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OHIO 45601
RICHARD G. WARD, JUDGE**

ROSS COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION
LOCAL RULES OF PROCEDURE
Rules of Court 2004



Christine B. Hannan, Magistrate
Steven E. Drotleff, Magistrate

Effective March 1, 2004

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LOCAL RULES OF PROCEDURE

The following rules have been promulgated by the Ross County Court of Common Pleas, Juvenile Division, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 9 of the Ohio Supreme Court Rules of Superintendence for the Courts of Common Pleas. They are adopted to provide for the efficient and expeditious management of business before the Court.

The Rules are effective as of March 1, 2004.

As used in these rules, Civ. R. is a reference to the Ohio Rules of Civil Procedure; Crim. R. is a reference to the Ohio Rules of Criminal Procedure; and Juv. R. is a reference to the Ohio Rules of Juvenile Procedures. These rules shall be known as the Local Rules of the Court of Common Pleas, Juvenile Division, and may be cited as “Ross County Juvenile Rules” or “Ross Juv. R.”

RULE 1 COMPLIANCE WITH OHIO RULES

1.01 These Rules are a supplement and complementary to the Ohio Rules of Criminal Procedure, the Rules of Superintendence of Courts of Common Pleas, Ohio Rules of Juvenile Procedure and other controlling statutes.

1.02 Unless otherwise provided herein, all pleadings, motions and other filings shall comply in form and content with the Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Rules of Superintendence of Courts of Common Pleas, and Ohio Rules of Juvenile Procedure.

1.03 Ohio Rules of Superintendence 26.01 and 26.03 are hereby adopted and implemented as if fully rewritten herein.

RULE 2 HOURS OF THE COURT

2.01 The Ross County Juvenile Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m. Monday through Friday, on all business days, except holidays as provided by resolution of the Ross County Board of Commissioners. The Juvenile Clerk of Court, at the discretion of, and upon the Order of the Judge, may vary the operating hours of the Court for matters of extraordinary nature or importance.

2.02 The Court shall sit in session between the hours of 8:00 a.m. and 4:00 p.m. At their discretion, Judges or Magistrates may schedule hearings at other times.

RULE 3 CASE MANAGEMENT PLAN

From the commencement of litigation to its resolution, whether by trial or settlement, any time lapse, other than the reasonable requirements for pleadings, discovery or scheduling, is unacceptable and should be eliminated. A just and efficient resolution of

cases requires the Court to control the pace of litigation. A dedicated judicial commitment is essential to maintaining a current docket.

3.01 This Case Management Program provides:

- A. Court supervision and control of the movement of the case from the time of filing of the first document invoking court jurisdiction through final disposition.
- B. Promulgation and monitoring of time standards for the overall disposition of cases.
- C. By rules, conferences or other techniques, establishment of times for conclusion of the critical steps in litigation process.
- D. Procedures for early identification of cases that may be protracted and giving them special administrative attention where appropriate.
- E. Adoption of a trial setting policy which schedules cases in a manner to ensure efficient use of judge time while minimizing resettings.
- F. Commencement of trials on the original scheduled date.
- G. A firm, consistent policy for minimizing continuances.

3.02 The following time standards are adopted:

- A. General Civil – Civil cases will be settled, tried, or otherwise concluded within twelve (12) months of the date of case filing. Exceptional circumstances of a case may require additional time but all litigation will be concluded within twenty-four (24) months of the date of filing.
- B. Domestic Relations- All domestic relations matters will be settled, tried, or otherwise concluded within nine (9) months of the date of filing. Exceptional circumstances of a case may require additional time but all litigation will be concluded within one (1) year of the date of filing.
- C. Criminal Misdemeanor – All misdemeanor, infractions, and other non felony cases will be adjudicated or otherwise concluded within one hundred twenty (120) days from the date of arrest or citation. No case will extend more than twelve (12) months from the date of arrest or citation.

Persons in Pre-trial Custody – Persons detained will have a determination of custodial status or bail set within twenty-four (24) hours of arrest, or next business day. Persons incarcerated before trial will be afforded priority for trial.

- D. Juvenile – Juvenile cases will be heard within the following time limits:
 1. Detention and shelter hearings – not more than twenty-four (24) hours or next business day following admission to any detention or shelter facility;
 2. Adjudicatory or transfer hearings:
 - a. A juvenile in detention or shelter facility, not later than ten (10) days following the admission to such facility;
 - b. A juvenile who is not in detention or shelter facility, not later than sixty (60) days following the filing of the petition;

3. Disposition hearings – not later than sixty (60) days following the adjudicatory hearing. The court may grant additional time in exceptional cases.
- 3.03 Matters taken under submission to a judge or judicial officer shall be promptly determined. Deadline will be set for party presentation of briefs and affidavits. Decisions will be made from the bench or not later than thirty (30) days after submission.
 - 3.04 This program incorporates Court Delay Reduction as follows:
 - A. A judicial commitment to delay reduction expressed in written goals and objectives.
 - B. A published case management program outlining the reduction of delays and time standards.
 - C. Prompt and reliable data concerning the status of cases and case processing.
 - 3.05 The program will be enhanced by:
 1. Bar support and lawyer cooperation.
 2. Utilization of special expertise.
 3. Consideration of alternative methods of dispute resolution which could facilitate an earlier termination of actions.
 - 3.06 Where unacceptable delay exists, specific journalized orders will be issued to litigants and counsel. Continuing orderly review will continue to include:
 1. Assessment of current caseload with a quarterly review inventory of all proceedings to counsel of record.
 2. Analysis of productivity.
 3. Revision of rules and practices to implement case management and delay reduction.
 - 3.07 Case Management will be enforced as follows:
 1. Continuances of a hearing or trial should be granted only for good cause shown. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the Court that the extension will not interrupt the schedule movement of the case.
 2. Request for continuance and extension will be in writing accompanied by proposed entry with memorandum and notice to all parties, including litigant represented by movant and shall comply with Ross Juv.R. 23.
 3. The lawyer who persistently requests continuances and extensions will be warned of the possibility of sanctions and to encourage them to make necessary adjustment in management of their practice. Where such measures fail, restrictions may be properly imposed on the number of cases in which the lawyer may participate at any one time.

RULE 4 FILING BY FACSIMILE TRANSMISSION

When a party wants to file a pleading via facsimile transmission, they shall follow Juv. R. 8. Filings that require a filing fee shall not be accepted by facsimile transmission. This Court will accept documents by facsimile for notice purposes only. Pleadings will be deemed to have been filed only upon the presenting of the original to the Court and the payment of any required fees.

RULE 5 SERVICE

5.01 A party requesting service by the Clerk of Court must provide the current address of all parties to be served regardless of the form of service requested.

Any request for service of a complaint, counterclaim, motion, order or other paper requiring service pursuant to the Ohio Rules of Civil Procedure shall be accompanied by a time stamped copy of the paper to be served.

Unless otherwise requested, all service shall be by certified mail. It remains the responsibility of the party seeking the action or relief to secure service of process in accordance with the Ohio Rules of Civil Procedure.

5.02 In all cases when service of process is to be accomplished by publication, it shall be the responsibility of the party to ensure that the publication is accomplished, including the selection of the means of publication and the preparation of the Motion for Publication, Affidavit in Support, Entry authorizing Service by Publication and the Notice for Publication.

Upon completion of the publication of service, the party shall file with the Court an affidavit from the publisher showing the fact of publication, together with a copy of the notice of publication. The affidavit and its exhibits shall constitute the proof of service.

5.03 Any party or attorney for any party who initiates any action in this Court shall attempt to obtain service on all parties as soon as possible.

5.04 In cases involving delinquency, unruliness, juvenile traffic offenders or adults charged with criminal acts, the Prosecutor shall be given notice of failure of service and be responsible for obtaining service of process.

5.05 In cases involving paternity, allocation of parental rights, custody, support, companionship or related matters or allegations of abuse neglect or dependency, if service is not perfected, counsel or the party, if unrepresented shall be given notice of the failure of service, the date of filing and that if service is not perfected within six months of filing, the action will be dismissed without prejudice, without further hearing.

RULE 6 RECORD OF THE PROCEEDINGS

6.01 All matters heard by the Judge or a Magistrate will be recorded by an audio recorder.

6.02 Upon written request filed with the Clerk, a court reporter shall prepare a written estimate of the cost of a transcript and notify the requesting party of the same. Upon payment of a required fifty percent (50%) deposit to cover the cost of transcription, an official transcript of the proceedings shall be prepared from the audio tape(s). The transcript, not the tape(s), constitutes the official record of the proceeding. The deposit must be made within fourteen days of the issuance of the written cost estimate. Failure to pay the deposit in a timely manner will be considered a withdrawal of the request for a transcript.

6.03 A request for preparation of a transcript does not extend or stay the time for the filing of objections to a Magistrate's Decision and Journal Entry in accordance with Juvenile Rule 40 (E)(3).

RULE 7 COURT RECORDS, ASSIGNMENTS, AND HEARINGS

7.01. The records of official cases shall be maintained as provided by law, the Ohio Rules of Juvenile Procedure, and as provided by Ross County Juvenile Rules of this Court.

Such records of juvenile cases involving juveniles shall be open for inspection upon request by the parent(s) of any child affected by any order of proceeding, and in the event that said child has no parent having custody, or next of kin, either in person or by designated counsel. Otherwise, such records shall not be available to any person except by order of the Judge, or legal process from a court of competent jurisdiction or as required by law.

7.02. All juvenile matters capable of being heard by court magistrates shall be assigned for hearing to a magistrate, unless otherwise ordered. All requests for hearing by Juvenile Judge shall be filed in writing no later than three (3) days prior to the scheduled hearing date.

7.03. The records of adult cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.

7.04. Consent for administration of polygraph tests to juveniles shall be given upon application by the office of the prosecuting attorney or law enforcement agency and, with the consent of the parents, guardian, or custodian of the juvenile, upon written consent by the Court upon its journal.

7.05. Any complaint concerning a child who is not a resident of Ross County shall be transferred to the county of residence of the child, unless otherwise directed by the

Court. Complaints involving juveniles who are residents of another state shall be considered upon the merits of the particular case.

7.06. In order to provide a means for scheduling detention hearings in accordance with the mandated time requirements of law and the Juvenile Rules, detention and shelter care hearings shall be held by the court at 9:00 a.m. each morning and shall take precedence over other matters regularly assigned. Notice of such hearings shall be provided by the detaining officer or as provided by the law or the Juvenile Rules. Said notice may be given by phone to any person entitled to the same if other means have been found by said officer to be ineffective.

7.07. Continuances of any proceeding shall be granted within the discretion of the Judge or Magistrate, for good cause shown, upon written application or in open Court, either by a person entitled to notice or his counsel.

7.08. Receipts for all payments of funds into the Juvenile Division shall be issued upon forms as provided by the Court. The depository of such funds as established shall be the Huntington Bank of Chillicothe, Ohio, in a checking account with consecutively numbered checks; provided that any funds from a devise, bequest, gift, or grant received by the Juvenile Division for the purpose for which property may be accepted shall be separately maintained and accounted for.

7.09. File folders for all cases shall be labeled setting forth the case number and name of the juvenile or adult, arranged with the last name first in capital letters. Pending matters shall be filed by case number designation.

7.10. In all matters wherein request is made for appointed counsel, the standards adopted by the Ohio Public Defender Commission and promulgated as Ohio Administrative Rule 120-1-03 shall be applied to determine whether the person requesting counsel is indigent and qualifies for court- appointed representation.

Prior to appointment of counsel, the person requesting court appointed representation shall execute an Affidavit of Indigency, Financial Affidavit, and Application for Court Appointed Representation. The Court may require additional information and documentations prior to appointment.

7.11 Filings and Judgment Entries

- (A) All filings shall be on eight and one-half by eleven inch paper, without backings.
- (B) All papers filed shall contain the case name and case number, and the name, address, Supreme Court number, and telephone number of the individual counsel representing the party, and in the absence of counsel, the name, address and telephone number, telefax number, if any, and business e-mail address, if any, of the party. Any paper not containing the above requirements may be refused for filing by the Court, or, if filed, may be stricken from the files.

- (C) In civil proceedings, unless the Court otherwise directs, counsel for the party in whose favor a verdict or opinion is rendered shall, within seven (7) days thereafter, prepare the proper judgment entry and submit the original to the Court with a copy to counsel for the opposing party. Counsel for the opposing party shall have seven days to object to the entry.
- (D) Upon failure to comply with this rule, the matter may be dismissed or the Court may prepare and file the appropriate entry.
- (E) In all other proceedings, the court will prepare and file the appropriate entry, unless the court otherwise directs.
- (F) All pleadings subsequent to the assignment of a case to the Judge or Magistrate shall include in the caption the name of the person to whom the case is assigned. Periodic reports of the Probation Department or Ross County Job and Family Services – Children’s Division are not subject to this requirement.

7.12 Cost Stay of Executions

In any proceeding in which a party is ordered to pay a fine and/or court costs, the deputy clerks are authorized to approve a stay of execution for thirty (30) days. Any request for extension beyond thirty (30) days must be approved by the judge or magistrate.

7.13 Cost Deposits

A cost deposit shall be posted when filing a complaint unless the complaint is filed by a law enforcement agency, Ross County Job and Family Services – Children’s Division, Ross County Child Support Enforcement Agency or is transferred by another juvenile court. The deposit schedule is as follows:

Dependent, Neglect, Abused Complaint.....	\$150.00
a. If a restraining order is requested	\$160.00
Paternity, Child Support, Custody, or Visitation Complaint...	\$100.00
a. If a home investigation is requested the party requesting the investigation is required to arrange for the investigation and there is an additional charge of.....	\$ 75.00
b. Request for jury trial.....	\$100.00
c. Motion in the above re-opening such case.....	\$100.00
Delinquent Misdemeanor Complaint.....	\$ 75.00
Delinquent Felony Complaint.....	\$100.00
Unruly Complaint.....	\$ 75.00
Adult Contributing Complaint.....	\$100.00
Application for installment of payments for fines and/or costs.....	\$ 20.00

7.14 In all cases in which a party desires preparation of a transcript of a proceeding, such request shall be made by written order to the Court Reporter, in compliance with Ross Juv. R. 6.02.

Compensation for official stenographic reports for making transcripts and copies as provided in the Ohio Revised Code, is fixed as follows:

Three Dollars (\$3.00) per page for the original transcript;
One Dollar and fifty cents (\$1.50) per page for the first copy of the transcript;
One Dollar and fifty cents (\$1.50) per page for a copy to the opposing side or additional copies.

7.15 Notice of Failure of Service of Process shall be served on local counsel by placing written notice in the attorney of record's box at the front office of the Court. Notice to non-local counsel or to parties proceeding pro se shall be served by ordinary U.S. mail.

7.16 When a child's operator's license or permit is declared forfeited due to a failure to appear in Court or failure to pay fine and/or court costs, there is hereby imposed a \$25.00 fee for vacating such forfeiture. This fee represents a \$15.00 charge imposed by the Bureau of Motor Vehicles to reinstate the operator's license and \$10.00 late fee to the Court.

7.17 In cases in which objections to or appeals from a Magistrate's Order are filed, the Court hereby enters the Magistrate's Order as the Court's interim order pending determination of such objections or appeal.

7.18 Within ten (10) days of the filing of the objection to or appeals from a Magistrate's Order or a motion for findings of fact and conclusions of law, counsel for the parties shall file with the Court proposed filings of fact and conclusions of law.

7.19 Juvenile Competency Proceedings

General Purpose

The purpose of this rule is to expedite proceedings under section 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

Expedited Hearings

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or this rule.

Notice

Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the

child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

Stay of Proceedings

Upon the filing of a motion for determination regarding a child's competency or upon the court's own motion the court shall stay 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 court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

RULE 8 JUVENILE PROCEDURES

8.01 The Court hereby designates the Magistrates of the Court as Intake Officers, under the direction and supervision of the Court, and assigns them the duty of informally screening all complaints upon filing to determine the appropriate manner of proceeding. Additional designations shall be made by the Court when necessary.

8.02 In all cases in which an order of this Court confines a child to the custody of the Ross County Sheriff and is held at the South Central Ohio Regional Juvenile Detention Center each of the child's parents may visit with the child, notwithstanding any limitation on the ability of non-custodial parents by the rules of that Center, provided that the non-custodial parent complies with all other rules concerning visitors.

8.03 Warrants for juveniles issued by the Court shall be valid for six (6) months unless otherwise directed by the Court.

8.04 Holding Rooms

- a. In recognition of the lack of juvenile holding cells in the Law Enforcement Complex, the Court hereby designates the two secured rooms at the rear entrance to the Court as holding facilities for the use of the Ross County Sheriff's Department, the Chillicothe Police Department and Ohio State Highway Patrol. These are for holding juveniles not more than four (4) hours for hearings scheduled within that period of time.
- b. All juveniles so detained shall, from their entry into the Court and at all times until ordered released, be in handcuffs, leg shackles, and belly chains.
- c. No person shall be left unattended in the holding rooms.
- d. Adults may be detained in the holding rooms for the same purposes, provided that no child and adult shall be held in the same room at any time.

8.05 Arrest of Child after Court hours:

1. Entry into detention or shelter care

The detention and shelter care of children shall be administered in accordance with the provisions of Juvenile Rule 7.

2. Release of Child

An officer who desires to release an alleged unruly or delinquent child to his parent(s), guardian(s), custodian(s), or other person (brother, sister, aunt, etc.) pending completion of investigation and filing of a complaint may do so without authorization of the Court.

3. Arrest Pursuant to Warrant or Custodial Order

Child should be taken to the Juvenile Detention Center or contact the Ross County Job and Family Services – Children’s Division as indicated on the upper right corner of the warrant.

4. Arrest without Warrant

Intake permission is required for unruly children. Unruly children may be confined only with the Ross County Job and Family Services – Children’s Division.

Delinquent: 1. Child arrested for any misdemeanor may be detained at the Juvenile Detention Center or with the Ross County Job and Family Services – Children’s Division, as directed by the Intake Officer.

2. Child arrested for any felony charge involving physical harm may be detained at the Juvenile Detention center, at the discretion of the officer. NO AUTHORIZATION BY INTAKE OFFICER IS NECESSARY.

3. Questions regarding the appropriateness of charges or type of charge should be directed to the Prosecuting Attorney for Ross County or the appropriate assistant.

RULE 9 ADULT PROCEDURES

9.01 The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions wherein the Juvenile Division has jurisdiction.

9.02 All persons charged with offenses and who are being held under process from this Court or who have been arrested and charged in this Court shall be brought before the Court for arraignment upon arrest, or may post bond in accordance with Rules of Criminal Procedure established by the Supreme Court of Ohio.

9.03 In the event that an adult charged with an offense under the provisions of Section 2151, Revised Code, is detained in the custody of a law enforcement officer, and which offense is not otherwise a felony, the Court hereby orders that such officer may take such defendant before an officer of a court of record for his appearance before this Court. Bail for any such offense is hereby fixed in the sum of One Thousand Dollars (\$1,000.00), unless otherwise ordered in a warrant to arrest, as provided in Ross

Juv. R. 21. An appearance for persons posting bond shall be set for hearing at the call of the Court.

9.04 Sentence Definition – The word “day” as used in sentence entries filed in the Juvenile Division of the Common Pleas Court of Ross County, Ohio, with the Sheriff of Ross County, Ohio is hereby defined as follows:

- A. On a sentence without reservation as twenty-four consecutive hours and shall be from 4:00 p.m. to 4:00 p.m., except for all inmates received prior to 4:00 p.m. on intake day shall receive credit for proceeding day by virtue of having been incarcerated prior to 4:00 p.m.
- B. On an intermittent sentence served during daylight hours, the offender may receive credit for one (1) day when admitted on or before 7:00 a.m.; this day will conclude at 4:00 p.m.
- C. On an intermittent sentence served at night time, the offender may receive credit for one (1) day when admitted on or before 9:00 p.m.; this day will conclude the next morning at 6:00 a.m.

9.05 Unless otherwise specified in the order setting the hearing, citations for contempt shall first be fixed for arraignment before a Magistrate, for entry of plea, appointment of counsel, and other preliminary matters capable of being heard and determined by a Magistrate.

9.06 Warrants for adults issued by the Court shall be valid indefinitely, unless otherwise directed by the Court.

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

9.08 Other bonds or recognizance to appear as may be provided by the judge, shall be in the form as provided by law, order of this Court or other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.

9.09 The sufficiency of sureties shall be determined by the Court in each case; and when real property is offered as security by a surety, the Court shall require twice the value of the bond in real property as such value shall appear upon the county tax list maintained by the office of the County Auditor multiplied by two (2).

RULE 10 PROBATION DEPARTMENT

10.01 Pursuant to Section 2151.15 of the Revised Code of Ohio, the Juvenile Division of the Common Pleas Court of Ross County, Ohio hereby establishes a probation department within the juvenile court as provided in Section 2151.14 of the Revised Code.

10.02 The deputy clerks of the Juvenile Division shall render such assistance to the probation staff as may be directed by the Judge. Deputy Clerks may administer oaths, issue warrants of arrest, warrants of detention and other writs in the name of the Judge of the Juvenile Division as may be provided by law, these rules or the Juvenile Rules adopted by the Supreme Court of Ohio.

10.03 The probation department shall make such investigations, obtain such reports and perform such other duties as shall be directed by the Judge or as provided in the statutes and Juvenile Rules.

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

10.05 Any staff member of the Juvenile Division may attend meetings of juvenile agency personnel, persons concerned with child's welfare, juvenile delinquency and traffic safety as the Court may direct from time to time and shall be compensated for the actual and necessary expenses incurred by such attendance; reimbursement shall be made from funds appropriated for use of the Court. Transportation by use of personal auto shall be at the per mile rate set by the Ross County Commissioners.

10.06 There shall be at least one (1) juvenile probation officer on duty to accept referrals from the Court between 8:00 a.m. to 4:00 p.m. Monday through Friday. Upon the assignment of a pre-dispositional investigation by the Court, the juvenile probation officer must submit said pre-dispositional investigation within fifteen (15) calendar days or file a written request for extension of time stating reason and expected date of completion or file addendum.

10.07 Upon receipt of a referral for a pre-dispositional investigation the probation officer shall prepare such record, which shall contain the following information:

1. The child's name and address and the name and address of each parent, guardian, or other custodian;
2. The circumstances and reason for referral of youth;
3. The child's mental and physical health;
 - a. The family history of child, including siblings, parents, grandparents, and other relatives (as possible source of placement);
 - b. School district, if of school age, and educational history, if available;

- c. The circumstances of the offense, including, if applicable, a victim statement, based on personal interviews.

10.08 Upon the assignment of a pre-dispositional investigation by the Court, the appropriate personnel of the Probation Department or Ross County Job and Family Services – Children’s Division shall submit such pre-dispositional report in writing within fifteen (15) calendar days or file as much of said report has been completed with an explanation or reason for incomplete report.

10.09 At least one half hour prior to the dispositional hearing, the investigating probation officer shall be available to meet with the Judge or Magistrate in conference to review the written reports, proposed terms of probation, etc.

10.10 A progress report concerning said child shall be filed in writing with the Court at least every thirty (30) days, unless otherwise directed by specific order.

10.11 If a probationer violates his terms of probation, the probation officer shall file a separate report with the Court detailing the violations of probation. Said probationer shall receive detailed information of his violation of terms of probation along with a copy of the notice for date of court hearing. If the violation is based on the juvenile’s commission of a new offense, a new complaint shall be filed with the Court.

10.12 The Referral Secretary shall transmit to the designated probation officer: a) face sheet information; b) signed authorization forms from school records and other court records (confidential information); c) time for appointment for conference between the probation officer and the child and said child’s family.

10.13 Pre-dispositional reports, victim impact statements, and other reports of the Juvenile Probation Department are for the use of the Court and shall not be reviewed or released to any person without the consent of the Judge or Magistrate.

10.14 Upon availability of funds from the Ohio Department of Youth Services, or other sources, there is hereby created the position of Youth Counselor to provide services of investigation, placement, and case supervision of adjudicated delinquent or unruly youths. Said youth counselor is hereby designated an officer of the Court and shall be under the direction and control of the Court.

10.15 Community Service: In all cases wherein the Court orders the performance of volunteer community service as a condition of probation or disposition, all such community service shall be provided to governmental agencies or subdivisions, to non-profit, charitable organizations, or the victim of the offense. The performance of such service shall be supervised by the community programs officer and is subject to prior written approval of the Court, upon recommendation of the Probation Department.

10.16 Restitution: It is the express policy of the Court that victims should receive prompt reimbursement for property damage or loss suffered as a result of offenses. In all cases wherein restitution is ordered, said restitution shall be paid through the Ross County Juvenile Probation Department. All restitution so paid is subject to poundage of two percent (2%), to be collected by appropriate personnel of Ross County Juvenile Department, and paid into the county treasury monthly. In any case wherein partial restitution has been paid, amounting to twenty dollars or more, said monies shall be disbursed within thirty (30) days from payment, and upon express order of the Court.

Reports, investigations, and recommendations of the Ross County Job and Family Services – Children’s Division shall be governed by the same rules applicable to the Juvenile Probation Department.

10.17 Photographing Juveniles Under Court Supervision

10.17.1 Pursuant to Ohio Revised Code 2151.313, the Ross County Juvenile Probation Department and IV-E Department shall be authorized to photograph any and/or all juveniles who are under the supervision of the Probation Department or IV-E Department, for the purpose of identification of said juveniles;

10.17.2 The Ross County Juvenile Probation Department and IV-E Department shall be authorized to keep a record of all juveniles photographed pursuant to this Order. Photographs taken under this order shall remain in the custody and control of the Probation and IV-E Departments until the juvenile is removed from the Departments’ supervision.

10.17.3 Use of photographs obtained pursuant to this order shall be limited to the purpose of identification by Ross County Juvenile Probation Department and IV-E Department officers. Any use of photographs beyond this scope and purpose shall be authorized at the discretion of the Court.

RULE 11 COURT COSTS

11.01 The Clerk's Office shall not accept any action or proceeding for filing without the requisite filing fee set forth in Ross Juv. R. 7.13.

11.02 The payment of the filing fee upon the filing of the pleading may be waived, with Court approval, in cases of indigence, by filing an affidavit of indigence swearing that the party is without funds or assets to pay the fee and a certification by the attorney, if any, that no attorney fees have been paid and shall complete a financial affidavit. The filing of the affidavit of indigence does not relieve a party from liability for the filing fee.

11.03 Court costs in cases of delinquent, unruly and adult criminal charges may be assessed as part of final disposition.

11.04 Installment Payments of Fine and/or Costs

In any juvenile case, when the assigned judge gives the individual time to pay such fines and/or costs, the fines and/or costs may be paid in installments. Installment payments shall not be received beyond the date set forth for payment unless authorized by the assigned judge. The Court will collect a \$20.00 fee on the cases wherein the individual requests time to pay said fine and/or costs.

RULE 12 COMPANIONSHIP AND SUPPORT ORDERS

12.01 The Court adopts standard companionship guidelines which are set forth in Appendix 1 and Appendix 2. The Court promotes, wherever possible, parenting by both of a child's parents. Recognizing that the Court deals with paternity establishment and cases where there has been little or no parent-child bond, there are guidelines to begin and phase in companionship with a nonresidential parent who has had little or no contact with the child.

12.02 All child support orders shall contain standard language as set forth in the Appendix regarding the payment amount, where the payments are to be made and the statutorily mandated provisions regarding mandatory withholding and notice requirements.

12.03 Ross County CSEA shall prepare all income withholding notices.

12.04 Child support shall not be abated except by specific court order.

RULE 13 PARENT EDUCATION CLASSES

All parties to a complaint for custody or companionship, any motion either for change of custody or for the modification of companionship order – the parents, guardian, or custodian of the child or children affected by such request, shall attend the Ross County parenting education classes provided by the Adena Regional Hospital 272 Hospital Road, Chillicothe, Ohio.

The non-moving party shall attend such classes within sixty (60) days after the service of the motion and/or complaint. Upon completion of such attendance, the parties shall present a certificate of attendance to the Court.

Failure to comply with this rule shall be grounds for dismissal at the costs of the petitioner, except if the Court excuses such attendance for good cause shown.

13.01 Parent Education Class (also repeated in 17.02): All parties to a complaint for custody or companionship, any motion either for change of custody or for the modification of companionship order – the parents, guardian, or custodian of the child or children affected by such request, shall attend parenting education classes provided by the Child Protection Center of Ross County.

The non-moving party shall attend such classes within sixty (60) days after the service of the motion and/or complaint. Upon completion of such attendance, the parties shall present a certificate of attendance to the Court who shall then assign the motion or complaint for hearing.

Failure to comply with this rule shall be grounds for dismissal at the costs of the petitioner, except if the Court excuses such attendance for good cause shown.

RULE 14 ATTORNEY'S FEES AND EXPENSES

14.01 A party seeking an award for payment of attorney's fees for retained counsel shall do so by a written motion or other pleading, accompanied by a notice of hearing, pursuant to these rules, the Rules of Civil Procedure and the Rules of Juvenile Procedure. A motion for attorney's fees may be combined with requests for other relief.

14.02 In all matters wherein request is made for appointed counsel, the standards adopted by the Ohio Public Defender Commission and promulgated as Ohio Administrative Rule 120-1-03 shall be applied to determine whether the person requesting counsel is indigent and qualifies for court- appointed representation.

Prior to appointment of counsel, the person requesting court appointed representation shall execute an Affidavit of Indigency, Financial Affidavit, and Application for Court Appointed Representation.

14.03 Appointed Counsel Fee Statements

In all actions in which the Court has appointed counsel to represent an indigent person, appointed counsel shall file a completed Motion, Entry, and Certification for Appointed Counsel Fees, along with a copy of the financial affidavit and the order assigning counsel, no later than thirty (30) days of a pre-trial or dispositional hearing. Further, periodic billings for out-of-court fees may only be made once every ninety (90) days. Failure to timely file such Motion, Entry, and Certification for Appointed Counsel Fees may result in disallowance of such fees.

RULE 15 JUDGMENT ENTRIES

15.01 In cases where complaints, counterclaims and motions have been settled and an attorney has been required to submit a judgment entry, the judgment entry shall be submitted to the Court within twenty (20) days of the hearing date, unless an extension of time is granted. Failure to comply with this rule may result in the automatic dismissal

of the complaint, counterclaim or motion by the Court, or may result in sanctions to the attorney required to submit an entry at the discretion of the Court.

15.02 The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties.

RULE 16 GUARDIANS AD LITEM

16.01 The Court shall appoint a Guardian ad litem when it finds it necessary and appropriate to protect the interests of a child(ren) or when required to do so by statute or rule.

16.02 The role of the Guardian ad litem is to assist the Court and to represent the best interest of the child(ren). Should it appear that the child(ren)'s best interest and the child(ren)'s desires are in conflict, the Guardian ad litem shall file a motion with the Court requesting that an attorney be appointed to represent the child(ren).

16.03 The Guardian ad litem shall have access to Court record, upon Court approval.

16.04 The Guardian ad litem may engage in discovery, request physical, psychological or psychiatric evaluations and subpoena and examine independent witnesses.

16.05 The Guardian ad litem shall perform an appropriate investigation upon appointment.

16.06 The Guardian ad litem is the legal representative of the child(ren) and is entitled to notice of all hearings and shall be forwarded copies of any and all filings made by other parties to the action. Counsel for other parties to the action or in other proceedings shall not communicate with the child(ren) without the consent of the Guardian ad litem.

16.07 Unless otherwise directed by the Court, the Guardian ad litem shall prepare a written report, filed with the Court as directed by the Court. The Guardian ad litem's report shall be available to counsel pursuant to statute or rule. The Guardian ad litem's report is considered confidential.

16.08 If the Guardian ad litem becomes aware of a conflict of interest with his/her appointment, he or she shall file the appropriate motion.

16.09 Absent objection or appeal, the duties of the Guardian ad litem appointed in a private case shall not extend beyond thirty (30) days following the journalization of the final judgment entry that concludes the matter.

In cases of abuse, neglect and dependency, the duties of the Guardian ad litem extend until the child is returned to the legal custody of a parent or third party without an order of protective supervision, or for a child who is in planned permanent living arrangement or permanent custody of Children's Services, until the child is adopted or emancipated.

16.10 All guardian ad litem's shall comply with Rule 48 of the Rules of Superintendence for the Courts of Ohio.

16.11 The deputy clerk designated by the Juvenile Judge shall maintain files of approved guardians. Said files shall be reviewed annually. The deputy clerk shall maintain a separate list of all approved guardians open to the public. The deputy clerk shall annually request each, individual on the list to certify that they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with Division E of Rule 48 of the Rules of Superintendence.

16.12 Any person, having a complaint regarding a guardian ad litem, shall submit said complaint in writing to the deputy clerk. The guardian ad litem shall be provided a copy of said complaint and given an opportunity to respond in writing within fourteen (14) days thereafter. The comments and complaints shall be forward to the Judge for consideration and appropriate action.

16.13 In cases of non-indigency, the Guardian ad litem may be paid in accordance with the provisions of the order of appointment. A deposit shall be required by the party/parties before the Guardian ad litem begins their investigation. The Guardian ad litem shall submit a Motion itemizing the services rendered and an Order releasing the deposit for the Guardian ad litem's fee and payment of any additional fees and/or expenses.

16.14 Guardians ad litem from CASA/GAL of Ross County, Inc. may be appointed at the Court's discretion in abuse, neglect and dependency cases and/or when the disposition requested is Planned Permanent Living Arrangement or Permanent Custody to Ross County Job and Family Services – Children's Division. In dependent, neglect, abuse cases the Guardian ad litem shall also act as the attorney for the child.

RULE 17 PRIVATE CUSTODY AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILTIES AND/OR COMPANIONSHIP ACTIONS

17.01 When a Complaint, counterclaim or a motion to establish or modify custody or the allocation of parental rights and responsibilities is sought, the party so moving shall file the original motion, affidavit in support, and child custody affidavit. The matter will be set for a pretrial upon compliance with Ross Juv. R 10.02.

17.02 Parent Education Class (also addressed in 13.01): All parties to a complaint for custody or companionship, any motion either for change of custody or for the modification of companionship order – the parents, guardian, or custodian of the child or children affected by such request, shall attend parenting education classes provided by the Child Protection Center of Ross County.

The non-moving party shall attend such classes within sixty (60) days after the service of the motion and/or complaint. Upon completion of such attendance, the parties shall

present a certificate of attendance to the Court who shall then assign the motion or complaint for hearing.

Failure to comply with this rule shall be grounds for dismissal at the costs of the petitioner, except if the Court excuses such attendance for good cause shown.

17.03 Complaints/Motions involving custody or companionship filed by a non-parent shall state the relationship to the minor child. A home study may be ordered for all cases where a non-parent requests custody. The party seeking custody shall pay the cost of the home study.

17.04. The Court may furnish and require the execution of such forms as it shall deem necessary to be filed with any pleading or Motion filed with the Clerk. No pleading or Motion shall be accepted for filing until the information requested in such forms is submitted, unless waived by the Court.

17.05. Proposed judgment entries or Entry Setting Hearing shall be submitted with all Motions. All Entries setting hearings shall specifically state all motions/matters to be heard at said hearing.

RULE 18 DELINQUENT AND UNRULY COMPLAINTS

18.01 The deputy clerks of the Juvenile Division shall not prepare complaints unless instructed to do so by the Judge. The Court shall not be placed in the position of initiating complaints by its staff and thereby promoting the conclusion that the Court is starting cases, and thereby casting the Court in a non-judicial character. This rule does not apply to the filing of Motions by the Probation department for violation of terms of probation or Court Orders.

18.02 Diversion/Mediation

(A) Pursuant to Juv. R. 9(A), if the best interests of the child and of the public require, the matter may be referred to unofficial status and the child subject to the complaint referred to diversion/mediation, in lieu of formal court action.

(B) Unofficial cases considered by the court shall not be subject to the other provisions of these rules.

(C) Unofficial cases shall not be part of the permanent record of the child and shall be removed from the child's file when he or she is no longer subject to the jurisdiction of the juvenile court. No person, except for court staff, shall have access to records of unofficial matters, without consent of the Court.

(D) Cases that satisfy the following criteria shall be eligible for diversion/mediation:

- (1) The child subject to the complaint is a first time offender;
- (2) The offense charged is a non-truancy unruly, an alleged delinquency for violation of Revised Code Section 4301.631, an alleged violation of

any Revised Code Section which would be a misdemeanor if committed by an adult, or misdemeanor in which restitution is minimal, \$100.00 or less, or was has already been paid.

(3) All truancy complaints shall be subject to the Truancy Prevention Program.

(E) In addition to cases referred to diversion/mediation pursuant to Juv. R. 10 (D) any case may be referred to diversion/mediation upon order of the Court in accordance with Juv. R. 10 (A).

(F) Cases which might otherwise qualify for diversion/mediation may remain in an official status where there are multiple offenders not all of whom are eligible for diversion/mediation or where family or other circumstances indicate that the best interests of the child and the public are not served by a referral to diversion/mediation and unofficial status.

(G) Successful completion of diversion/mediation is at the discretion of the Court and may result in dismissal of the case.

(H) Mediation Procedure:

1. If there is any disagreement regarding allocation of parental rights and responsibilities, or companionship, the parties may mediate their differences within a specific period of time. The Court shall determine the payment of costs.
2. Unofficial delinquency and unruly cases may be referred for a Mediation Conference by the Court's intake officer.
3. Statements made during pre-trial Mediation Conferences are subject to Evidence Rules 408 and 410.
4. The mediator shall not disclose the contents of the mediation except as agreed to by all parties or in accordance with applicable statutes and rules governing mediator disclosures.
5. A Mediation Conference may be court ordered during the pendency of a case upon request of parties or upon order of the Court.
6. The mediator shall submit an outcome report within a specified period of time and shall indicate the parties' full or partial agreement and the number of sessions attended, or, if no agreement, shall state only that no agreement was reached. If the parties enter into an agreement, the agreement becomes part of the record and is an enforceable court order.

RULE 19 TRUANCY PREVENTION PROGRAM

19.01 Pursuant to Section 2151.01 of the Ohio Revised Code and Rules 1,3, 9(a), 22, and 29(F)(2)(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore a program of rehabilitation for first-time school truants, the Juvenile Court hereby establishes a

Truancy Prevention Program for school truants.

Upon the referral of an unruly school truant complaint, if it appears:

1. Student accumulates several days of unexcused and/or excused absences.
 - A. At one to three unexcused days, school officials make the first contact by talking to the student and writing to the parent. The school will mail the “Be a Winner” letter and the “Laws Regarding School Attendance” to the parent and fax a copy of the “Be a Winner” letter to the Attendance Officer.
 - B. Arrangements are made to assist the student with problems preventing regular attendance.
2. Student is defined as an “habitual truant” having been absent, without legitimate excuse, five consecutive school days, seven or more school days in a school month (a school month is defined as four 5-day school weeks or twenty consecutive school days), or twelve or more school days in a school year.
 - A. The school faxes the “Notice of Habitual Truant” to the Attendance Officer for the scheduling of a diversion hearing.
 - B. The Attendance Officer faxes: “Notice of Habitual Truant” “Notice of Conference Hearing” “Notice to all Charged by Complaint” to the Sheriff for service to the custodial parent(s) and the child.
 - C. The Attendance Officer faxes “Notice of Conference Hearing” to principal to confirm date and time of hearing.
 - D. Sheriff faxes signed “Notice of Conference Hearing” back to Attendance Officer to verify delivery.
 - E. Following the diversion hearing the Attendance Officer hand delivers the disposition of the case to the parents(s), and principal.
3. Student is defined as a “chronic truant” having been absent without legitimate excuse seven or more consecutive school days, ten school days in a school month (a school month is defined as four 5-days school weeks or twenty consecutive school days), or fifteen or more school days in a school year.
 - A. The school mails the “Notice of Chronic Truant” to the Ross County Prosecutor who will file the complaint with the Juvenile Court. Fax copy of Notice to Attendance Officer.

RULE 20 BONDS AND RECOGNIZANCE

20.01 Appearance bonds for adults shall be fixed by the Judge or assigned Magistrate in each individual case upon arraignment, or at such other time as may be determined; the deputy clerks shall endorse on all Warrants for the arrest of adults the amount of bond as may be provided by the Judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the Judge or assigned Magistrate.

20.02 Other bonds or recognizance to appear as may be provided by the Judge or assigned Magistrate shall be in the form as provided by the law, order of this Court, or

other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.

20.03 The sufficiency of sureties shall be determined by the Judge or assigned Magistrate in each case; and when real property is offered as security by a surety, the Court shall require twice the value of said property that appears upon the county tax list maintained by the office of the County Auditor.

20.04 An entry of denial may be filed by the respondent's attorney on behalf of the child, in lieu of appearance of the child and parent(s) with prior consent of the Court.

RULE 21 PRE-TRIAL CONFERENCES

21.01 Trial counsel shall appear at each pre-trial conference with client(s). At the pre-trial, trial counsel should be prepared for settlement of all issues. In the event that all issues are not settled at the pre-trial, the following matters shall be considered or completed by counsel for the parties:

- A. Those matters set forth in Rule 16 of the Ohio Rules of Civil Procedure, Rule 17.1 of Ohio Rules of Criminal Procedure or Rule 21 of the Ohio Rules of Juvenile Procedure.
- B. Further discovery proceedings including a completion date.
- C. Trial briefs, as directed by the Court.
- D. Identification of witnesses and disclosures of their statements and potential testimony.
- E. Views of the scene.
- F. Status of case for trial.
- G. Narrow trial issues by stipulation.
- H. Parties shall have made at least one (1) good faith attempt to settle the case.

The pre-trial conference shall not be assigned later than one (1) week before the assigned trial date of the action, except as required by law or Order of the Judge or assigned Magistrate. All counsel shall be fully prepared to discuss all of the above issues at pre-trial. Failure to be so prepared may result in the imposition of sanctions, attorney fees and/or court costs.

RULE 22 CONTINUANCES

22.01 Absent extraordinary circumstances, the Court will not grant a continuance of a trial or other hearing without a timely written motion and order stating the reason for the continuance, and an attempt to gain approval of opposing counsel or party if *pro se*.

22.02 A motion shall be considered timely if filed seven (7) days before the scheduled hearing date.

22.03 Continuances shall not be granted unless the party requesting the same can

demonstrate to a judge or magistrate an emergency or unanticipated circumstance. Absent such condition, the hearing or trial shall proceed as scheduled.

22.04 When a continuance is requested because counsel is scheduled to appear in another case on the same date and time, the case that was first set for hearing or trial shall have priority. The Court will not consider any motion for continuance on this basis unless a copy of the conflicting assignment or an affidavit of counsel is attached.

22.05 The Court may waive these requirements for cause.

RULE 23 OFFICIAL FILE

23.01 Records are contained in the court's official file.

23.02 The official file may be reviewed by parties or their attorneys in all case open to the public. Confidential case files may only be reviewed upon authorization of the Court.

23.03 Exhibits properly introduced and admitted into evidence at trial shall be maintained separately and made available pursuant to Ross Juv. R. 7.01.

RULE 24 TRIALS/HEARINGS

24.01 Failure to appear: If a moving party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion, without prejudice. If the responding party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all the issues. Failure of counsel or a party to appear may result in sanctions being imposed pursuant to Ross Juv. R. 28.

24.02 Counsel and parties should appear sufficiently prior to a scheduled hearing to be prepared to begin the hearing at the time set.

24.03 Findings and conclusions: The Court may require the parties to file proposed findings of fact and conclusions of law.

RULE 25 CONTEMPT MOTIONS

25.01 Specificity: All motions for a party to appear and show cause why he or she should not be held in contempt of a prior court order shall contain the specific facts or must be accompanied by an affidavit setting forth the specific facts forming the basis for the motion. A party requesting a court order to compel a person's appearance at a hearing for such purpose shall provide a copy of the motion and proposed order to the Court for signature.

25.02 Service: Motions for contempt shall be served pursuant to Ohio Rule of Civil

Procedure 4 through 4.6; provided that, when imprisonment is sought as a sanction, the responding party shall be served by personal service.

RULE 26 COURTROOM DECORUM

26.01 Any person entering the Juvenile Court area is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom without first, if requested by the Court, submitting such bag, case or parcel to security personnel for inspection.

26.02 The courtroom is open to the general public, except as otherwise ordered by the Court, in accordance with O.R.C. 2151.35 (A) (1). Hearings regarding charges against adults and serious youthful offenders will be open in accordance with O. R. C 2152.

26.03 At all court appearances, all parties must be properly attired. If the parties are not properly attired in accordance with this rule, the Court may order that the hearing will not go forward. If witnesses or spectators are not properly attired, they may be excluded from the hearing.

26.04 Food, beverages and smoking are prohibited in the courtroom during all hearings.

26.05 No radio or television transmission, voice recording device (other than the recorder used by the Court), making or taking of pictures, cellular telephones, pagers, beepers or other devices shall be permitted, except on consent of the Court and in accordance with Rule 11 of the Rules of Superintendence for the Courts of Ohio.

26.07 Persons committing any violation of proper conduct shall be removed from the courtroom, hallway or entryway by security personnel charged with the enforcement of this Rule.

RULE 27 SANCTIONS

27.01 The Court may order sanctions or take other appropriate measures when an attorney or a *pro se* party unnecessarily causes undue delay or conflict, or fails to abide by these Rules, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure or the Ohio Rules of Juvenile Procedure.

RULE 28 APPEARANCE, WITHDRAWAL OR SUBSTITUTION OF COUNSEL

28.01 The right of all parties to be represented and retain counsel of their own choosing is implicit in the law and is fully recognized by the Court. Indigent parties shall be appointed counsel as provided in the Ohio Revised Code and Ohio Rules of Juvenile Procedure. Court employees shall maintain a neutral and impartial position and shall not function as advocates or adversaries. Court personnel shall not indicate that

counsel is or is not necessary in any particular case.

28.02 Any attorney who is retained by any party in any proceeding pending in this Court shall enter his/her appearance as counsel of record within forty-eight (48) hours of being retained by the party or as soon as possible prior to the next scheduled hearing if the attorney is retained less than forty-eight (48) hours before the scheduled hearing, whichever is sooner. Said appearance of Counsel shall be filed with the Court and served upon all parties or attorneys of record.

28.03 Withdrawal: After entering an appearance as counsel, no attorney shall be relieved of responsibility unless:

- a. Counsel timely files a written motion with the Court stating the grounds for withdrawing from the case, together with a proper certification that counsel has notified the client of all subsequent hearing dates and the necessity for attendance at those hearings, and has notified both the client and opposing counsel, or party if unrepresented, of the withdrawal, and;
- b. The Court grants the motion.

28.04 Substitution of counsel of record. Any attorney entering a case, on behalf of a party who has had previous representation in the action, shall do so by written notice of substitution filed with the Clerk and proper certification to all parties/attorneys of record.

28.05 Should appointed counsel file additional pleadings or appear in cases after the completion of the matters for which they were initially appointed, counsel must file a new affidavit of indigence. The affidavit must be completed by their client contemporaneously with the filing or the appearance. This provision does not apply to cases of abuse, neglect or dependency involving Ross County Job and Family Services, Children's Division.

RULE 29 EX PARTE COMMUNICATION

29.01 No attorney shall discuss the merits, either orally or in writing, of any litigation with any Judge or Magistrate presiding over the matter without the presence of opposing counsel or the party, if not represented.

RULE 30 JUVENILE TRAFFIC CASES

30.01 The statutory procedures with respect to the hearing of traffic cases and the Ohio Traffic Rules will be followed insofar as they are applicable to this Court and not inconsistent with these Rules of Court.

30.02 The Uniform Traffic Complaint forms will be used in all traffic cases; each person filing a complaint on said form will be required to provide thereon the names

and addresses of parents or guardians or persons having custody of the alleged juvenile traffic offender.

30.03 Law enforcement officer shall provide the Court with a statement of facts which will provide sufficient information with respect to the juvenile and the alleged violation to assist the Court in making final disposition.

RULE 31 COURT STAFF

31.01 The staff of the Court shall consist of juvenile probation officers, deputy clerks, court reporters, intake officers, bailiffs, and such additional persons as may be appointed from time to time.

Certain of the staff members may also be assigned for duties in the Probate Division. Nothing in these rules shall be construed as being prohibitive of the same person serving in more than one capacity.

The juvenile probation officer and youth counselor shall have the duties assigned under these rules in addition to those provided by law. The Court shall control and supervise any volunteer services, which may be made available to the Court from time to time.

31.02 The conduct, duties, hours, expenses, leaves of absence and vacations of staff shall be regulated by these rules and by direction of the Judge and the Personnel Policies and Rules and Position Classification Plan, adopted November 1, 1993; in matters for which provision for the manner in which an act should be performed, and in the absence of a specific direction from the Judge, the provisions of the rules of the Probate Division shall apply.

Appendix 1

Amended Rule 21.10**COMPANIONSHIP SCHEDULE**

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

COMPANIONSHIP BETWEEN THE CHILDREN AND THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT NORMALLY BE LESS THAN:

1. Weekends: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall continue unchanged, even if interrupted by holiday and birthday, summer and/or vacation companionship.
2. Weekdays: (One or Two) weekday evenings per week from 6:00 p.m. to 9:00 p.m.
3. Extracurricular Activities: Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities school related or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and phone number if reasonably available to the residential parent).
4. Holidays and Birthdays: In odd-numbered years, mother has New Year's Day, Spring Break, Memorial Day, Labor Day, Christmas Eve and the first half of Christmas Break. In odd-numbered years, father has Martin Luther King's Day, Easter, Fourth of July, Thanksgiving, Christmas Day, and the second half of Christmas Break. In the even-numbered years, the schedules are reversed.
 - a. When in conflict, holiday companionship shall supersede and take precedence over the alternating weekend companionship. For any holiday falling on a Friday or Monday, if the weekend immediately preceding the Monday holiday or following the Friday holiday and the holiday companionship are spent with the same parent, there is no need for that parent to return the child to the other parent; father if a holiday

falls on a Friday, companionship commences Friday at 8:00 a.m. to Sunday at 6:00 p.m.; if a holiday falls on a Monday, companionship commences Friday at 6:00 p.m. to Monday 8:00 p.m.

- b. Mother's Day and Father's Day and, the parents' birthdays only when they fall on a Saturday or Sunday, to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 7:00 p.m. These do not have to be made up.
- c. Other days of special meaning, such as Religious Holidays, etc., should be decided together, written into the Court Order, and alternated as above. These do not have to be made up.
- d. Hours for parents who can not agree are as follows: New Year's Day (9:00 a.m. to 7:00 p.m.); Martin Luther King's Day (9:00 a.m. to 7:00 p.m.); Spring Break (6:00 p.m. the Friday school is out to 7:00 p.m. the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school); Easter (8:00 a.m. to 7:00 p.m.); Memorial Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school); July 4th (9:00 a.m. to 9:00 a.m. the next day); Labor Day (9:00 a.m. to 9:00 a.m. the next day, not to interfere with school); Thanksgiving (9:00 a.m. to 9:00 a.m. the next day); Christmas Eve (9:00 p.m. December 23 to 9:00 p.m. December 24); Christmas Day (9:00 p.m. December 24 to 9:00 p.m. December 25); Christmas Break (first half commences at 8:00 a.m. the day Christmas Break beings, continuously, unless interrupted by Christmas Eve and Christmas Day, through half of the vacation break, which may be at noon if the number of days in Christmas vacation are an odd number or 9:00 p.m. if the school vacation has an even number of days; second half commences at noon of the middle day of the break if the break has an odd number of days or 9:00 p.m. the last day of the first half of the break if the break has an even number of days to 9:00 a.m. New Year's Day). Christmas Eve, Christmas Day and New Year's Day are to be exercised independently from the Christmas Break companionship and shall be spent with the designated parent. To calculate the Christmas Break, the parties shall add all days of the Christmas Break, excluding the day the children are out of school and the day they return to school but including all weekdays and weekend days that fall during the break, the children are off school (again excluding Christmas Eve Day, Christmas Day and New Year's Day) and divide the total in half. The Christmas Break companionship shall be consecutive days, except as interrupted by Christmas Eve, Christmas Day.
- e. 48-hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.
- f. The children's birthdays should be alternated per child, between the parents and on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.

5. Waiting: The children and residential parent have not duty to await the visiting parent for more than thirty minutes of the companionship time. A parent who is late forfeits companionship for that period.
6. Cancellation: The non-residential parent should give 24-hour notice to cancel. The time cancelled by the non-residential parent is forfeited.
7. Illness: If a child is ill, the residential parent should give 24-hour notice, if possible, so appropriate plans can be made. However, if more than one day of any companionship, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or non-critical illness, then any missed companionship shall be made up as soon as practicable.
8. Summer: The non-residential parent shall have companionship with the children for the last half of the summer each year. The summer school vacation is defined as the entire summer school vacation, commencing the day after the children are out of school and continuing until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided by two, and the non-residential parent shall have the last half of the summer as companionship with the children.
During summer vacation, the residential parent receives weekday companionship as afforded the non-residential parent the rest of the year. The alternating weekends continue during the non-residential parent's summer companionship, without interruption.
9. Vacation: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. The non-residential parent shall schedule this during his/her one-half (1/2) summer companionship period, and the residential parent shall schedule this at a time other than the non-residential parent's one-half (1/2) summer companionship. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Alternate weekends are missed during vacation, and are therefore not required to be made up.
10. Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing companionship schedule for distances under three hours or the long distance companionship for distances longer than three hours, including the sharing of physical and monetary costs of transportation and telephone expenses until a Court order modifying companionship is entered.
11. Access to Records: Both parents shall have access to all medical, dental, optometric, psychiatric, and psychological records of the minor children and may consult with any treating physician, dentist or other health care provider to

the children. Both parents shall execute any authorizations or releases necessary to release these records and documents to the other. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the children. Each parent shall notify each other of any health problems of the children. Both parents shall have access to the children's school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy a copy to the other parent within 3 days of receipt.

Both parents shall have access to babysitting, day care, nursery school and/or latch key records of the children. Both parents shall be entitled to communicate with all physical care providers for the children. Either parent shall execute any authorizations or releases necessary to release the records to the other. Both parents shall have access to all religious records of the children. Both parents shall have the right to participate and attend all religious activities of the children.

12. Telephone Access: The children must be allowed to communicate by telephone, one time per week, with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one-half hour conversations. The party with whom the children are residing at the time of the call shall bear the expense unless the children are permitted to telephone the other parent collect. The children may call either parent, collect, with the agreement of the parent being called, at any and all reasonable times as he or she wishes.
13. Make-up Companionship: Any make-up companionship required by this schedule shall occur the first weekend of the other parent immediately following the missed companionship and shall continue during the other parent's weekends until made up in full, including partial weekends.
14. Current Address and Telephone Number: Each parent must keep the other informed of his/her current address and telephone number at all times.
15. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.
16. Clothing: The residential parent is responsible for providing sufficient, appropriate, clean clothing for every companionship period, based on the lifestyle of the resident parent and child. If the planned companionship activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next

companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

Appendix 2

Rule 21.11, Rules of Court**Companionship Schedule
Ross County Common Pleas Court
(For Long Distance Travel – Over 150 Miles One Way)**

Companionship is a time for children to do things with the parent they do not live with. Activities you can do with them or skills you can teach them help the time be rewarding. Helping the children find friends in your neighborhood also helps make it like home for them.

Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE.

THIS WILL NOT NORMALLY BE LESS THAN:

1. Christmas: Christmas vacation, excluding Christmas Eve and Christmas Day, will be divided in half and alternated annually, by half, between the parents. Additionally, Christmas Eve and Christmas Day shall be alternated annually between the parents.
2. Spring Break: School vacation (the Friday school is out to the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school) in odd-numbered years or the Saturday before Easter to the Saturday after Easter for pre-schoolers with no school-aged siblings.
3. Alternative Holiday Plan: Those who wish more frequent contact, and who develop a plan to pay for the transportation, can have half of Easter vacation, half the summer, alternate-year Thanksgiving, and half of the Christmas vacation each year. The holidays themselves must be alternated, as the parties agree, or Easter and Thanksgiving in the odd-numbered years and Christmas in the even-numbered years for the non-residential parent.
4. Summer: One half of the school summer vacation. Summer school necessary to the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.

- a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the non-residential home, and in the odd-numbered years, the second half.
 - b. The children must be allowed to communicate, by telephone, one time per week, with both parents, regardless of with whom the child is currently residing. Both parents shall permit no less than one half hour conversations. The calling party shall bear the expense. The children may call either parent, collect, at any and all reasonable times as he or she wishes.
 - c. A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.
5. Vacations: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses and telephone numbers.
 - a. Vacation is defined as a trip away from the parents' home. It does not include a parents' vacation time off from work where that parent spends time at home.
 - b. Summer school necessary for the child to pass to the next grade must be attended.
6. Additional Companionship:
 - a. Weekend: A once-a-month, weekend visit to the non-residential home will be permitted if the child's traveling time does not exceed three hours one way. The residential parent must be notified at least one week in advance.
 - b. Father's Day and Mother's Day can always be spent with the appropriate parent.
 - c. The non-residential parent shall notify the residential parent at least two days in advance of any time the non-residential parent will be in the area and wants a companionship period. Absent extraordinary circumstances, this companionship shall occur.
 - d. The residential parent must notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and companionship must be allowed.
7. Transportation: Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the area of the non-residential parent, and companionship must be allowed.
8. Moving: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent and provide the other parent with the moving date, new residence address and

telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new companionship schedule. But if they are unable to do so, the non-residential parent shall, at a minimum, enjoy the existing companionship schedule for distances under three hours or the long distance companionship for distanced longer than three hours, including the sharing of physical and monetary costs of transportation and telephone expenses until a Court order modifying companionship is entered.

9. Access to Records: The non-residential parent shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor children and may consult with any treating physician, dentist, or other health care provider to the children. The residential parent shall execute any authorizations or releases necessary to release these records and documents to the non-residential parent. Each parent shall notify each other of any health problems of the children. The non-residential parent shall have the same access as the residential parent to the children's school records. The non-residential parent shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within 3 days of receipt.
10. Current Address and Telephone Number: Each parent must keep the other informed of his/her current address and telephone number at all times.
11. Modification: This schedule can be changed or modified by the Court if need for such is shown.
12. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship exchanges occur.
13. Clothing: The residential parent is responsible for providing sufficient, appropriate, clean clothing for every companionship period, based on the lifestyle of the resident parent and child. If the planned companionship activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the companionship period. The non-residential parent is not required to return the clothing washed and cleaned, unless the residential parent has companionship with the children for a period in excess of four (4) days. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after companionship, shall be returned by the residential parent to the non-residential parent at the next

companionship period. If the next companionship period is longer than seven (7) days, then the clothing returned to the non-residential parent must be washed and cleaned.

APPENDIX 3

ROSS COUNTY JUVENILE COURT
FEE SCHEDULE FOR COURT APPOINTED COUNSEL
Amended effective October 16, 2006

Payment for assigned counsel shall be on the basis of Sixty Dollars (\$60.00) per hour for time in court and Forty Dollars (\$40.00) per hour for time out of court, up to the following maximum amounts:

JUVENILE PROCEEDING MAXIMUM AMOUNT	
Felony level Delinquency and Bindover	\$1000.00
Misdemeanor level Delinquency	\$1000.00
Unruly	\$1000.00
Abuse, Neglect and Dependency	\$1000.00
Paternity or Child Support	\$1000.00
Allocation of Parental Rights and Responsibilities (Private)	\$1000.00
Payment for Guardian Ad Litem (Attorney) shall be on the basis of Thirty-five Dollars (\$35.00) per hour for all time (in and out of court) up to a maximum amount of \$1000.00 per case per year.	