

AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until October 24, 2025, on the following proposed amendments to the proposed amendments to the Rules of Practice and Procedure of Ohio.

Comments on the proposed amendments should be submitted in writing to: September Coyne, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215, or RuleAmendments@sc.ohio.gov not later than October 24, 2025. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

1 OHIO RULES OF APPELLATE PROCEDURE

2
3 **RULE 3. Appeal as of Right – How Taken.**

4
5 **(A) Filing the notice of appeal**

6
7 An appeal as of right ~~from a trial court to a court of appeals shall~~ may be taken only by
8 filing a notice of appeal with the clerk of the trial court within the time allowed by Rule
9 ~~4. Failure of an appellant~~ An appellant's failure to take any step other than the timely
10 filing of a notice of appeal does not affect the validity of the appeal, but ~~is ground only~~
11 ~~for such action as~~ the court of appeals ~~deems~~ may take any action that the court considers
12 appropriate, ~~which may include dismissal of~~ including dismissing the appeal.

13
14 Appeals by ~~leave~~ permission of the court of appeals ~~shall~~ may be taken only in the
15 manner prescribed by Rule App.R. 5.

16
17 **(B) Joint or consolidated appeals**

18
19 ~~If~~ When two or more persons are entitled to appeal from a judgment or order of a trial
20 court, and their interests ~~are such as to~~ make joinder practicable, they may file a joint notice
21 of appeal; or may join in an appeal after filing separate timely notices of appeal, and they
22 may ~~thereafter~~ then proceed on appeal as a single appellant. Appeals may be consolidated
23 by ~~order of the court of appeals upon acting on its own motion or on upon a motion for or~~
24 stipulation from a party; or ~~by stipulation of the parties to the several appeals.~~

25
26 **(C) Cross appeals**

27
28 **(1) When notice of cross-appeal required**

29
30 Whether or not an appellee intends to defend an order on appeal, an appellee who
31 seeks to change the order—~~or, in the event~~ should the order is be reversed or
32 modified, seeks from the court of appeals an interlocutory ruling that would be
33 merged into the order—~~shall~~ must file a notice of cross-appeal with the clerk of
34 the trial court, ~~and may also file a courtesy copy of the notice of cross-appeal~~
35 ~~with the clerk of the appellate court,~~ within the time allowed by App.R. 4. The
36 clerk of the trial court ~~shall~~ must then process the notice of cross-appeal in the
37 same manner as the notice of appeal.

38
39 **(2) When notice of cross appeal not required; cross-assignment of error never required**

40
41 A ~~person who intends~~ party intending to defend an order appealed by an
42 appellant on a ground other than that relied on by the trial court but who does
43 not seek to change the order is not required to file a notice of cross-appeal or
44 to raise a cross-assignment of error.

45 (D) **Contents of the notice of appeal or cross-appeal**

46
47 The notice of appeal ~~shall~~ or cross-appeal must (1) specify the party or parties taking the
48 appeal by naming each one in the body of the notice or by using terms such as “all
49 plaintiffs,” “the defendants,” “plaintiffs _____, _____, and _____,” or “all defendants except
50 _____;” (2) ~~shall~~ designate the judgment—or the; order or the part of it—thereof appealed
51 from which the appeal is taken; and (3) ~~shall~~ name the court to which the appeal is taken.
52 The title of the case ~~shall be~~ will stay the same as in the trial court, with the designation of
53 the appellant added, as appropriate. Form 1 in the Appendix of Forms is a suggested form
54 of a notice of appeal.
55

56 (E) **Service of the notice of appeal or cross-appeal**

57
58 The party or parties filing any notice of appeal or cross-appeal must serve that notice in
59 accordance with App.R. 13(D), but, for purposes of this rule, the references to “the clerk”
60 in App.R. 13(D)(5) and App.R. 13(D)(7), refer to the clerk of the trial court. Service is
61 shall be sufficient notwithstanding despite the death of a party or a party’s counsel.
62

63 (F) **Duties of the clerk of the trial court and the clerk of the court of appeals when a notice**
64 **of appeal or cross-appeal is filed**

65
66 ~~The clerk of the trial court shall serve notice of the filing of~~ When a notice of appeal and,
67 ~~where required by local rule, a docketing statement, by mailing, or by facsimile~~
68 ~~transmission, a copy to counsel of record of each party other than the appellant, or, if a~~
69 ~~party is not represented by counsel, to the party at the party’s last known address. cross-~~
70 ~~appeal is filed, The the trial court clerk shall mail or otherwise forward~~ must promptly send
71 a copy of the that notice of appeal and a copy of the docket entries, together with a copy
72 of all filings by the appellant or cross-appellant under pursuant to App.R. 9(B), to the
73 clerk of the court of appeals named in the notice. The clerk of the trial court must shall
74 note on the copy of the notice of appeal or cross-appeal each copy served the date when on
75 which that the notice of appeal was filed. Failure of the trial-court clerk to serve send a
76 copy of the notice to the clerk of the court of appeals does shall not affect the validity of
77 the appeal or cross-appeal. Service shall be sufficient notwithstanding the death of a party
78 or a party’s counsel. The clerk shall note in the docket the names of the parties served, the
79 date served, and the means of service.
80

81 When the clerk of the court of appeals receives from the clerk of the trial court a copy of a
82 notice of appeal, the clerk of the court of appeals should assign a case number to the appeal
83 and should enter the case on the docket in accordance with App.R. 11(A). Any notice of
84 cross-appeal in the same case should be docketed under the same case number. The date
85 when the notice of appeal and any cross-appeal was filed with the clerk of the trial court
86 should be noted on the docket of the case in the court of appeals by the clerk of the court
87 of appeals.

88 The clerk of the court of appeals should promptly send to the clerk of the trial court a notice
89 informing the trial-court clerk about the assigned case number for any new appeal from
90 that clerk's trial court.

91
92 Once any notice of appeal or cross-appeal has been docketed by the clerk of the court of
93 appeals, that clerk should also promptly send to all counsel and to any unrepresented parties
94 in the case a copy of the notice of appeal or cross-appeal. Each copy—or a notice
95 accompanying each copy—should indicate the date when the notice of appeal or cross-
96 appeal was filed with the clerk of the trial court as well as the case number that the clerk
97 of the court of appeals has assigned to the appeal. The clerk of the court of appeals should
98 note on the case docket the date when this step is completed and the names of all counsel
99 or unrepresented parties to whom any copies have been sent.

100
101 **(F)(G) Amendment of the notice of appeal or cross-appeal**

102
103 (1) When permission leave required

104
105 A party may amend a notice of appeal or cross-appeal without ~~leave~~ seeking
106 permission from the court of appeals if the time to appeal from the order that was
107 the subject of the initial notice of appeal has not yet lapsed under App.R. 4.
108 Thereafter, the court of appeals within its discretion ~~and upon such terms as are just~~
109 may allow the amendment of a notice of appeal or cross-appeal, ~~so long as the~~
110 ~~amendment does not seek~~ but no amendment that would allow a party to appeal
111 from a trial court order beyond the time requirements of App.R. 4 is permitted.

112
113 (2) Where filed

114
115 ~~An~~ Any amended notice of appeal ~~shall~~ or cross-appeal must be filed in both the
116 trial court and the court of appeals.

117
118 **(G)(H) Docketing statement for accelerated and expedited appeals**

119
120 (1) If a court of appeals has adopted an accelerated calendar by local rule ~~pursuant to~~
121 ~~Rule~~ under App.R. 11.1, the appellant ~~shall~~ must file with the clerk of the trial court a
122 docketing statement ~~with the Clerk of the trial court with~~ as well as the notice of appeal.
123 (See Form 2, Appendix of Forms.)

124
125 The purpose of the docketing statement is to ~~determine~~ assist the court in determining
126 whether an appeal ~~will~~ should be assigned to the accelerated or the regular calendar.

127
128 A case may be assigned to the accelerated calendar if any of the following apply:

129
130 (a) No transcript is required (e.g., summary judgment or judgment on the
131 pleadings);
132

(b) The length of the transcript is such that its preparation time will not be a source of delay;

(c) An agreed statement is submitted in lieu of the record;

(d) The record was made in an administrative hearing and filed with the trial court;

(e) All parties to the appeal approve an assignment of the appeal to the accelerated calendar; or

(f) The case has been designated by local rule for the accelerated calendar.

The court of appeals by local rule may assign a case to the accelerated calendar at any stage of the proceeding. The court of appeals may provide by local rule for ~~an oral~~ a hearing before a full panel ~~in order~~ to assist it in determining whether the appeal should be assigned to the accelerated calendar.

Upon motion of the appellant or appellee for a procedural order ~~pursuant to~~ under App.R. 15(B) filed within seven days after a case is placed ~~upon~~ on the accelerated calendar, a case may be removed for good cause from the accelerated calendar and assigned to the regular calendar. Demonstration of a unique issue of law ~~which~~ that will be of substantial precedential value in the determination of similar cases will ordinarily be good cause for transfer to the regular calendar.

(2) If the appeal is expedited under App.R. 11.2, the appellant ~~shall~~ must file a docketing statement with the clerk of the trial court with the notice of appeal indicating the category of case under App.R. 11.2 and the need for priority disposition.

Proposed Staff Note (July 1, 2026 Amendment)

The amendment to App.R. 3(E) is intended to make clear that the party filing a notice of appeal (or cross-appeal) is required to serve that notice on all other parties. That service can be accomplished in any of the ways spelled out in App.R. 13.

New language in division (F) includes some verbiage drawn from former division (E), but the amendment eliminates former language that directed the trial-court clerk to send a "notice of the filing of the notice of appeal" to all parties. Division (F) now spells out the duties of both the trial-court clerk and the appeals-court clerk when any notice of appeal or cross-appeal is filed. The language is intended to eliminate any uncertainty on the part of the clerks about their duties in those circumstances and is also designed to ensure that parties are promptly notified about the case number and filing date of any new appeal.

Other stylistic updates intended to improve the readability of the rule and to bring greater clarity to some of its existing provisions have also been made.

RULE 5. Appeals by ~~Leave~~ Permission of the Court in Criminal Cases.

(A) Motion by the defendant for a delayed appeal

(1) After the expiration of the ~~thirty-day~~ 30-day period provided by App.R. 4(A) for the filing of a notice of appeal as of right, an appeal may be taken by a defendant with ~~leave~~ the permission of the court to which the appeal is taken in the following classes of cases:

- (a) Criminal proceedings;
- (b) Delinquency proceedings; and
- (c) Serious-youthful-offender proceedings.

(2) ~~A Any motion for leave permission to appeal shall must be filed with the clerk of the court of appeals and shall set forth must explain the reasons for the appellant's failure of the appellant to perfect comply with the rules for filing an appeal as of right. The defendant seeking permission to appeal must also serve a copy of the motion on the appropriate municipal prosecutor, county prosecuting attorney, or law director. Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and shall file a copy of the notice of the appeal in the court of appeals. The movant also shall furnish an additional copy of the notice of appeal and a copy of the motion for leave to appeal to the In addition, the clerk of the court of appeals who shall serve the notice of appeal and the motions upon the should send a copy of the motion to the county prosecuting attorney. If the defendant's motion has been filed in a case in which the plaintiff is represented by a municipal prosecutor or law director, the prosecuting attorney should then send the defendant's motion to that other attorney or should ensure that the other attorney has already received a copy from the defendant or from some other source.~~

(B) Motion by either party to reopen appellate proceedings

If a federal court grants a conditional writ of habeas corpus ~~on upon~~ a claim that a defendant's constitutional rights were violated during state appellate proceedings ~~that were~~ terminated by a final judgment, the defendant or the state can file in the state court of appeals that entered the judgment a motion filed by the defendant or on behalf of the state asking that court to reopen the appellate proceedings may be granted by leave of the court of appeals that entered the judgment. The Any such motion shall must be filed with the clerk of the court of appeals within forty-five 45 days after the conditional writ is granted. A certified copy of the conditional writ and any supporting opinion shall must be filed with the motion. The clerk shall-serve should send a copy of a defendant's motion on to the prosecuting attorney.

(C) Motion by the prosecution for ~~leave~~ permission to appeal

When leave permission is sought by the prosecution from the court of appeals to appeal an order of the trial court, a motion for leave permission to appeal ~~shall~~ must be filed with the clerk of the court of appeals within ~~thirty~~ 30 days from the entry of the order sought to be appealed (or, if that order is not a final order, within ~~thirty~~ 30 days of the final order into which it merges) and ~~shall~~ must set forth the errors that the movant claims occurred in the proceedings of the trial court. The motion ~~shall~~ must be accompanied by affidavits, or by the parts of the record upon which the movant relies, to show the probability that the errors claimed did in fact occur, and by a brief or memorandum of law in support of the movant's claims.

~~Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by The prosecution must comply with the service requirements in App.R. and file a copy of the notice of appeal in the court of appeals. The movant 13. also shall furnish a copy of the motion and a copy of the notice of appeal to the clerk of the court of appeals who shall serve the notice of appeal and a copy of the motion for leave to appeal upon the attorney for the defendant~~

~~who, within thirty~~ Within 30 days from the filing of the motion, the defendant or alleged juvenile delinquent may file affidavits, parts of the record, and a brief or memorandum of law in response to ~~refute~~ the claims of the ~~movant~~ prosecution.

(D) Motion by the defendant challenging consecutive sentences

- (1) Motion by the defendant for leave permission to appeal consecutive sentences pursuant to under R.C. 2953.08(C)

~~When leave is sought from the court of appeals~~ Any motion from a defendant for leave permission to appeal consecutive sentences pursuant to under R.C. 2953.08(C), a motion for leave to appeal shall must be filed with the clerk of the court of appeals within thirty 30 days from the entry of the order sought to be appealed and shall must set forth the reason why the consecutive sentences exceed the maximum prison term allowed. The motion shall must be accompanied by a copy of the order stating the sentences imposed and stating the offense of which movant the defendant was found guilty or to which movant that person pled guilty. The defendant must comply with the service requirements in ~~Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and file a copy of the notice of appeal in the court of appeals. The movant also shall furnish a copy of the notice of appeal and a copy of the motion to the 13. In addition, the clerk of the court of appeals who shall serve the notice of appeal and should send a copy of the motion to upon the prosecuting attorney.~~

- (2) Leave Permission to appeal consecutive sentences incorporated into appeal as of right

When a criminal defendant has filed a notice of appeal ~~pursuant to~~ under App.R. 4, the defendant may elect to incorporate in the defendant's initial appellate brief an assignment of error ~~pursuant to~~ under R.C. 2953.08(C), and this assignment of error ~~shall be deemed to constitute~~ will be treated as a timely motion for ~~leave~~ permission to appeal ~~pursuant to~~ under R.C. 2953.08(C).

(E) Determination of the motion

~~Except when required by~~ Unless the court ~~the~~ orders otherwise, a decision on any motion ~~shall be determined by the court of appeals on the documents filed~~ under this rule will be made by the court without formal hearing or oral argument.

(F) The Clerk's Duties When a Motion for Permission to Appeal is Filed

When any motion is filed with the clerk of the court of appeals under division (A), (C), or (D) of this rule, the clerk of the court of appeals should assign a case number to it and should enter the case on the docket in accordance with App.R. 11(A). The clerk of the court of appeals should also send to the clerk of the trial court a notice about both the docketing of the motion and its assigned case number.

~~(F)~~(G) Order and procedure following determination

~~Upon determination of the motion, the court shall journalize its order and the order shall be filed with~~ A copy of the court's decision on any motion for permission under this rule should be sent by the clerk of the court of appeals, who shall certify a copy of the order and mail or otherwise forward the copy to the clerk of the trial court.

~~If the~~ a defendant's motion for ~~leave~~ permission to appeal is ~~overruled, except as to motions for leave to appeal filed by the prosecution, denied~~ the clerk of the trial court ~~shall~~ should collect the costs pertaining to the motion, in both the court of appeals and the trial court, from the ~~movant~~ defendant.

~~If the~~ any motion is ~~sustained and leave~~ for permission to appeal is granted, ~~the further~~ the clerk of the trial court should, in accordance with App.R. 10, transmit the record to the clerk of the court of appeals. ~~All other procedures shall~~ will be the same as for appeals as of right in criminal cases, except as otherwise specifically provided in these rules.

No notice of appeal is needed. The filing date by the clerk of the court of appeals of any appellate-court order granting permission for the appeal serves as the date of the notice of appeal for calculating time under these rules.

Proposed Staff Note (July 1, 2026 Amendment)

The amendment adopts language now used in Rule 5 of the Federal Rules of Appellate Procedure by replacing the former term "leave of court" with the new phrase "permission of the court."

The change to division (A)(2) clarifies that a criminal defendant seeking permission to file a delayed appeal is required to serve a copy of that request on the appropriate prosecutor. Added to that division

also is new language calling for the county prosecuting attorney to forward to the appropriate municipal prosecutor or law director any delayed-appeal motions that ought to be handled on behalf of the government by one of those other representatives rather than by the prosecuting attorney's office.

Former language in divisions (A)(2), (C), and (D) directed any party seeking permission to appeal under those provisions to file a notice of appeal “[c]oncurrently” with the motion seeking permission to appeal. Embracing the approach taken by Rule 5 of the Federal Rules of Appellate Procedure, this amendment eliminates that requirement. Instead, the final paragraph of the newly amended division (G) indicates that no notice of appeal is needed when a party seeks permission to appeal, and the filing date of any court order granting permission for the appeal will be treated as the filing date of a notice of appeal when the parties are calculating time periods under the appellate rules.

To be sure, Ohio courts have repeatedly indicated that appellate courts lack jurisdiction to entertain an appeal in which a notice of appeal is not timely filed, but decisions stating that maxim have cited these rules. See, e.g., *Portfolio Recovery Associates LLC v. Crenshaw*, 2024-Ohio-1282, ¶ 8 (8th Dist.); *City of Toledo v. Corrections Commission of Northwest Ohio*, 2017-Ohio-9149, ¶¶ 65-67 (6th Dist.); *In re B.B.*, 2016-Ohio-7994, ¶ 14 (9th Dist.); *Transamerica Ins. Co. v. Nolan*, 72 Ohio St.3d 320, 322 (1995). Court rules can, of course, be amended by the Supreme Court under Article IV, Section 5(B) of the Ohio Constitution, and the amendment added as the last paragraph of division (G) — formerly designated as division (F) — reflects the view that if and when the court of appeals agrees to hear a permissive appeal, that court and all parties already know the identity of the appellant and already know what judgment the court is being asked to review. Any requirement that the appellant file a notice of appeal before or after the court has agreed to hear the appeal is unnecessary, and the filing date of the court's order agreeing to hear the appeal provides the court and the parties with a definite starting point for the calculation of any deadlines that follow in the case.

New language in division (F) spells out what has presumably been the unwritten practice of appellate-court clerks when requests for permissive appeals have been filed under this rule.

Other stylistic updates intended to improve the readability of the rule and to bring greater clarity to some of its existing provisions have also been made.

RULE 13. Filing and service.

(A) Filing With the Clerk or a Single Judge

~~Documents~~ The filing in the court of appeals of any document required or permitted to be filed in a court of appeals shall be filed is accomplished by filing the document with the clerk. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the documents are received by the clerk within the time fixed for filing, except that briefs shall be deemed filed on the day of mailing. If a motion requests relief that which may be granted by a single judge, the judge may permit the motion to be filed with the judge, in which event the judge shall must note the filing date on the motion and must transmit it to the clerk.

(B) Methods of Filing and Timeliness

(1) Nonelectronic Filing. Filing may be accomplished by hand-delivery to the clerk, by first-class mail addressed to the clerk, or by commercial carrier for delivery to the clerk, but filing is not timely unless the clerk receives the document within the time fixed for filing. A brief, however, is deemed filed on the day of when the brief is (a) mailed to the clerk by first-class mail with postage prepaid or by other class of mail that is at least as expeditious with postage prepaid; or (b) delivered to a commercial carrier for delivery to the clerk within three days.

(2) Electronic Filing. A court may provide, by local rules adopted pursuant to under the Rules of Superintendence, for the filing of documents by electronic means. If the court adopts such local rules, they shall must include all of the following terms:

(1)(a) Any signature on an electronically transmitted documents shall be document is considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were document was transmitted without authority, the court shall order the filing stricken will strike it.

(2)(b) A provision shall specify the The days and hours during which when electronically transmitted documents will be received by the court must be specified, and a provision shall the court must also specify when documents received electronically will be considered to have been filed.

(3)(c) Any document filed electronically that requires a filing fee may be rejected by the clerk of court unless the filer has complied with the mechanism established by the court for the payment of filing fees.

(B)(C) Service is Required of All Documents Required

Copies of all documents filed by any party and not required by these rules to be served by the clerk shall, on or before the day of filing, must be served by a party or person acting for the party on all other parties to the appeal as provided in division (C) (D) of this rule,

except that in expedited appeals under App.R. 11.2 and in original actions involving election issues, service of all documents (except the complaint filed to institute an original action) ~~shall~~ must be in accordance with division ~~(C)(4)~~ (D)(1), (2), (5), ~~or (6) at or before the time of filing, or (7).~~ Service on a party represented by counsel ~~shall~~ must be made ~~on~~ by serving that counsel.

(D) Manner of Service

A document ~~is~~ can be served under this rule ~~by~~ in any of the following ways:

- (1) Handing it to the person;
- (2) Leaving it:
 - (a) At the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or
 - (b) If the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
- (3) Mailing it to the person's last known address by ~~United States mail first-class mail with postage prepaid or by other class of mail that is at least as expeditious with postage prepaid,~~ in which event service is complete upon mailing;
- (4) Delivering it to a commercial carrier service for delivery to the person's last known address within three calendar days, in which event service is complete upon delivery to the carrier;
- (5) Leaving it with the clerk ~~of court~~ if the person has no known address; ~~or~~
- (6) Sending it ~~by electronic means~~ to the most recent ~~facsimile fax~~ number or e-mail address listed by the intended recipient on a prior court filing (including a filing in the ~~lower trial~~ court or administrative agency) in which event service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person served; or

(D) Using Court Facilities. ~~If a local rule so authorizes, a party may use the court's transmission facilities to make service under App.R. 13(C)(6)~~

7) Using the electronic-filing system, if any, of the clerk, but only if the serving of documents is a function provided by that e-filing system.

(E) Time of Service

Service must be made at or before the time of filing. The serving party is not responsible,

however, for the timing of service of a document accepted by the clerk under App.R. 13(D)(7). If the serving party has reason to believe that a party entitled to service was not served by the clerk under division (D)(7), the serving party must promptly serve the document in accordance with division (D)(1), (2), (3), (4), or (6).

(E)(F) Proof of Service

~~Documents~~ A document presented for filing ~~shall~~ must contain either an acknowledgment of service by the person served or proof of service ~~in the form consisting~~ consisting of a statement by the person who made service certifying ~~of~~ the date and manner of service and ~~of~~ the names of the persons served, ~~certified by the~~ For each person served, the division of App.R. 13(D) through which service who made service. Documents filed with the court shall not be considered until proof of service is endorsed on the documents or separately filed was made must be identified, and the mail or electronic address, fax number, or address of the place of delivery must be listed.

Proposed Staff Note (July 1, 2026 Amendment)

The newly added App.R. 13(C) calls for documents to be served “at or before the time of filing.” That addition replaces language in former division (B)—now renumbered as division (C)—that called for service to be completed “on or before the day of filing.” That earlier version of the rule enabled parties to delay service until after filing was accomplished even though the certificate of service signed by the filing party indicated that service had already been completed. The new language matches the language found in Rule 25(b) of the Federal Rules of Appellate Procedure and Rule 29(3) of the Rules of the Supreme Court of the United States.

Accounting for the increasing availability and use of electronic filing, division (B)—like Rule 25 of the Federal Rules of Appellate Procedure—has now been divided into separate provisions addressing nonelectronic filing and electronic filing.

Division (D)—formerly designated as division (C)—includes some updated language about the ways in which service can be accomplished, while new division (F) directs the serving party to identify the manner of service used.

Other stylistic updates intended to improve the readability of the rule and to bring greater clarity to some of its existing provisions have also been made.

RULE 14. ~~Computation and~~ Computing, extending, and reducing extension of time.

(A) ~~Computation of~~ Computing Time

In computing any ~~period of time~~ period prescribed or allowed by these rules, by ~~the any~~ any local ~~rules of any rule or court, by an order of court,~~ rule or court, or by any applicable statute ~~that does~~ not specify a method of computing time, ~~exclude the day of the act, event or default from~~ exclude the day of the act, event or default from ~~which the designated that triggers the period. of time begins to run shall not be included~~ which the designated that triggers the period. of time begins to run shall not be included ~~The~~ Except as indicated in the last sentence of this paragraph, count every day, including ~~intermediate Saturdays, Sundays, and legal holidays. Include the last day of the period so~~ intermediate Saturdays, Sundays, and legal holidays. Include the last day of the period so ~~computed shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which~~ computed shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which ~~case event the period runs until the end of the next day which that is not a Saturday, Sunday,~~ case event the period runs until the end of the next day which that is not a Saturday, Sunday, or a legal holiday. When the ~~period of time~~ period prescribed or allowed is less than seven days, ~~exclude intermediate Saturdays, Sundays, and legal holidays shall be excluded in the~~ exclude intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(B) ~~Enlargement~~ Extending or Reduction of Reducing Time

For good cause ~~shown,~~ the court, upon motion, may ~~enlarge~~ extend or reduce the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after ~~the expiration of the prescribed that time expires.~~ the expiration of the prescribed that time expires. The court may not ~~enlarge~~ extend or reduce the time for filing a notice of appeal under App.R. 4 or a motion to certify pursuant to under App.R. 25. ~~Enlargement of time to file an application for reconsideration or for en banc consideration pursuant to App. R. 26(A) shall not be granted except on a showing of extraordinary circumstances.~~ Enlargement of time to file an application for reconsideration or for en banc consideration pursuant to App. R. 26(A) shall not be granted except on a showing of extraordinary circumstances.

(C) Additional Time After Service by Mail or Commercial Carrier Service

~~Whenever~~ When a party has the right or is required to do some act or take some proceedings ~~may or must~~ may or must within a ~~prescribed period~~ specified time after ~~being served, service of a notice~~ being served, service of a notice ~~or other document upon that party and the notice or paper is served upon the party by mail~~ or other document upon that party and the notice or paper is served upon the party by mail or commercial carrier service under App.R. 13(C)(4) ~~(D)(4), three 3 days shall be are added~~ (D)(4), three 3 days shall be are added to the ~~prescribed~~ specified period. This division does not apply to responses to service of summons in original actions.

Proposed Staff Note (July 1, 2026 Amendment)

A contemporaneous amendment to App.R. 13 necessitated a change to division (C) of this rule. Before today, division (C) referred to “App.R. 13(C)(4),” but that latter provision is now designated as App.R. 13(D)(4), and division (C) has therefore been updated to reflect that change.

A sentence that addressed extensions of the time period for the filing of applications for reconsideration or for en banc consideration has been removed from division (B). Similar language now appears in App.R. 26(A), which is the provision that governs all other aspects of rehearing and en banc applications.

Other stylistic updates intended to improve the readability of the rule and to bring greater clarity to some of its existing provisions have also been made.

RULE 30. Duties of Clerks.

(A) Notice Copies of orders or judgments

~~Immediately upon the entry of an~~ Promptly after any order, opinion, or judgment of the court is filed, the clerk shall serve by mail a notice of entry upon of the court of appeals should send a copy of the court's ruling to each party to the proceeding and shall should shall make a note in that action on the docket of the mailing. Service on Any copies for a party represented by counsel shall should be made on sent to counsel.

(B) Custody of records and papers

~~The clerk shall have custody is the custodian of the records and papers of the court. Papers transmitted as the record on appeal or review shall upon disposition of the should, once the case is finished, be returned to the court or agency from which they were received. The clerk shall should preserve copies of briefs and other filings.~~

(C) Sending of Documents by the Clerk

Whenever these rules direct that documents or copies be "sent" by the clerk of the court of appeals or by the clerk of the trial court, and whenever these rules direct either of those clerks to "send" documents or copies, the appropriate clerk may use any of the following delivery methods: hand delivery, electronic delivery (which may involve the sending of an automatic notification advising counsel or unrepresented parties about the electronic availability of a document through the clerk's e-filing service), e-mail, fax, U.S. mail, or commercial carrier.

Proposed Staff Note (July 1, 2026 Amendment)

The amendment to division (A) clarifies that the clerk of the court of appeals should send to the parties a copy of any court rulings that are issued in the parties' case rather than simply a notice of the issuance of those rulings. New division (C) indicates, though, that when this or any other provision of these rules directs the clerk to "send" documents, that duty can be fulfilled by the clerk through the clerk's e-filing service. Several other delivery methods that the clerk may use are also listed in new division (C).

Other stylistic updates intended to improve the readability of the rule and to bring greater clarity to some of its existing provisions have also been made.

APPENDIX OF FORMS

Introductory Statement

The forms that follow are intended for illustration only.

Departures from the forms will not void papers that are otherwise sufficient, and the forms may be varied when necessary to meet the facts of a particular case.

Where appropriate, the forms assume that the action was brought in the Court of Common Pleas of Franklin County, Ohio.

FORM 1: NOTICE OF APPEAL TO A COURT OF APPEALS FROM A JUDGMENT OR APPEALABLE ORDER

COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

A.B.
221 E. West Street
Columbus, Ohio 43215,

Plaintiff-Appellee.

vs.

C.D.
122 W. East Street
Columbus, Ohio 43214

Defendant-Appellant.

Case No. _____

Notice of Appeal

Notice is given that ~~C.D.~~, defendant, C.D. hereby appeals to the Court of Appeals of Franklin County, Ohio, Tenth Appellate District, from the (~~from the~~ final judgment) (order ~~describing it~~ [describe the order]) entered that was issued in this ~~action~~ case on ~~the day of~~ _____, 1920__.

{Attorney for Defendant}

{Address}

Note: This ~~above~~ form is designed for use in courts of common pleas. Appropriate changes in the designation of the court are required when the form is used for other courts.

595 **FORM 2: DOCKETING STATEMENT**

596
597
598 COURT OF COMMON PLEAS
599 FRANKLIN COUNTY, OHIO
600

A.B.
221 E. West Street
Columbus, Ohio 43215,

Plaintiff-Appellee,

vs.

C.D.
122 W. East Street
Columbus, Ohio 43214

Defendant-Appellant.

CV-19810453

Case No. _____

601 **Docketing Statement**

602 *(Insert one of the following statements, as applicable):*

- 603 (1) No transcript is required.
604
605 (2) The appropriate number of pages of transcript ordered is _____.
606
607 (3) An agreed statement will be submitted in lieu of the record.
608
609 (4) The record was made in an administrative hearing and filed with the trial court.
610
611 (5) All parties to the appeal, as shown by the attached statement, approve assignment of the
612 appeal to the accelerated calendar.
613
614 (6) The case is of a category designated for the accelerated calendar by local rule. (*Specify*
615 *the category.*)
616
617

Attorney for Appellant

618 **FORM 3: JUDGMENT ENTRY – ACCELERATED CALENDAR**

619
620 COURT OF APPEALS FOR FRANKLIN COUNTY, OHIO
621 TENTH APPELLATE DISTRICT
622 COURT OF APPEALS FRANKLIN COUNTY
623

A.B. The State of Ohio,
221 East West Street,
Columbus, Ohio,
Plaintiff-Appellee,

vs.

C.D. John B. Doe,
221 West East Street,
Columbus, Ohio,

Defendant-Appellant.

CV 1981-453

Case No. _____

624 **Judgment Entry**

625
626 ~~Assignment~~ The first assignment of error number one is overruled for the reason, in which the
627 defendant alleges that the trial court's instruction on the burden of proof was correct See Jones v.
628 State (1980), 64 Ohio St. 2d 173 the State presented insufficient evidence, is overruled because
629 the State presented testimony from the alleged victim that touched on all elements of the charge.
630 "[T]he testimony of one witness, if believed by the jury, is sufficient to support a conviction."
631 State v. Carter, 2024-Ohio-444, ¶ 26 (10th Dist.).

632
633 ~~Assignment~~ The second assignment of error number two, which focuses on the trial court's denial
634 of a continuance request, is also overruled, as there was sufficient evidence presented (see
635 testimony of Smith, R. 22) to support a factual finding of agency. The judgment of the The trial
636 court is affirmed acted within its discretion when it denied the morning-of-trial request for another
637 delay after the trial had already been delayed two other times.

638
639 The judgment of the trial court is affirmed.
640

641
642
643 _____
Judge, Presiding Judge

644
645 _____
Judge

646
647 _____
Judge

648 **OHIO RULES OF CIVIL PROCEDURE**

649 **RULE 1. Scope of Rules: Applicability; Construction; Exceptions.**

651
652 **(A) Applicability**

653
654 These rules prescribe the procedure to be followed in all courts of this state in the exercise of civil
655 jurisdiction at law or in equity, ~~with the exceptions stated~~ except as provided in Rule 1 in division
656 ~~(C) of this rule and, Rule 73, and Rule 75.~~

657
658 These rules shall be construed and applied to effect just results by eliminating delay, unnecessary
659 expense and all other impediments to the expeditious administration of justice.

660
661 **(B) Exceptions**

662
663 These rules, to the extent that they would by their nature be clearly inapplicable, shall not apply to
664 procedure (1) upon appeal to review any judgment, order or ruling, (2) in the appropriation of
665 property, (3) in forcible entry and detainer, (4) in small claims matters under Chapter 1925 of the
666 Revised Code, (5) in uniform reciprocal support actions, (6) in the commitment of the mentally ill,
667 (7) in adoption proceedings under Chapter 3107 of the Revised Code, (8) in all other special
668 statutory proceedings; provided, that where any statute provides for procedure by a general or
669 specific reference to all the statutes governing procedure in civil actions such procedure shall be in
670 accordance with these rules.

671
672 **(C) Court orders regarding physical appearance**

673
674 As used in these rules, any option to use live two-way video and audio technology shall not be
675 construed to limit the power of a court to order that a party, attorney, or witness physically appear at
676 a proceeding without the use of live two-way video and audio technology.

OHIO RULES OF CIVIL PROCEDURE

RULE 6. Time.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Time: extension

(1) In this division (B), the words “continue” and “continuance” are used in the sense of postponement, delay, and extension of time.

(2) Continuance orders

(a) When by these rules or by a notice given thereunder or by order of a court under these rules, a local rule, or a court order an event is scheduled for a particular date or an act is required or allowed to be done at or may or must be done within a specified time or by a particular date, the court for good cause shown may at any time in its discretion (1) may continue the date or period of time.

(b) The court may act with or without motion or notice order the period enlarged if the court acts, or if a request therefore is made, before the particular date or the expiration of the period originally prescribed or as extended by a previous order, or specified time.

(c) The court may act upon on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result particular date or the expiration of the specified time if the moving party failed to act because of excusable neglect but it .

(d) The court may not extend the time for taking any action under Civ.R. 50(B), Civ.R. 59(B), Civ.R. 59(D), and Civ.R. 60(B), except to the extent and under the conditions stated in them those rules.

(3) Reasons for continuances

(a) Motions should address the timing and impact of any continuance.

A party seeking a continuance should explain in writing the rationale for the request and should be cognizant of the various factors that courts consider in ruling on such a request, including (i) the timing of the request, (ii) the length of the proposed continuance, (iii) the age of the case, (iv) the number and nature of any previous similar requests, (v) the availability of alternative ways to address the concern underlying the request, (vi) counsel’s diligence and overall compliance with the case schedule and case deadlines, (vii) the nature and

complexity of the case, (viii) the court's calendar and the impact of any continuance on other cases, (ix) whether other parties consent to or oppose the request, and (x) any inconvenience, increased costs, and prejudice to the rights and interests of the parties and the public that might result from the granting or the denial of the request.

(b) Witness unavailability.

Before requesting a continuance due to the unavailability of a witness, parties should consider the feasibility of other permitted methods of recording or facilitating the presentation of testimony under these rules and local rules, including deposition or remote testimony.

(c) Attorney unavailability.

When requesting a continuance due to counsel's unavailability, the moving party must notify the court about the reason counsel is unavailable and must indicate when the scheduling conflict arose and was discovered. In most cases, a trial or hearing that was scheduled first will take priority over a conflicting trial or hearing.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 53. Magistrates.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Authority

[Existing language unaffected by the amendments is omitted to conserve space]

(4) Specialized Dockets

During the temporary absence or disability of the judge of a specialized docket in the general, probate, or domestic relations division of a court of common pleas; a municipal court; a county court; or a division of the court due to the vacation, illness, leave of absence, or unavailability due to judicial obligations of the judge, the following shall apply:

(a) A magistrate of the court or division may conduct treatment team meetings and status review hearings for the specialized docket;

(b) The magistrate shall act in accordance with the authority and limitations granted by this rule and the "Specialized Dockets Standards," as set forth in Appendix I to Rules of Superintendence for the Courts of Ohio and the civil rules;

(c) The magistrate shall have the same authority granted to the judge in conducting the proceedings of the specialized docket, excluding the imposition of jail.

RULE 58. Entry of Judgment.

(A) Preparation; entry; effect; approval

(1) Subject to the provisions of Rule 54(B), ~~upon a general verdict of a jury, upon a decision announced, or upon the determination of a periodic payment plan,~~ the court shall must promptly cause the prepare—or ask one or more of the parties’ attorneys to prepare—a judgment to be prepared and, entry when (i) a jury returns a general verdict, (ii) the court having signed it, the clerk shall thereupon enter it upon the journal announces a decision, or (iii) the court grants or denies relief. If a proposed judgment entry is not prepared and presented to the court by counsel, the entry must be prepared by the court. The judgment entry must be filed and journalized within 30 days of the verdict, decision, or determination, absent good cause. A judgment is effective only when entered by the clerk upon the journal.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2026 Amendment)

The amendment incorporated language from former Sup.R. 7. The court need not wait 30 days before journalizing the judgment entry.

RULE 65.1. Civil Protection Orders.

[Existing language unaffected by the amendments is omitted to conserve space]

(H) Protection Order Notice to National Crime Information Center (“NCIC”) Database

Upon a court’s issuance, modification, or termination of an ex parte or full hearing protection Order or approval or termination of a consent agreement civil protection order, the court shall do both of the following:

(1) Thoroughly and accurately complete a Form 27 (formerly 10-A): Protection Order Notice to NCIC, or a form substantially similar thereto, to facilitate the correct entry of the order or agreement into the NCIC database; and

(2) Send a completed Form 27 (formerly 10-A): Protection Order Notice to NCIC, or a form substantially similar thereto, and a copy of the order or agreement to the local law enforcement agency for entry of the order or agreement into the NCIC Protection Order database National Crime Information Center Protection Order File and to facilitate nationwide enforcement of the order or agreement.

811
812 **(I) Dismissal of petitions for protection orders**
813

814 Notwithstanding Civ.R. 41, any dismissal of a petition for domestic violence, dating
815 violence, stalking, or sexually oriented offense civil protection order by a court or party,
816 other than a denial on the merits, shall not operate as an adjudication of the merits or a bar
817 to a subsequent filing of the petition.
818

819 **(J) Notification of Existence of a Protection Order.**
820

821 (1) A judge or magistrate who pursuant to statute provides notice to a respondent or
822 defendant about the existence of a protection order issued against said respondent or
823 defendant by another court shall use Form 9 (formerly 10-D): Notice to Respondent or
824 Defendant About Existence of Protection Order, or a form substantially similar thereto , to
825 document the notification. The Court shall then send the form to the clerk of court The
826 form shall be returned to the clerk of court that issued the protection order as soon as
827 possible, but no later than three business days from the date the notice was provided to the
828 respondent or defendant.
829

830 (2) A court that issued a protection order shall accept a Form 9 (formerly 10-D): Notice
831 to Respondent or Defendant About Existence of Protection Order, or a form substantially
832 similar thereto, from a judge, magistrate, or law enforcement officer who provided the
833 respondent notice about the existence of the protection order pursuant to statute. The form
834 shall be docketed and maintained in the protection order case file.
835

836 **(K) Remote Access Exception**
837

838 Any record in a protection order case that is likely to reveal the identity or location of a
839 petitioner or another protected person shall not be available through remote access. Direct
840 access is permitted subject to any statutory restrictions.

841 **RULE 65.2. Civil Protection Order Forms.**
842

843 **(A) Distribution of Packets.**
844

845 (1) Civil Protection Order Against an Adult Packet
846

847 The division of the Court of Common Pleas with jurisdiction over domestic
848 violence civil protection order proceedings shall distribute upon request a forms
849 packet for use in domestic violence civil protection order proceedings under
850 R.C. 3113.31. The forms packet shall include, at a minimum, forms and
851 instructions that are substantially similar to the following:
852

- 853 (a) Form 3 (formerly 10.01-C): Information About Filing A Domestic
854 Violence Or Dating Violence Civil Protection Order Petition;
855 (b) Form 4 (formerly 10.01-D): Petition for Domestic Violence Civil
856 Protection Order (R.C. 3113.31);
857 (c) Form 5 (formerly 10.01-F): Information for Parenting Proceeding
858 Affidavit;
859 (d) Form 6 (formerly 10.01-H): Domestic Violence Civil Protection Order
860 (CPO) Ex Parte (R.C. 3113.31); and
861 (e) Form 2 (formerly 10-C): Warning Concerning the Attached Protection
862 Order or Consent Agreement.

863
864 (2) Dating Violence Protection Order Packet
865

866 The division of the Court of Common Pleas with jurisdiction over dating
867 violence civil protection order proceedings shall distribute upon request a forms
868 packet for use in dating violence protection order proceedings pursuant to R.C.
869 3113.31. The packet shall include, at a minimum, forms that are substantially
870 similar to the following:

- 871
872 (a) Form 3 (formerly 10.01-C): Information About Filing A Domestic
873 Violence Or Dating Violence Civil Protection Order Petition;
874 (b) Form 13 (formerly 10.01-P): Petition for Dating Violence Civil
875 Protection Order;
876 (c) Form 14 (formerly 10.01-Q): Dating Violence Civil Protection Order
877 (DTCPO) Ex Parte; and
878 (d) Form 2 (formerly 10-C): Warning Concerning the Attached Protection
879 Order or Consent Agreement.

880
881 (3) Civil Stalking and Civil Sexually Oriented Offense Protection Order Packet
882

883 The division of the Court of Common Pleas with jurisdiction over civil stalking
884 and civil sexually oriented offense protection order proceedings shall distribute
885 upon request a forms packet for use in civil stalking protection order or civil
886 sexually oriented offense protection order proceedings pursuant to R.C.
887 2903.214. The packet shall include, at a minimum, forms and instructions that
888 are substantially similar to the following:

- 889
890 (a) Form 23 (formerly 10.03-G): Instructions for Obtaining Civil Stalking
891 Protection Order or Civil Sexually Oriented Offense Protection Order
892 (SSOOPO);

(b) Form 24 (formerly 10.03-D): Petition for Civil Stalking Protection Order or Sexually Oriented Offense Protection Order (SSOOPO) (R.C. 2903.214); and

(c) Form 25 (formerly 10.03-E): Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order (SSOOPO) Ex Parte (R.C. 2903.14).

(4) Civil Protection Order Against a Minor Packet

The division of a court of common pleas that has jurisdiction to issue a civil protection order against a minor pursuant to R.C. 2151.34 and 3113.31 shall distribute, upon request, a forms packet for use in juvenile civil protection order proceedings against a juvenile respondent pursuant to R.C. 2151.34 and 3113.31. The packet shall include, at a minimum, forms that are substantially similar to the following:

(a) Form 18 (formerly 10.05-A): Information About Filing A Juvenile Civil Protection Order Or A Juvenile Domestic Violence Civil Protection Order Petition; and

(b) Form 19 (formerly 10.05-B): Petition For Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order (R.C. 2151.34 and 3113.31); and

(c) Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(B) Use of Protection Order Forms and Protection Order Warning

(1) Domestic Violence Civil Protection Order and Consent Agreement Against an Adult

(a) In every case in which a court issues an ex parte or full hearing civil protection order or approves a consent agreement against an adult pursuant to R.C. 3113.31, the court shall use the applicable forms that are substantially similar to Form 6 (formerly 10.01-H): Domestic Violence Civil Protection Order (CPO) Ex Parte (R.C. 3113.31), Form 7 (formerly 10.01-I): Domestic Violence Civil Protection Order (CPO) Full Hearing (R.C. 3113.31); or Form 8 (formerly 10.01-J): Consent Agreement and Domestic Violence Civil Protection Order (R.C. 3113.31) and include a cover sheet that is substantially similar to Form 2: Warning Concerning the Attached Protection Order or Consent Agreement.

(b) In every case in which the court modifies the terms of a full hearing civil protection order or a consent agreement pursuant to R.C. 3113.31, it shall use the applicable forms that are substantially similar to Form 10 (formerly 10.01-L): Judgment Entry on Motion to Modify/Terminate Domestic Violence or Dating Violence Civil Protection Order or Consent Agreement and Form 11 (formerly 10.01-M): Modified Domestic Violence Civil Protection Order and include a cover sheet that is substantially similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(2) Dating Violence Protection Orders

(a) In every case in which a court issues an ex parte or full hearing dating violence protection order or approves a consent agreement pursuant to R.C. 3113.31, the court shall use the applicable forms that are substantially similar to Form 14 (formerly 10.01-Q): Dating Violence Civil Protection Order (DTCPO) Ex Parte, Form 15 (formerly 10.01-R): Dating Violence Civil Protection Order (DTCPO) Full Hearing, or Form 16 (formerly 10.01-S): Consent Agreement and Dating Violence Civil Protection Order and include a cover sheet that is substantially similar to Form 2 Warning Concerning the Attached Protection Order or Consent Agreement.

(b) In every case in which the court modifies the terms of a dating violence protection order or a consent agreement pursuant to statute, it shall use the applicable forms that are substantially similar to Form 10 (formerly 10.01-L): Judgment Entry on Motion to Modify/Terminate Domestic Violence or Dating Violence Civil Protection Order or Consent Agreement and Form 17 (formerly 10.01-T): Modified Dating Violence Civil Protection Order and include a cover sheet that is substantially similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(3) Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Orders

In every case in which a court issues an ex parte or full hearing civil stalking protection order or a civil sexually oriented offense protection order pursuant to R.C. 2903.214, it shall use the applicable form that is substantially similar to Form 25 (formerly 10.03-E): Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order (SSOOPO) Ex Parte (R.C. 2903.14) or Form 26 (formerly 10.03-F): Civil Stalking Protection Order or Civil Sexually

Oriented Offense Protection Order (SSOOPO) Full Hearing (R.C. 2903.14) and include a cover sheet that is substantially similar to similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(4) Civil Protection Order Against a Minor

In every case in which a court issues an ex parte or full hearing civil protection order against a minor pursuant to R.C. 2151.34, it shall use the applicable form that is substantially similar to Form 20 (formerly 10.05-C): Juvenile Civil Protection Order Or Juvenile Domestic Violence Civil Protection Order Ex Parte (R.C. 2151.34 Or 3113.31) or Form 21 (formerly 10.05-D): Juvenile Civil Protection Order Full Hearing (R.C. 2151.34) and include a cover sheet that is substantially similar to similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(5) Domestic Civil Protection Order Against a Minor

In every case in which a court issues an ex parte or full hearing civil protection order against a minor pursuant to R.C. 3113.31, it shall use the applicable form that is substantially similar to Form 20 (formerly 10.05-C): Juvenile Civil Protection Order Or Juvenile Domestic Violence Civil Protection Order Ex Parte (R.C. 2151.34 Or 3113.31) or Form 22 (formerly 10.05-E): Juvenile Domestic Violence Civil Protection Order And Consent Agreement Protection Order and include a cover sheet that is substantially similar to similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(6) Notice of Deadly Weapons Surrender

In every case in which a court orders the respondent to surrender deadly weapons, including firearms and ammunition, into the protective custody of law enforcement, the court shall enter into the docket a form that is substantially similar to Form 31 (formerly 10-F): Notice of Receipt when the same is received from law enforcement.

(7) Wireless Service Transfer Order

In every case in which a court orders the transfer of wireless service as a term of an ex parte or full hearing civil protection order, it shall complete a form that is substantially similar to Form 29 (formerly 10-E): Wireless Service Transfer Order in Domestic Violence Civil Protection Order.

RULE 73. Probate Division of the Court of Common Pleas.

(A) Applicability

(1) These Rules of Civil Procedure shall Rules 73 to 73.29 apply only to proceedings in the probate division of the court of common pleas as indicated in this rule.

(2) Additionally, all of To the extent of any conflict, Rules 73 to 73.29 take precedence over any other provision of the Rules of Civil Procedure. Otherwise the Rules of Civil Procedure, though not specifically mentioned in this rule, shall apply except to the extent that by their nature they would be clearly inapplicable.

[Existing language unaffected by the amendments is omitted to conserve space]

(H) Forms used in probate practice

Forms used in proceedings in the probate division of the courts of common pleas shall be those prescribed in ~~the rule applicable to standard probate forms in the Rules of Superintendence~~ Civ.R. 73.2. Forms not prescribed in such rule may be used as permitted in that rule.

Blank forms reproduced for use in probate practice for any filing to which the rule applicable to specifications for printing probate forms of the Rules of Superintendence applies shall conform to the specifications set forth ~~in that rule~~ Civ.R. 73.3.

No pleading, application, acknowledgment, certification, account, report, statement, allegation, or other matter filed in the probate division of the courts of common pleas shall be required to be executed under oath, and it is sufficient if it is made upon the signature alone of the person making it.

RULE 73.1 Definitions.

In Rules 73.1 to 73.29 “case” means any of the following when filed in the probate division of the court of common pleas:

(A) A civil complaint, petition, or administrative appeal;

(B) A decedent’s estate; a testamentary, inter vivos or wrongful death trust; a guardianship, conservatorship or request for emergency orders pursuant to division (B)(3) of 2111.02 of the Revised Code; an adoption or name change. Each beneficiary of a wrongful death trust, each ward or conservatee, each adoptee and each individual requesting a change of name in those proceedings with multiple interested parties, shall be considered a separate “case.”

(C) Any other proceeding for which a case number is assigned including but not limited to the following: tax filings, filings of wills for probate or record, real estate transfers, and filings of foreign records where an estate is not opened; release from administration; minor's settlements; birth corrections; delayed birth registrations; mental retardation or tuberculosis commitments; petition for protective services; petition to compel HIV testing; an application to appoint a guardian, trustee, protector, or conservator of a mentally retarded or developmentally disabled person; acknowledgment of paternity; a petition for release of adoption information; powers of attorney including those for health care; declarations concerning life-sustaining treatment; proceedings to designate heir; applications to disinter or to oppose disinterment; and voluntary assignment for the benefit of creditors.

RULE 73.10 Wills.

(A) Before an application is made to admit the will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, each applicant or the applicant's attorney shall examine the index of wills deposited pursuant to section 2107.07 of the Revised Code. Wills deposited pursuant to section 2107.07 of the Revised Code previous to the will offered for probate shall be filed in the estate proceedings for record purposes only.

(B) Fiduciaries appointed to administer testate estates shall file a Certificate of Service of Notice of Probate of Will (Standard Probate Form 2.4) within two months of their appointment or be subject to removal proceedings. If required by the court, proof of service shall consist of either waivers of notice of the probate of will or certified mail return receipt cards as provided under Civil Rule 73(E)(3), or if necessary, under Civil Rule 73(E)(4) and (5). A waiver of notice may not be signed by any minor, or on behalf of a minor sixteen or seventeen years of age. See Civil Rule 4.2.

RULE 73.11 Application for Letters of Authority to Administer Estate and Notice of Appointment.

(A) Notice of an application for appointment of administrator shall be served at least seven days prior to the date set for hearing. If there is no known surviving spouse or next of kin resident of the state, the notice shall be served upon persons designated by the court.

(B) The administrator shall give notice of the appointment within seven days after the appointment to all persons entitled to inherit, including persons entitled to an allowance for support, unless those persons have been provided notice of the hearing on the appointment or have waived notice.

(C) The probate court shall serve by certified mail the spousal citation and summary of rights required by R.C. 2106.02 to the surviving spouse within 7 days of the initial

1100 appointment of the administrator or executor, unless a different time is established by local
1101 court rule.

1102 **RULE 73.12 Appraisers.**

1103
1104 (A) Without special application to the court, a fiduciary may allow to the appraiser as
1105 compensation for services a reasonable amount agreed upon between the fiduciary and the
1106 appraiser, provided the compensation does not exceed the amount allowed by local court
1107 rule. If no local court rule exists, the compensation shall be subject to court approval.

1108
1109 (B) If, by reason of the special and unusual character of the property to be appraised,
1110 the fiduciary is of the opinion that the appraisal requires the services of persons qualified
1111 in the evaluation of that property, a qualified appraiser may be appointed and allowed
1112 compensation as provided in division (A) of this rule.

1113 **RULE 73.13 Claims Against Estate.**

1114
1115 (A) When a claim has been filed with the court pursuant to section 2117.06 of the
1116 Revised Code, the fiduciary shall file a copy of any rejection of the claim with the court.

1117
1118 (B) If the court requires a hearing on claims or the fiduciary requests a hearing on
1119 claims or insolvency, the fiduciary shall file a schedule of all claims against the estate with
1120 the court. The schedule of claims shall be filed with the fiduciary's application for hearing
1121 or within ten days after the court notifies the fiduciary of a court-initiated hearing.

1122 **RULE 73.14 Application to Sell Personal Property.**

1123
1124 An application to sell personal property shall include an adequate description of the
1125 property. Except for good cause shown, an order of sale shall not be granted prior to the filing
1126 of the inventory.

1127 **RULE 73.15 Accounts.**

1128
1129 (A) The vouchers or other proofs required by section 2109.302 and 2109.303 of the
1130 Revised Code and receipts filed or exhibited pursuant to section 2109.32(B)(1)(b) of the
1131 Revised Code, shall be referenced to the account by number, letter, or date.

1132
1133 (B) If land has been sold during the accounting period, the account shall show the gross
1134 amount of the proceeds and include a copy of the closing statement itemizing all of the
1135 disbursements.

1136

(C) Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided the power of attorney is recorded in the county in which the estate is being administered and a copy of the recorded power is attached to the account.

(D) Exhibiting assets.

(1) The court may require that all assets be exhibited at the time of filing a partial account.

(2) Cash balances may be verified by exhibiting a financial institution statement, passbook, or a current letter from the financial institution in which the funds are deposited certifying the amount of funds on deposit to the credit of the fiduciary. Assets held in a safe deposit box of a fiduciary or by a surety company on fiduciary's bond may be exhibited by filing a current inventory of the assets. The inventory shall be certified by the manager of the safe deposit box department of the financial institution leasing the safe deposit box or by a qualified officer of the surety company if the assets are held by a surety. If the assets are held by a bank, trust company, brokerage firm, or other financial institution, exhibition may be made by proper certification as to the assets so held. For good cause shown, the court may designate a deputy clerk of the court to make an examination of the assets located in the county, not physically exhibited to the court or may appoint a commissioner for that purpose if the assets are located outside the county. The commissioner appointed shall make a written report of findings to the court.

(E) A final or distributive account shall not be approved until all court costs have been paid.

RULE 73.16. Land Sales - R.C. Chapter 2127.

(A) In all land sale proceedings, the plaintiff, prior to the issuance of an order finding the sale necessary, shall file with the court evidence of title showing the record condition of the title to the premises described in the complaint and prepared by a title company licensed by the state of Ohio, an attorney's certificate, or other evidence of title satisfactory to the court. Evidence of title shall be to a date subsequent to the date on which the complaint was filed.

(B) The plaintiff shall give notice of the time and place of sale by regular mail at least three weeks prior to the date of a public sale to all defendants at their last known addresses. Prior to the public sale, the plaintiff shall file a certificate stating that the required notice was given to the defendants and the sale was advertised pursuant to section 2127.32 of the Revised Code.

(C) In all private land sale proceedings by civil action, the judgment entry confirming sale, ordering issuance of deed, and ordering distribution shall show the gross amount of

the proceeds and include a copy of the proposed closing statement itemizing all of the proposed disbursements.

(D) The court may appoint a disinterested person, answerable to the court, who shall investigate the circumstances surrounding the proposed transaction, view the property, ascertain whether the proposed sale is justified and report findings in writing. The report shall be a part of the record. The compensation for the person performing these services shall be fixed by the court, according to the circumstances of each case, and shall be taxed as costs.

RULE 73.17. Estates of Minors of Not More Than Twenty-Five Thousand Dollars.

(A) Each application relating to a minor shall be submitted by the parent or parents or by the person having custody of the minor and shall be captioned in the name of the minor.

(B) Each application shall indicate the amount of money or property to which the minor is entitled and to whom such money or property shall be paid or delivered. Unless the court otherwise orders, if no guardian has been appointed for either the receipt of an estate of a minor or the receipt of a settlement for injury to a minor, the attorney representing the interests of the minor shall prepare an entry that orders all of the following:

- (1) The deposit of the funds in a financial institution in the name of the minor;
- (2) Impounding the principal and interest;
- (3) Releasing the funds only upon an order of the court or to the minor at the age of majority.

(C) The entry shall be presented at the time the entry dispensing with appointment of a guardian or approving settlement is approved. The attorney shall be responsible for depositing the funds and for providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Standard Probate Form 22.3) from the financial institution and file the form with the court within seven days from the issuance of the entry.

RULE 73.18. Settlement of Injury Claims of Minors.

(A) An application for settlement of a minor's claim shall be brought by the guardian of the estate. If there is no guardian appointed and the court dispenses with the need for a guardian, the application shall be brought by the parents of the child or the parent or other individual having custody of the child. The noncustodial parent or parents shall be entitled to seven days notice of the application to settle the minor's claim which notice may be waived. The application shall be captioned in the name of the minor.

(B) The application shall be accompanied by a current statement of an examining physician in respect to the injuries sustained, the extent of recovery, and the permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the minor as a result of the incident causing the injury to the minor. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

(C) The injured minor and the applicant shall be present at the hearing.

RULE 73.19. Settlement of Claims of or Against Adult Wards.

(A) An application for settlement of a claim in favor of or against an adult ward shall be brought by the guardian of the estate. Notice of the hearing on the application shall be given to all persons who are interested parties to the proposed settlement, as determined by the court. The court may authorize or direct the guardian of the ward's estate to compromise and settle claims as the court considers to be in the best interest of the ward. The court may dispense with notice of hearing.

(B) The application for settlement of an injury claim shall be accompanied by a current statement of an examining physician describing the injuries sustained, the extent of recovery from those injuries, and permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the ward as a result of the incident causing the injury to the ward. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

RULE 73.2. Standard Probate Forms.

(A) **Applicability.** This rule prescribes the format, content, and use of standard forms for designated applications, pleadings, waivers, notices, entries, and other filings in certain proceedings in the probate division of the courts of common pleas.

Where a standard form has not been prescribed by this rule, the form used shall be that required by the Civil Rules, or prescribed or permitted by the probate division of the court of common pleas in which it is being filed.

(B) **Modification of standard forms; pleadings and filings prepared for particular cases.**

(1) A printed, blank standard form may be modified by deletion or interlineation to meet the circumstances of a particular case or proceeding, if the modification can be accomplished neatly and conveniently. No court shall require the modification of a standard form as a routine matter. If any allegation, statement, data, information, pleading, or filing is required by an appropriate local rule of court

and a standard form does not make provision therefor, it shall be provided in a separate or supplemental filing.

(2) Even though a standard form is prescribed, an original instrument may be prepared for filing. Any such instrument shall be typed on eight and one-half by eleven inch paper. The caption prescribed in Sup. R. 52 shall be used, and the instrument shall follow the format prescribed for the standard forms. Any such instrument may modify the language of the standard form, omit inapplicable matter required by the standard form, and add matter not included in the standard form to the extent required by the circumstances of the particular case or proceeding.

(C) Standard probate forms. The standard forms prescribed for use in the probate division of the courts of common pleas are the Standard Probate Forms as approved and published by the Supreme Court of Ohio.

RULE 73.20. Settlement of Wrongful Death and Survival Claims.

(A) An application to approve settlement and Distribution of Wrongful Death and Survival Claims (Standard Probate Form 14.0) shall contain a statement of facts, including the amount to be allocated to the settlement of the claim and the amount, if any, to be allocated to the settlement of the survival claim. The application shall include the proposed distribution of the net proceeds allocated to the wrongful death claim.

(B) The fiduciary shall give written notice of the hearing and a copy of the application to all interested persons who have not waived notice of the hearing. Notwithstanding the waivers and consents of the interested persons, the court shall retain jurisdiction over the settlement, allocation, and distribution of the claims.

(C) The application shall state what arrangements, if any, have been made with respect to counsel fees. Counsel fees shall be subject to approval by the court.

RULE 73.21. Counsel Fees.

(A) Attorney fees in all matters shall be governed by Rule 1.5 of the Ohio Rules of Professional Conduct.

(B) Attorney fees for the administration of estates shall not be paid until the final account is prepared for filing unless otherwise approved by the court upon application and for good cause shown.

(C) Attorney fees may be allowed if there is a written application that sets forth the amount requested and will be awarded only after proper hearing, unless otherwise modified by local rule.

(D) The court may set a hearing on any application for allowance of attorney fees regardless of the fact that the required consents of the beneficiaries have been given.

(E) Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by section 2109.30 of the Revised Code.

(F) If a hearing is scheduled on an application for the allowance of attorney fees, notice shall be given to all parties affected by the payment of fees, unless otherwise ordered by the court.

(G) An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee, or other fiduciary. The application may be filed by the fiduciary or attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with division (A) of this rule.

(H) There shall be no minimum or maximum fees that automatically will be approved by the court.

(I) Prior to a fiduciary entering into a contingent fee contract with an attorney for services, an application for authority to enter into the fee contract shall be filed with the court, unless otherwise ordered by local court rule. The contingent fee on the amount obtained shall be subject to approval by the court.

RULE 73.22. Executor's and Administrator's Commissions.

(A) Additional compensation for extraordinary services may be allowed upon an application setting forth an itemized statement of the services rendered and the amount of compensation requested. The court may require the application to be set for hearing with notice given to interested persons in accordance with Civil Rule 73(E).

(B) The court may deny or reduce commissions if there is a delinquency in the filing of an inventory or an account, or if, after hearing, the court finds that the executor or administrator has not faithfully discharged the duties of the office.

(C) The commissions of co-executors or co-administrators in the aggregate shall not exceed the commissions that would have been allowed to one executor or administrator acting alone, except where the instrument under which the co-executors serve provides otherwise.

(D) Where counsel fees have been awarded for services to the estate that normally would have been performed by the executor or administrator, the executor or administrator commission, except for good cause shown, shall be reduced by the amount awarded to counsel for those services.

1347 **RULE 73.23. Guardian's Compensation.**

1348
1349 **(A) Setting of compensation**

1350
1351 Guardian's compensation shall be set by local rule.

1352
1353 **(B) Itemization of expenses**

1354
1355 A guardian shall itemize all expenses relative to the guardianship of the ward and
1356 shall not charge fees or costs in excess of those approved by the probate division of
1357 a court of common pleas.

1358
1359 **(C) Additional compensation**

1360
1361 Additional compensation for extraordinary services, reimbursement for expenses
1362 incurred and compensation of a guardian of a person only may be allowed upon an
1363 application setting forth an itemized statement of the services rendered and
1364 expenses incurred and the amount for which compensation is applied. The probate
1365 division of a court of common pleas may require the application to be set for hearing
1366 with notice given to interested persons in accordance with Civ.R. 73(E).

1367
1368 **(D) Co-guardians**

1369
1370 The compensation of co-guardians in the aggregate shall not exceed the
1371 compensation that would have been allowed to one guardian acting alone.

1372
1373 **(E) Denial or reduction of compensation**

1374
1375 The probate division of a court of common pleas may deny or reduce compensation
1376 if there is a delinquency in the filing of an inventory or account, or after hearing,
1377 the court finds the guardian has not faithfully discharged the duties of the office.

1378 **RULE 73.24. Trustee's Compensation.**

1379
1380 **(A) Trustee's compensation shall be set by local rule.**

1381
1382 **(B) Additional compensation for extraordinary services may be allowed upon**
1383 application setting forth an itemized statement of the services rendered and the amount of
1384 compensation requested. The court may require that the application be set for hearing with
1385 notice given to interested parties in accordance with Civil Rule 73(E).

1386
1387 **(C) The compensation of co-trustees in the aggregate shall not exceed the compensation**
1388 that would have been allowed to one trustee acting alone, except where the instrument
1389 under which the co-trustees are acting provides otherwise.

1390

(D) Except for good cause shown, neither compensation for a trustee nor fees to counsel representing the trustee shall be allowed while the trustee is delinquent in the filing of an account.

(E) The court may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the trustee has not faithfully discharged other duties of the office.

RULE 73.25. Local Rules.

Local rules of the court shall be numbered to correspond with the numbering of these rules and shall incorporate the number of the rule it is intended to supplement. For example, a local rule that supplements Rule 73.12 shall be designated Local Rule 73.12.

RULE 73.26. Exception to the Rules.

Upon application, and for good cause shown, the probate division of the court of common pleas may grant exception to Rules 73 to 73.29.

RULE 73.27. Compliance.

Failure to comply with these rules may result in sanctions as the court may direct.

RULE 73.28. Probate Division of the Court of Common Pleas -- Case Management in Decedent's Estates, Guardianship, and Trusts.

(A) Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory, account, and, if applicable, guardian's report. The citation process set forth in section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record and the fiduciary shall be subject to the citation process. The court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods.

(B)

(1) If a decedent's estate must remain open more than six months pursuant to R.C. 2109.301(B)(1), the fiduciary shall file an application to extend administration (Standard Probate Form 13.8).

(2) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.

(C) The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and the attorney shall appear for a status review.

(D) The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceeding before the court or serving as attorney of record in any new estate, guardianship, or trust until all of the delinquent pleadings are filed.

(E) Upon filing of the exceptions to an inventory or to an account, the exceptor shall cause the exceptions to be set for a pretrial within thirty days. The attorneys and their clients, or individuals if not represented by an attorney, shall appear at the pretrial. The trial shall be set as soon as practical after pretrial. The court may dispense with the pretrial and proceed directly to trial.

RULE 73.29. Dispute Resolution.

The probate division of a court of common pleas or a family court exercising probate jurisdiction may encourage the use of alternative dispute resolution in any matter the court deems appropriate. A judge is authorized to facilitate the use of voluntary alternative dispute resolution processes by taking any one or more of the following actions in disputes brought to the attention of the court:

(A) Suggesting that the parties engage in settlement negotiations and appropriately participate in such negotiations;

(B) Informing the parties about eldercaring coordination, if available, and, upon agreement of the parties, entering an appropriate order either referring the dispute to eldercaring coordination or implementing the result of the eldercaring coordination process. As used in this rule, "eldercaring coordination" means a dispute resolution process modeled after the concept of parenting coordination for high-conflict families regarding the care and safety of elders.

(C) Referring the parties to mediation consistent with Sup.R. 16 and a local rule governing mediation, if any;

(D) Informing the parties about the availability of early neutral evaluation programs, including those offered by local bar associations, and, upon agreement of the parties, entering an appropriate order doing any of the following:

(1) Referring the dispute to early neutral evaluation;

(2) Staying the proceedings in the litigation for up to sixty days pending completion of the early neutral evaluation process;

(3) Implementing the result of the early neutral evaluation process.

(E) Upon request of the parties to the litigation, evidenced by a written certification of agreement from all parties, entering such orders to refer the dispute to any other alternative dispute resolution method as the judge deems to be consistent with the interest of justice.

RULE 73.3. Specifications for Printing Probate Forms.

(A) Applicability.

(1) The specifications in this rule govern the reproduction of blank forms intended for, or used in, the administration of decedents' estates, guardianships, minor settlements, disinterment, change of name, release of medical and billing records, wrongful death, and adoptions in this state, including:

(a) Standard forms prescribed in Rule 73.2;

(b) Commercially prepared blank forms, including standard and nonstandard forms, designed for use in any aspect of the administration of decedents' estates, guardianships, and adoptions;

(c) Blank forms prescribed by local rule of court for use in situations for which no standard form is prescribed.

(2) This rule does not apply to any of the following:

(a) Any pleading, application, entry, waiver, notice, or other filing that is prepared ad hoc for use in a particular case or proceeding, or that is not reproduced in any manner for use as a blank form;

(b) Any routing slip, memorandum index, cost bill, or other form designed solely for internal administrative or clerical use;

(c) Forms intended for use in matters other than the administration of decedents' estates, guardianships, or adoptions;

(d) Estate tax returns, reports, and other forms prescribed by the Department of Taxation.

(B) Size of forms. All forms filed, including those filed by electronic means, shall be on pages not exceeding eight and one-half by eleven inches, without backing or cover.

(C) Margins. Right and left margins shall be approximately one-half to three-quarters of one inch, and shall be justified. The top margin shall be approximately seven-eighths to

one and one-eighth inches, measured from the top edge of the paper to the top of the first line of the caption. The distance between the bottom of the repeat of the main heading at the foot of the first page shall be as required by division (K) of this rule.

(D) Font.

(1) All type shall be sans serif. Bold face type shall be used only as required or permitted by division (D)(2) of this rule. Italics shall not be used. Except as provided in division (D)(3) of this rule, all type shall be upper and lower case.

(2) Bold face type shall be used for the main heading immediately following the caption, and for the form number and repeat of the main heading at the foot of the first page. In addition bold face type may be used for:

(a) The caption;

(b) Subheadings;

(c) Directions enclosed in brackets;

(d) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer;

(e) Column headings;

(f) Any matter not covered in division (D)(2)(a) to (e) of this rule, for which the use of bold face type is expressly indicated on a standard form in Rule 73.2.

(3) The following shall be printed in all capital letters:

(a) The first two lines of the caption;

(b) The main heading immediately following the caption;

(c) All subheadings;

(d) The form number and repeat of the main heading at the foot of the first page;

(e) Any matter not covered in division (D)(3)(a) to (d) of this rule, for which the use of all capital letters is expressly indicated on a standard form in Rule 73.2.

(E) Type sizes.

(1) The following type sizes shall be used:

(a) Main headings immediately following the caption shall use sixteen-point or larger type;

(b) The first line of the caption, and all subheadings, shall use not smaller than twelve-point nor larger than sixteen-point type;

(c) The last two lines of the caption, the body, and the form number and repeat of the main heading at the foot of the first page, shall use not smaller than eight-point nor larger than twelve-point type;

(d) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer, shall use not larger than eight-point type.

(2) Whatever type size is used with the limitations of division (E)(1) of this rule:

(a) The first line of the caption and all subheadings shall use type at least two points smaller than the main heading immediately following the caption;

(b) The last two lines of the caption, the body, and the form number and repeat of the main heading at the foot of the first page, shall use type at least two points smaller than the subheadings;

(c) Instructions or identification under a blank line, indicating what is to be inserted in the line or identifying the office or status of a signer, shall use type at least two points smaller than the body.

(F) Vertical spacing.

(1) The vertical spacing on all forms shall be in units of one pica, to conform to standard typewriter vertical spacing.

(2) In order to permit optimum placement and promote visual appeal, the main heading and any subheading may be moved up or down within the available area without regard to the vertical spacing of the rest of the form, provided the rest of the form from head to foot maintains vertical spacing in units of one pica.

(G) Centering.

The first line of the caption, the main heading, any explanatory information supplementing the main heading and appearing directly below it, subheadings, and the form number and repeat of the main heading at the foot of the first page of a form, shall be centered.

(H) Blank lines; length; vertical spacing in series.

(1) Blanks to be filled in shall be indicated by a printed solid line. Wherever possible, such lines shall be of sufficient length to accommodate comfortably all characters included in any word, phrase, name, date, or other information that might reasonably be expected to be placed in the blank. Spaces and punctuation shall be included in counting characters. It shall be assumed that six pica will accommodate ten characters in calculating the length of a line.

(2) Wherever possible, blank lines shall be a minimum length of:

(a) Eight pica, when the name of a county is to be inserted;

(b) Eighteen pica, when a date is to be inserted;

(c) Twenty pica, when a name or signature is to be inserted;

(d) Eight pica, not counting the dollar sign, when a dollar amount is to be inserted.

(3) One, or two or more blank lines may be used for the insertion of an address. Wherever possible, such lines shall be a minimum length of:

(a) Forty pica when a single line is used;

(b) Twenty pica per line when two or more lines are used.

(4) When a series of signature lines, lines for tabulating particular information, or other blank lines in vertical series are called for in a form, then except where expressly indicated on a standard form in Rule 73.2, the vertical spacing between lines shall be two pica. This spacing shall be maintained without regard to instructions or identification printed below a line.

(I) Boxes to be checked.

(1) Where a form calls for a “check” or “X” to be inserted, a box shall be used for the purpose. The box shall precede the information to which it refers.

(2) When a series of “checks” or “X’s” are called for in the same sentence or paragraph, each box and the information to which it refers shall be set apart visually from the preceding and following information in the same sentence or paragraph. Any device that provides visual separation and minimizes possible confusion may be used, including without limitation space-hyphen-space or a double or triple space, as in the following example:

“[check one of the following] - []Decedent’s will has been admitted to probate in this court - []To applicant’s knowledge decedent did not leave a will.”

(J) Caption.

(1) Except as provided in division (J)(3) of this rule, the following captions shall be used, respectively, on all forms for the administration of decedents' estates, guardianships, and adoptions:

PROBATE COURT OF COUNTY, OHIO

ESTATE OF DECEASED

CASE NO. _____;

PROBATE COURT OF COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____;

PROBATE COURT OF COUNTY, OHIO

ADOPTION OF _____

(Name after adoption)

CASE NO. _____.

(2) The first line of the caption shall be centered. The second and third lines shall begin at the left margin and end at the right margin. The vertical space between the first and second lines may be two or three pica. The vertical space between the second and third lines shall be two pica.

(3) The following variations from the caption prescribed in division (J)(1) and (2) of this rule are permitted:

(a) The blank line in the first line of the caption may be replaced by the imprinted name of a particular county.

(b) The caption may be expanded to include the address of a particular court, using type of any suitable size. In such case, the blank lines intended for the court's address in the body of any form and introductory material for the address such as, "the court is located at _____," shall be omitted.

(c) In Standard Decedents' Estates Form 5.5, and in any other decedents' estates form dealing with two or more estates, the last two lines of the caption shall be omitted.

(K) Form number and repeat of main heading.

(1) The main heading of a form, which appears immediately below the caption on the first page of a form, shall be repeated at the foot of the first page. If the form is a standard form, the repeat of the main heading shall be preceded on the same line by the form number.

(2) The form number and repeat of the main heading shall be centered, and located not higher than three-eighths inch above the bottom edge of the form.

(L) Printing front and back. When a standard probate form consists of more than one page, each page shall contain the case number in the upper portion of the page.

(M) Standard forms to govern; variations.

(1) Matters not specifically covered in this rule are governed by the standard forms prescribed in Rule 73.2. Overall, the format of all printed blank forms, whether standard or nonstandard, shall conform substantially to the standard forms. Except as provided in division (M)(2) of this rule, no additions to, deletions from, or changes in the form, content, or language of the standard forms are permitted when printing blank standard forms.

(2) The following variations from the standard forms in Rule 73.2 are permitted:

(a) In any form calling for a court's address, the blank lines intended for the insertion of such information may be replaced by the imprinted information itself. If the court's address is imprinted in the caption, the blank lines in the body of the form for the address and introductory material for the address shall be omitted as provided in division (J)(3) of this rule.

(b) The name as well as the title of the probate judge may be imprinted below a judge's signature line on any form.

(c) In any form calling for the attorney's typed or printed name, address, telephone number, and attorney identification number, the blank lines intended for the insertion of that information may be replaced by the imprinted information itself. The signature line for the attorney shall be retained.

(d) In Standard Decedents' Estates Form 4.2, the portion of the form below the date line and principal's signature line, and above the repeat at the foot of the page, may be replaced by the imprinted name and address of a corporate surety, identified in some appropriate manner as the surety on the particular bond, and including a signature line for the attorney in fact. The last paragraph of the body of the form, relating to justification of personal sureties, shall be omitted.

(e) When standard forms are generated by computer, they shall conform to all specifications for standard forms stated in this rule. A court may accept for filing nonstandard computer generated forms for the receipts and disbursements attached

1747 to a standard account form or the schedule of assets attached to a standard inventory
1748 and appraisal form.

1749
1750 (f) All forms may include suitable coding for optical or magnetic scanning, or
1751 similar system designed to aid docketing, indexing, cost accounting, or other
1752 administrative or clerical activities.

1753
1754 (g) On all forms, the publisher may add its name, logotype, or other suitable
1755 identification. The size, style, and placement shall be such as not to detract from,
1756 interfere with, or overpower any part of the form.

1757
1758 (h) Wherever a form contains “20 ” or “200 ”, a blank line shall be
1759 substituted to accommodate the correct year.

1760 **RULE 73.4. Hours of the Court.**

1761
1762 Each court shall establish hours for the transaction of business.

1763 **RULE 73.5. Conduct in the Court.**

1764
1765 (A) Proper decorum in the court is necessary to the administration of the court’s
1766 function. Any conduct that interferes or tends to interfere with the proper administration of the
1767 court’s business is prohibited.

1768
1769 (B) No audio or visual transmission or recording device, other than a device used by a
1770 court reporter making a record in a proceeding, or the making or taking of pictures shall be
1771 permitted without the express consent of the court in advance and pursuant to Rule 12 of the Rules
1772 of Superintendence for the Courts.

1773 **RULE 73.6. Examination of Probate Records.**

1774
1775 (A) Records shall not be removed from the court, except when approved by the judge.
1776 Violation of this rule may result in the issuance of a citation for contempt.

1777
1778 (B) Copies of records may be obtained at a cost per page as authorized by the judge.

1779
1780 (C) Adoption, mental illness, minor settlements, and mental retardation proceedings are
1781 confidential. Records of those proceedings, and other records that are confidential by
1782 statute, may be accessed as authorized by the judge.

1783
1784 (D) A citation for contempt of court may be issued against anyone who divulges or
1785 receives information from confidential records without authorization of the judge.

1786 **RULE 73.7. Continuances.**

1787
1788 (A) Motions for continuance shall be submitted in writing with the proper caption and
1789 case number.

1790
1791 (B) Except on motion of the court, no continuance shall be granted in the absence of
1792 proof of reasonable notice to, or consent by, the adverse party or the party's counsel.
1793 Failure to object to the continuance within a reasonable time after receiving notice shall be
1794 considered consent to the continuance.

1795
1796 (C) A proposed entry shall be filed with a motion for continuance, leaving the time and
1797 date blank for the court to set a new date.

1798 **RULE 73.8. Filings and Judgment Entries.**

1799
1800 (A) All filings, except wills, shall be on eight and one-half by eleven inch paper, without
1801 backings, of stock that can be microfilmed.

1802
1803 (B) All filings shall contain the name, address, telephone number, e-mail address, and
1804 attorney registration number of the individual counsel representing the fiduciary and, in the
1805 absence of counsel, the name, address, and telephone number of the fiduciary. Any filing
1806 not containing the above requirements may be refused.

1807
1808 (C) Failure of the fiduciary to notify the court of the fiduciary's current address shall
1809 be grounds for removal. Not less than ten days written notice of the hearing to remove
1810 shall be given to the fiduciary by regular mail at the last address contained in the case file
1811 or by other method of service as the court may direct.

1812
1813 (D) Filings containing partially or wholly illegible signatures of counsel, parties or
1814 officers administering oaths may be refused, or, if filed, may be stricken, unless the
1815 typewritten or printed name of the person whose signature is purported to appear is clearly
1816 indicated on the filing.

1817
1818 (E) All pleadings, motions, or other filings are to be typed or printed in ink and correctly
1819 captioned.

1820
1821 (F) Unless the court otherwise directs, counsel for the party in whose favor a judgment
1822 is rendered, shall prepare the proposed judgment entry and submit the original to the court
1823 with a copy to counsel for the opposing party. The proposed judgment entry shall be
1824 submitted within seven days after the judgment is rendered. Counsel for the opposing party
1825 shall have seven days to object to the court. If the party in whose favor a judgment is
1826 rendered fails to comply with this division, the matter may be dismissed or the court may
1827 prepare and file the appropriate entry.
1828

1829 (G) When a pleading, motion, judgment entry or other filing consists of more than one
1830 page, each page shall contain the case number in the upper portion of the page.

1831 **RULE 73.9. Deposit for Court Costs.**

1832
1833 (A) Deposits in the amount set forth in a local rule shall be required upon the filing of
1834 any action or proceeding and additional deposits may be required.

1835
1836 (B) The deposit may be applied as filings occur.

1837 **OHIO RULES OF CRIMINAL PROCEDURE**

1838

1839 **RULE 11.1** **Standard Notice Concerning Possession or Purchase of a Firearm.**

1840

1841 **(A)** **Requirement**

1842

1843 A court that has jurisdiction to convict a person of a misdemeanor offense of violence

1844 against a family or household member shall provide notice to the defendant pursuant to

1845 R.C. 2943.033.

1846

1847 **(B)** **Form**

1848

1849 In every case prior to accepting a guilty plea or plea of no contest to an indictment,

1850 information, or complaint that charges a person with a misdemeanor offense of violence

1851 against a family or household member, a court shall use a form that is substantially similar

1852 to a “Notice Concerning Possession or Purchase of Firearms” or Form 5 (formerly 10.04-

1853 A) unless the court provides oral notice to the defendant.

1854 **RULE 19. Magistrates.**

1855

1856 **[Existing language unaffected by the amendments is omitted to conserve space]**

1857

1858 **(C) Authority**

1859

1860 **(1) Scope**

1861

1862 To assist courts of record and pursuant to reference under Crim.R. 19(D)(1),

1863 magistrates are authorized, subject to the terms of the relevant reference, to do any

1864 of the following:

1865

1866 (a) Conduct initial appearances and preliminary hearings pursuant to

1867 Crim.R. 5.

1868

1869 (b) Conduct arraignments pursuant to Crim.R. 10.

1870

1871 (c) Receive pleas, in accordance with Crim R. 11, only as follows:

1872

1873 (i) In felony and misdemeanor cases, accept and enter not guilty

1874 pleas.

1875

1876 (ii) In misdemeanor cases, accept and enter guilty and no contest

1877 pleas, determine guilt or innocence, receive statements in

1878 explanation and in mitigation of sentence, and recommend a penalty

1879 to be imposed. If imprisonment is a possible penalty for the offense

charged, the matter may be referred only with the unanimous consent of the parties, in writing or on the record in open court.

(d) Conduct pretrial conferences pursuant to Crim.R. 17.1.

(e) Conduct proceedings to establish bail.

(f) Hear and decide the following motions:

(i) Any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is not a possible penalty.

(ii) Upon the unanimous consent of the parties in writing or on the record in open court, any pretrial or post-judgment motion in any misdemeanor case for which imprisonment is a possibility.

(g) Conduct proceedings upon application for the issuance of a temporary protection order as authorized by law.

(h) Conduct the trial of any misdemeanor case that will not be tried to a jury. If the offense charged is an offense for which imprisonment is a possible penalty, the matter may be referred only with unanimous consent of the parties in writing or on the record in open court.

(i) Conduct proceedings in Supreme Court certified dockets only when authorized and only in accordance with the authority granted by Sup.R. 36.33.

(j) Exercise any other authority specifically vested in magistrates by statute and consistent with this rule.

(i) During the temporary absence or disability of the judge of a specialized docket in the general, probate, or domestic relations division of a court of common pleas; a municipal court; a county court; or a division of the court due to the vacation, illness, leave of absence, or unavailability due to judicial obligations of the judge, the following shall apply:

(i) A magistrate of the court or division may conduct treatment team meetings and status review hearings for the specialized docket;

(ii) The magistrate shall act in accordance with the authority and limitations granted by this rule and the "Specialized Dockets Standards," as set forth in Appendix I to Rules of Superintendence for the Courts of Ohio; and

1924 (iii) The magistrate shall have the same authority granted to the
1925 judge in conducting the proceedings of the specialized docket,
1926 excluding the imposition of jail.

1927 **RULE 32. Sentence.**

1928
1929 [Existing language unaffected by the amendments is omitted to conserve space]
1930

1931 **(C) Judgment**

1932
1933 A In the judgment of conviction shall, the court must set forth the plea or any verdicts or findings
1934 as well as the fact of conviction and the sentence. Multiple judgments of conviction may be
1935 addressed in one judgment entry. If the defendant is found not guilty or for any other reason is
1936 entitled to be discharged, the court shall render judgment accordingly must so order. If a proposed
1937 judgment entry is not prepared and presented to the court by counsel, the entry must be prepared
1938 by the court. The judge shall must sign the judgment and the clerk shall must enter it on the
1939 journal. The judgment entry must be filed and journalized within 30 days of the announcement of
1940 the sentence or other finding. A judgment is effective only when entered on the journal by the
1941 clerk.

1942 **RULE 38. Notification Regarding Criminal Protection Orders, Deadly Weapons**
1943 **Surrender.**

1944
1945 **(A) Filing of Protection Order Notice into NCIC**

1946
1947 Upon a court's issuance, modification, or termination of a criminal or civil *ex parte* or full
1948 protection order pursuant to R.C. 2903.214, 2919.26, or 3113.31 or a no contact order in
1949 accordance to 18 U.S.C. 2266(5), the court shall do both of the following:

1950
1951 (1) Thoroughly and accurately complete a Form 7 (formerly 10-A): Protection
1952 Order Notice to NCIC, or a form substantially similar thereto, to facilitate the
1953 correct entry of the order or agreement into the NCIC database; and

1954
1955 (2) Send a completed Form 7 (formerly 10-A): Protection Order Notice to NCIC,
1956 or a form substantially similar thereto, and a copy of the order or agreement to the
1957 local law enforcement agency for entry of the order or agreement into the NCIC
1958 Protection Order database to facilitate nationwide enforcement of the order or
1959 agreement.

1960
1961 **(B) Distribution of Packet for Criminal Temporary Protection Order**

1962
1963 A court that has jurisdiction to issue a temporary protection order pursuant to R.C. 2919.26
1964 shall distribute upon request a forms packet for use in domestic violence temporary
1965 protection order proceedings. The packet shall include, at a minimum, forms that are
1966 substantially similar to the following:

(1) Form 1 (formerly 10.01-A): General Information about Domestic Violence Protection Orders;

(2) Form 3 (formerly 10.02-A): Domestic Violence Temporary Protection Order (DVTPO) (R.C. 2919.26); and

(3) Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(C) Temporary Protection Order Form and Warning

In every case in which a court issues or modifies a temporary protection order pursuant to R.C. 2919.26, the court shall use a form that is substantially similar to Form 3 (formerly 10.02-A): Domestic Violence Temporary Protection Order (DVTPO) (R.C. 2919.26) and include a cover sheet that is substantially similar to Form 2 (formerly 10-C): Warning Concerning the Attached Protection Order or Consent Agreement.

(D) Criminal Protection Order Form and Protection Order Warning

In every case in which a court issues an ex parte or full hearing criminal protection order pursuant to R.C. 2903.213, it shall use a form that is substantially similar to a “Criminal Protection Order (CRPO)” or Form 4 (formerly 10.03-B) and include a cover sheet that is substantially similar to a “Warning Concerning the Attached Protection Order or Consent Agreement” or Form 2 (formerly 10-C) and send a completed form that is substantially similar to a “A Protection Order Notice to NCIC” or Form 7 (formerly 10-A) and copy of the order to the local law enforcement agency for entry of the order into the NCIC Protection Order database.

(E) Notice of Deadly Weapons Surrender

In every case in which a court orders the respondent to surrender deadly weapons into the protective custody of law enforcement, it shall enter into the docket a form that is substantially similar to a “Notice of Receipt” or Form 10 (formerly 10-F).

(F) Post-conviction No Contact Order

In every case in which a sentencing court imposes community control sanctions that prohibit contact as part of a sentence for a misdemeanor or felony offense for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to a victim, regardless of the family or household member relationship to the Defendant, it shall use a form that is substantially similar to a “Post-Conviction No Contact Order” or Form 6 (formerly 10-G) and send to the local law enforcement agency a completed form that is substantially similar to “A Protection Order Notice to NCIC” or Form 7 (formerly 10-A) “and a copy of the order for entry in of the order into the NCIC Protection Order database.

(G) Notification of Existence of a Protection Order

(1) A court that pursuant to statute provides notice to a respondent or defendant about the existence of a protection order issued against said respondent or defendant by another court shall use a “Notice to Respondent or Defendant About Existence of Protection Order” or Form 9 (formerly 10-D), or a form substantially similar thereto, to document the notification. The Court shall then send the form to the clerk of court that issued the protection order as soon as possible, but no later than three business days from the date the notice was provided to the respondent or defendant.

(2) A court that issued a protection order shall accept a “Notice to Respondent or Defendant About Existence of Protection Order” or Form 9 (formerly 10-D), or a form substantially similar thereto, from a judge, magistrate, or law enforcement officer who provided the respondent notice about the existence of the protection order pursuant to statute. The form shall be docketed and maintained in the protection order case file.

(H) Remote Access Exception

Any record in a protection order case that is likely to reveal the identity or location of a petitioner or another protected person shall not be available through remote access. Direct access is permitted subject to any statutory restrictions.

RULE 39. Notifying Law Enforcement Agencies of Mental Illness.

(A) Definitions

As used in this rule:

(1) “Local law enforcement agency” means the police department of a municipal corporation in which an offense occurred or, if the offense did not occur in a municipal corporation, the sheriff of the county in which the offense occurred.

(2) “Mental illness” has the same meaning as in R.C. 5122.01.

(3) “Offense of violence” has the same meaning as in R.C. 2901.01.

(B) Completion of form

A court shall complete “Form 95” upon issuance, modification, or termination of a court order doing any of the following:

(1) Ordering a person who pled guilty to or who was convicted of an offense of violence to receive a mental health evaluation;

2057 (2) Ordering a person who pled guilty to or who was convicted of an offense of
2058 violence to receive treatment for mental illness;

2059
2060 (3) Approving a conditional release of a person who was found not guilty by
2061 reason of insanity;

2062
2063 (4) Approving a conditional release of a person who was found incompetent to
2064 stand trial with no substantial probability of becoming competent again even with
2065 a course of treatment.

2066
2067 **(C) Filing of form**

2068
2069 Upon completion of “Form 95,” a court shall submit a copy of the court order and the form
2070 to the local law enforcement agency for entrance of the information into the “National
2071 Crime Information Center Supervised Release File” through the “Law Enforcement
2072 Automated Data System” pursuant to R.C. 2929.44(B) and 2945.402(E)(1).
2073

OHIO RULES OF JUVENILE PROCEDURE

RULE 18. Time; Continuances.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Time: enlargement

(1) In this division (B), the words “continue” and “continuance” are used in the sense of postponement, delay, and extension of time.

(2) Orders Extending Time

(a) When under these rules, a local court rule, or in accordance with a court order, an event is scheduled for a particular date or an act is required or allowed to be performed at or may or must be done within a specified time or by a particular date, the court for good cause shown may continue the date or period of time.

(b) at any time in its discretion (1) The court may act with or without motion or notice if the court acts, or if a request is made, before the particular date or the expiration of the specified time.

(c) order the period enlarged if application therefor is made before expiration of the period originally prescribed or of that period as extended by a previous order, or (2) upon The court may act on motion permit the act to be done after expiration of the made after the particular date or the expiration of the specified period time if the failure to act on time was the result moving party failed to act because of excusable neglect.

(d) or would result in injustice to a party, but the The court may not extend the time for taking any action under Juv.R. 7(F)(1), 22(F), 29(A), and 29(F)(2)(b), except to the extent and under the conditions stated in them those rules.

(3) Reasons for Continuances

(a) Motions should address the timing and impact of any delay.

A party seeking a continuance should explain in writing the rationale for the request and should be cognizant of the various factors that courts consider in ruling on such a request, including (i) the timing of the request, (ii) the length of the proposed continuance, (iii) the age of the case, (iv) the number and nature of any previous similar requests, (v) the availability of alternative ways to address the concern underlying the request, (vi) counsel’s diligence

and overall compliance with the case schedule and case deadlines, (vii) the nature and complexity of the case, (viii) the court's calendar and the impact of any delay on other cases, (ix) whether other parties consent to or oppose the request, and (x) any inconvenience, increased costs, and prejudice to the rights and interests of the parties and the public that might result from the granting or the denial of the request.

(b) Witness Unavailability.

Before requesting a continuance due to the unavailability of a witness, parties should consider the feasibility of other permitted methods of recording or facilitating the presentation of testimony under these rules and local rules, including deposition or remote testimony.

(c) Attorney Unavailability.

When requesting a continuance due to counsel's unavailability, the moving party must notify the court about counsel's conflicting professional commitment and must indicate when that conflicting commitment was scheduled. In most cases, the trial or hearing that was scheduled first will take priority over a conflicting trial or hearing.

(4) Delinquency Proceedings

In delinquency proceedings, if a court receives a motion, request, or agreement for a continuance of the case that may result in a delay of the prosecution of the case, the prosecutor must inform the victim if notice has been requested. If the victim objects to the delay in the prosecution of the case, the court may grant a continuance only if the delay in the prosecution of the case is reasonable under the circumstances or is otherwise in the interest of justice. If granted, the court shall state on the record or in a written order the specific reason for the continuance.

RULE 23. Continuances.

~~Continuances shall be granted only when imperative to secure fair treatment for the parties.~~

~~In delinquency proceedings, if a court receives a motion, request, or agreement for a continuance of the case that may result in a delay of the prosecution of the case, the prosecutor must inform the victim if notice has been requested. If the victim objects to the delay in the prosecution of the case, the court may grant a continuance only if the delay in the prosecution of the case is reasonable~~

~~under the circumstances or is otherwise in the interest of justice. If granted, the court shall state on the record or in a written order the specific reason for the continuance.~~

RULE 40 Magistrates.

[Existing language unaffected by the amendments is omitted to conserve space]

(C) Authority

[Existing language unaffected by the amendments is omitted to conserve space]

(3) Specialized Dockets

During the temporary absence or disability of the judge of a specialized docket due to the vacation, illness, leave of absence, or unavailability due to judicial obligations of the judge, the following shall apply:

(a) A magistrate of the court or division may conduct treatment team meetings and status review hearings for the specialized docket;

(b) The magistrate shall act in accordance with the authority and limitations granted by this rule and the “Specialized Dockets Standards,” as set forth in the Appendix I to Rules of Superintendence for the Courts of Ohio and to the civil rules;

(c) The magistrate shall have the same authority granted to the judge in conducting the proceedings of the specialized docket, excluding the imposition of jail.

2183 **TRAFFIC RULES**

2184 **RULE 2. Definitions**

2185
2186 As used in these rules:

2187
2188 **[Existing language unaffected by the amendments is omitted to conserve space]**

2189
2190 (Q) “Supplemental citation” is a citation signed by the clerk of court that meets the
2191 requirements of R.C. 2935.26(B).

2192 **RULE 3. Complaint and Summons; Form; Use.**

2193
2194 **[Existing language unaffected by the amendments is omitted to conserve space]**

2195
2196 **(G) Issuance of supplemental citation**

2197
2198 When a clerk of courts is required by the Revised Code to issue a supplemental citation on
2199 a minor misdemeanor offense, notice of the supplemental citation may be executed via any
2200 of the following methods:

2201
2202 (1) Electronic mail if the clerk has been provided an electronic mail address for the
2203 offender by a law enforcement officer;

2204
2205 (2) SMS text messaging if the clerk has been provided a text address for the offender
2206 by a law enforcement officer;

2207
2208 (3) Any method for the service of a summons provided in Crim.R. 4;

2209
2210 (4) Regular United States mail.

2211 **RULE 4. Bail and Security.**

2212
2213 **[Existing language unaffected by the amendments is omitted to conserve space]**

2214
2215 **(B) Bail and security procedure**

2216
2217 The provisions of ~~R.C. 2937.221~~ and R.C. 2935.27 apply in traffic cases.

2218

RULE 7. Procedure upon Failure to Appear.

(A) Issuance of supplemental citation, license forfeiture, summons, or warrant

(1) Minor misdemeanor offenses

When a defendant fails to appear ~~pursuant to~~ after being issued a ticket ~~issued to him~~ for any minor misdemeanor offense and fails to comply with R.C. 2935.26(C), the court ~~shall~~ must issue a supplemental ~~summons or warrant~~ citation under R.C. 2935.26(F) and, if applicable, shall declare the forfeiture of the person's license under R.C. 2935.27(D).

(a) Supplemental Citation: If 30 days after issuing the supplemental citation the defendant still fails to appear and does not comply with R.C. 2935.26(C), the court may issue a summons or warrant.

(b) License Forfeiture: After the court declares a license forfeiture, a defendant has up to 30 days to take corrective action by either appearing on the charge or complying with the plea and payment requirements of R.C. 2935.26(C). If the defendant fails to do so, the court shall forward a copy of the declaration of forfeiture to the Registrar of the Motor Vehicles for cancellation in accordance with R.C. 2935.27(D). If the defendant later appears to answer the charge, the court shall inform the registrar of the termination of the forfeiture in accord with R.C. 2935.27(D).

(2) Other misdemeanor offenses

When a defendant fails to appear after being issued a ticket for any misdemeanor offense, other than a minor misdemeanor, the court may issue a supplemental summons, warrant, or license forfeiture in accordance with R.C. 4510.22.

(3) Time and Reporting

If a supplemental summons is not served or a warrant is not executed within ~~twenty-eight~~ 28 days of receipt by the serving officer, the court may place the case in a file of cases disposed of subject to being reopened. Where bond is forfeited, the disposition shall be reported to the Registrar of Motor Vehicles. For all other purposes, including disposition reports, the cases shall be reported as disposed of, subject to being reopened if defendant subsequently appears or is apprehended.

(B) ~~Issuance of notice to nonresident~~

~~When a nonresident of this state fails to appear pursuant to a supplemental summons, or a warrant issued under division (A), the court may send by ordinary mail to defendant's~~

~~address as it appears on the ticket, or the summons or warrant return, a notice ordering defendant to appear at a specified time and place.~~

~~If defendant fails to appear or answer within twenty-eight days after the date of mailing of the notice, the court shall place the case in the file of cases disposed of subject to being reopened.~~

~~The mailing of notice in parking cases is discretionary with the court.~~

(C) Effect of waiting periods and bail forfeiture

The waiting period prescribed in division (A) does not affect forfeiture of bail.

If there is a breach of a condition of bail, the court shall declare a forfeiture of bail. Forfeiture proceedings shall be promptly enforced as provided by law.

~~If defendant fails to appear at the time and place specified on the citation and fails to comply with division (C) of section 2935.26 of the Revised Code, or fails to comply with or satisfy any judgment of the court within the time allowed, the court shall declare the forfeiture of defendant's license. Thirty days after the declaration, the court shall forward a copy of the declaration to the Registrar of Motor Vehicles for cancellation in accordance with division (D) of section 2935.27 of the Revised Code. If a defendant deposits a sum of money or other security with the court, the deposit immediately shall be forfeited to the court if he the defendant fails to appear or comply with division (C) of section 2935.26 of the Revised Code.~~

RULE 13. Traffic Violations Bureau.

[Existing language unaffected by the amendments is omitted to conserve space]

(B) Authority of violations bureau

All traffic offenses except those listed in this division may be disposed of by a traffic violations bureau. The following traffic offenses shall not be processed by a traffic violations bureau:

(1) Indictable offenses;

(2) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;

(3) Having physical control of a vehicle while under the influence of alcohol or any drug of abuse;

(4) Operating a vehicle on roadway covered by water;

~~(3)~~(5) Leaving the scene of an accident;

~~(4)~~(6) Driving while under suspension or revocation of a driver's or commercial driver's license when jail is a possible penalty;

~~(5)~~(7) Driving without being licensed to drive when jail is a possible penalty;

~~(6)~~(8) A third moving traffic offense within a twelve-month period when jail is a possible penalty;

~~(7)~~(9) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;

~~(8)~~(10) Willfully eluding or fleeing a police officer;

~~(9)~~(11) Drag racing.

[Existing language unaffected by the amendments is omitted to conserve space]

(D)(4) Defendant's appearance, plea, and waiver of trial, and payment

(1) At any time prior to arraignment or thereafter with leave of court, a defendant charged with an offense that can be processed by a traffic violations bureau may do either of the following:

(a) Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket, and either pay the total amount of the fine and costs or enter into an installment payment plan with the clerk of court or violations clerk stated in the ticket;

(b) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and a check, or money order, ~~or other approved form of payment~~ for the total amount of the fine and costs to the ~~traffic violations bureau~~ clerk of court or violations clerk stated in the ticket.

(2) A court may establish a procedure for accepting, through its traffic violations bureau, guilty pleas, waivers of trial, and payments of fines and costs by telephone or other electronic means. The form of payment accepted by telephone or other electronic means shall be approved by the bureau.

2346 (3) Remittance of the fine and costs to the traffic violations bureau by any means
2347 other than personal appearance by the defendant at the bureau constitutes a guilty plea and
2348 waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are
2349 signed by the defendant.