iv) written admissions, (v) transcripts of evidence in the pending case, and (vi) written stipulations of fact.

(e) Unless an oral motion is allowed, no motion shall be considered unless the movant serves and files a motion package consisting of:

- (1) A motion in writing which complies with the requirements of Juvenile Rules 18, 19, 20, and 22;
- (2) A brief in support of the motion which shall consist of
 - (i) a concise statement of the pertinent facts;
 - (ii) a description of the relief or order sought;
 - (iii) a verbatim extract of applicable statutes; ordinances, rules, regulations, or other authority (if lengthy include as an attachment);
 - (iv) the argument setting forth the legal and factual grounds upon which the motion is premised and which contain all citations to the cases, statutes and other authorities relied on.
 - (v) the brief shall be signed and shall be subject to the obligations imposed by Canon 7, Code of Professional Responsibility.

- (3) Supporting documentary evidence in testimonial form, If any, as authorized by subsection 8(d) of this Rule; and
- (4) A proof of service which meets the requirements of the Juvenile Rules 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.
- (5) The motion package, and the proofs of service pertaining thereto, shall be filed with the Court not later than three (3) days following service.
- (f) Unless the motion was made orally, or ex-parte, the party opposing the motion shall serve and file an opposition package consisting of:
 - (1) A brief in opposition to the motion which shall fully comply with the requirements of the request for relief of subsection 8(e)(2) of this Rule.
 - (2) Opposing documentary evidence in testimonial form, if any, as authorized by subsection 8(d) of this Rule.
 - (3) A proof of service which meets the requirements of the Juvenile Rules and which itemizes the documents contained in the opposition package, unless service of the opposition package is not required by the Juvenile Rules.
 - (4) The opposition package and the proofs of service pertaining thereto, shall be filed with the Court no later than three (3) days following service.

(g) If an oral argument has been scheduled, the opposition package shall be served no later than seven (7) days before the hearing. If no hearing has been scheduled the opposition package shall be served within fourteen (14) days after service of the motion package.

(h) Unless otherwise provided in the Ohio Rules of Civil Procedure (the "Civil Rules") but subject to the provisions of this Rule, the failure to serve an opposition package in accordance with this subsection may be construed by the Court as an admission that said motion should be granted.

(i) No other brief or evidence shall be considered, except that to the extent permitted by the Juvenile Rules, and for cause shown in a motion made therefor. 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 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 in Court. If no filing date is specified, such papers must be filed within three (3) days after service, but in no event later than the day before a scheduled hearing.

(j) Deemed Submission.

(1) If no hearing has been scheduled, the motion shall be deemed submitted for hearing on the eighth (8th) 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, and no hearing has been scheduled, all motions timely and properly served and filed shall be deemed submitted for hearing on the eighth (8th) day following the last day for service of the opposition package directed to the last motion served.

(k) Extension/Limitation of Times.

(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 therefor 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 an opportunity to be heard thereon.

(1) All counsel are reminded of their obligations under the provisions of Rule 11 of the Civil Rules. The presentation to the Court of unnecessary motions and unwarranted opposition of motions, which, in either case unduly delay the course of 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. Notifications to the Assignment Commissioner.

(a) It shall be the duty of counsel to immediately notify the Assignment Commissioner of the settlement of any case, including motions, which have been assigned a trial date or hearing date and placed on the docket.

(b) It is 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 matter counsel desires a court reporter.

10. Attorney Fees. Court appointed attorneys in cases involving indigent parties shall be paid upon the submission of appropriate forms, at the hourly rate and maximum rates as currently approved by the

Court for indigent services together with reimbursement for reasonable expenses incurred in such representation. The Court will establish such rates from time to time by Journal Entry.

RULE 3: Magistrates Hearings and Objections.

1. Magistrates may hear the following matters:

(a) All motions, except motions for a new trial or to vacate and set aside any matter heard and decided by a Judge.

(b) Contempt citations, unless assigned before a Judge.

(c) All hearings under Section 3113.21 of the Ohio Revised Code (herein the "O. R. C").

(d) Motions filed under Civil Rules 59 or 60 should be heard by the Judge or Magistrate who originally heard the matter.

(e) In addition to the above duties, Magistrates may hear or conduct arraignments in contributing and non-support proceedings. Magistrates may also conduct hearings in complaints initiated in the Juvenile Division for custody, unruliness, parentage (except jury trials), juvenile traffic offenses, and for abuse, neglect and dependency.

2. A decision by a Magistrate may be reviewed by a Judge of this Court upon the timely filing of written objections (the "Objections") in accordance with Rule 40, Juvenile Rules. Appeals from a Magistrates pretrial detention order are also controlled by said Rule 40.

3. Objections should be accompanied by supporting memorandum. If a finding of fact or weight of the evidence is part or the whole of the basis for the Objection, a transcript of the testimony is necessary to support the Objection. Such transcript must be filed by the moving party within thirty (30) days after the filing of the Objections, unless the Judge extends the time in writing. Partial transcripts may be permitted with leave of the Court.

4. Failure to file a transcript when required by this Rule is basis for dismissal of the Objections.

5. All Objections shall be set for hearing by the moving party, which shall be set by the Assignment Commissioner at the time of filing. Notice shall be made by the moving party on all other parties including any Guardian ad Litem. Hearings may be waived by agreement of all parties and the approval of the Judge scheduled to hear the Objections.

6. Memoranda contra to the Objections may be filed by any party within seven (7) days of the filing of said Objections.

RULE 4: Juvenile Traffic Procedure.

1. The Ohio Traffic Rules, as set forth in Chapter 45, O. R. C. will be followed to the extent relevant to this Division.

2. The Uniform Traffic Complaint will be used in traffic cases. Each person filing a complaint using said form will be required to provide thereon and on a separate form to be provided by the Court, the names and addresses of the parents, guardian(s) or persons 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 so as to permit the Court to make final disposition in the case without requiring the attendance of said arresting officer.

4. The Court reserves to itself the imposition of a probationary disposition in each traffic case without additional language in the complaint (even when said cause is continued).

5. Procedures regarding juvenile traffic citations shall be as follows, unless otherwise specified by the Judge or Magistrate in a specific case:

(a) Traffic matters will generally be heard Monday through Friday by a Judge or Magistrate of the Court.

(b) The following offenses require appearance before the Court for adjudication:

- (i) Minor misdemeanors filed on citations.
- (ii) Second or a subsequent moving violation.
- (iii) Reckless operation of a motor vehicle.
- (iv) Leaving the scene of an accident.
- (v) Fleeing a police officer.
- (vi) Operating a vehicle under the influence of Alcohol or Drugs.
- (vii) Passing a loading or unloading school bus.
- (viii) Operating a vehicle without a valid Operator's License.
- (ix) Operating a vehicle while the Operator's License is under suspension or revocation.
- (x) Offenses involving an accident.
- (xi) Speeds in excess of twenty (20) m.p.h. over the Posted Speed Limit.
- (xii) Drag racing.

(c) Upon determination by the Clerk's Office that a mandatory appearance is not required, a Juvenile Traffic Offender may elect to proceed without a court appearance upon the following conditions:

- (i) A parent, guardian, or an attorney must be present with the offender.
- (ii) A waiver in the form supplied by the Court must be executed by the offender and the parent or guardian constituting an admission to the facts alleged in the complaint

and to the traffic violation.

- (iii) Such waiver must further constitute a waiver to the right to trial, the right to present witnesses, the right to cross examine witnesses against the offender, the right to silence and the right to counsel.
- (iv) Upon said admission and waiver, a fine shall be assessed by the Court in accordance with schedules established by the Court.

(d) No continuances of an appearance on a traffic complaint shall be granted by phone.

(e) Forms are available in the Intake Office which may be used by the attorney, parent or guardian to enter a denial on behalf of a Juvenile Traffic Offender who has been cited. The matter shall then be set for trial on the contested docket before a Judge or Magistrate.

(f) All requests for driving privileges or other form of post-adjudicatory relief shall be made in writing and set for hearing. The moving party shall also serve notice to the Prosecutor's Office.

(g) Traffic tickets produced by computer or other electronic means may be filed in lieu of the Ohio Uniform Traffic Ticket, provided the computer generated or electronic ticket conforms in all substantive respects, including layout and content to the Ohio Uniform Traffic Ticket. The provision of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and the method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.

If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the Juvenile Traffic Offender with a paper copy of the ticket as required by Ohio Traffic Rule 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

(h) Fines and costs shall be levied and collected in the amounts as shall be ordered by the Court in accordance with the Schedule of Fines and Costs which shall be ordered by the Court from time to time and posted in the Clerk's Office.

RULE 5: Bonds/Recognizances.

1. Appearance bonds for adults shall be fixed by the Judge in each individual case upon arraignment, or at such other times as may be provided. The Clerk or deputy clerks shall endorse on all warrants for the arrest of adults the amount of bond provided by the Judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate the amount of bond must be fixed by the Judge.

2. All other bonds, recognizances to appear as may be provided by the Judge, shall be in the form as provided by law, order of this Court or other Court to which such 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. When real property is offered as security by the surety, the Court may require twice the value of the bond in real property. The value of real property shall be the value as it appears upon the county tax list maintained by the County Auditor's office.

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 6: Procedures – Juveniles.

1. The Juvenile Rules prescribe the procedures to be followed:

(a) Juvenile Rule 9, provides 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.

(b) Such Rule further provides that information regarding

a child within the Court's jurisdiction may be informally screened prior to filing of a complaint to determine whether filing of a complaint is in the best interest of the child and the public.

(c) The Court hereby designates the Court Bailiff as the Intake Officer, under the direction and supervision of the Court, and assigns to such officer the duty of informally screening all complaints prior to or after the filling thereof to determine appropriate proceeding, and the manner of proceeding thereon.

2. Upon detection, arrest or apprehension of a juvenile by a law enforcement officer or probation officer, after the officer has information of reasonable credibility as to the age of the accused, the officer may detain or cause such juvenile to be detained until presented to the Court. In the event the Court is not in session, and subject to the gravity of the charge, the officer shall cause said juvenile to be released to a parent, guardian or other responsible adult person having custody or control of the juvenile. Failing in or if unable to follow the foregoing procedure or depending upon the gravity of the charge, the officer may cause said juvenile to be taken forthwith 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, to place such child in the juvenile detention center, emergency shelter care or custodial detention facilities.

3. The Lawrence County Juvenile Center, located At State Route 93, Ironton, Ohio (the "Juvenile Center"), is hereby designated as an emergency shelter care facility for juveniles.

4. The Sheriff, the Chief of Police of the City of Ironton (the "Chief of Police"), and the Director of the Lawrence County Juvenile Center (the "Director") are designated as officers of the Juvenile Division of this Court.

(a) The Sheriff and the Chief of Police shall take any juvenile so received to said Lawrence County Juvenile Center.

(b) The shall also receive into

Rules and shall cause said juveniles to be presented at the next session of the Court.

(c) For purposes of these Rules, emergency shelter care means care for twenty-four (24) hours a day for a period of not more than fifteen (15) days and pertains to a legal detention of a child after the filing of a complaint and prior to a judicial determination as to the merits of the complaint (“Pre-adjudication”).

5. In the event any law enforcement agency shall determine immediate consideration of certain matters with respect to a juvenile should be had before a Judge or other officer of the Court, they shall contact the Intake Officer or such other member of the Court staff as said Intake Officer shall designate. The orders and/or instructions of 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 or probation officer upon taking a juvenile into custody shall cause a complaint to be prepared on forms supplied by the Lawrence County Prosecutor’s Office (the “Prosecuting Attorney”) or the Court. The complaint shall then be verified as may be required by law and deposited with the Prosecuting Attorney.

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 Prosecuting Attorney.

8. Process for summons, warrants and subpoenas shall be issued to the Sheriff or any other lawfully authorized law enforcement agency or qualified person.

RULE 7: Procedure – Adults.

1. The statutory procedures and the Criminal Rules 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:

(a) Be brought before the Court for arraignment immediately upon arrest if during open court hours, or

(b) Post bond in accordance with the Criminal Rules and Rule 5 herein.

3. In the event that a person charged with an offense under the provisions of Chapter 2151 O. R. C. 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 the Defendant before an officer of a Court of record for his appearance before this Court. Bail for any such offense shall be in accordance with that set by current Journal Entry unless otherwise ordered in a warrant for arrest. Any such appearance shall be fixed at 9:00 a.m. of the next session of the Juvenile Division unless otherwise directed by a member of the staff of this Court.

4. In cases in which the Defendant has a right to trial by jury, said Defendant or Defendant's counsel shall demand such trial by jury in accordance with the provisions of Criminal Rule 23. Failure to notify the Court of a jury demand in a timely manner, either in person or in writing, may be deemed just cause for entering a continuance without the consent of the Defendant, or the Court may order the matter to proceed to trial before the Court without a jury.

5. In cases wherein an adult is charged with an offense which could be considered a felony and for which an order binding a Defendant over to a grand jury could be issued by the Court, 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 writing in open Court. Such appointed attorney shall be compensated by the Court in an amount fixed by the Court, as provided under Rule 2(10). In cases where Defendants are charged with offenses amounting to misdemeanors, and provided they qualify as indigent, the Court may appoint counsel as the case may warrant.

RULE 8: Probation Department – Personnel.

1. The Court has established a Probation Department within the Juvenile Division in accordance with Sections 2151.13 and 2151.14 O. R. C.

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 as may be provided by law, these rules or the Juvenile Rules.

3. The deputy clerks and members of the staff of the Juvenile Division may request the cooperation provided by Section 2151.40 O. R. C. from any officer, board, commission, or official.

RULE 9: Probation Department Duties.

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 or the Juvenile Rules.

2. A juvenile probation officer shall serve such process issuing from the Court as may be directed to such officer and 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. The officer may take any juvenile into custody for violation of any probationary order of the Court and shall report such fact to the Judge forthwith. The officer may discharge from custody or the custody of a law enforcement officer of this County as provided in these Rules, any juvenile whom the officer has reason to believe will appear in Court at the next session thereof as directed. The officer may call upon any other law enforcement officer for assistance.

4. A juvenile probation officer assistance of any staff member of the Court shall prepare and cause to be prepared such reports as shall be required or directed by the Judge.

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 automobile shall be at the then current mileage rate approved by the Court.

6. There shall be at least one juvenile probation officer on duty to accept referrals from the Court between 8:00 a.m. and 4:00 p.m. Monday through Friday. Upon the assignment of a Pre-sentence Investigation by the Court, the juvenile officer must submit said pre-sentence investigation within ten (10) working days or file a written request for an extension of time stating the reason and the expected date of completion or file an addendum.

7. The investigating probation officer shall meet with the Court in conference at least one half (1/2) hour prior to a dispositional hearing to review the written reports, proposed terms of probation, situations and other relevant matters.

8. Probation Violations.

(a) If a probationer violates the terms of probation, the probation officer shall file a separate report with the Court detailing the violations. Said probationer shall receive detailed information regarding the violation of the terms of probation, along with a copy of the notice of the date for the Court hearing concerning the matter.

(b) The designated officer shall:

- (i) receive the face sheet information;
- (ii) receive signed authorization forms for school records and other court records;
- (iii) make an appointment for a conference between the probation officer and the child and the child's family; and

(iv) obtain all other information appropriate to the child.

(c) A written progress report concerning said child shall be filed with the Court at least every thirty (30) days unless otherwise directed by specific Court order. The report shall concern the treatment and rehabilitative progress of said child and/or this child's family and suggestions or recommendations for alteration of the program, custody, living arrangements and other pertinent matters. All pertinent information shall be maintained in progress notes within the child's file, computerized record files and the probation officer's personal tracking system.

RULE 10: Records, Assignments and Hearings.

1. Juvenile Case Records.

(a) The records of official cases shall be maintained as provided by law (Section 2151.18 O. R. C.), the Juvenile Rules and as provided by these Rules. For cases involving Juveniles there shall be maintained an appearance docket, juvenile traffic offender docket, juvenile journal and a cashbook.

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

(c) The Clerk shall file and 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 counsel or interested parties upon payment of the usual fees.

2. Adult Case Records: 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. 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 foregoing record rules, however, no person shall have access to such cases without the order of the Judge. This provision shall extend to law enforcement personnel as well as court personnel. Violations may be considered as contempt of the Court and punishable as such.

5. Detention Records and Other Tests.

(a) When any juvenile is taken by a law enforcement officer into the Group and Shelter Home or such other place of detention as has been approved by the Court, the Director and the law enforcement officer may cause said Juvenile to be photographed (with a frontal view and a profile view). The Sheriff or his designee shall also cause said juvenile to be fingerprinted on special forms provided by the Court and shall obtain the information required on such form. Such information shall include the juvenile's full name, permanent residence address, color, gender, place of birth, date of birth, height, weight, color of eyes and hair, notation of any scars or identifying marks and the juvenile's signature. Said photo and fingerprint records are for purposes of identification only, and shall be subject to and delivered to the Court in accordance with the provisions of Section 2151.313 O. R. C. and the Juvenile Rules.

(b) The Probation Department and the Director shall be responsible for the compliance with this Rule by the Sheriff's Department. Any other fingerprinting of juveniles which shall be permitted by law shall be accomplished only by the Sheriff or his staff. Requests from other law enforcement agencies for the taking of photos or the fingerprinting of a juvenile shall be made directly to the Sheriff or through the Prosecuting Attorney. Requests for the use of any photograph or fingerprints in the possession of the Court shall be made in writing and state the facts forming the basis for the request. If the Court permits the use of any such photo or fingerprint record, it shall do so by Journal Entry.

(c) Any consent for the administration of a polygraph test to a juvenile shall be only upon the application of the office of the Prosecuting Attorney or a law enforcement agency and with the consent of the parents, guardian or custodian of the juvenile, and upon written consent by the Court upon its Journal.

6. Any complaint certified to the 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 Lawrence County, or is not presently within this County and is not expected to return within a reasonable time, shall be transferred to the then county of residence of the juvenile, if such determination is possible. A copy of the order of such transfer shall be forwarded to the certifying 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 for minor traffic matters, shall be maintained.

7. Hearings for Juveniles.

(a) 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 at 2:00 p.m. each day 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.

(b) In the event any such hearing is required to be adjourned for any reason, it shall be continued until the next regular business day of the Court, unless otherwise requested by counsel, a parent, guardian or custodian and such request is approved by the Court.

(c) Hearings for any juveniles, who are detained pending hearing, shall be assigned for hearing as soon as possible upon direction of the Court, or by the Assignment Office should the Judge be unavailable.

8. Receipt of Funds.

(a) 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 in a financial institution approved by the Court, in a checking account with consecutively numbered checks. However, any funds received by the Juvenile Division from a devise, gift or grant for a purpose for which property may be accepted, shall be separately maintained and accounted for by the Court.

(b) Receipts for all payments of funds into the Probation Department shall be issued upon forms as provided by the Court and shall be deposited in a financial institution approved by the Court, in a checking account with consecutively numbered checks. However, any funds received by the Probation Department from a devise, gift or grant for a purpose for which property may be accepted, shall be separately maintained and accounted for by the Court.

RULE 10.1 GENERAL RULES OF PLEADING.

1. In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

(a) **Social Security Numbers.** If an individual's Social Security Number must be included in a document, only the last four (4) digits of the number shall be used.

(b) **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(c) **Dates of Birth.** If an individual's date of birth must be included in a document, only the year should be used.

(d) **Financial Account Numbers.** If financial account numbers are relevant, only the last four (4) digits of these numbers should be in the document used.

2. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed below may:

(a) File a redacted document in the public record and file

a reference list under seal. The reference list shall contain the complete personal identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifier(s) included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right; or

(b) File an un-redacted version of the document under seal.

3. The un-redacted version of the document or the reference list shall be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with the counsel and their parties. The Clerk will not review each document for compliance with this rule.

RULE 11: Services to Children.

1. These Rules are restricted to the child or children that are 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 the Group and Shelter Home by virtue of Court order or commitment, then for purposes of these Rules the following definitions shall apply:

(a) Emergency Shelter Care as the term is defined in Rule 6, subsection 4(c).

(b) Temporary Custody means care for:

- (i) a period of not more than ninety (90) days when the child is placed in the Group and Shelter Home for the purposes of having a pre-dispositional diagnosis and evaluation study completed. The child may not be removed from the Group and Shelter Home without prior written or oral approval of the Court.
- (ii) a period of not more than six (6) months

depending upon the type of care, treatment or placement the child may require, or can provided in a certified foster home, or a foster home approved by the Court, or a certified organization or placement facility or family approved by the Court (see Section 2151.011 (B-10 and B-13 ORC) ("Post-disposition"). Temporary custody may be terminated at the discretion of the Court. Child placement may not be changed nor shall a juvenile be removed from the jurisdiction of the Court, even temporarily, without the prior written or oral approval of the Court.

(iii) the six (6) month period set forth in subsection (ii) above may be extended for additional six (6) month periods after full review by the Court.

(c) Permanent Custody is defined by Rule 2, Juvenile Rules to mean a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of any and all parental rights, privileges and obligations, including all residual rights and obligations.

2. Upon apprehension of a juvenile, a law enforcement agency may proceed to deliver the juvenile to emergency shelter care to be presented in court on the next court day, if apprehended after court hours, provided said officer has followed the provisions of Rule 6.

3. In addition to the requirements of Rule 10, Section (5)(a), upon the receipt of such apprehended juvenile, the Group and Shelter Home staff shall prepare a referral card or sheet on the juvenile which shall contain, if it is available or possible to obtain, the following information:

(a) the child's name, address and the name and address of each parent, guardian or other custodian.

(b) the circumstances and reason for delivery of the juvenile.

- (c) the juvenile's mental and physical health.
- (d) the juvenile's prior placement or home.
- (e) the family history of the juvenile, including all siblings, parents, grandparents, and other relatives (as a possible source of placement).
- (f) the school district of the juvenile, if the juvenile is of school age, and the juvenile's educational history.

A copy of the information shall be delivered to the Court, if possible, by the law enforcement agency upon the filing of the complaint. If such is not immediately available, it shall be delivered to the Court forthwith, after the filing of the complaint to assist the Court in making an emergency shelter care or temporary custody order.

4. Upon the assignment of a post-adjudicational and pre-dispositional investigation by the Court, the appropriate personnel shall submit such report in writing within ten (10) working days of such assignment or file so much of said report as has been completed with an explanation or reason for the incomplete report. The person making such report shall meet with the Court in conference to review the report, alternative dispositions suggested, situation and other pertinent matters at least one-half (1/2) hour prior to the dispositional hearing.

5. When a Juvenile is placed in protective or temporary custody, unless otherwise specified in the order of the Court, the maximum period of such protective or temporary custody shall be six (6) months from the date of the Court's entry unless extended by Court order. A progress report concerning said child shall be filed in writing with the Court at least every thirty (30) days, unless otherwise specifically directed, concerning the treatment and rehabilitative progress of said juvenile and/or the juvenile's family. The progress report shall also make suggestions and recommendations for alteration of the program, custody, living arrangements and other relevant matters.

RULE 12: Court Staff.

1. The staff of the Juvenile Court shall consist of such

juvenile probation officers, deputy clerks, court reporters, intake officers, assignment commissioner, bailiffs, and magistrates and such additional persons as may be appointed from time to time by the Court. Certain of the staff members may also be assigned duties in the Probate Division. Nothing in these Rules shall be construed as prohibiting the same person from serving in more than one (1) 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 that 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 the direction of the Judge from time to time as may be required.

RULE 13: Guardian ad Litem.

1. Appointment.

(a) The Court may appoint Guardians ad Litem to represent the best interest of juveniles in matters regarding the allocation of parental rights and responsibilities, not arising out of abuse, neglect or dependency filings, wherein the Court has jurisdiction. In order to superintend the best interests of juveniles in any action over which this Court has jurisdiction, the Court may appoint a Guardian ad Litem upon its own motion or the motion of either party. Such appointment shall be made by Entry. Under this Rule, the same procedures shall apply to incompetents as apply to juveniles.

(b) Counsel for the party requesting the Guardian ad Litem shall be required to notify the Assignment Commissioner of said appointment. The Assignment Commissioner and all counsel shall notify the Guardian ad Litem of all proceedings. It shall be the responsibility of counsel in the case to copy the Guardian ad Litem with all pleadings, notices of hearings and depositions, entries and any other necessary documents. Any additional expense incurred by the Guardian ad Litem as a result of counsel's failure to notify, including the costs of transcripts shall be charged to the party responsible for such failure.

(c) The Court shall maintain a list of eligible persons from which a Guardian ad Litem shall be appointed.

(d) The Guardian ad Litem shall represent the best interests of the juvenile until discharged by the Court. At the conclusion of the litigation, the Attorney/Guardian ad Litem shall prepare an entry withdrawing as the Guardian ad Litem and dismissing the juvenile as a party.

(e) The Guardian ad Litem has a duty to notify the Court and counsel if the juvenile's wishes are in opposition to the Guardian ad Litem's recommendations.

2. Fees and Costs.

(a) When an Attorney/Guardian ad Litem requires fee arrangements inconsistent with those set forth in the required entry, said Attorney/Guardian ad Litem shall so notify the Court prior to accepting the appointment.

(b) No later than seven (7) days after the final hearing in the matter for which the Guardian ad Litem has been appointed, the Attorney/Guardian ad Litem shall submit an affidavit of fees to the Court. If approved by the Court, said fees shall be made a part of the final entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of Civil Procedure and Rules of Superintendence.

(c) In order to protect the fee for the service of the Attorney/Guardian ad Litem, the Court may require additional deposits, and shall have the discretion to issue a lump sum judgment against the party(s) for the Attorney/Guardian ad Litem fees due and owing at the time of the final adjudication.

(d) Filing fees and court costs may be waived or may be due from the Attorney/Guardian ad Litem at the Court's discretion.

3. Duties.

Upon appointment, the Attorney/Guardian ad Litem shall perform in every case certain basic duties identified below. The feasibility of some of the duties will depend upon the age of the juvenile and the specific circumstances of each individual case.

(a) Interview the juvenile and observe each parent with the juvenile.

(b) Review all pleadings and consult with each attorney as to position and issues.

(c) Investigate all significant persons and interview independently.

(d) Obtain all relevant records, such as school, criminal, medical, psychological and child protective agency.

(e) Perform home visits which may be combined with the interview process.

(f) Evaluate the necessity of psychological evaluations or of counseling, and if found necessary, file the appropriate motion(s) with the Court to obtain the same.

(g) Communicate as necessary with the appropriate Protective Services staff member.

(h) Attend all depositions concerning the best interest of the juvenile.

4. Powers.

The powers of the Attorney/Guardian ad Litem shall be wide ranging, including but not limited to, the right to file motions and review all confidential records involving the juvenile, whether by request, through deposition and/or by subpoena.

5. Reports and Court Appearances.

The Guardian ad Litem may prepare and file written reports detailing observations and recommendations during the course of the case and at the conclusion of the hearing(s), but in all cases shall be present at all hearings pertaining to the juvenile. The Attorney/Guardian ad Litem may also subpoena and examine independent witnesses.

RULE 14: Order of Reference.

1. Every obligee of a court order of support made in this Court shall make application for child support collection services under Title IV-D of the U.S. Social Security Act (herein "IV-D") with the Lawrence County Child Support Enforcement Agency ("CSEA") whose address is 214 South 4th Street, Ironton, Ohio 45638. Obligees who have assigned their right to child support to CSEA need not make application for IV-D collection services.

2. The applications for IV-D collection services may be obtained from the CSEA and shall be returned to CSEA upon completion.

RULE 15: Standard Visitation Guidelines.

The following provisions shall control visitation with minor children in all custody proceedings and shall not be modified except for the showing of good cause. The Court may amend this visitation schedule when it is found that a parent has not had opportunity to be familiar with a child and the child's personal needs. However in such event, the Court would anticipate the schedule of visitation would progress to full Rule 15 visitation within a reasonable period of time.

Whenever the term "standard visitation" for a non-custodial parent appears in an entry, it shall be as defined in the following provisions unless the Court determines that in the best interests of the child, the times be changed or reduced.

1. Visitation is recognized as an extremely important time for children to engage in activities and strengthen familial bonds with the parent with whom they do not live. Liberal visitation arrangements beyond the minimum set forth herein are strongly encouraged as children face significant challenges in coping with the parents' adult difficulties.

2. In order to provide a specific companionship schedule for those times when parents are unable to agree, the Court hereby adopts the following standard visitation guidelines. This schedule may be modified upon motion by either party, upon showing that said modification is in the best interest of the children.

(a) Visitation where parents live within a one hundred and fifty (150) mile radius of each other.

(i) Weekends: The non-custodial parent shall have visitation every other weekend from 6:00 p.m. on Friday until 8:00 p.m. on Sunday, unless the following Monday is a school day or a pre-school day for the children. On such occasions, visitation shall end at 6:00 p.m. on Sunday.

(ii) Weekdays: The non-custodial parent shall have visitation from 4:00 p.m. to 8:00 p.m. on one weekday. In the event the parents cannot agree, such visitation shall occur on Wednesday.

(iii) Holidays:

(A) In the even numbered years, the custodial parent shall have the children on:

(1) New Years Vacation - from 6:00 p.m. December 28th until 6:00 p.m. the day prior to school re-opening.

(2) President's Day – 6:00 p.m. Friday to 6:00 p.m. Monday.

(3) Memorial Day – 6:00 p.m. Friday to 6:00 p.m. Monday.

(4) Labor Day – 6:00 p.m. Friday to 6:00 p.m. Monday.

(5) Thanksgiving – 6:00 p.m. the day school ends to 2:00 p.m. Thanksgiving Day.

(B) In even numbered years, the non-custodial parent shall have the children on:

(1) Martin Luther King, jr. Day – from 6:00 p.m. The day school ends prior to the holiday to 6:00 p.m. the day prior to school reopening.

(2) Easter – 6:00 p.m. the day school ends to 6:00

p.m. the day prior to school reopening.

(3) Independence Day – 6:00 p.m. on July 3 to 6:00 p.m. on July 5, except when July 4 is a Friday, Saturday, Sunday or Monday, in which case the visitation shall commence 6:00 p.m. Friday and continue to 6:00 p.m. Sunday or July 4, whichever is later.

(b) In odd-numbered years, the above scheduled shall be reversed.

(c) The non-custodial parent shall have Christmas Vacation from 4:00 p.m. Christmas Day until 6:00 p.m. on December 28th each year.

(d) Holiday visitation shall have precedence over regular Weekday and weekend visitation regardless of whether a parent shall have the children two (2) weekends in a row. Should a holiday fall on a weekend wherein the other parent would have a regularly scheduled visitation, the alternating schedule shall begin again the following week with the other parent getting visitation (i.e. a parent shall not be scheduled to have visitation for three (3) consecutive weekends).

3. Mothers Day and Fathers Day.

The mother shall have visitation from 6:00 p.m. the day preceding Mother's Day to 6:00 p.m. of Mother's day. The father shall have visitation from 6:00 p.m. the day preceding Father's Day to 6:00 p.m. of Father's Day. These days shall have precedence over all birthdays, other holidays, vacations and regularly scheduled visitation.

4. Birthdays.

(a) Parents – The parents shall have visitation with the children from 10:00 a.m. to 6:00 p. on that parent's birthday. Should that day fall on a holiday, the holiday schedule shall prevail, and the day may be made up immediately before or after said holiday.

(b) Children's – All children shall visit with the non-

custodial parent during each child's even-numbered birthday, and with the custodial parent the day immediately preceding such child's birthday. All children shall visit with the custodial parent during each child's odd-numbered birthday, and with the non-custodial parent the day immediately preceding such child's birthday. Should the child's birthday fall on a holiday, the holiday schedule shall prevail, and the day shall be made up immediately before or after such holiday.

5. Other Holidays.

Other holidays of significant personal or religious significance shall be brought before the Court on motion of a party in the event of disagreement.

6. Summer Visitation.

During the summer weeks, the Weekend and Weekday schedules Section (A)(1) and Section (A)(2) above shall be suspended and replaced as follows:

(a) the custodial parent shall have physical possession of the children for the remainder of the week that concludes the school year, until 2:00 p.m. Sunday.

(b) The non-custodial parent shall have physical possession of the children from 2:00 p.m. Sunday until 2:00 p.m. Sunday of two (2) weeks following.

(c) The custodial parent shall have physical possession of the children from 2:00 p.m. of the ending Sunday in (b) above until 2:00 p.m. Sunday of the two (2) weeks following.

(d) The non-custodial parent shall have physical possession of the children from 2:00 p.m. of the ending Sunday in (c) above until 2:00 p.m. Sunday of the one (1) week following.

(e) The custodial parent shall have physical possession of the children from 2:00 p.m. of the ending Sunday in (d) above until 2:00 p.m. Sunday of the one (1) week following.

(f) The non-custodial parent shall have the physical possession of the children from 2:00 p.m. of the ending Sunday in (e) above until 2:00 p.m. Sunday of the two (2) weeks following.

(g) The custodial parent shall have the physical possession of the children from 2:00 p.m. of the ending Sunday in (f) above until 2:00 p.m. Sunday of two (2) weeks following.

(h) At the conclusion of the period of time set forth in Section (g) above, normal Weekday and Weekend visitation shall resume. During the summer visitation, the parent with whom the children are not residing shall have reasonable telephone privileges.

7. Transportation.

Unless otherwise agreed to by the parties, transportation for visitation shall occur as follows:

(a) The non-custodial parent shall arrange for a responsible person to pick up the minor children from the custodial parent at the commencement of the visitation period.

(b) The custodial parent shall arrange for a responsible person to pick up the minor children from the on-custodial parent at the conclusion of the visitation period.

RULE 16: Fees and Costs.

Fees and costs shall be assessed and collected in each proceeding within the juvenile jurisdiction of the Court pursuant to Sections 2151.54, 2303.20, 2743.70 and 2949.091 O. R. C. Additionally fees for the computerization of the Court and for computerized research services shall be assessed and collected pursuant to Section 2303.021(B)(1) and (2) and Section 2303.21(A)(1) and (2) O. R. C.

All fees and costs are subject to change from time by statute or order of the Court. A schedule of all fees, costs and deposits currently in effect, or as and when changed, is posted and available in the office of the Clerk.

All monies collected pursuant to this Rule shall be paid over

to the Lawrence County Treasurer unless otherwise provided in these Rules, other applicable Court Rules or by statute. Such funds shall be disbursed pursuant to Section 2302.201(B)(1) and (2) and Section 2303.201(A)(1) and (2) O. R. C.

RULE 17: Orders, Judgments and Decrees.

(a) All judgment entries shall be approved and signed by the Court before being filed with the Clerk of Courts.

(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 within five (5) days after the decision of the Court, prepare the proper journal entry and submit the same to counsel of the opposite party, who shall approve or reject the same, in writing, within three (3) days after receipt thereof. Counsel to whom such entry is submitted may within such three (3) day 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 an entry as herein provided, or should counsel fail to agree upon a form of entry, the Court may prepare its own entry and cause it to be journalized within thirty (30) days of the verdict, decree or decision.

(c) In cases of judgments by default, all entries 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.

(d) All entries prepared by the Clerk shall be approved by the 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.

(e) No final decree regarding custody or paternity in

which children are involved and all subsequent entries regarding the support or custody of minor children shall be presented to the Court for approval or to the Clerk without first being approved by the CSEA or its successor. Violation of this Rule shall be considered a contemptuous action and the burden shall be upon the party violating this Rule to prove by a preponderance of the evidence that it was done through mistake or inadvertence.

(f) The CSEA or its successors shall promptly approve all final decrees in which juveniles are involved and all subsequent entries regarding the support or custody of juveniles upon verification that the entries contain those items required by;

- (i) the Rules of this Court,
- (ii) the State of Ohio,
- (iii) the CSEA or its successors has been given the information required to be given it by the appropriate party,
- (iv) the parties have complied with all requirements concerning their actions, and
- (v) the appropriate forms necessary for the efficient operation of the CSEA or its successor have been completed by the appropriate party.

(g) Upon approval by the CSEA all final decrees terminating a marital relationship in which juveniles are involved, and all subsequent entries regarding support or custody of juveniles shall be promptly presented to the Court for approval, filed with the Clerk and two (2) filed copies deposited with the CSEA or its successor by depositing them with the Clerk.

(h) All judgments or orders which are final appealable Orders ("F.A.O.") shall contain a direction to the Clerk that, "The Clerk shall mail a copy of this Judgment/Order to all counsel of record and to each party not in default who is not represented by counsel and make note of the service in the appearance docket." The Judgment/Order shall be accompanied by a separate form which shall be attached to said Judgment/Order and list the name and address of all parties to receive a copy.

Further, the appropriate number of copies of said

Judgment/Order along with pre-addressed stamped mailers shall be delivered to the Clerk with the filing of the Judgment/Order indicating a return address to the Clerk.

RULE 18: Use of Recording Devices in Proceedings.

Pursuant to the provisions of C.P. Sup. R. 11(A), as it is now constituted, proceedings before this Court and discovery proceedings may be recorded by stenographic means, photogramic means, photographic means, audio electronic recording devices or video recording systems.

Audio electronic recording devices shall be used for the trial of cases upon the merits. The parties may agree on any of the above systems for use in discovery proceedings or trial depositions.

Any authorized system may be used upon the approval of the trial Judge.

RULE 19: Process Servers.

1. One-time Appointment.

(a) If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, that party or counsel must file with the Clerk an entry appointing a special process server. The following must be stated in the entry of appointment:

- (i) The name of the person to be appointed as process server;
- (ii) That the person to be appointed as process server is 18 years of age or older; and
- (iii) That the person to be appointed as process server is not a party in the action nor counsel for a party to the action.

2. Standing Appointment.

(a) A person may be designated as a "Standing Special Process Server" for cases filed in this Court by filing a combined Affidavit and Order. The affidavit shall set forth the following information:

- (i) The name, address and telephone number of the person to be appointed as a standing process server;
- (ii) That the person is 18 years of age or older;
- (iii) That the person agrees not to attempt service of process in any case the server is a party or counsel for a party;
- (iv) That the person agrees to follow the requirements of Civil Rules 4 through 4.6 and any applicable Local Rules, and specific instructions for service of process as ordered by the Court in individual cases.

(b) A standing appointment shall be for no more than a two-year period ending on December 31. Upon expiration of an appointment, a person must reapply.

(c) The order shall be captioned, "In Re The Appointment of (Name of Person Requesting Appointment) As Standing Special Process Server", and state the following:

"It appearing to the Court that the following person has complied with the provisions of Local Rule 19, (Name of Person Requesting Appointment) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court and to serve until December 31, _____ or further order of this Court, which ever comes first.

(d) The Clerk shall record such appointment on the Court's general docket, and shall retain the original Affidavit and Order. In any case thereafter, the Clerk shall accept a time-stamped copy of such an Affidavit and Order as satisfying the requirements of Civil Rule 4.1(2) for designation by the Court of a person to make service of process.