

*JUVENILE COURT
LOCAL RULES
OF
PROCEDURE*

Butler County Juvenile Court

As Adopted on JANUARY 2, 2003

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GENERAL PROVISIONS

Terms and Sessions

JR 1

The term "Judge" as set forth in these rules means a judge exercising authority as a judge for the Juvenile Court of Butler County, Ohio pursuant to order, rule, or statute.

JR 2

The term "Rules" as set forth in these rules means the local rules of juvenile court as set forth herein.

JR 3

The terms "this court", "the court" and "court" shall be interpreted to mean the Juvenile Court of Butler County, Ohio and its actions as directed by the judges or through the magistrates of said court. All rules, unless specifically set forth to the contrary, shall apply equally in proceedings before the judges and magistrates of this court.

JR 4

The juvenile court is in session from 8:30 AM until 4:30 PM Monday through Friday unless otherwise ordered by the administrative Judge of the Juvenile Court. No sessions shall be held on any designated state or national holiday as recognized by the Board of Butler County Commissioners.

Records

JR 5

Except for the records listed in rule JR7, all of the records of this court are neither presumptively private nor public. No public use may be made of such records unless permitted pursuant to an order of this court or other court of competent jurisdiction. No record of any kind may be removed from its place of storage absent order of the court.

JR 6

The court shall maintain two types of records on all delinquency, unruly, abuse, neglect, and dependency matters. One type of those records shall be designated as the "official record." The other type of those records shall be designated as the "family record" and shall be kept for use by the court, the probation staff, or the staff of the Abuse, Neglect and Dependency Unit (AND Unit).

JR 7

Requests for public records in the possession of juvenile court will, upon payment of the fees as ordered by the court, be processed and provided promptly in accordance with the law. Requests for any records consisting of ten (10) or more pages, for non-specific records, for transcripts, for records stored electronically, for records stored on magnetic tape, or requests for records which cannot be readily identified may not be available at the time or on the day that the request is made. The following are public records:

- all records and transcripts of adult criminal proceedings,

- all records and transcripts of paternity, parentage and bastardy proceedings,
- all records and transcripts of child support proceedings.

JR 8

- (A) Copies of documentary records which are not set forth in rule JR7, shall be furnished by the clerk to persons entitled by law to have such copies, upon payment of the fee as directed by the court and upon presentation of a completed records request form. Records, transcripts, and copies of electronically recorded transcripts pertaining to cases not listed in rule JR7 provided to parties pursuant to subsections (A) through (C) of this rule, by statute, or pursuant to the rules governing the courts of Ohio shall be subject to an ongoing order of the court that no public use may be made of such records or transcripts.
- (B) Pursuant to Rule 11 of the Ohio Rules of Superintendence, upon request of any party to any proceedings before this court, this court may permit review of any unsealed electronically recorded transcript by such party. Upon any party's request to obtain a copy or copies of unsealed electronically recorded transcripts, the court shall provide such copy or copies to the requesting party, subject to the restrictions set forth in subsection (A) of this rule, provided that the other parties to the case in question do not object to the release of such copy or copies.
- (C) Blank records request forms shall be available upon request at the clerk's office. Requests for records consisting of ten (10) or more pages, for non-specific records, for transcripts, for records stored electronically, for records stored on magnetic tape, or requests for records which cannot be readily identified may not be available at the time or on the day that the request is made.
 - (1) Except as otherwise provided in section (D) of this rule, transcripts of proceedings shall be provided only for the purpose of an appeal, an objection or other use as authorized by this court.
 - (2) Except as otherwise provided in section (D) of this rule, all transcripts prepared by this court shall contain this disclaimer on every page thereof: "Butler County Juvenile Court has provided this transcript for an appeal or objection. Pursuant to Ohio Juv. Rule 37, any public use of this document by any person or party, without the consent of said court, is prohibited."
 - (3) Except as otherwise provided in section (D) of this rule, all transcripts prepared by this court shall contain this disclaimer in bold, clear, and conspicuous type on the front page thereof;

“THE BUTLER COUNTY JUVENILE COURT HAS PROVIDED THIS TRANSCRIPT FOR THE SOLE PURPOSE OF AN APPEAL OR OBJECTION. PURSUANT TO OHIO JUV. RULE 37, ANY PUBLIC USE OF ANY PART OF THIS DOCUMENT BY ANY PERSON OR PARTY, WITHOUT THE CONSENT OF SAID COURT, IS PROHIBITED.

COPYING OF ANY PART OF THIS TRANSCRIPT BY ANY PERSON OR PARTY MAY SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

DISTRIBUTION OR DISSEMINATION OF ANY PART OF THIS TRANSCRIPT, BY ANY PERSON OR PARTY, TO ANY OTHER PERSON OR PARTY FOR ANY PURPOSE OTHER THAN SAID APPEAL OR OBJECTION MAY, REGARDLESS OF THE MEANS OF DISTRIBUTION OR DISSEMINATION, SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

- (D) Requests for consent of the court to use or disseminate records, transcripts, or electronically recorded transcripts prepared or released pursuant to subsections (A), (B), or (C) of this rule other than for appeal or objection, public records requests except those made regarding records listed under rule JR7, requests for copies of records or copies of electronically recorded transcripts except those made available as set forth in rules JR7 and JR8 (A) through (C) shall be provided in accordance with this subsection:
- (1) Such records and transcripts, being neither presumptively public (open) nor non-public (closed), shall be released only after the parties to the case or cases involved in the request are provided with a reasonable opportunity to be heard on the question of whether or not said records should be open or closed.
 - (2) Upon receipt of the request, the court shall ascertain the names of and the last known addresses of all of the parties and their counsel of record to the case or cases involved in the request and shall send notice to said parties and their counsel of record by ordinary mail regarding the request.
 - (3) Said notice shall advise the parties and their counsel of the nature of the request and the identity of the person or entity by whom the request was made.
 - (4) In the text of said notice, the court shall advise the parties that the court will release the records requested to the requesting person or entity unless a party or their counsel files, within fourteen (14) calendar days of the date that the mailing of the notice, a motion for a closure hearing regarding the request.
 - (5) Upon receipt of a motion for a closure hearing relating to a public records request, the court shall schedule a preliminary hearing within thirty (30) days of the filing of the motion and shall notify the person or entity making the request, the moving party or parties, and the other parties to the case of the date and time of the preliminary hearing.
- (E) The cost of preparation of a typewritten transcript of any court proceeding shall be paid by the requesting party. Fees for compensation for the preparation of

transcripts shall be set as follows:

- (F) Appellate and objection transcripts as well as transcripts prepared as a result of the filing of a motion to set aside or similar motion shall be provided at a cost of \$4.00 per page. The cost of the transcript shall be paid by the appellant. The original transcript document shall be filed with the clerk of the court. A copy of the transcript document and, upon request, a read-only copy of the transcript document on disk shall be provided to the appellant or objecting party. Other parties may obtain a read-only copy of the transcript document on disk at no charge.
- (G) Other transcripts shall be provided at a cost of \$2.65 per page as paid by the requesting party or person. The requesting party or person shall be provided with an original transcript document and, upon request, a read-only copy of the transcript document on disk. Copies of the transcript document shall be provided at a cost of \$1.35 per page.

Costs

JR 9

Except in cases wherein the party seeking to file has presented the court with an affidavit of indigency for filing purposes, any document, pleading, motion, request, petition or complaint filed without payment of the filing fee to the clerk, as listed in Appendix A, may be summarily stricken by the court.

JR 10

Any party or person requesting a finding of indigency shall complete an affidavit of indigency as set forth in Appendix B.

JR 11

Except as permitted by the court for good cause shown, all ordered fines, costs, and restitution shall be paid prior to the expungement of any delinquency, unruly, juvenile traffic offender, adult criminal case and/or prior to the transfer, certification, or referral of any matter to another jurisdiction.

Magistrate's Decisions and Orders/Objections

JR 12

- (A) Absent contrary order by the court for good cause shown and except for magistrate's orders which may, pursuant to Ohio Juv. Rule 40, be issued by a magistrate without approval by a judge, all magistrate's decisions and orders shall be forwarded immediately for judicial approval, disapproval, or modification. Said decisions and orders shall contain this language: "THE ORDERS AS SET FORTH HEREIN SHALL REMAIN IN EFFECT AS TEMPORARY MAGISTRATE'S ORDERS PENDING FURTHER ORDER OF THE COURT. PER OHIO JUV. R. 40(C)(3)(b), ANY MOTION TO SET ASIDE THIS TEMPORARY MAGISTRATE'S ORDER MUST BE FILED WITHIN TEN

(10) DAYS. ANY OBJECTION TO THIS DECISION AND ORDER MUST BE FILED WITHIN FOURTEEN (14) DAYS.”

- (B) All such decisions and orders which are judicially approved and adopted as final appealable orders shall contain the following language: “IMMEDIATE RELIEF BEING JUSTIFIED AND THERE BEING NO JUST CAUSE FOR DELAY, THE DECISIONS AND ORDERS AS SET FORTH IN THE MAGISTRATE’S DECISION AND ORDER ARE HEREBY ADOPTED AS THE FINDINGS, FINAL JUDGMENT, FINAL APPEALABLE ORDERS, AND (IN THE CASE OF TIMELY OBJECTION) INTERIM ORDERS OF THIS COURT. YOU HAVE THE RIGHT TO APPEAL THIS JUDGMENT. IF YOU WISH TO APPEAL THIS CASE YOU MUST FILE A NOTICE OF APPEAL WITH THIS COURT WITHIN THE TIME FRAMES AS SET FORTH IN THE OHIO RULES OF APPELLATE PROCEDURE.”
- (H) Magistrate’s orders shall contain this language: “ANY MOTION TO SET ASIDE THIS MAGISTRATE’S ORDER MUST BE FILED WITHIN TEN (10) DAYS.”

JR 13

- (A) Upon timely objection to any decision and order of a magistrate of this court, a judicial determination shall be made as to whether said decision and order should continue in force as an interim order or should be stayed pending a hearing on said objection. Notification of said determination shall be forwarded to all parties by the clerk.
- (B) Per Ohio Juv. R. 40(C)(3)(b), objections to a magistrate’s decision and order, motions to set aside a magistrate’s order, and motions to set aside a temporary magistrate’s order shall not be construed to act as a stay regarding either a magistrate’s order or a magistrate’s temporary order unless such a stay is granted by the magistrate who issued the order or a judge.
- (C) The party and/or counsel filing an objection, a motion to set aside a magistrate’s order, a motion to set aside a magistrate’s temporary order, or any other party requesting a hearing on any objection, motion to set aside a magistrate’s order, or motion to set aside a magistrate’s temporary order shall be responsible for the scheduling of a hearing time for said objection, motion to set aside a magistrate’s order, or motion to set aside a magistrate’s temporary order. In the event that no hearing is so scheduled, the court may schedule a hearing upon its own motion or may summarily rule upon the matter before the court.
- (D) The decisions and orders of the magistrates of this court need not contain findings of fact absent a specific statutory requirement regarding such findings. Upon request of any party, the magistrate shall prepare such written findings in a timely fashion. The magistrate may require any party requesting such findings to prepare proposed findings subject to such conditions and time requirements as the magistrate sees fit.

JR 14

RESERVED

Complaints/Filings/Motions

JR 15

- (A) All complaints alleging juvenile delinquency and/or unruliness shall be approved by court personnel, as designated by the judge, prior to filing with the clerk.
- (B) Only one child shall be identified as the subject of any complaint filed in Juvenile Court regardless of the nature of the complaint.

JR 16

- (A) All complaints alleging abuse, neglect and dependency, except complaints by a Public Children Services Agency (PCSA), shall be approved by court personnel, as designated by the judge, prior to filing with the clerk.
- (E) All complaints and motions filed pursuant to §121.38 *et seq.* of the Revised Code shall state with specificity the relief requested by the movant or complainant and shall be submitted together with all of the following attachments:
 - (1) A copy of the written determination made by the decision maker during the dispute resolution process;
 - (2) A transcript or summary of all evidence submitted to said decision maker together with copies of all documentary evidence presented to said decision maker;
 - (3) A copy of the plan of care as adopted by said decision maker;
 - (4) A praecipe for service upon all agencies subject to the determination as well as the child and the parents or custodian(s) of the child subject to the action. Said praecipe shall include the full names and addresses of said parties to be served and shall set forth a hearing date as obtained by the movant or complainant from the assignment clerk.

JR 17

All complaints wherein *ex-parte* orders and/or emergency orders are requested, shall be accompanied by an affidavit, otherwise supported by documentation attested to under oath, or supported by sworn testimony.

JR 18

- (A) All documents to be filed shall be typewritten or legibly written on 8½ X 11 paper or on forms provided by the court. Additionally, all documents shall be presented so as to be suitable for digital scanning, for filing in a flat-filing system, and shall have a blank 2.5 inch margin on the bottom of each page for the purpose of accommodating the court's bar code and time stamp. The clerk may refuse to file

any document submitted which does not comply with this rule.

- (B) With the exception of writs and certifications from other courts, every case shall be commenced by the filing of a complaint. Cases shall not be commenced by the filing of an objection, appeal, motion, or any other form of action unless specifically permitted by the Ohio Rules of Juvenile Procedure or by statute.
- (C) All complaints, pleadings, motions, case plans and other filings must be properly captioned with the name of the case in the upper left hand corner of the first page and the case number in the upper right hand corner of the first page.
- (D) All complaints and case plans in all cases except delinquency, unruliness, and child support cases must contain the names, addresses, and dates of birth of all parties to the action (if known or reasonably ascertainable).
- (E) All complaints, filings, pleadings, and motions filed regarding any issue of parentage or child support must contain the names, dates of birth, addresses, and social security numbers of the parents or alleged parents as well as the names, dates of birth, and places of birth of any children subject to such court action (if known or reasonably ascertainable).
- (F) A certified copy of the court order or the administrative finding which establishes that a parent-child relationship exists between a complainant and the child subject to the jurisdiction of this court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.
 - (1) Issues concerning companionship rights, custody, and residential parent status which pertain to a child or children subject to this court's jurisdiction due to a parentage finding or determination by this court or otherwise, shall not be initiated before this court by motion but shall be brought before this court by the filing of a complaint.
- (G) All initial parentage complaints shall be presented together with a copy of the request for an administrative determination of paternity as filed regarding the child that is the subject of the complaint.
- (H) All notices of intent to relocate shall be filed together with a fee, as set by the clerk, to cover the cost of service of said notice, using the form as set forth in appendix e of these rules. Such notice must be sent within the following time frames:
 - (1) If relocating within Butler County - at least thirty (30) days in advance of the move;
 - (2) If relocating outside Butler County - at least sixty (60) days in advance of the move.

JR 19

Any document filed by an attorney at law shall contain, in legible or printed form, the name, address, telephone number, and Ohio Supreme Court registration number of said attorney.

JR 20

All documents filed by a party acting *pro-se* or *in propria persona* shall be subject to review by court staff prior to acceptance by the court for filing and shall contain in legible or printed form, the name, address, and telephone number of said party. *In propria persona* filings by non-parties and any other filings by non-parties which dispute or facially deny the jurisdiction of this court shall not be accepted for filing.

JR 21

Documents will be accepted for filing by mail only if all of the following conditions are met:

- (A) The proper filing fee must accompany the document to be filed.
- (B) A stamped and addressed envelope for return of file-stamped copies must accompany the document to be filed.
- (C) If a signature of a judge or magistrate is required on the document to be filed, permission to submit such document, in full compliance with all rules and statutes, shall have been obtained in advance from such judge or magistrate.
- (D) The document to be filed must comply with all pertinent statutes and rules.

JR 22

- (A) Pursuant to Ohio Juv. Rule 8, facsimile filings of documents excepting those which require a filing fee, those which must be filed under oath, and those which require the attachment of an affidavit or similarly sworn document shall be accepted by the court during days when court is in session from 8:30 AM until 3:30 PM. Documents received after 3:30 PM will not be filed until the next date that court is in session. The court assumes no liability for attempted facsimile filings which are misdirected or received in incomplete or otherwise unacceptable condition.
- (B) Effective on 6/1/03, documents which require payment of a filing fee will be accepted by the court from attorneys who maintain an account with the court in the amount of no more than \$150.00 provided that at the time of the filing there are sufficient funds on deposit to pay the filing fee. If sufficient funds are not on deposit, the court will not file the documents and the documents will be discarded by the court.

JR 23

All motions shall specify the order or modification requested, the circumstances which

justify the order or modification and shall be supported by a memorandum, of not more than ten (10) pages, that is incorporated into or annexed to the motion. Motions and supporting memoranda shall be filed in triplicate. The clerk shall file one copy, shall deliver one copy to the appropriate subdivision of the court, and shall deliver one copy to the assignment clerk. Counsel shall deliver a courtesy copy of the motion and memorandum to the judge or to the magistrate to whom the case has been assigned.

JR 24

All motions shall, in their caption, contain the name of the judge or magistrate to whom the case has been assigned if the case has been so specifically assigned by the court.

JR 25

- (A) All motions (except those motions filed requesting summary action, procedural motions, and motions for continuance) shall contain a notice of hearing date with certification of service to all counsel and unrepresented parties appended thereto. Hearing dates shall be obtained through the office of the assignment clerk.
- (B) Notwithstanding any provision of the Revised Code, motions or case plan amendments, wherein summary action (a request for an order or a modification of an existing order without a hearing) by the court is requested or required, shall be served upon all parties to the action as required in rules JR23 and JR25 and shall set forth the following language as styled herein: **"IF YOU OPPOSE THE RELIEF, MODIFICATION, OR ORDER SOUGHT IN THIS MOTION YOU MUST FILE A RESPONSE OR A REQUEST FOR A HEARING REGARDING THIS MOTION WITHIN FOURTEEN (14) DAYS OF THE FILING DATE. IF YOU FAIL TO RESPOND OR REQUEST A HEARING DATE, THE COURT MAY RULE UPON THIS MOTION WITHOUT FURTHER NOTICE TO YOU."**
- (C) The court will not, except for proceedings pursuant to Rule JR26, consider motions for summary action if the relief, modification, or order sought would deprive a parent, legal custodian, or child of custody, visitation, or support.
- (D) Any motion or request which requires notice or service upon any party or person shall contain, by attachment, praecipe or otherwise, a request for such notice or service which shall include the names and addresses of all such persons or parties and which shall specifically state the method of notice or service requested. Notwithstanding any provision of the Revised Code, the clerk will not provide notice or service absent such a specific, written request.

JR 26

All motions and/or requests for *ex-parte* orders and/or emergency orders shall be accompanied by an affidavit, supported by other document(s) attested to under oath, or supported by sworn testimony. In the event that an *ex-parte* order is issued which impacts a parent's rights to custody or visitation, a shelter care hearing regarding that *ex-parte* order shall be scheduled on the business day immediately after the filing date of the

order unless otherwise ordered by the court. For the purpose of this rule only, emergency and *ex-parte* orders filed after 2:00 pm shall be deemed to have been filed on the following business day.

Continuances

JR 27

- (A) Except for good cause shown, all motions for continuance shall:
- (1) Be filed at least fourteen (14) days before the hearing sought to be continued,
 - (2) Be filed and presented to the assignment commissioner prior to the notification of any person, party or counsel (other than the client of the attorney filing the motion) and shall be subject to the following approval process:
 - (3) Once filed, the assignment commissioner shall present the motion to the magistrate or judge assigned to the case, in the absence of the magistrate assigned to the case, to the chief magistrate, or to the judge for initial authorization for possible approval or denial.
 - (4) If the motion for a continuance is denied upon filing or at any time thereafter, the assignment commissioner shall file the entry denying the continuance, serve all parties with a copy of said entry, and shall notify the moving party of the court's actions.
 - (5) If authorized for possible approval, the assignment commissioner shall contact all counsel, the guardian *ad litem*, any appointed CASA (*PARACHUTE*) volunteer, and unrepresented parties (telephonically, electronically, by facsimile transmission, or by express mail) who have previously made an appearance in the case in question regarding any objection to the motion and shall forward a copy of the motion to said counsel and unrepresented parties.
 - (6) If the assignment commissioner is not made aware of any such objections within three (3) days of the filing of the motion, the assignment commissioner shall then present the motion to the magistrate or judge assigned to the case, the chief magistrate if the case is assigned to a magistrate who is unavailable, or the judge for approval or disapproval.
 - (7) The court may approve any motion for a continuance for good cause shown after objections have been raised or (in the case of a continuance motion based upon extraordinary and unforeseen circumstances) without waiting for objections to be raised.
 - (8) In the event that any objections raised in a timely fashion regarding a continuance that is granted relate to unfair delay of the proceedings, the assignment commissioner shall confer with the chief magistrate or the judge regarding the timely rescheduling of the matter in question.
 - (9) Once approved, the assignment commissioner shall contact all counsel, the *GUARDIAN AD LITEM*, any *parachute* volunteer, and any unrepresented parties who can be contacted telephonically in order to schedule a new hearing date when all of said persons will be available.

- (10) Be accompanied by executed waivers of all pertinent time requirements, and
 - (11) Shall contain certification of notice to the client of the movant.
- (B) Motions for continuance filed less than fourteen (14) days before the hearing sought to be continued shall not be granted except upon a showing of extraordinary or unforeseen circumstances and shall be subject to approval in accordance with the process set forth in subsection (A) of this rule.
- (C) All entries issued pursuant to motions for continuance of a scheduled trial shall (except for good cause shown) contain an order allocating the costs (if any) incurred due to said continuance. If said costs are not so allocated, the costs so incurred shall be borne by the moving party.
- (D) It shall be the responsibility of counsel to notify his or her parties or witnesses in the event that a case is continued. Absent reasonable excuse, failure to do so may result in summary sanction by the court.
- (E) No attorney or party shall advise any other attorney or party that a case has been or is going to be continued prior to approval of a continuance motion by the court. Violation of this rule may result in summary sanction by the court.

JR 28

In the event of the existence of a non-waivable time limitation, when the hearing sought to be continued is scheduled thirty (30) days or less before the expiration of said time limit, no continuance of such hearing shall be granted unless all of the following conditions are met:

- (A) Agreement by all parties as to a new date for hearing prior to the expiration of the time limit,
- (B) Stipulations by all parties to any evidence adversely affected by the continuance,
- (C) Availability of adequate court time prior to the expiration of the time limit,
- (D) Permission from the court.

JR 29

Absent extraordinary circumstances, all requests for continuance must be approved by the judge or by the magistrate to whom the case is assigned.

Scheduling and Case Management

JR 30

All cases and hearings (other than those scheduled from the bench, emergency hearings, and *habeas corpus* hearings as set forth in rules JR32 and JR33) shall be scheduled by the

assignment clerk. Requests for hearings, for motions, complaints, petitions or otherwise, shall advise the assignment clerk of the time needed for hearing. Absent such advisement, the assignment clerk shall assign ½ hour of hearing time for the request. If, at the time scheduled for the hearing it is apparent that insufficient time has been requested, the court may *sua sponte* continue the matter, placing orders into effect pending that hearing as the court sees fit.

JR 31

The assignment clerk shall have the authority to establish procedures for the efficient scheduling of cases. Those procedures may include, but shall not be limited to, procedures to assure that cases are ready for pre-trial and trial and procedures to assist in the timely disposition of cases. Failure to abide by said procedures or any other scheduling procedure may result in the summary imposition of appropriate sanctions.

JR 32

Any party requesting an emergency hearing shall first attempt to schedule same through the assignment clerk. If the assignment clerk cannot schedule the case within an appropriate amount of time, the requesting party shall then discuss the request with the judge or magistrate assigned to the case. If no judge or magistrate is so assigned, the request should be presented to the judge or, in his absence, the chief magistrate.

JR 33

All *habeas corpus* proceedings shall be scheduled directly with one of the juvenile judges.

Child Support Orders

JR 34

All child support orders shall be filed with the clerk together with a completed, printed or typewritten 201 form (Appendix D).

JR 35

- (A) Prior to the commencement of any hearing wherein child support is to be considered, the judge or magistrate shall be presented with a completed current child support calculation sheet by the party seeking support.
- (B) The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it.
- (C) If the income of a party is unknown, but his or her employment is known, the attorney shall obtain income information by filing a subpoena duces tecum at the time the complaint or motion is filed, and note that a subpoena has been filed in lieu of the calculation sheet. If both the income of a party and his or her employment are unknown, a statement must be submitted that the information

necessary to complete the calculation sheet cannot be obtained by reasonable means.

JR 36

RESERVED

JR 37

When an order for child support is prepared by an attorney, it shall be the responsibility of the attorney to assure that the text of the support order complies with all pertinent provisions of the Revised Code. Generally, without limitation, all child support orders shall contain the following:

- (A) A statement of the monthly child support obligation made payable in increments which coincide with the obligor's pay periods.
- (B) A statement as to whether the support obligation conforms with the current child support schedule and/or guidelines. If the order substantially deviates from said schedule, particularized facts which support the deviation shall be set forth in the order together with agreed findings that the schedule amount would be unjust, inappropriate, and not in the best interest of the child(ren).
- (C) An order directing the clerk to issue appropriate wage withholding orders.

JR 38

Form entries prepared by the court shall contain the following language (each individual form need not contain all of this language, parts of same may be contained in separate form entries or notices used for the issuance of a support order):

"All child support payments plus a 2% processing charge, shall be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center (OCSPC). Any payments not made through the CSEA or the OCSPC shall be deemed to be gifts."

The following language shall be included as styled as follows:

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR

UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

The CSEA is hereby authorized by this court to change the payee (obligee) of any child support order upon notification of a legally authorized change of custodian or residential parent for any child who is the subject of any child support order.

All child support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice, A withdrawal directive, or appropriate court order issued in accordance with section 3121.02 to 3121.07 of the Revised Code and shall be forwarded to the obligee in accordance with section 3121.50 of the Revised Code.”

Sanctions

JR 39

Sanctions for failure to comply with any of these rules may include, but are not limited to, the following:

- (A) Summary striking of the pleading, motion, or filing;
- (B) Continuance of the matter sought to be heard;

- (C) An order that attorney's fees from the non-complying party or attorney be paid to the aggrieved party;
- (D) An appropriate order regarding payment of court costs by the non-complying party or counsel; or other sanction consistent with these rules.

Attorneys, Court Appointed Attorneys, and Guardians *ad Litem*

JR 40

Whether ordered as a sanction or ordered pursuant to Ohio Juv. Rule 4(G), attorneys' fees and fees for guardians *ad litem* shall absent evidence to the contrary, be assessed at the rate of \$100.00 per hour as approved by the court and billed in one-tenth hour increments. Bills for such fees shall be presented to all affected parties at least fourteen days prior to presentation to the court for adoption. In order to assure that guardians *ad litem* receive payment pursuant to Ohio Juv. Rule 4(G), the court may order each of the parties to deposit up to \$500.00 with the clerk.

JR 41

- (A) The juvenile court shall maintain a list of attorneys who have been deemed eligible for appointment as counsel in cases before the juvenile court. Eligibility for inclusion on that list shall be at the discretion of the court. Attorneys shall be appointed on the basis of a rotating schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments. The court may, in its discretion, deviate from the rotating schedule in order to assure the efficient and orderly administration of justice.
- (B) The juvenile court shall maintain a list of attorneys who have been deemed eligible for appointment as guardians *ad litem* for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in subsection (4) of this rule, shall be at the discretion of the court. Attorneys shall be appointed to act as guardians *ad litem* on the basis of a rotating or randomized schedule which shall assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments.
- (C) The juvenile court may maintain a list of non-attorneys who have been deemed eligible for appointment as guardians *ad litem* for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in subsection (E) of this rule, shall be at the discretion of the court.
- (D) For the purpose of cases other than cases involving alleged or adjudged abused, neglected, and/or dependent children, the juvenile court hereby adopts and

incorporates by reference, as if restated herein, the qualifications and procedures regarding the appointment of guardians *ad litem* for children as have been adopted in Local Rule DR 36 by the Domestic Relations Division of the Court of Common Pleas of Butler County.

- (E) For the purpose of cases involving alleged or adjudged abused, neglected, and/or dependent children, the juvenile court hereby adopts the following standards and guidelines which set forth the authority granted to guardians *ad litem* for children as well as the mandatory and recommended responsibilities of guardians *ad litem* for children.
- (1) All guardians *ad litem* shall be:
 - (a) Attorneys at law who are authorized to appear as court appointed counsel in juvenile court and who are approved by the court to act as guardians *ad litem* or,
 - (b) Non-attorneys who are approved by the *parachute* program or,
 - (c) As otherwise appointed by the court..
 - (2) All attorney/guardians *ad litem* and non-attorney guardians *ad litem* shall, unless waived by the court, participate in a training session as designated by the court within twelve months of the issuance of this rule and at least one six-hour training and/or session as directed or otherwise approved by the juvenile court every two years. Persons seeking to act as attorney/guardians *ad litem* and/or non-attorney guardians *ad litem* twelve months or more after the adoption of this rule shall complete said training prior to being assigned duties as a guardian *ad litem*,
 - (3) All determinations regarding the appointment and eligibility of all guardians *ad litem* shall be at the discretion of the court.
 - (4) All guardians *ad litem* shall be vested with all of the authority granted to guardians *ad litem* under the laws of the United States and under the laws of the State of Ohio including (but not limited to) those found in §2151.281(I) of the Revised Code. In addition, all guardians *ad litem* appointed by this court shall be vested with the following authority:
 - (a) To act as an independent gatherer of information,
 - (b) To review all relevant records, including, but not limited to medical, psychological, dental, protective services, and school records,
 - (c) Subject to the limitations imposed upon attorneys by the Ohio Code of Professional Responsibility regarding contact with parties represented by counsel, to have direct and independent communication with parents, social workers, teachers, foster parents, relatives, counselors, and any other person necessary to ascertain the facts and circumstances of the child's situation,
 - (d) To be provided with complete information concerning the location of the child's residence,
 - (e) To, when appropriate, monitor implementation of case plans and dispositional orders regarding provision of services and

- effectiveness,
- (f) To interview each child (when possible) in private without the consent of the parent or of any private or public entity, and the guardian *ad litem* shall have the authority to observe each parent, custodian, or foster parent with the child(ren),
 - (g) To review the pleadings in the case and consult with attorneys involved in the case,
 - (h) To be notified of and to attend all mediation sessions and administrative reviews,
 - (i) To participate in educational meetings including, but not limited to, meetings pertaining to individualized education plans, and
 - (j) Attorney/guardians *ad litem* shall have the authority to file pleadings and motions and shall have the authority to prosecute same on behalf of the child(ren).
 - (k) Attorney/guardians *ad litem* shall have the authority to issue subpoenas and to examine witnesses.
- (5) The following are mandatory standards for guardians *ad litem* practicing in juvenile court. All guardians *ad litem* shall:
- (a) Communicate with every child, who is able to do so, confidentially no less than thirty days prior to and no less than thirty days after every court hearing regarding the child,
 - (b) Unless otherwise permitted by the court by express order, have face-to-face contact with each child at least once every ninety days in the home where the child resides or at the child's school,
 - (c) Respond promptly to any request made to communicate with the child or investigate the child's circumstances when made by the child or any person closely connected to the child,
 - (d) Present independent and thorough recommendations to the court made as a result of his/her statutorily required independent investigation of the circumstances of the child. Said initial investigation shall include, at a minimum, contact with the child, the child's parent(s), the child's foster parent's, the child's teacher(s), and any other family or non-family member with whom contact would be helpful in preparing a full report regarding the child's circumstances to the court. In this regard, the guardian *ad litem* is encouraged to be creative and to think independently in presenting those recommendations,
 - (d) Be present during the entirety of any mediation concerning the child,
 - (e) Submit a written report of his/her initial investigation, including, but not limited to, contacts made, interviews conducted, on-site findings and his/her recommendations to the court by the date of the pre-trial or within 45 days of his/her appointment to the case, whichever date is earlier,
 - (f) Submit verbal supplemental recommendations, including, but not limited to, contacts made, interviews conducted, on-site findings

and his/her recommendations, to the court at the time of every pre-trial, review, and dispositional hearing in the child's case,

- (g) Be present at every hearing concerning the child except when said presence is excused by the court and provided, further, that the guardian *ad litem* presents to the court a written report prior to any such hearing wherein their presence has been excused,
- (h) Be present at every administrative review concerning the child which does not conflict, in terms of scheduling, with a court proceeding provided that said guardian *ad litem* is given at least two (2) weeks written notice regarding said administrative review,
- (i) Explain, as much as possible, the court proceedings and the role of the guardian *ad litem* to the child, in terms which the child can understand,
- (j) Advocate for the best interests of the child giving due regard to all of the factors required to be considered by the court in determining the best interests of a child,
- (k) Monitor implementation of case plan services and dispositional orders so as to determine whether or not those services are being provided in a timely manner and are accomplishing their desired goal,
- (l) Attorney/guardians *ad litem* shall advocate for the best interests of the child and for the child's interests and shall advise the court when an irreconcilable conflict arises between the role of guardian *ad litem* and attorney for the child,
- (m) Ascertain the interests of every child taking into account the child's age and maturity consistent with providing the child with a safe home taking into account the need for family preservation and permanency planning,
- (n) Within fourteen (14) days of the date of the appointment of the guardian *ad litem*, the guardian *ad litem* shall ascertain where the child is placed and shall communicate with the adult responsible for the care of the child (parent, non-parent, placement authority, foster parent etc.) Said communication may be in person, by telephone, or in writing. If said communication is made in writing, the guardian *ad litem* shall use one of the form letters set forth in appendix D or a letter substantially identical in content to the form letters set forth in appendix D. Said communication shall, regardless of form, provide the following information:
 - C Information regarding the responsibilities of the guardian *ad litem* as set forth in this rule,
 - C The address and telephone number of the guardian *ad litem* and the telephone number of the "AND" unit of this court.
 - C A notice that provision for open and confidential communication between the child and the guardian *ad litem* is mandatory and that same is to be encouraged and facilitated,

- C A notice that the guardian *ad litem* should be provided with any information regarding the best interests of the child,
- C A notice that communication between a party represented by counsel and an attorney/guardian *ad litem* is permissible only when approved by that party's counsel, and
- C A copy of the appointment order of the guardian *ad litem*,

DISCOVERY

Interrogatories and Requests for Admissions

JR 42

In submitting interrogatories and requests for admissions, a party or counsel shall mail the original and one copy to the party or counsel of record for the party to whom the interrogatories or requests are directed with one copy to all other parties or counsel of record. A certification of service typed and signed on the interrogatories or request shall be *prima facie* evidence of their mailing. The party or opposing counsel for the party shall type the answer or objection to each question on the original and shall forward the original to the addressing party or counsel within twenty-eight (28) days unless the court modifies that time limitation. In the event that a party fails to answer interrogatories and/or fails to respond to requests for admission, the sanctions imposed (if any) shall be consistent with sanctions permitted pursuant to the Ohio Rules of Civil Procedure.

JR 43

When interrogatories and/or requests for admissions are filed simultaneously with the original complaint, answer, counterclaim, cross-claim, or third-party complaint, they shall not be annexed to the original pleading unless the pleading in its caption indicates that the interrogatories and/or request for admissions are attached.

JR 44

The judge or magistrate to whom a case is assigned may establish a cut-off date for discovery. Once said date is established, absent further order of the court to the contrary, no subsequent discovery shall be permitted.

JR 45

- (A) No objections, motions, applications, or requests related to discovery shall be filed unless counsel have, in good faith, exhausted among themselves all extrajudicial means for the resolution of differences. If such objection, motion, application, or request is filed, a certificate of counsel setting forth a brief statement of the extrajudicial means employed to resolve the dispute shall be attached thereto.
- (B) Motions, requests, applications, and orders regarding discovery shall be deemed

to place an ongoing duty to provide such discovery regardless of which procedural phase in which a case may be at the time of the motion, request, application or order.

- (C) Notwithstanding the limitations of Ohio Juv. Rule 24, in the event that a witness list is requested or ordered to be provided in discovery, the names and most recent addresses of all witnesses shall be deemed to have been requested and/or ordered.

JR 46

The total of all requests for admissions served upon any party shall not exceed twenty (20) requests absent leave of court. Each request requiring a response shall be considered one admission for purposes of this rule.

Depositions

JR 47

Except for depositions in cases governed by the Ohio Civil or Criminal Rules, no deposition of any kind may be scheduled or arranged by any party without permission of the court. Any subpoena issued for such deposition without leave of court shall be quashed summarily.

Subpoenas

JR 48

Any subpoena issued by any party seeking to obtain documents or things relating to an abused, neglected, or dependent child or to an alleged abused, neglected, or dependent child shall specify that the documents or things so subpoenaed be delivered to the court prior to distribution to or inspection by any party.

JR 49

- (A) All subpoenas shall be prepared on the forms provided by the court unless otherwise ordered by the administrative judge of the juvenile court.
- (B) Except for service performed by attorneys at law, service performed by duly appointed process servers of this court, service (by ordinary mail) of motions and similar documents upon parties and counsel of record by certificate of mailing pursuant to Ohio Civil Rules 5(B), 5(D) and 11, or by persons otherwise authorized by law to serve process, all documents (subpoenas, summonses, etc.) shall be served through the clerk's office. Instructions for service or a praecipe must be presented to the clerk together with the document(s) to be served by the party seeking service. The clerk may be instructed, in those instructions or praecipe, to serve documents through the Butler County sheriff's office, by certified mail, express mail, or by ordinary mail. Instructions for service by the sheriff shall be by residential service unless personal service is specifically requested.

- (C) Documents (approved subpoenas, summons, etc.) which are prepared for service, and for which a request for service by the Butler County sheriff, by ordinary mail, or by certified mail has not been filed, shall be delivered only to the attorney who requested the documents (identification may be requested by the clerk's office) or, upon presentation of proper identification and a copy of the appointment order, to the person designated as the process server for those documents. Such documents will not be delivered to any other person under any circumstances.
- (D) Upon proper application, those individuals whose name appears on this court's list of approved private process servers will be appointed to serve summonses, subpoenas, and other appropriate court documents. Any individual desiring to have their name added to this court's list of approved private process servers must file a request with the court. Said request must include, at a minimum, an affidavit attesting to the good character and reliability of that individual. The court may require the completion of a police background check prior to inclusion on said list.
- (E) Notwithstanding the rules set forth above, on a case-by-case basis, this court will consider an application to designate an individual employee of a process serving company or business as a private process server when service is to be effectuated at a location fifty (50) or more miles distant from Hamilton, Ohio.

JR 50

No child alleged or adjudicated to be dependent, neglected, or abused shall be compelled to testify or appear at any hearing or deposition without the consent of the court.

Documents

JR 51

- (A) Objection to the admissibility of any document will be deemed to be waived in any court hearing, other than delinquent child or criminal proceedings, under the following circumstances:
 - (1) The document was provided to opposing counsel or the opposing party if *pro se* at least fourteen (14) days before the hearing, and
 - (2) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing setting forth the particular objections raised.
- (B) Subsection (A) of this rule shall not be construed to create the basis for an objection to the admissibility of any documentary evidence otherwise admissible pursuant to Ohio law.
- (C) Prior to any hearing wherein a Public Children Services Agency (PCSA) requests

or wherein the court pursuant to statute is required to render any finding pursuant to P.L. 96-272, §42 U.S.C. 672(A)(1), 45 C.F.R. 1355.34, 45 C.F.R. 1355.20, §2151.417 ORC or similar provision of law, the PCSA shall provide the court with a written summary of its actions as same may relate to the findings so requested or required prior to or at the time of the hearing.

**CASE MANAGEMENT CONFERENCES,
PRE-TRIALS, MEDIATION, AND
SETTLEMENT CONFERENCES**

Abuse, Neglect, and Dependency Cases

Notice

JR 52

The plaintiff shall present a praecipe for certified mail service and the necessary documentation for service by publication (if necessary) upon previously unnoticed essential parties to the clerk within three (3) working days of the filing of the complaint. This notice shall be for the date of the case management conference/pre-trial but shall be stated as the trial date for purposes of default upon said notice.

JR 53

If notice by publication is needed, the plaintiff shall so inform the assignment clerk at the time of the filing of the complaint or as soon thereafter as possible. In such event, the Assignment Clerk shall schedule the case management conference/pre-trial at least twenty one (21) days after the filing of the complaint.

JR 54

- (A) All abuse, neglect, and dependency cases, excepting only those cases associated with criminal proceedings in this court, shall first be processed through the case management conference, pre-trial, mediation/settlement process. Witnesses shall not be subpoenaed to any case management conference, pre-trial, settlement conference or mediation conference. No testimony will be taken from any party at any case management conference, pre-trial, settlement conference or mediation conference. Parties, complainants, guardians *ad litem* and all counsel shall be present for all case management conferences, pre-trials, settlement conferences, and/or mediation conferences.
- (B) For the purposes of efficiency and in order to comply with the Ohio Rules of Superintendence, case management conferences and pre-trials shall be conducted simultaneously. The purpose of the case management conference/pre-trial is to align the parties in the case, to order necessary evaluations, to determine if the parties are in agreement as to the adjudication of the case, to issue necessary pre-trial procedural orders, to determine if the parties are in agreement as to the disposition of the case, to issue agreed orders, to adjudicate and/or dispose of the

case by default when appropriate, and, if available, to schedule the case for trial or for a settlement/mediation conference regarding issues concerning which there is no agreement. When all parties present in court at the time that a case is called are represented by counsel, the court may conduct a case management conference/pre-trial. Subject to the exception set forth in subsections (C), (D), and (E) of this rule the case management conference/pre-trial may be restricted to counsel only and may be on or off the record at the court's discretion. In cases wherein a volunteer from the *Parachute* Court Appointed Special Advocate (CASA) program has been appointed by the court, said volunteer or a representative of *Parachute* shall, absent objection by counsel, be permitted to participate in all case management conference/pre-trials. In the event of any such objection, the court shall proceed pursuant to section (C) of this rule.

- (C) When all parties present in court at the time that a case is called are not represented by counsel, or upon request of any party, any substantive conferences, discussions, or communications with the court (case management conference/pre-trial or otherwise) shall be made on the record and in the presence of all such parties and their counsel including any appointed *Parachute* CASA representative or volunteer.
- (D) Except when the presence of a party from the courtroom is specifically waived on the record by that party, all substantive agreements reached at any case management conference/pre-trial or pre-hearing conferences shall be placed fully upon the record, including any objections thereto, in the presence of all such parties and their counsel.
- (E) The purpose of the settlement/mediation conference is to attempt to reach an agreement between the parties as to the adjudication and disposition of the case and to schedule the case for trial if no such agreement can be reached. The parents, the guardian *ad litem*, the *Parachute* worker, all other parties, all counsel, temporary custodians, foster parents, service providers, and family members shall be permitted to participate in the mediation of the case.
 - (1) The mediator shall not testify (as a witness in the mediated case) concerning the mediation process or concerning any occurrences or admissions which arose during the mediation of the mediated case.
 - (2) The court may tax, as costs, the cost of any court ordered mediation and may require the posting of a deposit toward those costs prior to the mediation of the case. Those costs may be allocated between the parties as the court sees fit.
 - (3) All mediated agreements shall be presented to the court as agreed findings and orders. The parties shall appear before the court to indicate their agreement to the mediated findings and orders. At that time the parties shall indicate whether they have voluntarily waived their right to trial, to remain silent and whether they have voluntarily agreed to the mediated findings and orders.

- (F) Case management conference/pre-trials shall, whenever possible, be scheduled to occur within twenty-eight (28) days of the filing of any complaint alleging abuse, neglect, or dependency.

JR 55

RESERVED

JR 56

The case management conference/pre-trial shall not be utilized as an alternative to motion hearings, ex-parte, emergency, or otherwise. The court will not issue substantive orders unless those orders are agreed to by all parties present or unless the Court *sua sponte* sees fit. Except in default proceedings, the court will not take testimony but will accept stipulated evidence. The Court will not make findings of fact at or pursuant to any pre-trial agreement. The court will, however, adopt and incorporate facts which are stipulated to by all the parties present for said agreement as agreed findings of fact and as part of the court order issued as a result thereof.

JR 57

Upon request at the case management conference/pre-trial, the court will issue orders regarding discovery and pre-adjudicatory medical, mental, psychological, psychiatric, and behavioral assessments of any party (and the allocation of the cost of same). The Court will issue scheduling orders for trial, further pre-trials, Settlement/mediation conference(s), competency examinations etc. The Court will also issue orders regarding appointment of counsel.

Parentage Case Management Conference/Pre-Trials

JR 58

Subsequent to the filing of any parentage complaint, a case management conference/pre-trial shall be scheduled by the assignment clerk. Said case management conference/pre-trial shall be scheduled no earlier than thirty-one (31) days after the filing of the complaint.

JR 59

- (A) In the first case management conference/pre-trial of any parentage action, the court shall:
- (1) Join the child whose parentage is at issue as a party to the action,
 - (2) Appoint a guardian ad litem (GAL) to represent the child if appropriate,
 - (3) Join any local, state, or federal agency seeking monetary reimbursement in said action as a party.
 - (4) Determine if paternity is admitted or denied.
 - (5) Determine if genetic testing is requested. If so, same shall be scheduled and ordered.
 - (6) Order the mother and alleged father to provide financial and income

information to the court at the next hearing.

JR 60

In the absence of an applicable rule in these rules regarding procedure in parentage actions, this court hereby adopts, by reference, any relevant portion of the Rules of Court as adopted by the General Division of the Court of Common Pleas, Butler County, Ohio.

Other Case Management Conference/Pre-Trials

JR 61

Case management conference/pre-trials in actions other than those set forth in rules JR 52 through 60 shall be conducted as directed by the court.

COURTROOM DECORUM

General Provisions

JR 62

- (A) All counsel shall be properly attired and groomed when appearing before the court.
- (B) In the event that children must be brought to court, adequate supervision must be provided for them. The court cannot be responsible for the care of children during their parents' hearing or mediation.

JR 63

No tape recorders, video cameras, or any other recording device shall be permitted in any hearing room absent express consent of the court.

JR 64

No portable telephones, pagers, or beepers shall be permitted to be utilized in any hearing room during hearings unless said devices are silent in operation and the court expressly consents to the utilization of same. All persons attending proceedings shall deactivate any and all electronic, cellular, or digital communication devices in their possession prior to entering any courtroom in this facility any person failing to do so may be held in contempt of court. Any such device which emits an audible signal during any proceeding in this court may be confiscated pending proceedings regarding a citation for contempt.

JR 65

No computers or portable facsimile machines may be utilized in any hearing room absent express consent of the court.

JR 66

No food or drink of any kind (including chewing gum) shall be consumed in any hearing room absent express consent of the court.

Conduct at Hearings

JR 67

- (A) In all trials, the authority to set standards of conduct shall be vested solely in the presiding judge or magistrate. While court is in session, counsel shall approach the bench, the witness, and/or other counsel tables only with permission of the court.
- (B)
- (1) Subject to the exceptions set forth in this rule, attendance at juvenile court proceedings shall be restricted to the parties, their counsel, officers of the court, and court personnel.
 - (2) Close family members, who are not joined as parties and who have a significant relationship with the child(ren) or with the parents, shall be permitted to attend proceedings unless a specific objection is raised by a party regarding such attendance and said objection is sustained by the court.
 - (3) Foster parents shall have the right to present evidence in any proceeding concerning their foster children. Their attendance during other portions of the hearing shall occur only upon consent of all parties.
 - (4) Other non-party observers may be granted permission to attend proceedings upon consent of all parties.
 - (5) Permission for attendance at juvenile court proceedings may also be granted pursuant to the procedure set forth in *State ex rel. Dispatch v. Lias*, (1994) 68 Ohio St. 3d 497).
 - (6) Exclusion of any person from attending any proceeding shall not be construed as precluding that person from appearing as a witness in that proceeding.
 - (7) All potential witnesses, with the exception of parties and complainants, except when such individual witnesses are testifying, shall be excluded from attendance at all proceedings upon motion of any party or of the court.

JR 68

If any party has more than one counsel, only one of said counsel may examine or cross-examine a witness, and only one of said counsel may make and argue objections.

JR 69

Arguments of counsel shall be directed to the court and (in jury trial, at the proper time) to the jury. Arguments between counsel shall not be permitted.

JR 70

Counsel shall be available while the jury is deliberating and shall notify the judge or bailiff as to where he/she can be reached.

JURY MANAGEMENT PLAN

JR 71

This court hereby adopts the jury management plan as adopted by the general division of the Butler County Court of Common Pleas in Local Rule 9.00 which is set forth in Appendix C.

COURT SECURITY

JR 72

- (A) In order to better insure the safety and security of all occupants of this building, this court hereby adopts the following security and safety plan.
- (1) The security manual, which is to be prepared and maintained by the chief of security, is hereby adopted and incorporated, by reference, as part of the security plan of this court.
 - (2) Unless authorized by the security officer on duty, or by duly authorized officers of Juvenile Court, no persons, other than those listed below, shall be admitted to any area of the Juvenile Justice Center other than the first floor waiting area:
 - (a) Employees, interns, and volunteers employed, or sponsored by Juvenile Court;
 - (b) Attorneys at Law;
 - (c) Employees and staff of the office of the Prosecuting Attorney;
 - (d) *Parachute* volunteers;
 - (e) Custodial and Maintenance personnel,
 - (3) Excepting those weapons legally possessed by on-duty law enforcement officers, no person shall carry, transport, or cause to be carried or transported, any weapons (including, but not limited to, firearms, knives, explosives etc.) of any kind into the Juvenile Justice Center.
 - (4) All parcels, including, but not limited to, purses, briefcases, and sacks that are brought into the Juvenile Justice Center shall be subject to search by security personnel.

MISCELLANEOUS PROVISIONS

JR73

This court hereby establishes a traffic bureau. The deputy clerks of this court as duly sworn shall act as the violations clerks for the traffic bureau and shall be responsible for the receipt of and accounting for all fines and costs levied through the traffic bureau. A schedule of fines and costs, per Ohio traffic rule 13, shall be established by said traffic bureau.

Said clerks shall list cases disposed of by the traffic bureau separately from those cases

disposed of in open court in any statistical reports required by law.

JR74

Documentary exhibits presented to the court shall be preserved digitally or in original form by the court together with the other court records in each case. Non-documentary exhibits shall be photographed. Those photographs shall be preserved in original or digital form by the court together with the other court records in each case. All non-documentary evidence so photographed shall be disposed as per the orders of the court.

JR75 *Note: JR75 has not yet been approved by the Ohio Supreme Court's Advisory Committee on Technology and the Courts. The rule will not be effective until so approved.*

- (A) Digital signatures of the judges and magistrates of this court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and orders issued by this court. Digital signatures issued in accordance with this rule shall have the same force and effect as a manual signature by the signatory.
- (B) "Digital signature" means a signature that consists of one or more unique letters, characters, numbers or other symbols incorporated in, attached to or associated in an electronic document and intended by the party using it to have the same force and effect as the use of a manual signature. Digital signatures utilized by this court shall be subject to the following procedure:
 - (1) The digital signature creation data shall at all times be under the control of the signatory,
 - (2) The digital signature created by the digital signature creation data shall be capable of verification as authentic by the court, and
 - (3) The digital signature shall be linked to the data in the electronic document to which it pertains in such a manner so as to assure that, if the data are changed after the digital signature is entered, the digital signature shall be invalidated. Such invalidation shall be readily detectable in both the digitally stored signed document and in any paper copy of that document generated from the digitally stored data.

JR76

- (A) Any person who requires special accommodations because of a handicap or disability shall notify the administrative office of the court by calling 887-3318 of his or her special requirements at least ten (10) days before a scheduled court appearance. The court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in subsection b of this rule.
- (B) When interpretive services are needed, the attorney or party requesting an interpreter shall submit to the administrative office of the court a written request

for interpreter setting forth the name of the case, its scheduled time, the reason for the need of an interpreter, the type of interpreter needed, and the time that the interpreter will be needed. Such requests shall be submitted at least ten (10) days before the scheduled hearing. It is the responsibility of the requesting party to notify the administrative office of the court, in writing, if there is any change in the date or time of the hearing. Failure to do so will result in the requesting party being held responsible for payment of the interpreter's fee for time spent in attempting to attend the rescheduled hearing.

JR77

- (A) Cases filed in the juvenile court shall be assigned to the judges of the court in a random manner as directed by the administrative judge. Cases which are related, such as co-defendant delinquency cases, cases involving siblings, cases wherein a criminal charge (or charges) and a civil complaint (or complaints) are based upon the same occurrence, and cases involving numerous separate charges relating to one defendant or alleged delinquent child shall be assigned to the same judge by a random process as directed by the administrative judge. Thereafter, full responsibility for that case rests with the assigned judge, whose last name shall appear in the caption of all further pleadings.
- (B) Case assignments shall be made in such a manner so as to assure an equitable distribution of cases between the judges of the court.
- (C) Cases shall be assigned to the court's calendar so as to provide priority to specific case types in accordance with Ohio law.
- (D) Cases assigned to magistrates by the judges of this court shall be assigned in such a manner so as to provide for the most expeditious and efficient disposition of those cases.
- (E) Absent an emergency, entries should be signed only by the assigned judge or magistrate scheduled to hear a case.

APPENDIX A

Filing Fees (Effective 4/1/03)

Jury Demand.....	\$100.00
Complaint or petition for support, custody, allocation of parental rights, or visitation with no service requested.....	\$ 100.00
As above, if service by clerk is requested.....	\$ 150.00
Additional complaints regarding children who are in the same family as the child named in the primary complaint (Full fee must be paid on initial complaint).....	\$ 50.00
Paternity Complaints.....	\$125.00
Motions, petitions, or requests for review, contempt, modification or alteration of support, custody, allocation of parental rights, or visitation with no service requested.....	\$ 50.00
Additional motions regarding children who are in the same family as the child named in the primary motion (Full fee must be paid on initial motion).....	\$ 25.00
As above, if service by clerk is requested.....	\$ 125.00
Writs of Habeas Corpus.....	\$125.00
UIFSA Complaints.....	\$125.00
Appeals.....	\$165.00
Adult criminal complaints (Private non-police complainant).....	\$ 25.00
Juvenile Delinquency or Unruly Child Complaints (Private, non-governmental complainant).....	\$ 25.00
Copy of Local Rules.....	\$ 3.00
Copies of Records, per page.....	\$.25
Certified Copies, per page.....	\$ 2.00

APPENDIX B

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

Case Name

I. PERSONAL INFORMATION

Name		Case No.		D.O.B.	
Mailing Address		City	State	ZIP	Phone ()
Residence (if different from above)				Message Phone (within 48 hours) ()	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	Age	Relationship	Name 3)	Age	Relationship
2)			4)		

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

Type of Income	Self	Spouse	Household Members	Total
Employment (Gross)				
Unemployment				
Worker's Comp.				
Pension				
Social Security				
Child Support				
Works First/TANF				
Disability				
Other (Food Stamps)				
Other				

Employer's Name (for all household members)	SUBTOTAL A	\$
Address		Phone ()

IV. ALLOWABLE EXPENSES

V. TOTAL INCOME

Type of Expense	Amount
Child Support Paid Out	
Child Care (if working only)	
Transportation for Work	
Insurance	
Medical/Dental	
Medical & Associated Costs Of Caring for Infirm Family Members	
SUBTOTAL B	\$

Total Monthly Income – Total Allowable Expenses = Total Income

SUBTOTAL A	\$
- SUBTOTAL B	\$
GRAND TOTAL C	\$

VI. ASSET INFORMATION

Type of Asset	Describe / Length of Ownership / Make, Model, Year (where applicable)	Estimated Value
Real Estate / Home	Price:\$ Date Purchased: Equity:	
Stocks / Bonds / CD's		
Automobiles		
Trucks / Boats / Motorcycles		
Other Valuable Property		
Cash on Hand		
Money Owed to Applicant		
Other		
Checking Acct. (Bank / Acct. #)		
Savings Acct. (Bank / Acct. #)		
Credit Union (Name / Acct. #)		

GRAND TOTAL D \$

Court Date/Time	Detained? (Y) (N)
Attorney Assigned	P.O.

VII. MONTHLY LIABILITIES/OTHER EXPENSES		VIII. GRAND TOTALS	
Type of Liability	Amount		
Rent / Mortgage		Total Monthly Income	Grand Total C
Food			
Electric			
Gas			
Fuel			
Telephone		Total Assets	Grand Total D
Cable			
Water / Sewer / Trash			
Credit Cards			
Loans			
Taxes Owed		Total Monthly Liabilities and Other Expenses	Grand Total E
Other			
GRAND TOTAL E			

IX. AFFIDAVIT OF INDIGENCY

I, _____ being duly sworn, say:

- I am financially unable to retain private counsel without substantial hardship to me or my family.
- I understand that I must inform my attorney if my financial situation should change before the disposition of my case.
- I understand that if it is determined by the county, or by the Court, that legal representation was provided to for me to which I was not entitled, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years form the last date legal representation was provided.
- I understand that I am subject to criminal charges for providing false financial information in connection with the above application for legal representation pursuant to Ohio Revised Code Sections 120.05 and 2921.13.
- I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Notary Public:

Client's Signature Date

Subscribed and duly sworn before me according to law, by the above named applicant this _____ day of _____, 2003, at _____ Hamilton _____, County of _____ Butler _____ and State of _____ Ohio _____.

Notary's Signature

X. JUDGE CERTIFICATION

I hereby certify that above-noted client is unable to fill out and/or sign this financial disclosure/ affidavit for the following reason: _____.
I have determined that the applicant meets the criteria for receiving court appointed counsel.

Judge's Signature Date

COMPLETE THE APPLICABLE STATEMENT:

- I am accused of the crime of _____.
- My child is accused of the crime of _____.
- I am the _____ of _____, an alleged child(ren).

APPENDIX C

9.00 Selection of Prospective Jurors

Prospective jurors shall be selected from the randomized names contained in the voter registration master file, maintained by the Butler County Board of Elections on a magnetic disk in the Butler County computer system. The voter registration master file is the current list of all registered voters in Butler County.

Selection of prospective jurors shall be made by a key number system in accord with the Ohio Revised Code §2313.07(C) in (2) phases, viz.:

Phase I is a *random* selection of a predetermined number (e.g., 16,500 for the 1993-1994 jury year) of registered voters from the voter registration master file. A juror identification number shall be assigned to each prospective juror as selected. The list of prospective jurors will be reviewed by the jury commissioners, who will eliminate those unable or unqualified to serve as jurors (e.g., non-resident, deceased, age, infirmity, etc.). Those prospective jurors remaining after completion of the elimination process shall comprise the master qualified jury list for the jury year.

(2) Phase II is a random selection of prospective jurors from the master qualified jury list. Those selected shall comprise the annual jury list for the jury year.

The selected key number applicable in Phase I is a computer generated random number between 0.000000 and 0.999999 multiplied by the last assigned voter identification number (assigned by the Board of Elections at the time of registration and maintained in the voter registration master file), plus 1. This formula is repeated for each prospective juror until the desired number of prospective jurors has been selected. A juror identification number shall be assigned, consecutively, to each prospective juror upon selection in Phase I.

The selection key number used in Phase II is a computer generated random number between 0.000000 and 0.999999, multiplied by the last assigned juror identification number, plus 1. This formula is repeated until all prospective jurors are randomly arranged.

The jury commissioners or their designated representatives shall supervise the actual selection of prospective jurors in accord with this rule and the Ohio Revised Code.

APPENDIX D

FORM LETTER TO BE USED BY GAL/ATTORNEY.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian *ad Litem*

Dear _____;

Pursuant to the Rule JR41 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian *ad litem* and attorney for

I have enclosed a copy of the court order which appoints me to act in this capacity. As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian *ad litem*/attorney is twofold. I am required to render an independent judgment as to what is in the best interests of the child to the court and I am also required to represent the child's interests in court as an attorney.

I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that said child(ren) are fully represented in court. If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308.

(NOTE: If you are a party in this case and you are represented by counsel, please obtain the consent of your attorney prior to communicating with me directly.)

Open and confidential communication between myself and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren).

Please feel free to contact me if you have any questions about this letter, my role as guardian *ad litem*/attorney, or the enclosed order.

Sincerely:

FORM LETTER TO BE USED BY GAL.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian *ad Litem*

Dear _____;

Pursuant to the Rule JR41 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian *ad litem* for

I have enclosed a copy of the court order which appoints me to act in this capacity. As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian *ad litem*/attorney is straightforward. I am required to render an independent judgment as to what is in the best interests of the child to the court.

I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that the best interests of said child(ren) are fully presented in court. If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308.

Open and confidential communication between myself and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren).

Please feel free to contact me if you have any questions about this letter, my role as guardian *ad litem*, or the enclosed order.

Sincerely:

APPENDIX E

**In The Court of Common Pleas
Juvenile Division**

Butler County, Ohio

NOTICE OF INTENT TO RELOCATE

Important! Please read the following:

- (a) All portions of this notice must be completed.
- (b) Incomplete notices will **NOT BE ACCEPTED**.
- (c) You may use one notice for multiple children's cases only if all of the children listed on the notice have the same two parents.
- (d) The court will send a copy of this notice to the non-residential (non-custodial) parent(s). **If you do not want the court to send a copy of this notice to the non-residential parent(s) you must do both of the following:**
 - (i) file, with this notice, a copy of a court order which prohibits the forwarding of this notice to the non-residential parent, **and**
 - (ii) check the appropriate box on the notice form.
- (e) If a court has not issued an order which prohibits the forwarding of this notice to the non-residential parent and you do not want this notice forwarded to the non-residential parent, you **CANNOT USE THIS NOTICE**, you must, instead, file a motion to obtain such an order before you file this notice.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
BUTLER COUNTY, OHIO

In Re:

Case No(s)

(Place the NAME(s) of the case(s) on the lines above.)(Place the CASE NUMBER(s) of the cases on the lines above.)

List the FULL NAMES, and DATES OF BIRTH of the child(ren) who are planning to relocate with you: _____

Information regarding the parents and/or custodian:

Custodian's Name: _____

Address: _____

City/State/Zip: _____

Mother's Name: _____

Address: _____

City/State/Zip: _____

Father's Name: _____

Address: _____

City/State/Zip: _____

Information regarding the planned relocation:

GO ON TO NEXT PAGE

Name(s) of the adults(s) planning to relocate: _____

Anticipated date of relocation: _____

New Address: _____

City/State/Zip _____
Telephone Number: _____

This notice was submitted by (name) _____ who hereby verifies that all of the information contained herein is true and accurate to the best of his/her knowledge and belief.

_____ Signature

NOTICE TO RELOCATING PARTY

Ohio Revised Code Section 3109.051 requires the court to serve this notice upon any parent who is not the residential parent unless an order prohibiting such notice has been issued by a court. If such an order has been issued, it **MUST** be attached to this notice and you **MUST** check the appropriate box (BELOW) in the TO THE CLERK section of this notice..

NOTICE TO NON-RESIDENTIAL PARENT

Ohio Revised Code Section 3109.051 requires the court to provide you with this notice. The law does not require the court to hold a hearing regarding this notice unless you file an appropriate motion.

TO THE CLERK

Please serve a copy of this notice upon any non-residential (non-custodial) parent identified herein by certified and ordinary mail and place certification of that service in the record of this case.

—
A court order which prohibits the forwarding of this notice to the non-residential parent is attached. DO NOT SEND THIS NOTICE TO THE NON-RESIDENTIAL PARENT IDENTIFIED IN THE ATTACHED ORDER.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
BUTLER COUNTY, OHIO

IN RE: JUVENILE COURT **JUDGMENT ENTRY**

Pursuant to Ohio Juv Rule 45, the foregoing Local Rules of Procedure for Juvenile Court, as proposed and published for comment on October 1, 2002, are hereby adopted by this court. Said rules shall be effective, unless otherwise noted, commencing on January 2, 2003.

TO THE CLERK: You are hereby directed to file a certified copy of these local rules with the Clerk of the Supreme Court of Ohio as is required by Ohio Juv. Rule 45.

Enter:

David J. Niehaus, Judge