

ASHLAND COUNTY JUVENILE COURT
ASHLAND, OHIO

LOCAL COURT RULES

It is hereby ORDERED that these Local Rules of Court for the Ashland County Juvenile Court, Ashland, Ohio are adopted and approved.

FILED
DAMIAN J. VERCILLO
JAN 25 2021
JUVENILE JUDGE
BY DJV


JUDGE DAMIAN J. VERCILLO

TABLE OF CONTENTS

RULE 1 : HOURS OF THE COURT	<u>4</u>
RULE 2 : INTERPRETATION, APPLICATION and CITATION.	<u>4</u>
RULE 3: STAFF ASSIGNMENTS RELATING TO LOCAL RULES.	<u>4</u>
RULE 4: COSTS	<u>5</u>
RULE 6: GENERAL COURTROOM PROCEDURES.	<u>7</u>
RULE 7: REQUIREMENTS FOR COUNSEL OF RECORD.	<u>9</u>
RULE 8: GUARDIAN AD LITEMS..	<u>10</u>
RULE 9: PLEADINGS - GENERAL REQUIREMENTS.	<u>12</u>
RULE 10: SERVICE OF PROCESS.	<u>14</u>
RULE 11: REQUIREMENTS FOR AGREED JUDGMENT ENTRIES..	<u>15</u>
RULE 12: CONTINUANCES.	<u>16</u>
RULE 13: GENERAL MOTION PRACTICE..	<u>16</u>
RULE 14: INTAKE PROCEDURES.	<u>16</u>
RULE 15: DISCOVERY..	<u>17</u>
RULE 16: DEPOSITIONS.	<u>17</u>
RULE 17: SUBPOENAS.	<u>18</u>
RULE 18: PRETRIALS.	<u>19</u>
RULE 19: IN CAMERA INTERVIEWS.	<u>19</u>
RULE 20: MEDIATION..	<u>20</u>
RULE 21: LANGUAGE INTERPRETERS.	<u>20</u>
RULE 22: DELINQUENCY/UNRULY CASES.	<u>20</u>

RULE 23: JUVENILE COMPETENCY PROCEEDINGS.	<u>22</u>
RULE 24: JUVENILE TRAFFIC CASES.	<u>23</u>
RULE 25: ABUSE, NEGLECT, DEPENDENCY CASES.	<u>25</u>
RULE 26: ADULT CRIMINAL CASES.	<u>26</u>
RULE 27: SPECIFIC ISSUES IN ADULT CIVIL CASES.	<u>27</u>
RULE 28: EX PARTE MOTIONS.	<u>31</u>
RULE 29: ATTORNEY FEES.	<u>32</u>

RULE 1 : HOURS OF THE COURT

The regular business hours of the court shall be Monday through Friday, from 8:00 A.M. until 4:00 P.M., and as needed to meet special situations. The Court shall be closed on Saturdays, Sundays and all legal holidays as set by the Ashland County Commissioners.

RULE 2 : INTERPRETATION, APPLICATION and CITATION

A. INTERPRETATION AND APPLICATION: Unless otherwise provided under these Rules, all documents filed with the Court shall comply, in form and content, with these Rules of Court, the Ohio Rules of Civil Procedure, the Rules of Superintendence of Courts of Common Pleas, the Ohio Rules of Juvenile Procedure and Ohio law. If there is a conflict between these Rules and any rule adopted by the Ohio Supreme Court, the rule adopted by the Ohio Supreme Court shall control. Regardless of any reference to a statute of the State of Ohio in these Rules, all documents filed with the Court shall comply with the existing Ohio law.

B. CITATION: These Rules shall be known as the "Local Rules of Practice in the Ashland County Court of Common Pleas, Juvenile Division." These rules may be cited as "Loc. Juv. R. ____."

C. EFFECTIVE DATE: These rules shall be effective on the date they are journalized by the Court.

RULE 3: STAFF ASSIGNMENTS RELATING TO LOCAL RULES

In addition to specific duties set forth in any applicable job description maintained by the Court for a position, the following positions shall have specific authority relevant to these rules, as follows:

A. COURT ADMINISTRATOR: The Court Administrator shall function as the Chief Deputy Clerk of the Court and Assignment Commissioner.

B. MAGISTRATES: Magistrates may hear and decide any matter before the Court, unless precluded by law. The Magistrate shall have all powers set forth in Juvenile Rule 40 and Criminal Rule 19, and any other applicable provision of the Ohio Revised Code or any state court rules. A Magistrate shall also maintain the Court Appointed Counsel List and the Guardian Ad Litem List, and have the responsibilities set forth in Sup. R. 46(G).

C. PROBATION OFFICERS: In addition to the duties set forth in R.C. 2151.14, Juvenile Probation Officers shall be responsible for the administration of the Diversion Program and any other program assigned by the Judge.

D. DEPUTY CLERKS: Deputy Clerks appointed by the Court shall be responsible for the administration of the records of the Court, as directed by the Court Administrator, Judge or Magistrate, and as provided for in these rules. If required by the Judge, a deputy clerk shall provide a bond before entering into performance of his or her duties.

E. BAILIFF: The Court's bailiffs shall be responsible for the electronic recording of all proceedings conducted in the Courtrooms, retention of exhibits, and implementation of security for the Court.

RULE 4: COSTS

A. SCHEDULE: The Court shall maintain a schedule of costs and filing fees.

B. FILING FEES:

- 1. Payment:** A filing fee deposit is required to be paid by the filing party in all new or re-activated actions filed in this Court, except delinquent, unruly, traffic, tobacco offense, dependent, neglect, abuse, adult criminal actions and actions filed by the Ashland County Child Support Enforcement Agency. The filing fee deposit shall be paid at the time the pleadings are filed, unless the filing fee is waived under Division (A)(3) of this rule. The Court may refuse to file a party's pleadings if a filing fee in the proper amount is not tendered with the pleadings.
- 2. Additional Deposits for Costs:** The court, at its discretion, may require additional deposits toward court costs.
- 3. Waiver of Court Costs Based on Indigency:** The Court will accept any pleadings filed without a filing fee, if a Request for Waiver of Filing Fee Deposit and Financial Disclosure Form (OPD-1027R) are submitted with the pleadings. Those documents are available on the Court's web page, on the filing fee page. Upon review of the Waiver and Financial Disclosure Form, the Court may determine the filing party is not indigent and may require payment of the filing fee under Division (A)(1) above. The filing of a Financial Disclosure Form does not relieve a party from liability for court costs upon conclusion of the case. Nothing herein shall be construed to

prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

C. ORDER FOR COSTS: All final judgment entries shall contain a provision for the payment of costs. The Court's clerks shall apply the deposit for costs in the case, regardless of the party against whom the costs are ordered. The clerk shall thereafter assess court costs against the party specified by order and the court cost depositor shall be reimbursed upon receipt of costs from the other party.

D. COPYING COSTS: Copying costs shall be paid at the time that the copies are furnished to the requestor.

E. TRANSCRIPT COSTS: Upon the filing of a written request for a transcript, a court reporter selected by the Court shall provide a written estimate of the cost of a transcript to the party making the request. Thereafter, within fourteen (14) days of the date of the written estimate, the party who requested the transcript shall deposit the cost of the transcript with the Court, unless that party is not required to make a deposit or pay the cost of the transcript. The court reporter shall prepare the transcript when the deposit has been made, or following the request if no deposit is required. Failure to pay the deposit for a transcript in a timely fashion shall be considered a withdrawal of the request for transcript.

RULE 5: COURT RECORDS

A. INSPECTION: The inspection of court records shall be governed by law and shall be available during regular business hours.

B. INSPECTION RESTRICTED: No person, other than necessary court staff or as permitted by law, court rule or the Court, shall be permitted to inspect any of the following:

1. Court records regarding delinquent, unruly, abused, neglected and dependent children;
2. A document or information in a document exempt from disclosure under state, federal, or the common law;
3. Personal identifiers, as defined in division (H) of this rule;
4. A document or information in a document to which public access has been restricted by Court order;

5. Except as relevant to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history;
6. Notes, drafts, recommendations, advice, and research of judicial officers and court staff;
7. Forms containing personal identifiers, as defined in division (H) of this rule, submitted or filed pursuant to division (D)(2) of Sup. R. 45;
8. Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;
9. health, psychological health, psychiatric health, mental health, and counseling documents;
10. Drug and alcohol use assessments and pre-disposition treatment facility reports;
11. Guardian ad litem reports, including collateral source documents attached to or filed with the reports;
12. Home investigation reports, including collateral source documents attached to or filed with the reports;
13. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
14. Domestic violence risk assessments;
15. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
16. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
17. Asset appraisals and evaluations;
18. Probation Department records;

19. Victim Impact Statements;
20. Abuse, neglect, dependent, and law enforcement investigatory records;
21. Parental Notification Abortion proceedings;
22. Fingerprints and photographs of child arrested or taken into custody; or
23. In Camera interviews of a child;
24. Sealed and expunged records;

C. CHILD SUPPORT SUB-FILE: A separate child support sub-file shall be established upon disposition in any delinquent, unruly, abuse, neglect or dependency case in which the Court enters a child support order. The first pleading in that file shall be a copy of the dispositional order establishing/modifying/redirecting child support. Thereafter, any pleadings relating to child support shall be placed in that sub-file. If a pleading relates to child support and another matter, then a copy of the pleading shall be placed in the child support sub-file and the original shall be maintained in the main file. The sub-file shall be labeled with the name of the child and the child's I.D. No. The file label shall also state "CS sub-file." The main file shall be marked "See CS sub-file" when a CS sub-file is established, so that court staff knows of the existence of a CS sub-file.

RULE 6: GENERAL COURTROOM PROCEDURES

A. ACCESS: All courtroom proceedings shall be open to the public, unless the court has issued a closure order.

B. CONDUCT IN COURT: Proper decorum in the court is necessary for the administration of the court's business. Chewing gum/tobacco, food, and beverages (with the exception of water in a closed container) are prohibited in the courtroom. Children who are not cited to appear before the Court are not permitted in the Courtroom without consent of the Judge or Magistrate. Children in the lobby must be supervised by an adult at all times. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.

C. SEARCHES: 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 until the Court has inspected such bag, case or parcel, if Court personnel request the opportunity to conduct such an inspection.

D. WEAPONS: No person, with the exception of court security staff, law enforcement officers, and prosecutors, who are on duty and performing their assigned responsibilities, may enter or remain in the Courthouse while in the possession of a deadly weapon. This prohibition applies even if the person has a valid concealed carry permit. Knives, tasers, pepper spray, or any other item deemed to be a potential threat to persons by court security staff, may not be brought into the Courtroom.

E. DRESS CODE: All attorneys, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal legal proceedings. No individual shall appear in the courtroom dressed inappropriately, as determined by the Court. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

F. EXHIBITS: All exhibits shall be marked in advance of any hearing, unless doing so is not possible. In addition to marking the exhibit with a number or letter, counsel shall mark the exhibit with the date of the hearing and the Case No. No later than the start of any hearing or trial, the parties shall exchange copies of all exhibits, and shall inform the Court as to which exhibits will be admitted by stipulation and which exhibits will be contested. If the hearing is conducted by video conference, counsel or an unrepresented party shall submit the proposed exhibits to the Court in advance of the hearing, if they can be put in digital format. Additionally, counsel or an unrepresented party shall be prepared to use any digital exhibits during the hearing via desktop share. If an exhibit cannot be put in digital format and the hearing is by video conference, counsel shall notify the Court in advance so that the method of use of the exhibit can be discussed and resolved prior to the hearing.

G. ELECTRONIC DEVICES: No electronic device, including but not limited to a voice recording device (other than the Court's equipment), video or photography equipment, cellular telephones, pagers, beepers or other devices which could disrupt the Court's proceedings, shall be permitted in the Courtroom. If the owner is permitted to retain such a device during a Court hearing, the device shall remain off, unless otherwise permitted by the Court.

H. MEDIA: Requests by the media to attend Court proceedings shall be made in writing, unless sufficient notice is not permitted for a written request, in which case an oral request may be made. The Court will consider such requests on a case-by-case basis.

RULE 7: REQUIREMENTS FOR COUNSEL OF RECORD

A. REGISTRATION: All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.

B. OUT-OF-STATE ATTORNEYS: Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court, unless first granted leave to do so by the Court.

C. WRITTEN APPEARANCE OF COUNSEL: Any attorney retained in any case in this Court shall enter a written appearance in the case as counsel of record, within three (3) days of accepting the representation. An attorney who is retained less than three (3) days prior to a scheduled hearing shall promptly enter a written appearance in the case. No attorney shall appear at a hearing, on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, unless otherwise authorized by the Court.

D. WITHDRAWAL OF COUNSEL: Any attorney seeking to withdraw as counsel of record from a case, without concurrent substitution of counsel, shall file a written motion and submit a proposed Judgment Entry to the Court. The Motion shall state with particularity the reason(s) for the requested withdrawal of counsel and shall include the address and telephone number where the client may be personally contacted by the Court. The motion shall be served on the client by the attorney requesting to withdraw. The Court may permit withdrawal of counsel at hearing, without a written motion, for good cause shown.

E. APPOINTED COUNSEL:

1. **Application for Court-Appointed Counsel:** Any party claiming to be indigent and desiring court-appointed counsel shall complete a Financial Disclosure Form OPD-1027R and thereafter, the Court shall approve or deny the request. The Court reserves jurisdiction to order the party to pay the legal fees of court-appointed counsel, if it is later discovered that the party was not eligible for appointed counsel.
2. **Scope of Representation:** Court-appointed counsel shall not take any legal action on behalf of their client which is beyond the scope of the Court's original appointment, without first seeking Court approval for such additional representation.
3. **Court Appointed Counsel List:** The Court shall maintain a list of qualified attorneys willing to serve as court-appointed counsel. Any attorney may

seek to be added to that list by filing an Application for Appointed Counsel List (see Form 6.00 in Appendix). The Court shall assure an equitable distribution of appointments, while considering the skill and expertise of each attorney on the list, in conjunction with the seriousness and complexity of the cases for which court-appointed counsel is needed. When making appointments, the Court will comply with the considerations in Sup. R. 8(D). The Court will review its process for appointment of counsel once per year and maintain records of the appointment of counsel.

4. **Fees and Expenses:** Court-appointed counsel shall submit applications for payment of fees and expenses on the forms required by the Office of Ohio Public Defender. The applications must be filed within thirty (30) days of the final Judgment Entry in the case. Failure to timely file an application for payment may result in non-payment.
5. **Reimbursement for Transcripts and Experts:** Appointed counsel shall submit requests for reimbursement of transcripts and experts through separate motion. See OAC 120-1-17. Those items cannot be included on the application for payment of fees and expenses.
6. **Application Fee for Court-Appointed counsel:** Unless otherwise waived by the Court, the applicant for court-appointed counsel shall pay the application fee specified by the Ohio Public Defender's Office.

RULE 8: GUARDIAN AD LITEMS

A. GUARDIANS AD LITEM APPOINTMENT LIST: The Court shall maintain a list of qualified attorneys willing to serve as court-appointed Guardian Ad Litem. Any attorney may seek to be added to that list by filing an Application for Guardian Ad Litem List (see Form 7.00 in Appendix).

B. POLICY OF THE COURT: The Court may appoint a Guardian Ad Litem upon its own motion or upon the motion of either party. The Court will prepare the Judgment Entry/Magistrate's Order to appoint on its own motion. If a party desires a Guardian Ad Litem, the party must file a motion requesting appointment. Any motion for appointment of a Guardian Ad Litem shall be accompanied by a proposed Judgment Entry/Magistrate's Order. The Judgment Entry/Magistrate's Order shall substantially comport with Form 5.00 contained in the Appendix to these Rules. The Court will select and appoint a qualified individual to serve as Guardian Ad Litem. All appointed Guardian Ad Litem shall comply with the provisions of Sup. R. 48 through 48.07.

C. NOTICES TO GUARDIAN AD LITEM: Upon appointment, counsel for both parties and the Court shall notify the Guardian Ad Litem of all proceedings. It shall be the responsibility of counsel to serve the Guardian Ad Litem with copies of all pleadings filed after the appointment. Any additional expense incurred by the Guardian Ad Litem due to counsel's failure to notify, including the cost of transcripts, may be charged to the party responsible for the failure.

D. PAYMENT OF FEES:

1. **Private cases:** The Guardian Ad Litem's fees shall be deposited, billed and paid in accordance with the Judgment Entry/Magistrate's Order Appointing the Guardian Ad Litem and Rule 48.02 (Divisions (H) and (I)) of the Ohio Rules of Superintendence for Courts. Failure to make any required deposit for Guardian Ad Litem fees could result in discharge of the Guardian Ad Litem.
2. **Dependent/Neglect/Abuse Cases:** The Guardian Ad Litem shall submit a fee bill for services rendered with thirty (30) days of the dispositional hearing or any review hearing in a case.

E. REPORTS OF GUARDIAN AD LITEM:

1. Pursuant to Sup. R. 48.06, no later than seven (7) days before a final pretrial or evidentiary hearing on the matter regarding which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit a written report to the Court which contains his or her recommendations regarding any disputed matter relating to the child for whom he or she was appointed Guardian Ad Litem. The Court may grant exceptions to this requirement upon written request and for good cause shown.
2. In the event the child's wishes or concerns are in opposition to the Guardian Ad Litem's recommendation, the Guardian Ad Litem shall specifically notify the Court of that fact in the report.
3. All Guardian Ad Litem reports shall contain the warning in Rule 48.03(A)(2) on the first page of the report. The Guardian Ad Litem shall be responsible for filing the report with the Court and serving a copy of the report on counsel of record and all unrepresented parties.

F. DURATION OF APPOINTMENT:

1. **Private Cases:** Absent a specific court order otherwise, the duties of the Guardian Ad Litem terminate upon journalization of a Judgment Entry finalizing the matter for which the Guardian Ad Litem was appointed.

2. **Dependent/Neglect/Abuse Cases:** The duties of the Guardian Ad Litem shall continue 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 the Ashland County Department of Job and Family Services, until the child is adopted or emancipated.

G. CASA PROGRAM: When a volunteer Guardian ad Litem is available and the appointment of a volunteer is deemed appropriate by the court, an approved and qualified participant of Ashland County's CASA Program shall be appointed.

RULE 9: PLEADINGS - GENERAL REQUIREMENTS

A. PAPER SIZE: All documents filed with the Court shall be typewritten or computer-generated on letter-size paper (approximately 8 1/2" x 11"), and shall be securely stapled at the top left-hand corner and unfolded. All pages shall be numbered in the following format: "Page _____ of _____." The Court may grant exceptions to this rule for good cause shown.

B. MARGINS: All pleadings shall have a minimum 1 1/2" margin at the top, a minimum 1/2" margin on the right edge, a minimum 1" margin at the bottom of the first page and a minimum 1" margin at all other edges, except as specifically permitted by these Rules.

C. CAPTIONS OF PLEADINGS:

1. **Civil Cases:** The caption at the top of the Complaint and any initial pleading in a post-decree action, in addition to stating the name of the Court and the County and State, shall state the name and mailing address of each party and the SETS No. If there is no existing SETS No. for the parties, the caption should state "No number assigned yet."
2. **Juvenile Cases - All Pleadings:** The caption at the top of the pleading shall indicate both a Case No. and I.D. No. for the child. On an initial Complaint, a blank for that information is sufficient.
3. **Name Changes during a case:** Once a case is filed with the Court, the case shall retain the names in the initial Complaint. If a party's name changes from that contained in the original complaint, that party's original name and new name (listed as "nka") shall be listed in the caption.

D. SPACE FOR TIME-STAMP: Every pleading filed with the Court shall contain sufficient space on the first page of the pleading for the time-stamp. The area required is approximately 1 1/2" square.

E. ATTORNEY/PARTY INFORMATION: All pleadings shall contain the name, address, telephone number and registration number of the attorney filing the pleading. If the party is appearing pro se in the action, the pleading shall contain the party's name, address and telephone number.

F. PLEADING REQUIREMENTS: Documents which do not comply with this Rule may be refused for filing by the Court. All pleadings shall comply with the following:

1. When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together.
2. All documents must be accurately and fully completed, in typewritten or computer-generated form. Pleadings completed in pencil will not be accepted by the Court.
3. All pleadings requiring or citing exhibits shall have the exhibits attached to that pleading.

G. COPIES OF PLEADINGS:

1. **Number of Copies:** The party responsible for providing pleadings or documents to the Court shall make sufficient copies of all pleadings, which shall (at a minimum) include sufficient copies for service of process and a copy for CSEA in any support-related proceeding.
2. **Grouping Copies:** When multiple pleadings or documents are transmitted to the Court at the same time, the original and all copies of each pleading shall be grouped together. For example, when transmitting a Motion and Judgment Entry together, the original and all copies of the Motion shall be grouped together, and the original and all copies of the Judgment Entry shall be grouped together.

H. CERTIFICATES OF SERVICE: All pleadings subsequent to the Complaint shall contain a certificate of service certifying that a copy of the document filed with the Court was served on the opposing party, or counsel for the opposing party if represented. The Certificate of Service shall indicate what document was served, when it was served, how it was served and the address it was sent to.

I. FACSIMILE FILINGS: The Court does not generally accept facsimile filings, but exceptions may be made by the Court pursuant to a Court Order.

J. PERSONAL IDENTIFIERS:

1. Pursuant to Sup. R. 44(H), "Personal identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."
2. Parties shall file the Personal Identifier Form (see Appendix Form ____) whenever personal identifiers are omitted from a pleading pursuant to Sup. R. 45(D).

RULE 10: SERVICE OF PROCESS

A. PROVISION OF ADDRESSES: A party filing an initial action or motion which requires service shall be responsible for providing addresses to the Court for service of process upon all necessary parties.

B. SERVICE BY PUBLICATION BY POSTING: Any request for service by publication which does not comply with this rule shall be treated as a request for service by publication in a newspaper.

1. **Required Pleadings:** A party seeking service by publication through posting shall file the following documents:
 - i. A Motion requesting service by publication by posting;
 - ii. Affidavit in compliance with Juvenile Rule 16;
 - iii. A Judgment Entry authorizing service by publication by posting;
 - iv. The summary statement required by Juvenile Rule 16 for posting.
2. **Place for Posting:** Notices shall be posted in a conspicuous location near the main entrance to the following buildings:
 - i. Ashland County Courthouse;
 - ii. Ashland Municipal Court;
 - iii. Ashland County Department of Human Services.

C. ELECTRONIC RETURN RECEIPT:

1. The Clerk of the Ashland County Court of Common Pleas - Juvenile Division shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods shall include electronic return receipt service of process utilizing technology developed by the United States Postal Service for service by certified mail. This technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for electronic technology in the sending of certified mail and receipt of confirmation to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.
2. All service of process of complaints or other documents served with electronic return receipt services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's Office.

RULE 11: REQUIREMENTS FOR AGREED JUDGMENT ENTRIES

A. CASES SETTLED PRIOR TO HEARING: If a matter that is set for hearing or trial is settled by the parties before the hearing, counsel shall reduce the agreement to a Judgment Entry. The Judgment Entry shall reflect that the terms set forth in said Entry are by agreement of the parties and approval of the Court. Except for good cause shown, the parties and counsel shall be required to appear for the scheduled hearing or trial, unless the Judgment Entry is approved by the Court prior to the hearing or trial.

B. CASES SETTLED AT HEARING: If a case is settled during the course of a hearing, counsel shall reduce the settlement agreement to writing, place the agreement on the record, or both, as directed by the Court. Counsel for the Plaintiff shall prepare a Judgment Entry which fully comports with the parties' in-court agreement, and shall file the same with the Court within thirty (30) days of notifying the Court that a disputed matter has been resolved by agreement. In the event the parties encounter unforeseen difficulties with the timely preparation and submission of the Judgment Entry, the parties shall promptly notify the Court of that fact, and shall seek an extension of time in which to timely file the Judgment Entry.

C. SIGNATURES REQUIRED: All Judgment Entries shall be signed by both parties and counsel of record, except that a party need not sign an Agreed Judgment Entry if:

1. The party waived signature in writing or on the record;
2. The party previously signed an agreement reflecting the terms contained in the Judgment Entry;

3. The Judgment Entry affects only procedural aspects (except continuances) of the case;
4. The Judgment Entry adopts or approves a Magistrate's Decision; or
5. The party has filed no responsive pleading or otherwise appeared in the case.

RULE 12: CONTINUANCES

A. RULE 41 OF THE OHIO RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO: This rule establishes strict guidelines pertaining to continuances of court proceedings. All requests for continuance shall comply with that Rule.

B. ADDITIONAL REQUIREMENTS: In addition to the requirements of Sup. R. 41, all continuance requests shall include:

1. a statement that the opposing counsel or pro se party was contacted or a good faith attempt to contact was made, and a statement of opposing counsel/party's position with regard to the continuance request; and
2. a proposed entry containing a new hearing date previously obtained by the moving party from the Assignment Commissioner and cleared with opposing counsel or party's calendar.

RULE 13: GENERAL MOTION PRACTICE

A. ACCOMPANYING JUDGMENT ENTRY/ORDER: All procedural motions shall be accompanied by a proposed Judgment Entry/Order. Motions requesting substantive relief do not need to be accompanied by a proposed Judgment Entry/Order, except as otherwise set forth in these Rules.

B. MEMORANDUM IN SUPPORT: All motions requesting substantive relief shall include a memorandum in support either within the motion or separate from the motion, which states the specific relief sought, the grounds for the relief sought and citations to law and facts which support the relief sought.

RULE 14: INTAKE PROCEDURES

The Court recognizes the guidance set forth in Juvenile Rule 9 which states "In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court". In the absence of

an intake department for the court, and pursuant to Juvenile Rule 9(B) which states "Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interests of the child and public", the court requires that delinquent, unruly, abuse, neglect and dependency complaints be screened by the Office of the Ashland County Prosecuting Attorney, and shall not be accepted for filing unless approved by that office.

RULE 15: DISCOVERY

In all cases, and without the prior express request of any party, the prosecutor and defense shall each timely provide full Ohio Juv. Rule 24 discovery to the opposing party at least seven (7) days prior to the scheduled pretrial conference. If no pretrial is scheduled, the prosecutor and defense shall each provide full discovery pursuant to this rule to the opposing party at least fourteen (4) days prior to the scheduled trial. Each party shall timely provide supplemental discovery as may be required to effectuate good-faith compliance with this rule.

RULE 16: DEPOSITIONS

A. FILING AND WITHDRAWAL: Any deposition filed with the Clerk of this Court shall not be withdrawn except by leave of the Court.

B. USE OF DEPOSITIONS: The use of videotaped depositions and testimony is permissible, provided that the following guidelines are met:

1. When testimony is recorded on videotape pursuant to Civil Rule 40, C.P. Sup. R. 11 and 13, it will be the responsibility of counsel to instruct the person before whom the testimony is taken in accordance with Civil Rule 28(A), to note by the use of a digital counter or other clock device connected with the tape, the point on the videotape where objections consecutively are made. The notary will then number the objections consecutively and attach this record to the certification filed with the Clerk.
2. Objections must be made at the conclusion of the questions and answers only. Counsel shall state the basis for the objection, and may read citations into the record at this time. However, additional citations may be provided to the Court at a later time. Any objections made prior to the completion of an answer may, in the Court's discretion, be disregarded and overruled.
3. When cases are assigned for videotape trial pursuant to Civil Rule 40 and C.P. Sup. R. 13(B), a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A copy of the transcript of the testimony or such portion thereof as is necessary to rule on any

objections shall accompany a videotape deposition. The transcript shall be certified by the transcriber to be a true and accurate transcription.

4. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to C.P. Sup. R. 13(D).
5. If videotape depositions are to be used in the trial of a case, the tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than seven (7) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown, the Court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of C.P. Sup. R. 13(A). Except for good cause shown, there will be no trial continuances for inability of a medical expert to be present to testify.
6. Videotape Trials: The Court may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with C.P. Sup. R. 13(B).
7. Pursuant to Civil Rule 54(D) and in compliance with C.P. Sup. R. 13(D), deposition costs, including costs of video depositions, shall be taxed as costs and shall be recoverable by the prevailing party. This shall apply only to depositions used in lieu of testimony at trial.

RULE 17: SUBPOENAS

A. COURT ISSUED SUBPOENA: Forms for a Precipe for a Subpoena and a Precipe for a Subpoena Duces Tecum are available on the Court's website on the "Forms" page. The Court strongly recommends that any Precipe for a subpoena be filed ten (10) days prior to the date the witness is to appear in Court. The Court reserves the right to deny a continuance due to the lack of service, unless the Precipe was timely filed.

B. SUBPOENA SERVED BY COUNSEL: Before the hearing applicable to a subpoena, counsel shall file, with the Clerk of the Court, a copy of any subpoena served by counsel pursuant to the Ohio Rules of Civil Procedure or the Ohio Rules of Juvenile Procedure. The copy filed shall indicate the manner of service and date of service of the subpoena.

RULE 18: PRETRIALS

A. SCHEDULING PRETRIALS: The Court may, on its own motion, set any matter for a pretrial hearing. Any party may move, in writing, for a pretrial. If the Judge or Magistrate determines that a case warrants a pretrial, a date and time shall be set. All parties named in the action shall be present at the pretrial unless their presence is

excused, in advance, by the Judge or Magistrate. In that event, the parties shall be available by telephone or video conference.

B. DUTY OF COUNSEL: It shall be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.

C. PRETRIAL STATEMENTS: When so ordered by the Judge or Magistrate, all parties shall prepare and file a pretrial brief or statement. 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. The pretrial statement shall include all of the following:

1. Identification of the chief trial counsel, who shall be fully authorized to act and negotiate on behalf of the party;
2. The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
3. A listing of all witnesses expected to testify;
4. A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
5. A description of the estimated number of days for trial; and
6. A statement of the status of settlement negotiations.

RULE 19: IN CAMERA INTERVIEWS

A. REQUEST FOR INTERVIEW: Any party may request that the Court conduct an in camera interview of a minor child in any action concerning allocation of parental rights and responsibilities or parenting time, by filing a written request prior to hearing. UNDER NO CIRCUMSTANCES SHALL THE PARTIES BRING A MINOR CHILD TO THE COURT FOR AN IN CAMERA INTERVIEW, OTHER THAN AT THE TIME SCHEDULED BY THE COURT FOR AN IN CAMERA INTERVIEW.

B. PERSONS PRESENT DURING INTERVIEW: No person, other than the Judge or Magistrate conducting the interview, the child, and any other person specified by the Judge or Magistrate, shall be present during the in camera interview of a minor child, pursuant to O.R.C. Section 3109.04.

- C. RECORD OF THE INTERVIEW:** A record of all in camera interviews shall be made by electronic means. Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order.

RULE 20: MEDIATION

intentionally left blank for future rule by the Court

RULE 21: LANGUAGE INTERPRETERS

- A. USE OF INTERPRETERS:** 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 of Use of Interpretive Services.
- B. OATH:** Prior to serving as an interpreter, each person serving shall be required to read and sign the written Interpreter's Oath.
- C. NOTICE OF NEED FOR INTERPRETER:** Any person serving as counsel for any party, as Guardian Ad Litem or in any other official capacity in any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no case shall the need for interpretive services be communicated to the Court less than seven (7) days prior to the hearing or trial at which the interpreter will be needed.

RULE 22: DELINQUENCY/UNRULY CASES

A. CHILD RESTRAINTS

1. This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
2. Physical restraints, including, but not limited to, handcuffs, chains or shackles, shall not be used on a juvenile during court proceedings unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

- i. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
 - ii. There is a significant risk the child will flee the courtroom.
3. The judge or magistrate shall permit any party, as defined in Juv. R.2(Y), to be heard on the issue of whether the use of a physical restraint is necessary for that particular child at that particular proceeding. If restraints are thought to be appropriate, the "Court Security Determination" form adopted by this Court shall be completed and filed with the Court in advance of any hearing where the juvenile's appearance is required.
4. When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
5. In no circumstance does this rule limit the ability of law enforcement, security personnel or other court 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.

B. DETENTION HEARINGS:

1. A child may be admitted to detention upon approval of the Court. When seeking approval, law enforcement shall first attempt contact with the Court Administrator. If contact cannot be made with the Court Administrator, then law enforcement shall contact the Judge.
2. A child may be released from detention only upon approval of the Judge or Magistrate.
3. Detention hearings shall be held within the time limits provided by law and the arresting officer shall be responsible for providing the Court with the names, addresses and telephone numbers of the parents, legal custodians or guardians of the child at the time detention approval is sought.

C. DIVERSION: If the Court determines, in its sole discretion, that it is in the best interests of a child and of the community that a matter be processed informally pursuant to Ohio Juv. Rule 9(A), the child may be referred to diversion in lieu of formal court action. Referral to informal status/diversion may occur either pre-filing or post-filing of any complaint. If a diversion is ordered, the following will apply:

1. Informal cases shall not be a part of the permanent record of a child;

2. No person, except for designated court staff, shall have access to records of informal matters or cases without the consent of the Court; and
3. Informal cases processed to successful completion are subject to automatic sealing pursuant to R.C. 2151.356.

D. CHILD SUPPORT: When child support is to be ordered in a delinquency case, financial information as required shall be submitted directly to the court and the court shall prepare the necessary orders to insure payment and proper distribution.

E. CASE MANAGEMENT:

1. Summons shall be issued within five (5) days of filing.
2. Initial Appearance shall be scheduled within fourteen (14) days of filing.
3. Pre-trial, if necessary, shall be scheduled within fourteen (14) days of initial appearance;
4. Adjudicatory hearing shall be held within sixty (60) days of filing.
5. Dispositional hearing for delinquency cases shall be held within 180 days of filing; dispositional hearing for unruly cases shall be held within ninety (90) days of filing, although this time may be extended by court order to allow for evaluation and testing (i.e., substance abuse assessment, psychological testing, placement records.)

RULE 23: JUVENILE COMPETENCY PROCEEDINGS

A. GENERAL PURPOSE: The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Ohio 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.

B. 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 by this rule.

C. 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.

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

RULE 24: JUVENILE TRAFFIC CASES

A. WAIVER OF HEARING IN CERTAIN TRAFFIC CASES:

1. The Court has not established a Juvenile Traffic Violations Bureau.
2. Ohio Revised Code Section 2151.01, and the Ohio Rules of Juvenile Procedure permit the Court to establish a procedure for the waiver of appearance and entry of a plea of admission in writing and acceptance of a predetermined disposition for certain juvenile traffic offenders. The allowance of a waiver in lieu of a personal appearance is within the discretion of the Court. At present, the Court may allow a waiver as follows:
 - i. First offense speed, less than 15 MPH over the speed limit;
 - ii. First offense seat belt violation; and
 - iii. Any other minor violation but only upon approval by the Court.
3. If the Court permits a waiver, then the deputy clerk will notify the juvenile and a parent in writing and will provide written instructions as to the procedure.
4. A waiver of hearing and admission will constitute an admission to the offense alleged in the complaint and a waiver of the child's right to hearing before the Judge or Magistrate, to cross-examination of witnesses, to subpoena witnesses on behalf of the child and to representation by an attorney.
5. If the child and parents, guardian or custodian avail themselves of the waiver privileges, they must do so in strict compliance with the written instructions and this rule.

B. ELECTRONICALLY PRODUCED TRAFFIC TICKETS

1. Traffic tickets produced by computer or other electronic means may be filed in lieu of the Ohio Uniform Traffic Ticket, provided that the computer generated or electronic ticket conforms in all substantive respects, including layout and content, to the Ohio Uniform Traffic Ticket. The provisions of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.
2. If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by Ohio Traffic Rules 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other traffic tickets issued pursuant to the Ohio Traffic Rules.
3. A ticket produced by computer or other electronic means shall not require the signature of the defendant.
4. A law enforcement officer who issues an automated traffic ticket is considered to have signed the ticket, for purposes of Traffic Rule 3(E), if the issuing officer properly authorizes the appearance of his or her facsimile signature on the ticket. The phrase "electronically affixes the officer's signature thereto" may include a cursive signature, officer's unit number, or a typed name applied by computer or other electronic means.
5. Any electronic ticket used or filed in the Ashland County Juvenile Court shall substantially comply with all requirements of Ohio Traffic Rule 3 except as amended herein.

C. CASE MANAGEMENT TRAFFIC CASES (NON-WAIVERABLE)

1. Summons shall issue within five (5) days of filing.
2. Initial Appearance shall be scheduled within thirty (30) days of filing.
3. Pre-trial, if necessary, shall be scheduled within fourteen (14) days of initial appearance.
4. Adjudicatory hearing shall be held within sixty (60) days of filing.
5. Dispositional hearing shall be held within ninety (90) days of filing.

<p>RULE 25: ABUSE, NEGLECT, DEPENDENCY CASES</p>

A. CHILD SUPPORT ORDERS

1. Whenever temporary legal custody is awarded to the Ashland County Department of Job and Family Services in an abuse, neglect or dependency case, the Ashland County Child Support Enforcement Agency (ACCSEA) shall conduct an investigation for the purpose of establishing a support order for the parents or redirecting support already payable by a parent. The ACCSEA shall forward its investigation to the Court for the establishment of a child support order or redirection of any existing order for support.
2. A copy of the investigation furnished by the ACCSEA and any accompanying request of the ACCSEA shall be served on the affected parent(s) or counsel for the parent(s) if represented.
3. A parent shall have fourteen (14) days from service of the ACCSEA investigation to object to the amount of support recommended by that investigation.
4. If an objection is made, the Court will conduct a hearing with regard to child support.
5. If no objection is made, the Court will enter a child support order in accordance with the ACCSEA investigation.

B. REVIEW HEARINGS

1. **Annual Review Hearing:** Any necessary Annual Review Hearing shall be scheduled in the dispositional order of an abuse, neglect or dependency case.
2. **Eighteen Month Review Hearing:** If deemed necessary by the Court, an Eighteen Month Review Hearing shall be set in the Annual Review Judgment Entry.
3. **Two Year Annual Review Hearing:** A Two Year Annual Review Hearing shall be scheduled in either the Annual Review Judgment Entry (if no Eighteen Month Review Hearing was ordered) or in the Eighteen Month Review Hearing Judgment Entry.
4. **Scheduling:** Generally, review hearings will be conducted on Thursday mornings. Since review hearings will be set several months in advance, the Court will not check on the availability of counsel before scheduling a review hearing.

C. CASE MANAGEMENT:

1. Summons shall issue immediately or as soon as possible (no more than three (3) days) upon filing of the complaint.
2. Initial Appearance shall be scheduled within fourteen (14) days of filing.
3. Adjudicatory hearing shall be held within sixty (60) days of filing.
4. Without exception, dispositional hearing shall be held no later than ninety (90) days after the complaint was filed.

RULE 26: ADULT CRIMINAL CASES

A. CASE MANAGEMENT:

1. All criminal cases shall be scheduled for arraignment within fourteen (14) days of the filing of the complaint.
2. If the defendant wishes to have counsel, a pre-trial shall be scheduled within fourteen (14) days of arraignment, and thereafter the case shall be scheduled for trial in accordance with the statutory time limits.
3. All criminal cases shall be disposed of no more than ninety (90) days from the filing of the complaint unless an appropriate waiver of time is filed and the court approves an extended schedule.

B. JURY MANAGEMENT: All provisions of the Jury Management Plan adopted by the Ashland County Court of Common Pleas, General Division, shall apply to this Court.

RULE 27: SPECIFIC ISSUES IN ADULT CIVIL CASES
--

A. TIME LIMITS IN PARENTAGE/SUPPORT ESTABLISHMENT/MODIFICATION CASES:

1. Pursuant to O.R.C. Section 3125.58, all actions for parentage or establishment/modification of support must be completed as follows: 75% of all actions shall be completed within six (6) months of filing and 90% of all actions shall be completed within twelve (12) months of filing.

2. The Court may make temporary support orders in such actions upon its own motion or the motion of any party, if the issues are so complex as to require full judicial review or in other appropriate circumstances.
3. Where necessary to comply with this rule and the statutory mandate, the Court may give priority to parentage and support actions.
4. Counsel of record, as officers of the Court, shall expeditiously fulfill all professional responsibilities, so as to assist the Court with complying with the aforementioned time limits.

B. PATERNITY TESTING:

1. **Procedure:** Upon motion of any party, DNA testing will be ordered immediately and without hearing. The original results shall be provided directly to the court with copies to the parties and counsel. Upon receipt of the results, the court will set a paternity hearing. Costs for genetic testing will be prepaid by the moving party, or the Ashland County Child Support Enforcement Agency if it initiated the case, and then be taxed as costs.
2. **Order for Testing:** Any order for paternity testing shall substantially comport with Form 9.00 contained in the Appendix to these Rules.

C. IV-D APPLICATION: All Complaints or Motions which involve an allocation of parental rights and responsibilities, child support or determination of parentage shall be accompanied by a completed IV-D Application or a statement by the CSEA that an application has already been filed, and listing the existing SETS No.

D. UNIFORM DOMESTIC RELATIONS FORMS:

1. **Uniform Domestic Relations Affidavit 1 (Income and Expenses) and Affidavit 4 (Health Insurance):** The Plaintiff or movant in any action involving custody or child support shall file these forms with the Complaint or Motion. Thereafter, the Defendant or non-movant shall file these forms with the Court prior to the first scheduled hearing in the case.
2. **Uniform Domestic Relations Affidavit 3 (Parenting Affidavit):** The Plaintiff or movant in any action involving custody or parenting time shall file this form with the Complaint or Motion.
3. **Uniform Domestic Relations Forms 17 and 18, and Uniform Juvenile Forms 1 - 10:** Any person who is unrepresented by counsel shall utilize these forms, as applicable to his or her case. Counsel representing persons

in this Court may, but are not required to use the forms. Should counsel decide not to use the forms, the pleadings provided by counsel shall at a minimum contain all of the substantive portions of the Supreme Court's forms.

E. CHILD SUPPORT JUDGMENT ENTRIES: All Judgment Entries and Shared Parenting Decrees establishing or modifying child support shall contain the mandatory child support language contained in the Appendix to these rules. Additionally, if there is an agreed upon deviation in the child support amount, the Entry or Decree shall contain the mandatory deviation language contained in the Appendix to these rules. The following documents shall accompany all Entries/Decrees relating to child support:

1. Child Support Guidelines Computation Worksheet (a "short form" is acceptable in lieu of the full statutory form); and
2. Standard Health Care Order (Form 10.00 in Appendix).

F. AGREED ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES: To the extent any of these documents were NOT previously filed by the parties in the pending action, the parties shall file the following documents:

1. Written motion (joint or by one party) for modification of allocation of parental rights;
2. A Waiver and Consent signed by both parties (At a minimum, the Waiver and Consent shall contain a waiver of notice of hearing; waiver of hearing on the motion; waiver service of process; and a statement that each party is consenting to a reallocation of parental rights and responsibilities and personally submitting to the jurisdiction of the Court);
3. Uniform Domestic Relations Affidavits 1, 3 and 4 for each parent;
4. Child Support Worksheet;
5. Standard Health Care Order (Form 10.00 in Appendix);
6. Shared Parenting Plan signed by both parents (if applicable); and
7. A proposed Judgment Entry OR Decree of Shared Parenting, signed/approved by both parties/counsel, which addresses all issues relating to the child, including parenting time, health care, and allocating of income tax exemption for the child, and which includes appropriate O.R.C. 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

G. AMENDMENTS TO SHARED PARENTING PLANS: A Shared Parenting Plan may not be amended by Agreed Judgment Entry only, unless the only provision which is modified is the support provision and the support modification results from action taken by the Ashland County Child Support Enforcement Agency. All other amendments to Shared Parenting Plans shall be accomplished by filing an Amended Shared Parenting Plan and Propose Amended Shared Parenting Decree.

H. MANDATORY REQUIREMENTS FOR SHARED PARENTING PLANS: All initial or amended Shared Parenting Plans shall contain all of the following:

1. A statement indicating the names of the parents and the child(ren) and the child(ren)'s date of birth.
2. A statement that: (1) each parent believes the other parent to be a fit parent, and that each recognizes the unique contributions that each has to offer the child; (2) the parents wish to share legal responsibility for the child, as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interests of the minor child; and (4) shared parenting is in the best interest of the minor child.
3. Provisions covering all required statutory factors relevant to the care of the child, including physical living arrangements, child support obligations, child's health care, income tax exemptions for the child, and school placement. The plan may also include optional provisions concerning the child's education, religious upbringing, child care, removal of the child from the state, the child's name, the specific authority of each parent, dispute resolution procedure, and any other matter related to the best interests of the child.
4. A designation that both parents are "residential parents and legal custodians" of the child.
5. A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan; that he or she has voluntarily signed the Plan, and that

each party requests that the Court adopt the Plan as the Judgment and Order of the Court.

If Uniform Domestic Relations Form 17 is used by the parties, the statements in Items 2 and 5 above may be contained in a separate document.

I. MANDATORY LANGUAGE IN SHARED PARENTING DECREE: An initial or amended Shared Parenting Decree shall contain one of the following findings, as appropriate:

1. Any Amended Shared Parenting Decree must include appropriate O.R.C. Section 3109.04(E)(2) language as to the legal conclusions made by the Court, as follows:

"Based upon the representations of the parties, the Court finds that a modification of the existing Shared Parenting Plan is in the best interests of the minor child."

2. Any Shared Parenting Decree modifying a prior allocation of sole or split parental rights and responsibilities, to shared parenting, shall include appropriate O.R.C. Section 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

3. Any initial Shared Parenting Decree, in a case which does not contain any prior allocation of parental rights and responsibilities, shall include appropriate O.R.C. Section 3109.04(D) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that adoption of the attached Shared Parenting Plan is in the best interests of the minor child."

J. HEARING/PRETRIAL:

1. **Preparation of Notice/Order to Appear:** Prior to filing a Complaint or motion with the Court, the attorney filing the case shall contact the Court

Administrator and obtain appropriate hearing dates for the case. Thereafter, counsel shall prepare a Notice of Hearing/Pretrial or an Order to Appear which contains the hearing/pretrial date supplied by the Court, a description of all matters to be heard at the scheduled hearing, and shall specify whether the hearing is or is not an evidentiary hearing. If a Complaint or motion is filed by a party pro se, the Court will prepare any necessary Notice of Hearing/Pretrial or an Order to Appear.

2. **Agreed Judgment Entries:** In its discretion, the Court may schedule a hearing prior to approving any agreed order. In the event the Court schedules a hearing, both parties shall appear at the hearing. The failure of either party to appear at the scheduled hearing may result in dismissal of the pending matter.

K. CASE MANAGEMENT:

1. If requested by the filing party, a pretrial shall be held within thirty (30) days after the filing of the Complaint or Motion.
2. A hearing on a Complaint or Motion shall be scheduled within sixty (60) days after the filing of the Complaint or Motion.

RULE 28: EX PARTE MOTIONS

An ex parte order allocating or reallocating parental rights and responsibilities or granting parenting time, will be granted only upon affidavit(s) which comply with Division (A)(4) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an ex parte order is in the best interests of the child(ren). In the event the Court overrules the motion on an ex parte basis (i.e., without notice), the Court may consider granting or reallocating parental rights and responsibilities or granting parenting time rights on a temporary basis, after the opposing party has been given notice and an opportunity to respond to the motion.

A. REQUIRED PLEADINGS: Any ex parte pleadings shall include:

1. **Statement Regarding Counsel:** All ex parte motions shall include a statement as to whether the nonmoving party is presently represented by counsel, whether or not that attorney has entered an appearance in the case. If the nonmoving party is represented, the motion shall state the name of the nonmoving party's attorney.
2. **Disclosure of Other Orders:** All ex parte motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped

copy of any relevant and current order shall be attached to the ex parte motion.

3. **Efforts to Give Notice:** All ex parte motions/affidavits shall disclose the efforts, if any, which have been made by the Movant or counsel to give notice of the issue(s) raised in the motion, or the reasons supporting any claim that notice should not be given. The motion/affidavit(s) shall state whether or not the Movant knows the present residence of the nonmoving party and, if not, what efforts the Movant has made to discover the present address of the nonmoving party.
4. **Affidavit(s):** All ex parte motions shall be supported by affidavit(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.

- B. HEARINGS ON EX PARTE MOTIONS:** In the event the Court grants an ex parte motion, the Court shall set a hearing on an expedited basis, as soon as the Court's docket may permit. The moving party shall bear the burden of proof at an ex parte hearing, and shall present sufficient, competent evidence to establish that continuation of the ex parte order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the ex parte motion, except as otherwise permitted by the Court.

RULE 29: ATTORNEY FEES

A. CHILD SUPPORT AND PARENTING TIME CONTEMPT ACTIONS:

1. **Ordinary Fees:** An award of attorney fees is mandatory in child support, spousal support, and parenting time contempt actions pursuant to O.R.C. Section 3109.05, 3109.051 and 3105.18. Counsel need not make a written motion requesting an award of attorney fees in those types of actions. Generally, the Court considers attorney fees not in excess of \$250 to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of \$250.00 in those cases. The Court may require evidence, however, if it deems such evidence necessary in the case.
2. **Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of \$250.00 in these types of contempt actions. In order to obtain an award of fees in excess of \$250.00, counsel must

present evidence and testimony as described in the Division (B)(2) of this rule.

B. AWARD OF NON-MANDATORY ATTORNEY FEES:

1. **Motion Required:** Any request for attorney fees shall be made by written motion, filed at least seven (7) days prior to the final hearing in the case.
2. **Evidence Supporting the Motion:** The following evidence shall be presented at any hearing regarding attorney fees:
 - i. An affidavit signed by counsel verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).
 - ii. Testimony from the client as to whether the services billed were actually rendered;
 - iii. If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues; and
 - iv. Evidence of the parties' respective incomes and expenses, if such evidence is not otherwise disclosed during the course of the hearing.
3. **Expert Testimony:** Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert evidence in support of or in opposition to a motion for attorney fees.
4. **Failure to Comply:** Failure to comply with the provisions of this rule may result in a denial of the motion for attorney fees.
5. **Court-appointed Counsel:** Any request for payment of fees by court-appointed counsel shall be accompanied by all documents required by the Public Defender's office and the request shall be submitted within thirty (30) days of the last court activity in the case. Failure to submit a timely request for payment of fees could result in the disallowance of all or part of the fee requested.

APPENDIX

- Form 1.00 Request for Waiver of Court Cost Deposit
- Form 2.00 Mandatory Child Support Language
- Form 3.00 Mandatory Child Support Deviation Language
- Form 4.00 Standard Parenting Time Order
- Form 5.00 Guardian Ad Litem Order (Private case)
- Form 6.00 Application for Appointed Counsel List
- Form 7.00 Application for Guardian Ad Litem List
- Form 8.00 Personal Identifiers Form
- Form 9.00 Genetic Paternity Testing Order
- Form 10.00 Standard Health Care Order