

**JUVENILE COURT OF DELAWARE COUNTY, OHIO
DAVID A HEJMANOWSKI, JUDGE**

**LOCAL COURT RULES OF PRACTICE
OF
THE JUVENILE COURT OF DELAWARE COUNTY, OHIO**

(Effective February 1, 2024)

Adopted by Judgment Entry filed
January 19, 2024 in Case No. 24010001MS

145 N. Union Street
Delaware, OH 43015

Ph. (740) 833-2600
Fax (740) 833-2599

<https://juvenile.co.delaware.oh.us>

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**Rules of Practice of the Court of the Delaware County
Court of Common Pleas Juvenile Division
145 North Union Street, Delaware, Ohio, 43015**

GENERAL PROVISIONS

RULE 1

TERM OF COURT; HOURS OF COURT SESSION

(A) The Court is in continuous operation for the transaction of judicial business. Each calendar year, beginning in January, is a separate term of Court, in compliance with Section 2301.05 of the Ohio Revised Code.

(B) The Court is in session generally Monday through Friday from 8:30 a.m. to 4:30 p.m. and any others times as the Judge may authorize.

RULE 2

SCOPE AND EFFECTIVE DATE OF RULES

(A) These rules apply to the Juvenile Division of the Court of Common Pleas of Delaware County, Ohio.

(B) These rules are effective September 1, 2021.

RULE 3

INTERPRETATION

These Local Rules are intended to achieve the prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule shall be interpreted as follows: (1) to be consistent with the Ohio and United States Constitutions, the Ohio Revised Code, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Ohio Rules of Juvenile Procedure; (2) to be practical and efficient in their operation; (3) to be taken in context with the other portions of these rules; and, as applicable, to act in concert with the local rules of the other divisions of the Common Pleas Courts of Delaware County.

RULE 4

APPLICATION OF OTHER RULES

In any case where the Local Rules and the Juvenile Rules do not resolve an issue before the Court, then the Rules of Civil Procedure and the Rules of Criminal Procedure are to be consulted as appropriate to the case subject matter.

RULE 5 CITATION

These rules are referred to as "Local Rules of Practice of the Delaware County Common Pleas Court, Juvenile Division." These rules may be cited as "Local Rule."

RULE 6 MAGISTRATES

The Juvenile Judge may refer any matter permissible by Ohio law to a magistrate. A magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure or other applicable rules.

RULE 7 FILES

(A) The Juvenile Judge is the Clerk of Court for the Juvenile Division and may appoint deputy clerks. The term "Clerk" refers interchangeably to both the Judge and the deputy clerks, as appropriate.

(B) The Clerk shall file and carefully preserve all documents that conform to these Rules and are delivered to the Clerk's office in every action or proceeding. The Clerk shall promptly file all documents in chronological order and make the appropriate entry in the docket.

(C) Upon request for copies of pleadings or other documents from a case file, the Clerk shall furnish said copies within the mandates of Ohio Revised Code section 149.43 and other applicable laws, including those relating to juvenile privacy considerations, and upon receipt of the appropriate copying fee.

(D) No file, deposition, or transcript shall be removed from the Office of the Clerk of this Court by any person for any reason, except by Clerk of this Court, any employee of the Chief Deputy Clerk, or the Judge and Magistrates of the Court.

(E) No file shall be taken apart for purposes of copying or for any other reason by any person, except the Clerk of this Court or any employee of the Clerk's office.

(F) No file or any portion thereof shall be copied by any person, except the Clerk of this Court or any employee of this Court.

RULE 8 DEPOSIT OF SECURITY FOR COSTS

(A) A party must pay the appropriate deposit when filing a new case or reactivating a closed case. If a party is unable to financially afford the court costs deposit, he or she

may file an affidavit of indigency along with a request that the court waive the filing of a court cost deposit. The Court may require payment of court costs from any party at the end of a case regardless of whether the Court granted a request to waive the court cost deposit or not.

(B) Final judgment entries will contain a provision for payment of costs or the distribution of a refund in the discretion of the Court.

(C) The Judge may from time to time issue a schedule of costs and deposits and such schedule of costs will be displayed in the clerk's office and in other public places as determined by the Court.

RULE 9

PLEADINGS AND MOTIONS

(A) Unless filed by email, facsimiles or electronically pursuant to Local Rules 10, 11, and 12, every pleading, motion and memorandum filed must be legibly typewritten or printed on 8.5 inch by 11 inch paper and must contain the name, office address, telephone number, email address, and the Ohio Supreme Court attorney registration number of the attorney for the party. Any filing made by a person who is representing him or herself must contain the name, address, telephone number, and email address of that individual.

(B) All motions must comply with Rule 19 of the Ohio Rules of Juvenile Procedure.

(C) Except as otherwise ordered by the Judge or magistrate, all motions shall be accompanied by a proposed Judgment Entry or Order.

(D) Except as otherwise ordered, all motions shall be considered upon non-oral hearing on the date set out in an order by the Judge or magistrate and may include the dates for filing and service of any memorandum contra and reply memorandum.

(E) All motions, memoranda contra and replies shall be titled in an appropriate manner to indicate the party filing the document, the type of document and the desired outcome for such filing.

(F) If a party wants an oral hearing on the motion, the party is to set this out in the motion and in the caption.

(G) Unless otherwise ordered by the Court, a memorandum contra shall be filed within 14 days after the filing to which it refers. Failure to file and serve a memorandum contra may result in the Court granting the motion as filed and served. A reply memorandum may be filed within seven days after the date stated in the certificate of service in the memorandum contra. The dates and time periods set forth in the order of the Court may be extended by the Court upon written application and for good cause shown. Where appropriate, the moving party shall submit a proposed Judgment Entry in support of the motion.

(H) No memoranda, whether in support of or contra, shall exceed twenty-five pages, exclusive of supporting documents. Reply memoranda shall not exceed twelve pages and shall be restricted to rebuttal.

(I) All motions, briefs, and memoranda shall be filed with the Clerk and include a certificate of service on all parties. If the party is requesting service by the Clerk, the party must provide sufficient copies to make all requested service.

(J) Motions filed by parties without counsel must, in all ways possible, comply with the provisions of this Rule.

(K) For every filing, parties will make service to opposing parties to the email address provided by the attorney or a party without counsel. If there is no email address, service will be made by ordinary U.S. mail to the last address reflected in the case file. If an attorney has agreed to accept service of filings at a courthouse mailbox, service may be made to a courthouse mailbox.

RULE 10 EMAIL FILING

(A) The Clerk maintains an email address to accept documents for filing in the Juvenile Court, as limited by this rule.

(B) Pleadings or other documents that are filed after the original complaint or other initiating pleading, are less than 26 pages long, and do not require a security deposit under Juv. Rule 8 may be sent to the Clerk for filing by email.

(C) An emailed filing will be printed by the clerk and that copy will be accepted for filing as the original, and the signature on it will be accepted as the original, in conformity with Ohio Rule of Civil Procedure 5(E). Following the acceptance of and filing of a document by means of email transmission, no further copies of the filing need to be provided to the Court.

(D) The Clerk will notify the filer if the transmitted document cannot be filed for any reason.

(E) The date/time of filing is not determined by the time of email transmission but is instead determined by the Court's time-stamp clock. Although emails may be transmitted 24 hours per day, seven days per week, any email received by the Clerk after 4:30 p.m. on a weekday or at any time on a weekend or holiday will be filed on the next day the Court is open. For purposes of any filing deadline imposed by these rules, any applicable Ohio rules, or court order, a pleading will be deemed filed on the date and time when the Clerk time stamps the document.

(F) All email filings must comply with the Ohio Rules of Juvenile Procedure and all other applicable Ohio Rules.

(G) The filer bears the risk of email transmission and the Court assumes no responsibility for any technological problems.

RULE 11 FACSIMILE FILING

(A) The Clerk maintains a facsimile machine to accept documents for filing in the Juvenile Court, as limited by this rule.

(B) Pleadings or other documents that are filed after the original complaint or other initiating pleading, are less than 26 pages long, and do not require a security deposit under Juv. Rule 8 may be sent to the Clerk for filing by facsimile transmission.

(C) A facsimile transmission will be accepted for filing as the original, and the signature on it will be accepted as the original, in conformity with Rule 5(E) of the Ohio Rules of Civil Procedure. Following the acceptance of and filing of a document by means of facsimile transmission, no further copies of the filing need to be provided to the Court.

(D) The Clerk will notify the filer if the transmitted document cannot be filed for any reason.

(E) Although facsimiles may be transmitted 24 hours per day, seven days per week, any facsimile filing received by the Clerk after 4:30 p.m. on a weekday or at any time on a weekend or holiday will be filed on the next day the Court is open. For purposes of any filing deadline imposed by these rules, any applicable Ohio rules, or court order, a pleading will be deemed filed on the date and time when the Clerk time stamps the document.

(F) All facsimile transmissions must comply with the Ohio Rules of Juvenile Procedure and all other applicable Ohio Rules.

(G) The filer bears the risk of facsimile transmission and the Court assumes no responsibility for any technological problems.

RULE 12 ELECTRONIC FILING (E-FILING)

(A) Definitions

(1) Original Document: the electronic document received by the clerk from the filer.

(2) Electronic Filing (e-filing): the process by which an attorney or self-represented individual submits documents with the Court by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the Court.

(3) **Electronic Signature:** an electronic identifier intended by the person using it to have the same force and effect as a manual signature. An electronically submitted document issued or received by the Court is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following:

(a) “/s/” and the name typed in the space where the signature would otherwise appear; or

(b) an electronic image or scanned image of the individual’s signature.

(4) **E-services platform:** the program used by the Juvenile Court to support its electronic filings and other electronic services, including e-pay.

(5) **Filer:** an individual or authorized agent who e-files. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any orders issued by the Court.

(6) **Technical failure:** a malfunction of the e-services or any county-owned or leased hardware, software, or telecommunications equipment, plus any other issue under control of the Court or the Delaware County Information Technology Department that results in the inability of a filer to file a document.

(B) Electronic Filing Policy

In conformity with the Ohio Revised Code, Ohio Rule of Juvenile Procedure 8, Rule 5(E) of Ohio Rule of Civil Procedure 5(E), and Ohio Rule of Criminal Procedure 12(B), pleadings and other papers may be filed electronically with this Court, subject to the provisions in this rule. Unless otherwise modified by approved stipulation or court order, all Ohio Rules of Juvenile Procedure, Civil, and Criminal Procedure and Local Rules and orders of the Court apply to all documents electronically filed.

(C) Registration

Any individual who wants to file electronically must first register with the e-services platform in order to e-file. Upon approval or denial of the request for access to the e-services platform, the filer will receive an email indicating the registration status. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any orders issued by the Court.

(D) Signatures

All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or by any parties representing themselves. Any signature on an electronically transmitted document will be considered that of the attorney or party under Rule 8 of the Ohio Rules of Juvenile Procedure.

(E) Acceptance or Rejection of Filing

(1) Each electronic filing will be assigned a confirmation number, which will be displayed on the screen of the filer's computer upon successful transmission of the filing. The document is deemed filed pursuant to Rule/Statute at the date/time of that confirmation notice.

(2) After an e-filing has been submitted, the Court will review the submission and notify the filer by email if filing is rejected for any reason.

(3) After a document receives a confirmation number and has been accepted by the Clerk, the document cannot be altered.

(4) If the document contains a minor error that does not affect the substance of the document and is rejected as result of that error, the filer will have a reasonable amount of time in which to correct the error and resubmit the document and the document will be deemed filed as of the date of the original filing.

(F) Document Format, Attachments, and Exhibits

(1) Documents must be submitted in Portable Document Format (PDF).

(2) All attachments and exhibits to pleadings or motions should comply with data format for the e-services portal and, where possible, be contained in one PDF file. If the file size is too large to upload, the attachments or exhibits can be filed in multiple parts.

(3) Deposition transcripts must be filed in hard format pursuant to the local rules and may not be filed electronically.

(G) Service of Documents

Any documents filed electronically must be served in accordance with Local R 9. If there are other filers of record, service will be made electronically

(H) Technical Failures

All filers are responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accept the full risk that the document may not be properly filed with the Court as a result.

(I) Hours of Operation

The Court receives electronic documents 24 hours per day, seven days per week, regardless of whether or not the Court is actually open. The Eastern Time Zone governs the time of filing, rather than the time zone from which the filing is made.

(J) Fees

The Court will assess normal filing fees, and case deposits will be collected via a financial transaction device at the time the filing is processed. Under Section 301.28(E) and (F) of the Ohio Revised Code, a surcharge for using a financial transaction device use

may be assessed in an amount to be determined by the Court. The Court will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

RULE 13

FILING OF DISCOVERY MATERIALS

(A) Pursuant to Rule 5 (D) of the Ohio Rules of Civil Procedure, no one shall file discovery materials other than depositions with the Clerk unless ordered by the Court.

(B) Depositions may be allowed pursuant to Juvenile Rule 25 of the Ohio Rules of Juvenile Procedure. When permitted by rule or Court order, depositions shall be filed in conformance with the Ohio Rules of Civil Procedure. The Clerk shall not accept for filing a sealed deposition envelope containing more than one deposition. Upon receiving a sealed deposition, the Clerk will file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. The envelope shall remain sealed until any party to the case, counsel for any party to the case, or any member of the public, acting pursuant to and within the bounds of Ohio Revised Code section 49.43 or other applicable laws, requests to see the deposition. Upon receiving that request, the Clerk shall unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has made the request. That person may then view the deposition only in the presence of the Clerk. This rule is not intended to limit any person's lawful access to filed depositions, but to preserve the integrity of the depositions and any appended exhibits. Depositions may be viewed unless a protective order is placed on the cover of the deposition, an order sealing the deposition is placed on the cover of the deposition, or the deposition is protected by any statutory provision.

RULE 14

APPEARANCE BY ATTORNEYS & PARTIES WITHOUT COUNSEL

(A) All pleadings and motions, served and filed on behalf of any party represented by counsel shall be signed by one attorney in that attorney's individual name as required by Rule 11 of the Ohio Rules of Civil Procedure. That attorney is responsible for the action. The attorney's office address, telephone number, Supreme Court registration number, email address, and designation of representation ("Attorney for (Identifying Title)") must follow the signature. The pleadings and motions may also contain firm names and the names of co-counsel or associate counsel. If any party is representing themselves, that party must provide a mailing address, telephone number, email address and any other contact information necessary for the Court, other parties, or counsel to communicate with the party without counsel. If an attorney withdraws from the case and there is a new attorney, that new attorney will file a written notice of substitution of counsel containing the information contained in this part and serve it upon all counsel and all parties without counsel.

(B) All copies of pleadings or other court filings required by these Rules or Rule 5 of the Ohio Rules of Civil Procedure to be served upon other counsel in a case, and all notices

and communications from the Court concerning the case, will be sent to the attorney or party without counsel to the appropriate email or physical address pursuant to Part (A) of this Rule.

(C) Compliance with part (A) of this Rule will constitute an entry of appearance.

RULE 15

ADMISSION OF OUT-OF-STATE ATTORNEYS

(A) The Judge may allow an attorney not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state or in the District of Columbia, to represent a party or parties in any pending action or in any action to be filed in the Juvenile Court, provided the out-of-state attorney has done all of the following:

- (1) Complied with the requirements of Rule XII of the Supreme Court Rules for the Government of the Bar of Ohio;
- (2) Certified in writing that the attorney is familiar with the Local Rules of Delaware County, Ohio and will familiarize himself or herself with the appropriate Ohio Rules of Criminal, Civil, or Juvenile Procedure, the Ohio Rules of Evidence, and the Ohio Code of Professional Responsibility;
- (3) Found an attorney licensed to practice law in Ohio to act as the out-of-state attorney's sponsor. The sponsoring attorney shall provide written notice of the sponsorship to the Court and shall certify the out-of-state attorney's compliance with this rule and the Rules for the Government of the Bar;
- (4) The sponsoring attorney submits with the motion and certification an entry authorizing the approval of the motion;
- (5) The sponsoring attorney, or any other attorney licensed to practice law in the state of Ohio, shall be co-counsel with the attorney admitted *pro hac vice*.

(B) The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience to the out-of-state attorney.

RULE 16

WITHDRAWAL OF COUNSEL

Subject to the leave of the Court, counsel for any party may be permitted to withdraw from an action upon written motion to the Court. The motion shall include how and when the client was notified of counsel's intent to withdraw and shall comply with all Ohio Rules, statutes, and ethical obligations.

RULE 17

CONSOLIDATION OF CASES

When actions involving common questions of law or fact, are pending before the Court, or when a juvenile has been alleged to be delinquent or unruly in multiple cases, the Court may consolidate those cases under a single case number, with an order containing the complete case captions of all cases to be consolidated. The case schedule of the lowest numbered case controls the proceedings of consolidated cases unless otherwise ordered by the Court.

RULE 18

CONTINUANCES

(A) Any party without counsel or attorney seeking a continuance must file a written motion stating the reason for the continuance. The motion must be served on all counsel and parties without counsel. The Judge or magistrate may waive this requirement upon good cause shown. The motion for a continuance must include a prepared entry by the Judge or magistrate hearing the matter. Any party seeking a continuance shall make every effort to file a motion to continue at least seven days prior to the date of the hearing to be continued. The moving party shall contact all other parties of record to seek their approval or consent to the motion and shall, upon the face of the motion itself, indicate their approval or refusal to approve.

(B) The Court may make any order on a request for a continuance as it deems necessary, including on the day of the hearing or trial.

(C) Unless otherwise provided in these Rules, when a party seeks a continuance due to conflicting court assignments, the case that was assigned first shall have priority. When an attorney becomes aware of any assignment that might impose a conflict, the attorney shall endeavor to advise the Court and opposing counsel and parties without counsel as soon as practicable. When a conflict arises between a trial court proceeding and an appellate proceeding, the appellate proceeding shall take precedence. However, when a case has a statutory deadline and the continuance may cause the Court to schedule a trial past that deadline, that case with a statutory deadline will take precedence.

RULE 19

NOTICE OF SETTLEMENT

Parties shall notify the Court as soon as possible whenever they have reached an agreement to settle a case prior to the trial date. The Court shall provide a form which all parties are encouraged to use.

RULE 20
FINDINGS OF FACT AND CONCLUSIONS OF LAW

If a party requests findings of fact and conclusions of law, the Court may require any or all parties to submit proposed findings of fact and conclusions of law pursuant to Rule 40(D)(3)(a)(ii) of the Ohio Rules of Juvenile Procedure.

RULE 21
ENTRIES AND DECISIONS

The Judge or a magistrate may direct a party to prepare a proper Judgment Entry, Magistrate's Order or Magistrate's Decision on a matter where the Court has made a decision in that party's favor or where all parties agree. The directed party shall provide an appropriate entry to opposing parties for review within seven days. The opposing parties shall review the Judgment entry, Magistrate's Decision or Magistrate's Order and approve or reject it within seven days of receiving it. If all parties approve, the party who prepared it shall submit it to the Court for execution. If one or more parties are unable to approve the proposed Judgment Entry, Magistrate's Decision or Magistrate's Order, the proposed document shall be submitted to the Court with a statement indicating the reasons a party did not approve the proposed Judgment Entry, Magistrate Decision or Magistrate Order.

If a party fails to present any Judgment Entry, Magistrate's Decision or Magistrate's Order, the Judge or trial magistrate may make appropriate rulings in his or her discretion.

RULE 22
OBJECTIONS TO MAGISTRATE'S DECISION

Objections to a magistrate's decision shall be in writing and shall in all manners conform with the provisions of Rule 40 of the Ohio Rules of Juvenile Procedure and any other applicable Ohio Rule of Juvenile Procedure. Written objections to a magistrate's decision must be filed no later than fourteen days of the filing of the decision. If a party requests findings of fact, the time for filing objections is fourteen days after the magistrate's findings of fact are filed.

RULE 23
JURIES AND JURORS

In the event of a jury trial, the Court, unless it rules otherwise, will follow all of the Rules regarding juries, jurors, jury service and jury trials of the Local Rules of Practice of the Court of Common Pleas, General Division, of Delaware County.

RULE 24
STANDING PROCESS SERVER

An individual or an agent of a legal organization may apply to be designated as a standing special process server. The applicant must submit an affidavit and an order for signature by

the Judge.

(A) Contents of Affidavit. The affidavit must list the name, address, email address, and telephone number of the person to be appointed as a standing special process server, as well as an affirmation that the person:

(1) is 18 years of age or older;

(2) is not a party to any action for which the person will serve process;

(3) has no familial relationship to any party in an action for which the special process server will serve process;

(4) has no felony criminal record;

(5) will carry out his or her duties in accordance with all applicable court rules.

(B) Awarding of Order. After Judge has signed the order, the individual or agent of the legal organization must file the affidavit and order with the clerk of courts. The clerk of courts will record the affidavit and order on the administrative journal. Thereafter, the clerk of courts will accept a time-stamped copy of the affidavit and order as proper designation of the process server until the order expires or is vacated by the court.

(C) Expiration of Order. All affidavits and orders appointing standing special process servers will expire one year from the date of filing.

(D) No legal organization whose agent is a standing special process server may represent or advertise that it is the court's official process server.

(E) The fee for filing the affidavit and order is \$25.

RULE 25

[RESERVED]

PRACTICE AND PROCEDURE

RULE 26

CASE FLOW MANAGEMENT

These rules shall apply unless the case by its very nature is exempt or by order of Judge or magistrate. Otherwise, cases will be resolved in the shortest amount of time. The deadlines set by the Ohio Rules of Superintendence for the Courts of Common Pleas shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules.

RULE 27

CALCULATION OF TIME

Time in all cases is calculated from the date of filing of the initial document invoking the jurisdiction of the Juvenile Court.

RULE 28

TIMELINESS AND CONDUCT

All parties and all attorneys shall appear on time to any hearing scheduled in their case and shall be prepared to conduct the business of that hearing. All parties and all attorneys shall conduct themselves in a manner respectful of the participants of the hearing, the institution of the Court and the proceedings. All parties and all attorneys shall dress in a manner respectful of the proceedings of the Court and all other participants.

RULE 29

EX PARTE ORDERS

(A) All applicable statutory provisions and portions of the Ohio Rules of Juvenile Procedure, including Rules 6 and 7, and Ohio Revised Code sections 2151.31 and 2151.314, will be followed in the event any party or agency seeks an ex parte order in this Court.

(B) No ex parte order or any other ex parte extraordinary relief sought from the Court shall be granted without a specific showing or allegation that, if immediate relief is not granted, serious and/or irreparable harm would result or would continue prior to the oral hearing. Every reasonable effort should be made by counsel or the party without counsel attempting to obtain an ex parte order to give notice to opposing counsel or a party without counsel of such intent and when such attempt shall be made.

(C) Unless the Court rules otherwise, all requests for ex parte orders shall be in writing supported by an affidavit stating the basis for the request and giving the reasons for the necessity of the relief.

(D) Counsel for the moving party or a party without counsel shall prepare and present to the Court a proposed order for the specific relief requested. The proposed order may be modified by the Court and shall also contain notice of the date and time of the review hearing.

(E) The party requesting extraordinary relief shall produce the party seeking the relief to state on the record, under oath, why the relief is sought and why immediate relief is necessary. Presence of the moving party may be excused by the Court for extraordinary cause being shown and specifically described in the proposed order presented to the Court. Ex parte hearings under this section will be conducted by the Judge, or by a designated magistrate to whom the case is assigned. Ex parte hearings may be conducted in camera or electronically; the statement of the movant will be on the record in all cases.

(F) Hearings on the merits of the ex parte order should be held as soon as possible but in no case later than within ten (10) days of journalization of the ex parte order. Merit hearings shall take precedence on the docket, shall be set at the time of or immediately after the hearing to secure the ex parte order by the moving counsel, and a notice of the date and time of the hearing shall be contained in the body of the ex parte order.

(G) In the event that the Judge designates a magistrate to conduct the merits hearing, the magistrate shall have the power to set aside or modify the ex parte order immediately, unless expressly limited in the Court's order referring the case to the magistrate

RULE 30 JUVENILE ATTENDANCE AT HEARINGS

Children who are aged 13 and younger who have been adjudicated to be abused, neglected or dependent and who are in the custody of a public children's services agency or private child placement agency may not be required to attend Post-Dispositional hearings in such matters, unless otherwise directed to do so by this Court. A public children's services agency or private child placement agency having custody of the adjudicated abused, neglected or dependent children who are aged 14 and older may facilitate the attendance of said children at all Post-Dispositional hearings as directed by this Court.

RULE 31 PRETRIAL PROCEDURE

(A) The Court may, on its own motion, set any matter for pre-trial hearing. Attorneys and parties without counsel are to be on time and prepared to discuss settlement of the case. It shall be the duty of counsel and parties without counsel to come to the pretrial

fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in sanctions as the Court deems appropriate.

(B) All parties shall prepare and file a pretrial brief or statement when ordered by the Court. It shall generally be the practice of the Court that this order be made at the final pretrial. The pretrial brief or statement shall be filed on or before the date specified by the order, but in any case no later than fourteen (14) days before trial.

(C) The pretrial statement shall include the following:

- (1) The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
- (2) A list of all witnesses expected to testify and the topic of their expected testimony;
- (3) A list of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
- (4) A description of any unusual trial procedure to be requested, including:
 - (a) whether a jury trial, if previously demanded, will now be waived; and
 - (b) the estimated number of days required for trial;
- (5) A statement of the status of settlement negotiations;
- (6) A statement of whether mediation is requested or alternatively whether (mediation would be helpful to settling the issues of the case; and
- (7) Any other statement, brief or analysis requested by the Court.

RULE 32 DISCLOSURE OF POTENTIAL WITNESSES

(A) Pursuant to applicable rules of discovery, each party shall disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial. When a party learns of a potential witness that the party would like to reserve as a witness after the initial disclosure pursuant to this rule, the party shall disclose that witness as soon as possible to opposing parties. Disclosure is to be made no later than fourteen (14) days before the trial.

(B) Each party will disclose at each pretrial all persons with relevant factual or expert knowledge whom the party may call as witnesses at trial. That disclosure will contain

each witness's name, addresses, phone number, and email address, a brief description of the witness's relevant knowledge if a non-expert witness, and, in the case of expert witnesses, a brief description of the expert's qualifications and summary of the expert's opinions.

(C) Any witnesses not disclosed in compliance with this Rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

RULE 33 DISCOVERY

(A) Counsel and parties without counsel will exchange discoverable information and documents upon informal request. Counsel and parties without counsel will follow Rule 24 of the Ohio Rules of Juvenile Procedure.

(B) Every party has a continuing duty to provide discovery to all parties to a case. When a party discovers evidence after his or her initial disclosure, he or she shall identify the evidence and provide copies or an opportunity to copy to all opposing parties or their attorneys.

(C) Pursuant to Rule 16 of the Ohio Rules of Criminal Procedure and Rule 24 of the Ohio Rules of Juvenile Procedure, discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it shall be the duty of a party to promptly respond to the request. In any event, discovery should be provided in fourteen days from the date of receipt of the demand. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

RULE 34 COMPETENCY

(A) In all matters involving juvenile competency, the Court will follow Ohio Revised Code sections 2152.51 to 2152.59. Juvenile competency proceedings will be scheduled and heard on an expedited basis and held in strict compliance with applicable deadlines as established by statute.

(B) As soon as possible after the conclusion of each competency hearing, the Court will give written or electronic notice of the date, time and place of each scheduled hearing to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian.

(C) Upon the filing of a motion for a determination regarding a child's competency, or upon the court's own motion for the same, the Court will stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the Court determines that the child is not competent but could likely attain

competency, the stay will remain in effect until such time as the child attains competency or the proceeding is dismissed.

RULE 35 LOCAL VISITATION SCHEDULES

In all cases involving determination of parental rights and responsibilities, the Court shall provide proposed visitation schedules for parties to review and to determine if it meets their needs. Those schedules are available on the website of the Juvenile Court and upon request by any party.

RULE 36 GUARDIANS AD LITEM

(A) The Court will appoint a Guardian ad Litem when necessary and appropriate to protect the interests of a child or whenever the Court is required to do so by statute. The Court may also appoint a Guardian ad Litem to protect the interests of an incompetent adult in a Juvenile Court proceeding.

(B) A Guardian ad Litem will be given notice of all hearings and must be served copies of any and all filings made by the other parties to the action. The Guardian ad Litem will have full access to all Court records regarding that child or adult, including closed prior cases, and will perform whatever functions are necessary to protect the best interests of the child or the incompetent adult pursuant to Ohio Revised Code section 2151.281(I), including subpoenaing and examining witnesses.

(C) In addition to the above, the Guardian ad Litem may perform the following duties upon appointment in each case:

- Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
- Interview the child or children separately (or state in the report why such interviews would be unnecessary or impractical).
- Observe each child's interaction with each parent.
- Visit the child or children a minimum of one time per month (or state in the report why such interviews would be unnecessary or impractical). In the initial stages of the case this visit can be combined with interviews or observation.
- Investigate all significant persons and interview them independently, either in person or by telephone.
- Review pleadings and consult with each attorney as to position and issues.
- Contact all mental health providers involved in the case.
- Contact the school of the child.
- Review records regarding the child from school, courts, health care providers, child protective agency, etc.

- Perform appropriate home visits (this can be combined with interviews or observation).
- Evaluate the necessity of psychological evaluations or counseling.
- Communicate with the Children Services worker.
- Attend all hearings and depositions concerning the child.
- File, all motions or other pleadings necessary to further the child's interests.
- And other necessary actions to fully investigate any case to which any case to which a GAL has been appointed

(D) Guardians ad Litem serve on a case until their duties are terminated pursuant to Ohio Revised Code section 2151.281(G) or until discharged by order of the Court. The Court will make every effort to reappoint the same Guardian ad Litem to a child or party in any subsequent action or proceeding.

(E) Rule 48 of the Rules of Superintendence will control all aspects of the management of the Guardian ad Litem program of this Court, including application, eligibility, and fees. The Court by entry will annually issue a list of designated persons who are qualified to serve as Guardians ad litem on an Approved Court Appointment List. The Court may remove a Guardian ad litem from the Approved Court Appointment List in the Court's discretion. As practical, every effort will be made to ensure equitable distribution of cases between Guardians ad Litem on the Court's appointment list. Special needs of a particular case may be considered in the appointment of a Guardian ad Litem with specialized qualifications or skills. The Staff Attorney or such other person as the Court may designate shall coordinate the application and appointment process, receive written comments and complaints regarding Guardians ad Litem, and perform other duties as required.

RULE 37 PUBLIC DEFENDER

(A) Upon application or order of the Court, the Delaware County Public Defender's Office will suggest the appointment of an attorney, from among the list of attorneys which is on file with the Office, to represent any indigent juvenile who is alleged to be delinquent, unruly, a traffic offender, or a Serious Youthful Offender. Upon application or order of the Court, a public defender shall also be appointed for any indigent adult defendant including in any contempt hearings, any indigent parents, any respondent in a Civil Protection Order matter, and any juveniles in abuse, neglect and dependency proceedings.

(B) Before counsel is appointed for an indigent adult, that adult must file all required forms with the Public Defender's Office. Qualifying, or determining the eligibility of an adult for court assigned counsel is the sole responsibility of the Public Defender's Office. Eligibility shall be determined according to the Ohio Public Defender Commission's standards.

(C) Attorneys who wish to be appointed to represent juveniles and indigent adults shall complete an application for appointment as assigned counsel. The Judge maintains final authority to determine the number of attorneys who will be on the list for appointments and the experience and qualifications necessary for appointment. At a minimum attorneys wishing to receive court appointments shall meet the following criteria:

- (1) Licensed to practice law in Ohio;
- (2) Good standing with the Ohio Supreme Court;
- (3) Maintain an office in Delaware County or has arranged to meet with clients at a law firm located in Delaware County; and
- (4) Maintain professional liability insurance.

Membership in the Delaware County Bar Association is not required, but is preferred so that attorneys may have ready access to rule changes, local training seminars and other updates from the Court. Criteria three may be waived by the Court as circumstances require, such as when outside counsel from the State Public Defender's Office or Ohio Attorney General's Office are appointed in a case.

(D) Assignment shall comport with the rules of the Public Defender's Commission. Not more than one attorney per indigent defendant will be appointed, unless the Court otherwise orders.

(E) Immediately upon selection of an attorney, the Assignment Office shall notify the Court of the suggested appointment, and Court will file the appropriate entry/order appointing the attorney, unless the Court decides in good faith that the suggested attorney is not suitable for that particular defendant or that particular case.

(F) Upon appointment, the attorney shall perform appropriate and professionally required duties as warranted by the facts of the case

(G) The attorney must personally represent the party for whom he or she was appointed and shall not, absent an emergency, allow substitute counsel to represent the party.

(H) The attorney shall provide the Court with appropriate contact information for timely receipt/delivery of materials, including phone number, office address, and email address.

(I) The Judge may remove an attorney from the list for court appointment assignments for good cause, including but not limited, to the following reasons:

- (1) Failure to maintain licensure to practice law in the state of Ohio and to remain in good standing with the Supreme Court of Ohio.

- (2) Routine failure to respond timely to the Public Defender Office when attempting to assign cases or repeated refusal to accept assignment of cases without a valid reason, such as a conflicting interest.
- (3) Routine failure to respond to a judge or magistrate's staff when attempting to schedule hearings.
- (4) Routine failure to attend scheduled court hearings or to arrive timely.
- (5) Routine failure to adequately prepare for court hearings.
- (6) Routine failure to maintain appropriate contact with clients.
- (7) Routine failure to timely submit the Motion, Entry, and Certification for Court Appointed Counsel Fees.
- (8) Failure to adhere to appropriate attorney professionalism, courtroom decorum, or any other reasons determined by the Judge to be disqualifying.

(J) No attorney who received compensation or has been promised compensation from any source shall be appointed to represent that indigent party.

(K) Any attorney appointed to provide legal representation for an indigent party shall be compensated according to a schedule approved by the County Commissioners. Counsel shall maintain itemized time records for each appointed case showing the date of service, nature of services rendered, and hours worked. Counsel's itemized time records shall be provided to the Court.

(L) An attorney shall be reimbursed for expenses not to exceed two hundred fifty dollars without prior approval of the Judge. No allowance will be approved for fixed office overhead, daily copies of transcripts, or depositions, except as provided by law. Expenses for services, which are requested in excess of two hundred fifty dollars must be submitted to the Judge for approval, prior to their incurrence. All expenses must be documented with receipts. Services include, but are not limited to, investigators or experts who are reasonably necessary for the proper representation of an indigent juvenile charged with a felony. The factors to be considered by the Judge include the value of the service to the juvenile's proper representation at trial and the availability of alternative devices that would fulfill the same functions as the service sought. Upon motion and for good cause, the Judge may order that the entry or order authorizing the service be sealed and maintained by the Clerk, along with all other original papers in the criminal case.

(M) Any attorney's fee in excess of the maximum per case as set by the Delaware County Commissioners may be granted by the Judge in complex cases or in other extraordinary circumstances. "Complex Case" is a case designated by the Judge as a Complex Case because it involves multiple counts dealing with multiple separate incidents and the case involves an extraordinary amount of trial preparation, or trial time.

RULE 38

ADDITIONAL TRIAL PROCEDURES

(A) In order to ensure an efficient and just trial in all cases, no later than one week prior to trial:

(1) All exhibits shall be marked and exchanged by counsel. A list of those exhibits to be offered by each party shall be submitted to the Court and opposing counsel.

(2) All stipulations, except those necessarily arising in the course of the trial, shall be in writing, shall be approved by the parties and counsel and shall be filed with the Clerk.

(3) If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering such deposition shall request the Court for a ruling upon each objection to allow its timely editing reflecting such rulings prior to trial. Counsel's objections, if any, shall be indexed, and the grounds for the objections shall be set forth clearly.

(4) When so ordered by the Court, counsel and parties without counsel will file with the Clerk and serve on all other counsel and parties without counsel a trial brief. The trial brief shall contain at least the following material:

- (a) A clear statement of the issues involved;
- (b) A summary of the factual situation in regard to each claim or defense;
- (c) A statement of the extraordinary principles of law involved in the case supported by any citation of appropriate legal authority known to the parties

(5) When applicable, counsel and parties without counsel shall file and serve upon opposing counsel and all other parties without counsel proposed jury instructions, with appropriate citations supporting those instructions. If a party is proposing any special instructions, that party shall provide the text of such instruction along with legal authority supporting such instruction.

(6) When applicable, counsel and parties without counsel shall serve proposed jury interrogatories upon opposing counsel and parties upon opposing counsel and parties without counsel.

(7) When applicable, counsel and parties without counsel shall notify the Court of any needed electronic equipment or media or both.

(B) All counsel and parties shall be present in the Juvenile Court building at least one-half hour prior to the time the trial is scheduled to commence.

(C) During direct or cross-examination of a witness, counsel or parties without counsel shall remain at the trial table or in a position not to obstruct the view or hearing of the Court or a jury, except when presenting an exhibit to a witness.

(D) The Court Reporter, if one is present, shall be the official custodian of all exhibits offered during the trial of any case, and shall be retained by said Court Reporter until otherwise ordered by the Court. If no Court Reporter is present, then the Judge or magistrate shall be the custodian of exhibits.

(E) After judgment and appeal, or after appeal time has expired without appeal, the Court will notify the party that tendered exhibits, depositions, or transcripts will be destroyed within sixty days from the date of the written notification. If nobody claims the exhibit after notice has been issued, the exhibits, depositions, or transcripts may be destroyed. In cases of doubtful ownership of the exhibits, a party shall bring the matter before the Court for determination. In any event, the Rules of Superintendence shall apply.

(F) Negotiations conducted in adult criminal cases, delinquency and unruly cases, and matters in which the juvenile is alleged to be a Serious Youthful Offender, shall be stated on the record at the time of any plea, admission or adjudication, including any matters, such as the lack of restitution, that have been agreed to be absent in any case. Negotiations conducted in Abuse, Neglect and Dependency cases shall be stated on the record at the time of adjudication or at any hearing impacted by such negotiation. Failure to comply with this Rule may result in the Court's refusal to proceed with any Guilty Plea Hearing or Adjudicatory Hearing.

RULE 39

PUBLIC ACCESS TO COURT PROCEEDINGS

(A) Requests for permission to broadcast, televise, record, or photograph in the courtroom must be made in writing to the Judge or magistrate as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the Judge or magistrate.

(B) The Court may grant the request in writing consistent with Canon 3(A)(c), Code of Judicial Conduct, Rule 11 of the Rules of Superintendence, and this Rule. The written permission will be made a part of the record of the proceeding.

(C) Upon the failure of any media representative to comply with the conditions prescribed by the judge or magistrate, the Rules of Superintendence of the Supreme

Court, or this rule, the judge or magistrate may revoke the permission to broadcast, photograph, or record the trial or hearing.

(D) Upon the request of any party, or a Guardian ad litem, or on its own, the Court may conduct a closure hearing to determine if cause exists to exclude the public from the proceeding. Any interested person may present testimony or other evidence and argument during the closure hearing to either support or oppose the closure of the hearing. The Judge or magistrate may, at his or her discretion, limit the length of time each person has to present evidence and argument, or limit the number of persons who may make such presentations.

(E) The Judge or magistrate presiding over the closure hearing may order that the public be excluded from the hearing if all of the following are found: (1) that there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the adjudication; (2) that the potential for harm outweighs the benefits of public access; and (3) that there are no reasonable alternatives to closure. Pursuant to Rule 26 of the Rules of Juvenile Procedure, Serious Youthful Offender proceedings may not be closed to the public.

RULE 40 MEDIATION

(A) As used in this Rule:

(1) “Mediation” means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.

(2) “Mediator” means an individual who conducts a mediation.

(3) “Mediation communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation.

(4) “Proceeding” means any judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery.

All other definitions found in Ohio Revised Code section 2710.01 are adopted by this Court through this Rule.

(B) At any time and in any action in this Court, the Judge or magistrate may choose mediation as an appropriate method of resolution and refer the parties to the Court’s Mediation Department.

(C) A case may be referred to the Mediation Department in the following manner:

- (1) The Court may order parties to participate in the mediation process.
- (2) A party may make a written or oral motion for mediation.
- (3) Court personnel may refer informal cases or otherwise ask the Mediation Department for mediation.

The staff of the Mediation Department (the mediators) determines the eligibility and appropriateness of each referral prior to the commencement of the mediation process. The Mediation Department may decline any referral that is not appropriate for mediation.

(D) Prior to scheduling a mediation in a child protection or a custody matter, the Mediation Department will conduct a screening for domestic violence. The mediator may decide not to go forward with a mediation or may terminate a mediation at any point should it become clear that the safety and the well-being of any party are at risk.

If the Mediation Department determines a case is appropriate for mediation, the mediators will schedule a mediation. The mediator will give notice to all parties and their attorneys, if any, of the time, date, locations, and means (electronic or in person) in whatever manner is appropriate given time constraints and other considerations.

A mediator may schedule multiple mediation sessions as is necessary in a case.

Upon the conclusion of the mediation, the mediator will file an Outcome with the Court stating the date the mediation took place, the attendance of the parties, whether no, partial, or complete agreement was reached, and whether there is any further scheduled mediation dates. Should the parties come to any agreement during the mediation and the next scheduled court proceeding is not immediately following the mediation, the mediator will write up the agreement and submit it to the Court in a sealed file to be opened only with a waiver of confidentiality on the record by all parties. In the event that the next court proceeding is immediately following the mediation, the mediator may read the agreement into the record after the waiver of confidentiality.

The assigned Judge or magistrate retains final approval on all agreements reached through the mediation process in formal cases.

(E) Parties who are ordered into mediation must attend scheduled mediation session and proceed in good faith. Parties are not required to reach a resolution and the mediator may stop the mediation at any time as the mediator determines is appropriate. In any case where a Guardian ad litem has been appointed, the Guardian must attend mediation. If a party refuses to mediate without good cause or does not attend a mediation, the Court may impose such sanctions as are appropriate.

(F) All court orders remain in effect. No order is stayed or suspended during the mediation process except by written court order.

(G) All communications related to or made during the mediation process are subject to and governed by Ohio Revised Code sections 2710.01 to 2710.10), Ohio Revised Code 3109.052, the Ohio Rules of Evidence and any other pertinent judicial rule(s). Prior to the start of any mediation, participants to the mediation will agree to and sign a written “Agreement to Mediate” prior to the mediation session.

(H) This Court will follow Rule 16.23 of the Ohio Rules of Superintendence in determining the qualifications and suitability of mediators employed by the Court or otherwise used in its cases.

RULE 41

POSSESSION OF CONCEALED HANDGUNS IN COURTHOUSE FACILITY

(A) Except as allowed under the Rutherford B. Hayes Building Security Policy or other Order of this Court, no person shall enter the Courthouse facility, located at 145 North Union Street, Delaware, Ohio, 43015 while carrying a handgun, either openly or concealed.

(B) For the purposes of this rule, “Courthouse Facility” means all floors of the Rutherford B. Hayes Building, including any annex.

(C) Pursuant to Ohio Revised Code section 2923.123(C)(6) this rule prohibits persons from carrying a handgun into the Courthouse Facility even if they have a valid concealed carry permit under Ohio Revised Code sections 2925.125 and 2925.1213.

RULE 42

LANGUAGE INTERPRETERS

(A) Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with any existing Rules of Superintendence and in accordance with the Court Policy on Use of Interpretive Services.

(B) Prior to serving as an interpreter, each person shall be administered an Interpreter’s Oath.

(C) Any person serving as counsel for any party, as Guardian ad Litem or in any other official capacity on any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately.

RULE 43 SUBPOENAS

Requests for subpoenas shall be filed with the Clerk at least two days prior to the hearing date, except for good cause shown. The form of subpoena shall be in accordance with Rule 17(A) of the Ohio Rules of Juvenile Procedure and service of the subpoena shall be in accordance with Rule 17(C) of the Ohio Rules of Juvenile Procedure. The party requesting the subpoena shall comply with Juvenile Rule 17(D) of Ohio Rules of Juvenile Procedure and be responsible for attaching to each subpoena the text of Rule 17(D) and (E) of the Ohio Rules of Juvenile Procedure.

RULE 44 PARENTING COORDINATION AND NEUTRAL EVALUATION

Parenting Coordination

Unless the Court rules otherwise, in accordance with Ohio law, in the event that the Court elects to utilize a parenting coordinator, the Court shall follow all rules regarding parenting coordination of the Delaware County Court of Common Pleas, Domestic Relations Division Rules of Practice and Procedure and any amendments. See Delaware County Court of Common Pleas, Domestic Relations Division Rules of Practice and Procedure, Rules 33.01-33.06.

Neutral Evaluation

Unless the Court rules otherwise, in accordance with Ohio law, in the event that the Court elects to utilize a neutral evaluation, the Court shall follow all rules regarding neutral evaluations of the Delaware County Court of Common Pleas, Domestic Relations Division Rules of Practice and Procedure and any amendments. See Delaware County Court of Common Pleas, Domestic Relations Division Rules of Practice and Procedure, Rules 39.01-39.14.

RULE 45 [RESERVED]

SPECIALIZED DOCKETS

RULE 46

ESTABLISHMENT OF FAMILY TREATMENT COURT AND JUVENILE TREATMENT COURT DOCKETS

Recognizing that alcohol and other drug-related use by both juveniles and adults poses unique challenges to the juvenile court justice system, the Delaware County Juvenile Court has created the Juvenile Treatment Court Docket and Family Treatment Court Docket according to the requirements set forth in the Rules of Superintendence for the

Courts of Ohio 36.20 through 36.29. The Juvenile Treatment Court and Family Treatment Court are specialized dockets created by the Court to enable participants to recognize their condition, accept personal responsibility for addressing it and its consequences, and to provide resources and assistance so participants can lead a productive life beyond their court involvement.

The Juvenile Treatment Court Docket and Family Treatment Court Docket seek to provide appropriate mental health and/or substance abuse treatment and related services to juvenile offenders and parents with identified mental health and/or substance abuse issues. The goals and objectives of the Treatment Court are to encourage access to appropriate mental health and/or substance abuse treatment, improve family relationships and social functioning, provide accountability and rehabilitation for non-violent offenders who have mental health and/or substance abuse problems thereby decreasing recidivism, have more stable and sober adults parenting their children and to reunify families.

RULE 47

ELIGIBILITY FOR TREATMENT COURT DOCKET

(A) Eligible juvenile participants for the Delaware County Juvenile Treatment Court Docket must have an underlying substance abuse or mental health issue that has contributed to their legal involvement.

(B) Eligible adult participants for the Delaware County Family Treatment Court Docket must have an open Abuse, Neglect and/or Dependency case with the Delaware County Department of Job and Family Services and must have an underlying substance abuse or mental health issue that has contributed to their involvement with child protective services.

RULE 48

ACCEPTANCE AND PLACEMENT TO JUVENILE TREATMENT COURT DOCKET

(A) To be accepted and placed into the Delaware County Juvenile Treatment Court, participants must meet the following legal requirements:

- (1) admit or be adjudicated of a non-violent misdemeanor or felony charge;
- (2) have a drug abuse or drug paraphernalia adjudication, an adjudication of operating a vehicle under the influence of alcohol or drugs (“OVI”), an abuse of harmful intoxicants adjudication, an alcohol or drug-related offense, or have a substance related probation violation;
- (3) not be adjudicated of a sex offense;
- (4) agree to participate and cooperate with the Treatment Court docket;
- (5) possess the ability to conform his/her behaviors to the requirements of the Court;
- (6) have the capacity to understand the requirements of the Treatment Court, the consequences for failure to follow those requirements, and the ability to comply with terms and conditions of probation; and
- (7) complete and sign necessary releases of information.

(B) To be accepted and placed into the Delaware County Juvenile Treatment Court, participants must meet the following clinical eligibility requirements:

- (1) have a history of drug or alcohol abuse or dependency and/or have an Axis I diagnosis (DSM V);

(2) have a responsible adult support person available and willing to attend counseling and to appear in Treatment Court proceedings with the juvenile;

(3) be willing to contract for and participate in a drug/alcohol and/or mental health treatment plan;

(4) be willing to take medication if prescribed; and

(5) be willing to participate in the Juvenile Treatment Court process by signing and agreeing to the terms and conditions of the Treatment Court Participation Agreement, attending all required court appearances, submitting to random testing and complying with all other Treatment Court program requirements.

RULE 49

ACCEPTANCE AND PLACEMENT TO FAMILY TREATMENT COURT DOCKET

(A) To be accepted and placed into the Delaware County Family Treatment Court, participants must meet the following legal requirements:

(1) have no prior sex offense or violent crime convictions;

(2) be mentally competent to participate in treatment;

(3) have no pending permanent custody filing; and

(4) be adjudicated in an Abuse, Neglect or Dependency case.

(B) To be accepted and placed into the Delaware County Family Treatment Court, participants must meet the following clinical eligibility requirements:

(1) have a history of drug or alcohol abuse or dependency;

(2) have an Axis I diagnosis (DSM V);

(3) be willing to contract for and participate in a drug/alcohol and/or mental health treatment plan; and

(4) be willing to participate in the Family Treatment Court process by signing and agreeing to the terms and conditions of the Treatment Court Participation Agreement, attending all required court appearances, submitting to random testing and complying with all other Treatment Court program requirements.

RULE 50

TREATMENT COURT DOCKET CASE MANAGEMENT

Participants in the Juvenile Treatment Court Docket and Family Treatment Court Docket will be referred to local agencies based on his or her needs for treatment. Participants will be provided with the program description, participant handbook and Participation Agreement. The Treatment Court team will continuously monitor participant's progress and behavior and will otherwise hold the participant accountable to the terms and conditions of the Participation Agreement.

RULE 51

TREATMENT COURT DOCKET REVIEW HEARINGS

The Court will schedule regular review hearings to monitor compliance with the original orders, including treatment, in accordance with the program phases. The Treatment Court Docket team is responsible for obtaining and presenting information at Court review hearings regarding the participant's progress. It is the responsibility of the Treatment court Docket team to monitor compliance through periodic communication with the designated treatment providers, and through direct monitoring and meeting with the participant.

RULE 52

TREATMENT COURT TEAM

The Treatment Court Team is comprised of a Magistrate, Treatment Court Docket Coordinator, Probation Officer, Licensed Treatment Providers, Prosecutor, Guardian *ad litem* and Defense Counsel. Treatment Court is a problem solving team focused on helping participants reduce the factors that led to their court involvement. Treatment Court Team members work together to help support participants toward successful treatment and rehabilitation.

All Treatment Court Team members are notified of Treatment Court hearing dates and times. Treatment Court Team members are encouraged to maintain communication with the Treatment Court Docket Coordinator so as to determine dates and times for any out-of-court Treatment Team meetings that may be scheduled. Attendance by all Treatment Court Team members to both Treatment Court hearings and out-of-court Treatment Team meetings is encouraged.

RULE 53

COMPLETION OR TERMINATION FROM JUVENILE TREATMENT COURT DOCKET

The goal of the Juvenile Treatment Court is for the participant to successfully graduate from the program and to be successfully terminated from probation. Participants can successfully complete, can be unsuccessfully terminated, can be suspended, or can be neutrally terminated from Juvenile Treatment Court at the Magistrate's discretion subject to the criteria set out below.

(A) The Magistrate has the discretion to order that the participant has Successfully Completed the Juvenile Treatment Court program. In order to successfully complete the Juvenile Treatment Court program, participants must:

- (1) successfully complete all treatment requirements;
- (2) demonstrate a period of abstinence from drugs and alcohol for at least ninety (90) days;
- (3) demonstrate positive coping mechanisms;
- (4) participate in sober activities/meetings;
- (5) demonstrate the ability to identify triggers, including negative people, places and things;
- (6) maintain employment and/or education;
- (7) pay any outstanding Court fines and fees;
- (8) complete all community service hours as ordered by the Court;
- (9) complete application for graduation and present to Treatment Court Team during exit interview.

(B) The Magistrate has discretion to unsuccessfully terminate a participant from the Juvenile Treatment Court program for noncompliance. Behaviors that may lead to unsuccessful termination include, but are not limited to:

- (1) ongoing noncompliance with treatment;
- (2) continued alcohol and/or drug use;
- (3) resistance to treatment;
- (4) new delinquency convictions;
- (5) leaving a residential program without permission; and
- (6) ongoing and repeated specialized docket infractions.

If a participant is unsuccessfully terminated from the Juvenile Treatment Court program for noncompliance, the participant may incur the loss of future eligibility to the Juvenile Treatment Court Docket and may otherwise be subject to other court action.

The Magistrate also has the discretion to suspend a participant from the Juvenile Treatment Court program if a participant has been placed in a residential or foster care placement from which the participant cannot be transported for case review hearings; has been charged with a new crime pending adjudication and/or disposition; and/or has a warrant issued for non-compliance.

(C) The Magistrate has discretion to Neutrally Terminate a participant from the Juvenile Treatment Court program. Reasons that may lead to unsuccessful termination include, but are not limited to a serious medical condition; participant/family moves out of Delaware County; and unforeseen life circumstances that prevent participation in program requirements.

RULE 54 COMPLETION OR TERMINATION FROM FAMILY TREATMENT COURT DOCKET

The goal of the Family Treatment Court is for the participant to successfully graduate from the program and to be reunified with their family. Participants can successfully complete, can be unsuccessfully terminated, can be suspended, or can be neutrally terminated from Family Treatment Court. The Magistrate has the discretion to terminate or suspend a participant from the Family Treatment Court Docket based upon the criteria set forth herein.

(A) The Magistrate has the discretion to order that the participant has successfully completed the Family Treatment Court program. In order to successfully complete the Family Treatment Court program, participants must:

- (1) successfully complete all treatment requirements;
- (2) attend sober support meetings and connect with a recovery community;
- (3) utilize a sponsor and be active in sober support activities;
- (4) demonstrate the ability to identify triggers, including negative people, places and things;
- (5) maintain stable housing;
- (6) be employed or demonstrate employability;
- (7) be awarded reunification with their child(ren);
- (8) pay any outstanding Court fines and fees; and
- (9) complete all community service hours as ordered by the Court.

(B) The Magistrate has discretion to terminate unsuccessfully a participant from the Family Treatment Court program for noncompliance. Behaviors that may lead to unsuccessful termination include, but are not limited to:

- (1) ongoing noncompliance with treatment;
- (2) continued alcohol and/or drug use;
- (3) resistance to treatment;
- (4) new and serious criminal convictions;
- (5) leaving a residential program without permission; and
- (6) ongoing and repeated specialized docket infractions.

If a participant is unsuccessfully terminated from the Family Treatment Court program for noncompliance, the participant may incur the loss of future eligibility to the Family Treatment Court Docket and may otherwise be subject to other court action.

The Magistrate also has the discretion to suspend a participant from the Family Treatment Court program if a participant has been placed in a residential facility from which the participant cannot be transported for case review hearings; has been charged with a new crime pending conviction and/or disposition; and/or has a warrant issued for non-compliance.

(C) The Magistrate has discretion to neutrally terminate a participant from the Family Treatment Court program. Reasons that may lead to unsuccessful termination include, but are not limited to a serious medical condition; participant/family moves out of Delaware County; and unforeseen life circumstances that prevent participation in program requirements.

DELINQUENCY/TRAFFIC/UNRULY CRIMINAL RULES OF PRACTICE AND PROCEDURE

RULE 55 USE OF RESTRAINTS

(A) The Court will not use any restraints, including, but not limited to handcuffs, chains, or shackles, on a juvenile during a court proceeding unless both of the following apply:

- (1) The necessity of using restraints is demonstrated to the satisfaction of the Judge or magistrate by the presence of one or more of the following factors: the child represents a current and significant threat to the physical safety of the

child's self or others in the courtroom; or there is a significant risk that the child will flee the courtroom.

(2) The court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

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

(C) If a juvenile is known to be or has stated to the Court or any Court personnel that she is pregnant, or is known to be post-partum within six (6) weeks of delivery, the Court shall follow all provisions of Ohio Revised Code section 2152.75 as it applies to restraining the juvenile.

(D) In the event of an emergency, this Rule does not limit the ability of law enforcement, security personnel, or Probation or Intake staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities, subject only to the provisions of Ohio Revised Code section 2152.72 with regard to the restraint of pregnant juveniles.

RULE 56 GRAND JURY PROCEEDINGS

(A) Grand Jury proceedings are used only to bring indictments against youth who are charged as Serious Youthful Offenders. The grand jury shall be presided over as provided in the rules of the General Division of the Delaware County Court of Common Pleas.

(B) A court reporter or any other transcriber shall not prepare transcripts of testimony of grand jury proceedings except upon order of the judge or magistrate, prosecuting attorney, or Attorney General, such as the case may be.

RULE 57 ARRAIGNMENTS

(A) In all cases involving criminal charges against adults in which the prosecuting attorney has requested service by a summons, the Sheriff of Delaware County, Ohio, shall serve a copy of the judgment entry scheduling the arraignment and the notice of the right to appointed counsel upon the adult defendant at the time of the service of the complaint and summons.

(B) In all cases in which the prosecuting attorney has requested the service of process by a warrant, an arraignment shall be immediately scheduled, following the Sheriff's return

of the warrant to the Clerk's office and the juvenile or the adult defendant's acquisition of counsel. The Sheriff's Department shall immediately notify the Clerk of Court's office of the arrest.

(C) Juveniles who are charged with first, second, or third degree felony offenses, any sex offense, or any offense of violence as defined in Ohio Revised Code section 2901.01, must appear at formal arraignment. In all other cases, juveniles may submit a written denial. Juveniles who are charged with being unruly may enter a written denial.

(D) Subject to Rule 10(B) of the Ohio Rules of Criminal Procedure, all adult Defendants are required to personally appear at the arraignment.

RULE 58 DIVERSION

(A) In keeping with Rule 9 of the Ohio Rules of Juvenile Procedure, informal intake conferences may be conducted in lieu of formal actions for certain delinquency and status offense cases. Generally, informal conferences will be available only for first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.

(B) The Intake Department has discretion to determine whether a matter is suitable for diversion. In any event, the Court may always order a matter to be handled informally.

RULE 59 BAIL FORFEITURE

Notice of bail forfeiture shall be sent by the Clerk to the Defendant or the Serious Youthful Offender, and to the surety in a form as may be approved by the Court from time to time. The Defendant or Serious Youthful Offender and surety, on or before the date set forth, shall show good cause why judgment should not be entered against them. The Clerk shall promptly present the affidavit to the judge or magistrate. No oral hearing shall be held unless requested in writing and granted by the judge or magistrate. After judgment is entered against the Defendant or Serious Youthful Offender and surety, no surety shall be released nor shall any penalty be released or remitted, except upon the filing of a written verified application filed with the Clerk in the case in question, setting forth in detail the reasons why a release or reduction should be granted. The Clerk shall bring the application to the attention of the judge or magistrate.

RULE 60 INACTIVE CASES

Cases in which further proceedings are not presently possible shall be placed in an inactive file by the Clerk and considered closed for statistical purposes either upon motion of the Prosecuting Attorney or the Court's own motion and shall not be subject to

dismissal for want of prosecution. A case shall be removed from that list when the Defendant or juvenile is available and proceedings resume or when the case is dismissed. Cases to which this rule is applicable shall include those in which the Defendant or juvenile is not competent to stand trial, is confined in an institution in another state, has not been served, or cannot be found. A list of inactive cases shall periodically be prepared and presented to the County Prosecutor. The Prosecutor shall file a report with the judge on the status of the inactive cases or shall dismiss those cases.

RULE 61 DISMISSALS

When the Prosecuting Attorney desires to enter a dismissal in any criminal case or delinquency case pursuant to Rule 48(A) of the Ohio Rules of Criminal Procedure, or in any juvenile case, a written motion and proposed entry shall be filed, setting forth sufficient grounds for the requested relief. If no grounds are provided, the Court may schedule an oral hearing.

RULE 62 TRAFFIC VIOLATIONS

(A) The Juvenile Division of the Delaware County Court of Common Pleas has a Traffic Violations Bureau, pursuant to Rule 13.1 of the Ohio Rules of Traffic.

(B) All juveniles shall personally appear, either in person or electronically as prescribed by the Court, with a parent or legal guardian for a formal arraignment on any moving violation.

(C) Juveniles cited for non-moving traffic violations may sign the admission and waiver of trial provision of the ticket and mail or deliver the ticket and form of payment approved by the Court for the total amount of the fine and costs to the Court. Waiver eligible offenses are:

- Failure to wear seatbelt
- Failure to display or expired tags
- Riding a bicycle on a sidewalk
- Jaywalking
- Skateboarding or rollerblading on a sidewalk or street
- Muffler violations
- No headlights or taillights
- Window tint violations
- Bumper height violations
- Vehicle lighting violations
- Loud amplifier violations

The Judge may add waiver-eligible offenses by future judgment entry in the Judge's discretion.

(D) The Court shall establish and publish a schedule of costs and fines for all waiver offenses and shall distribute the schedule to all local law enforcement agencies.

(E) The use and filing of a traffic ticket that is produced by computer or other electronic means is authorized in the Delaware County Juvenile Court. Such ticket shall conform in all substantive respects, including layout and content, to the "Ohio Uniform Traffic Ticket" excepting the standards for the color and weight of paper and method of binding. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the Juvenile with a paper copy of the ticket as required by Ohio Traffic Rules. The issuing law enforcement officer shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

RULE 63 DAILY COPIES OF TRANSCRIPTS

Daily copies of transcripts to counsel in cases will not be ordered, provided for, or permitted except in such cases where the sound discretion of the Judge or magistrate would require it in the interest of justice.

RULE 64 PRE-DISPOSITIONAL REPORTS

(A) In a case involving an adult criminal offense or Serious Youthful Offender, the Judge or magistrate may order the Intake Department to complete a Pre-sentence Investigation and the Court will provide adequate time for the preparation of that report between adjudication and sentencing. In a case involving a delinquent or unruly child, the court may order the Intake or Diversion Department to complete a Pre-Dispositional Report after adjudication and the Court will provide adequate time for the preparation of that report between adjudication and disposition.

(B) The officer who prepares the Report shall have it completed no later than two court days prior to disposition or sentencing. When the Report is completed, it shall be provided, either in its entirety, or in summary form to the Judge or magistrate and made available by the Judge or magistrate, upon request, for review by the attorney for the Defendant or Juvenile (or by the Defendant or juvenile if not represented by an attorney) and the Prosecutor and/or the Assistant Prosecutor.

(C) If the Judge or magistrate believes that any information in the Report should not be disclosed pursuant to Rule 32(C) of the Ohio Rules of Juvenile Procedure, the Judge or magistrate, in lieu of making the report or any part of the report available, shall state orally or in writing the reasons why the report or portion of the report is not being made available. In the case of adult Defendants and juveniles who are alleged to be Serious

Youthful Offenders, if any portion of the Report is not made available, the Judge or magistrate shall orally summarize the contents of that portion on the record and then allow the attorney for the adult Defendant or Juvenile to rebut or comment on that portion of the Report.

RULE 65 POST CONVICTION PETITIONS

(A) Post conviction petitions for a determination of a prisoner's Constitutional rights shall be filed and docketed by the Clerk in the original case in which the adult defendant or Serious Youthful Offender was sentenced. Upon the filing of a petition the Clerk shall issue written notice to the Prosecuting Attorney.

(B) When a waiver or the return of the notice is filed, the Clerk shall deliver within one Court day after filing all the papers in the case to the Judge or magistrate who originally handled the case or his or her successor on the case.

RULE 66 SERIOUS YOUTHFUL OFFENDER PROCEEDINGS

(A) Pursuant to Ohio Revised Code section 2152.13, the Prosecuting Attorney may initiate a Serious Youthful Offender proceeding by alleging that the child is a Serious Youthful Offender, by filing a notice of intention to seek a Serious Youthful Offender disposition, or by seeking an Indictment from a duly impaneled Grand Jury. Regardless of the nature of the initiating document, the juvenile has a right to a determination of probable cause by a Grand Jury. Once an indictment is returned, it shall be transferred from the General Division of this Court to the Juvenile Division, pursuant to Ohio Revised Code section 2152.03, via motion prepared and filed by the Prosecutor's Office.

(B) Upon receipt of an Indictment from the Clerk of the General Division, the Clerk of this Court shall prepare an appropriate summons ordering that the juvenile and his or her parent or guardian appear in Court for the purposes of an arraignment on the charge. The notice shall include a copy of the Indictment and the Prosecutor's Notice of Intention to Seek a Serious Youthful Offender Disposition, if one has been filed. The Sheriff of Delaware County, Ohio, shall serve a copy of the judgment entry or order scheduling the arraignment and the notice of the right to appointed counsel upon the juvenile or the adult defendant at the time of the service of the indictment or complaint and summons.

(C) If an application for a public defender is made by a juvenile against whom a Serious Youthful Offender disposition is sought, and the juvenile is eligible for such representation, a public defender who is on the General Division's felony public defender list shall be appointed to represent the juvenile.

(D) In any case where a juvenile, through negotiation, wishes to plead guilty to a charge seeking a Serious Youthful Offender disposition, all negotiations shall comply with Rule 11(F) of the Ohio Rules of Criminal Procedure and shall be presented to the Judge or

magistrate in written form, signed by the juvenile, the attorney for the juvenile and the representative of the Prosecutor's Office.

(E) Following a plea, or a conviction at trial, of a juvenile against whom a Serious Youthful Offender disposition is sought, the Court shall order a presentence investigation and order whether it shall be conducted by a representative of the Court or by a representative of the Ohio Adult Parole Authority. A copy of the presentence investigation report shall be made available subject to the rules and conditions set forth in Local Rules 64.

RULE 67
[RESERVED]

RULE 68
[RESERVED]

MANAGEMENT AND RETENTION OF COURT RECORDS

RULE 69
GENERAL GUIDELINES

(A) Rules 69, 70, and 71 are intended to provide minimum standards for the production, maintenance, preservation, and destruction of records within the Court and to authorize alternative electronic methods and techniques. Implementation of these rules is a judicial governmental function. Rules 69, 70, and 71 shall be interpreted to allow for technological enhancements that improve the efficiency of the Court and simplify the production, maintenance, preservation, and destruction of court records.

(B) As used in Local Rules 69, 70, and 71, the following definitions apply:

- (1) "Administrative record" means a record not related to cases of the Court that documents the administrative, fiscal, personnel, or management functions of the Court.
- (2) "Case file" means the compendium of original documents filed in an action or proceeding in the Court, including the pleadings, motions, orders, and judgments of the Court on a case by case basis.
- (3) "Index" means a reference record used to locate journal, docket, and case file records.
- (4) "Journal" means a verbatim record of every order or judgment of the Court.
- (5) "OHS" means the Ohio Historical Society, State Archives Division.

(6) "Record" means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of a court that serves to document the organization, functions, policies, decisions, operations, or other activities of the Court.

(C) Notwithstanding any other provisions of the law, the Court may combine indexes, dockets, journals, and case files provided that the combination contains the component of indexes, dockets, journals, and case files as defined in Local Rules 69, 70, and 71. The Court may replace any paper bound books with an electronic medium or microfilm in accordance with this rule.

(D) The Court may create, maintain, receive, record, copy, or preserve a record on traditional paper media, electronic media, including digital images, or microfilm, including computer output to microfilm.

(E) The Court may create, maintain, receive, record, copy, or preserve a record using any nationally accepted records and information management process, including photography, microfilm, and electronic data processing, as an alternative to paper. The process may be used in regard to the original or a copy of a record if the process produces an accurate record or copy and the process complies with the American National Standards Institute (ANSI) standards and guideline, or, in the event that ANSI standards cease to exist, other nationally accepted records and information management process standards.

(1) If the court creates, maintains, receives, records, copies, or preserves a record using a records and information management process in accordance with Local Rule 71(B) and the record is required to be retained in accordance with the schedules set forth in Loc. Juv. R. 63 to 64, the court shall cause a back-up copy of the record to be made at periodic and reasonable times to insure the security and continued availability of the information. If Local Rules 69 through 71 require the record to be retained permanently, the back-up copy shall be stored in a different building than the record it secures.

(2) Records shall be maintained in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by an alternative records and information management process in accordance with Local Rule 71(B) shall be provided.

(3) In accordance with applicable law and purchasing requirements, a court may acquire equipment, computer software, and related supplies and

services for records and information management processes authorized by Local Rule 71(B).

(4) Paper media may be destroyed after it is converted to other approved media in accordance with this rule.

(F) Subject to the notification and transfer requirements of this rule, a record and any back-up copy of a record produced in accordance with Division E of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Local Rules 70 and 71. If Local Rules 70 and 71 set forth a retention period greater than ten years for a record, or if a record was created prior to 1960, the court shall notify the OHS in writing of the Court's intention to destroy the record at least sixty days prior to the destruction of the record. After submitting a written notice, the Court shall transfer, upon request of the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.

(G) A court may order the retention period for an individual case file extended beyond the period specified in Local Rules 70 and 71.

RULE 70 RETENTION SCHEDULE FOR ADMINISTRATIVE RECORDS

The Court may maintain the following records in any form listed in Local Rule 69(D). The following retention schedule shall apply for the administrative records of the courts:

(A) Administrative journal.

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

(B) Annual reports.

Two copies of each annual report shall be retained permanently.

(C) Cash books.

Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(D) Communication records.

Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

(E) Correspondence and general office records.

Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

(F) Drafts and informal notes.

Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

(G) Employee history and discipline records.

Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.

(H) Fiscal records.

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(I) Grant records.

Records of grants made or received by a court shall be retained for three years after expiration of the grant.

(J) Payroll records.

Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(K) Publications received.

Publications received by a court may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the publications.

(L) Receipt records.

Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

(M) Requests for proposals, bids, and resulting contracts.

Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

RULE 71

RETENTION SCHEDULE FOR THE JUDICIAL RECORDS OF THE COURT

(A) Definitions.

(1) As used in Local Rule 71, "division" means the Juvenile Division of the Court of Common Pleas of Delaware County, Ohio.

(2) As used in Local Rule 71, "docket" means the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

(B) Required records.

(1) The division shall maintain an index, docket, journal, and case files in accordance with Local Rule 69.

(2) Upon the filing of any paper or electronic entry permitted by the division, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month, and year of filing.

(C) Content of docket.

The docket of the division shall be programmed to allow retrieval of orders and judgments of the division in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the division, and shall include:

(1) Names and addresses of the parties in full;

(2) Names, addresses, and Supreme Court attorney registration numbers of all counsel;

(3) The issuance of documents for service upon a party and the return of service or lack of return;

(4) A brief description of all records and orders filed in the proceeding, the time and date failed, and a cross reference to other records as appropriate;

(5) A schedule for court proceedings for the division and its officers to use for case management;

(6) All actions taken by the division to enforce orders or judgments; and

(7) Any information necessary to document the activity of the clerk of the division regarding the case.

(D) Retention schedule for the index, docket, and journal.

The index, docket, and journal of the division shall be retained permanently.

(E) Judge, magistrate, and clerk notes, drafts, and research.

Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

(F) Retention schedule for case files.

(1) Search warrant records shall be indexed and the warrant and returns retained in their original form for five years after the date of service or last service attempt.

(2) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or for two years after the child who is the subject of the motion obtains the age of majority, whichever is later.

(3) Adult records shall be retained for fifty years after the final order of this Court. This rule applies regardless of the disposition of the case. Adult records which have been sealed pursuant to Ohio Revised Code section 2953.32 shall be kept in accordance with the statute.

(4) Traffic, unruly and marriage consent records shall be retained for two years after the final order of this Court or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(5) All juvenile records which have been sealed shall be kept in their separate and appropriate sealed files until expunged. Pursuant to Ohio Revised Code section 2151.355, all expunged juvenile records are irretrievably destroyed.