

**COURT OF COMMON PLEAS**

**JUVENILE DIVISION**

**SUMMIT COUNTY, OHIO**

**LINDA TUCCI TEODOSIO, JUDGE**

**LOCAL RULES OF PRACTICE AND PROCEDURE**

**Adopted: May 6, 2004**

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**Including Amendments through December 31, 2024**

**LOCAL RULES OF PRACTICE AND PROCEDURE**

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**RULE 1: GENERAL INFORMATION**

1.01 COMPLIANCE WITH OTHER RULES

- (A) The following Rules are intended to supplement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, the Ohio Rules of Juvenile Procedure and any controlling statutes.
- (B) Unless otherwise stated, all filings must comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Summit County, Ohio which are also applicable to this Court.

1.02 HOURS OF THE COURT

- (A) Summit County Juvenile Court is in session Monday through Friday from 8:00 a.m. until 4:00 p.m. and other hours as may be ordered by the Court.

1.03 COURT DECORUM

- (A) All parties and witnesses must wear proper attire when attending any hearing before the Court. Shorts, tank tops, halter tops, hats, sandals, bare feet, etc. are not acceptable forms of attire for appearance at any Court hearing, including remote appearance at Court hearings.
- (B) No radio, television transmission, voice recording device (other than a device used for purposes of the official record), or photography shall be permitted, except upon consent of the Court and in accordance with Rule 11 of the Rules of Superintendence for the Courts of Ohio.
- (C) All cellular phones and other electronic devices that are capable of emitting sound shall be turned off or turned to the vibrate position prior to entering the courtroom.
- (D) All parties, witnesses, and other persons present in the Courthouse while Court is in session shall refrain from loud talking, yelling or any other action that may disrupt the proceedings of the Court.
- (E) Any person who brings a child to Court shall not leave the child unattended or allow the child to disrupt the proceedings of the Court.

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**RULE 2: ASSIGNMENT OF CASES**

2.01 MATTERS HANDLED BY THE JUDGE

(A) The Judge will handle the following matters, unless otherwise ordered:

- (1) Habeas Corpus motions;
- (2) All motions concerning cases scheduled before the Judge;
- (3) Motions for a New Trial;
- (4) Motions for Relief from Judgment;
- (5) Motions to Vacate an Order issued by the Judge;
- (6) Emergency ex parte orders (except in dependency, neglect or abuse cases);
- (7) Motions to Set Aside Magistrate's Order;
- (8) Objections to a Magistrate's Decision;
- (9) Contempt proceedings regarding cases scheduled before the Judge pursuant to O.R.C. §2151.21;
- (10) Jury Trials;
- (11) Motions for Stay of Execution upon appeal to the Court of Appeals;
- (12) Motions for Stay of Execution upon filing of a Motion to Set Aside Magistrate's Order;
- (13) Motions to Relinquish Jurisdiction; and
- (14) Motions for Judicial Bypass.

2.02 MATTERS HANDLED BY MAGISTRATES

(A) All cases not assigned to the Judge will be scheduled for hearing before the assigned Magistrate.

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## **RULE 3: MAGISTRATES**

### 3.01 POWERS OF THE MAGISTRATE

- (A) Pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and O.R.C. § 2151.16, Magistrates are empowered and authorized to do the following in all cases to which they are assigned:
- (1) Conduct hearings, including trials;
  - (2) Issue orders, including but not limited to, temporary orders and pre-trial orders, including all orders regarding discovery;
  - (3) Make all other orders as may be necessary including, but not limited to:
    - (a) Motions for Extension of Time regarding matters scheduled before the Magistrate
    - (b) Motions for Continuance regarding matters scheduled before the Magistrate
    - (c) Motions to Vacate orders previously issued by the Magistrate
  - (4) Render decisions; and
  - (5) Conduct contempt proceedings pursuant to Juvenile Rule 40(C)(2)(e) and O.R.C. § 2151.21.
- (B) Once a matter has been assigned to a Magistrate, the same Magistrate will continue to hear the matter whenever possible.

### 3.02 MOTIONS TO SET ASIDE THE MAGISTRATE'S ORDER

- (A) Any party may appeal to the Judge from any order of a Magistrate by filing a Motion to Set Aside the order, stating the reasons for the motion with particularity, no later than ten days after the Magistrate's Order is filed.
- (B) Any party wishing to respond to the Motion to Set Aside the Magistrate's Order must do so no later than ten days after the Motion to Set Aside is filed unless a request for a transcript has been filed.
- (C) Motions to Set Aside a Magistrate's Order must be accompanied by a transcript of the proceedings, or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript, the affidavit must state the reason why a transcript is not available. Failure to timely request a transcript or file an affidavit of the evidence presented within thirty (30) days of the Motion to Set Aside being filed will result in a dismissal of the Motion to Set Aside.
- (D) A request for a transcript must be made pursuant to [Local Rule of Practice and Procedure 11.04\(C\)](#).

- (E) If the basis for the Motion to Set Aside the Magistrate's Order is not based on an issue of fact, the party filing the Motion to Set Aside may notify the Court in writing, at the time of the filing of the Motion, that the party is requesting that the Court rule on the Motion without a transcript of the proceedings.
- (F) Once a transcript has been requested, all parties are permitted to file a Memorandum in Support or Opposition to the Motion to Set Aside within fourteen days of the filing of the transcript with the Court without filing a Motion for Extension. Any request for additional time to supplement a Memorandum in Support or Opposition must be made by filing a Motion for Extension of Time with the Court.
- (G) The filing of a Motion to Set Aside the Magistrate's Order does not operate as an automatic stay of the order. The order is not stayed unless ordered by the Court. If the party filing the Motion to Set Aside the Magistrate's Order wishes to have the order stayed pending the Court's ruling on the Motion to Set Aside, the party must file a Motion to stay the Order.
- (H) Any party may request a hearing for oral argument on a Motion to Set Aside a Magistrate's Order. Unless the Court orders otherwise, a Motion to Set Aside the Magistrate's Order will be determined without oral argument.

### 3.03 OBJECTIONS TO THE MAGISTRATE'S DECISION

- (A) Any party may appeal to the Court from a decision made by a Magistrate by filing an Objection to the Magistrate's Decision, stating the reasons for the objection with particularity, no later than fourteen days after the Magistrate's Decision is filed.
- (B) Any party wishing to respond to the Objection shall do so no later than fourteen days after the Objection to the Magistrate's Decision is filed unless a request for a transcript has been filed.
- (C) Objections to a Magistrate's Decision shall be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript the affidavit shall state the reason why a transcript is not available. Failure to timely request a transcript or file an affidavit of the evidence presented within thirty (30) days of the objection being filed will result in a dismissal of the objection.
- (D) A request for a transcript must be made pursuant to [Local Rule of Practice and Procedure 11.04\(C\)](#).
- (E) If the basis for the Objection is not based on an issue of fact, the party filing the Objection may notify the Court in writing, at the time of the filing of the Objection, that the party is requesting that the Court rule on the Objection without a transcript of the proceedings.



- (F) Once a transcript has been requested, all parties are permitted to file a Memorandum in Support or Opposition to the Objection within fourteen days of the filing of the transcript with the Court without filing a Motion for Extension.
- (G) If the Objection is to a Magistrate’s Decision adjudicating a child to be abused, neglected or dependent, or dismissing a complaint alleging that a child is abused, neglected or dependent, the Court Reporter shall prepare and provide copies of the transcript to the party requesting the transcript within fourteen days of the filing of the praecipe. For good cause shown, the Court Reporter may request an extension of time to complete the transcript.
  - (1) In these cases, the party objecting to the Magistrate’s decision shall file a Memorandum in Support of or in Opposition to the Objection to the Magistrate’s Decision, if any, within ten days of the filing of the transcript with the Court.
  - (2) The party responding to the Objection to the Magistrate’s Decision shall file a Memorandum in Opposition to the Objection, if any, within ten days of the filing of the Memorandum in Support of the Objection.
  - (3) For good cause shown, a party may request an extension of time to file a Memorandum in Support of or in Opposition to the Objection.
- (H) The timely filing of an Objection to the Magistrate’s Decision operates as an automatic stay of execution of the decision until the Court disposes of the objection. If the Objection is to a Magistrate’s Decision adjudicating a child abused, neglected, or dependent, the Court may lift the automatic stay so that Disposition can take place within the 90-day jurisdictional period set forth in R.C. 2151.35(B)(1) subject to the Court’s ruling on the Objection.
- (I) Any party may request a hearing for oral argument on the Objection to a Magistrate’s Decision. Unless the Court orders otherwise, Objections to the Magistrate’s Decision will be determined without oral argument.

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## **RULE 4: PLEADINGS**

### 4.01 FORM

- (A) All documents filed with the Clerk of Court shall comply with Ohio Rule of Civil Procedure 10.
- (B) The caption of all documents filed must contain the name and date of birth of any minor child(ren), if known. If the minor child(ren) is/are also known by another name that name shall be noted in the caption. The caption must also contain the case number, the Magistrate that is assigned to hear the case, the name of the Judge, and a title indicating what the document contains.  
  
CSEA Information Request form ([Appendix F](#)) must be submitted to the Court no later than the first hearing in all custody, abuse, neglect and dependency complaints, and any pleading addressing child support.
- (C) All documents filed by an attorney must contain the attorney's name, office address, telephone number, e-mail address and Ohio Supreme Court registration number.
- (D) The form of all motions must also comply with [Local Rule of Practice and Procedure 5.01](#).
- (E) Pursuant to Ohio Traffic Rule 3(F)(1), the Clerk of Court will accept an electronically produced traffic ticket for filing. A ticket produced by computer or other electronic means shall not require the signature of the defendant. The form and substance of an electronically produced ticket must conform to the provisions of Ohio Traffic Rule 3(F)(1).

### 4.02 FILING BY FACSIMILE

- (A) All documents that do not require a filing fee may be filed with the Clerk of Court by facsimile transmission to (330) 643-2987. No additional fee will be assessed for facsimile filings.
- (B) All documents filed by facsimile transmission must be accompanied by a cover letter containing the following information:
  - (1) The caption of the case;
  - (2) The case number;
  - (3) The Magistrate assigned to hear the case;
  - (4) A title indicating what is contained in the facsimile document;
  - (5) The date of transmission;
  - (6) The telephone number from which the document was faxed;
  - (7) The number of pages faxed including the cover page; and

- (8) The name, address, telephone number, fax number and e-mail address of the person filing the document by facsimile. If the person filing the document is an attorney, the attorney registration number should also be included.
- (C) All documents filed by facsimile must not exceed ten pages in length and must contain the signature of the person filing the document or, if the document is sent directly from the person's computer, the notation "/S/" followed by the name of the person signing the document.
- (D) All documents filed by facsimile and accepted by the Clerk of Court will be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time imprinted by the facsimile machine. The Court's facsimile machine is available for transmission 24 hours a day, 7 days a week, however, documents will only be time-stamped during regular business hours as outlined in [Local Rule of Practice and Procedure 1.02](#).
- (E) The Clerk of Court will not acknowledge receipt of any document filed by facsimile. The burden to confirm receipt of the document is on the person filing the document by facsimile.
- (F) All documents filed by facsimile will be considered the original and must comply with the Ohio Rule of Civil Procedure 10 and [Local Rule of Practice and Procedure 4.01](#). The person filing a document by facsimile should maintain in his or her records the source document and facsimile cover sheet used in the faxing document until the close of the case and all time periods for post judgment relief have been exhausted. The source document will be made available to the Court upon request. It will not be necessary for the person filing a document by facsimile to file the source document.

#### 4.03 ELECTRONIC FILING

- (A) All documents that do not require a filing fee may be filed with the Clerk of Court by electronic filing. No additional fee will be assessed for electronic filings.
- (B) Instructions for E-Filing are posted on the Summit County Juvenile Court website (<https://juvenilecourt.summitoh.net/>).
- (C) All documents must be submitted in the following format:
  - (1) Attachments must be in Portable Document Format (PDF).
  - (2) Attachments must be no larger than standard Letter size (8.5" x 11").
  - (3) Attachments must be no larger than 20 megabytes (20MB). Multiple documents may be attached; however, no single document may exceed the 20MB threshold.

- (D) The Confirmation page will display all the information submitted to the Clerk's Office and will include a confirmation number. Once the filing has been submitted, the Clerk will review the filing and either accept or reject the filing.

If the Clerk accepts the filing, the user will receive an email confirmation. The date and time the user submitted the filing to the Clerk via the E-Filing site will be considered the stamped docket date and time.

If the filing is rejected, the user will receive an email notification indicating the reason for the rejection. Users may make changes to rejected filings and resubmit them. If a rejected filing was timely filed, it will be considered timely if resubmitted within twenty-four hours of the time of the notice of rejection, excluding Saturdays, Sundays, and holidays.

- (E) All documents filed electronically will be considered the original and must comply with the Ohio Rule of Civil Procedure 10 and [Local Rule of Practice and Procedure 4.01](#). The person filing a document electronically should maintain in his or her records the source document until the close of the case and all time periods for post judgment relief have been exhausted. The source document will be made available to the Court upon request. It will not be necessary for the person filing a document electronically to file the source document.

#### 4.04 COURT FEES

- (A) The filing fees for documents filed with the Court are listed in the schedule of filing fees posted in the Summit County Juvenile Court Clerk's Office and can also be found on the Summit County Juvenile Court website. All fees are due at the time a document is filed.

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## **RULE 5: MOTIONS**

### 5.01 FORM

- (A) All motions must be made in writing, contain a concise statement of the motion's grounds and the relief sought, and may be supported by a memorandum or affidavit.
- (B) All motions for ex parte or emergency custody orders must be separately captioned and supported by affidavit of the essential facts requiring immediate court action as permitted by Juvenile Rules 6 and 7.
- (C) All motions must be served upon opposing parties and counsel pursuant to [Local Rule of Practice and Procedure 6.02](#).
- (D) Any party may request a hearing for oral argument on a motion. Unless otherwise ordered by the Court, all motions will be determined without oral argument, unless a hearing is required by statute.
- (E) Any motion for custody or child support must include the Child Support Enforcement Agency SETS number in the caption. The movant must also file an application for Title IV-D paternity and support services, unless the child is already eligible for Title IV-E placement services.

### 5.02 TIME

- (A) All motions must comply with the time restraints of Juvenile Rule 22. All motions that fail to comply with Juvenile Rule 22 will be dismissed as untimely. The Court may entertain a Motion for Leave to File. The decision to grant or deny Leave to File is discretionary and it should not be assumed that the Court will grant the motion automatically.

### 5.03 MOTIONS FOR CONTINUANCE

- (A) A continuance will not be granted unless the party requesting the continuance demonstrates to the Judge or Magistrate that there is an emergency or other unanticipated circumstance necessitating the continuance, including any conflicts that an attorney may have with other court appearances. Absent such a circumstance, the hearing or trial shall proceed as scheduled. The decision to grant or deny a continuance is discretionary and it should not be assumed that the Court will grant the motion automatically.
- (B) All requests for continuances must be made in writing and filed seven days before the scheduled hearing date. However, the Court may consider a Motion for Continuance that is filed less than seven days before the

scheduled hearing date upon demonstration of emergency or for other unforeseen circumstances.

- (C) When a continuance is requested because a witness is unavailable at the time set for hearing, the Court may consider the filing of a deposition pursuant to Civil Rule 30.

#### 5.04 MOTIONS TO CONVEY PRISONERS

- (A) It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a witness who is incarcerated, to file a Motion to Convey to transport the person to the hearing.
- (B) A Motion to Convey must be filed at least three weeks prior to the hearing date if the party or witness is incarcerated outside of Summit County, and at least two weeks prior to the hearing date if the party or witness is incarcerated in Summit County.

#### 5.05 MOTIONS FOR CONTEMPT

- (A) 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 must state the specific facts forming the basis for the motion or be accompanied by an affidavit setting forth the specific facts forming the basis for the motion.
- (B) All Motions for Contempt/Show Cause must comply with the requirements of O.R.C. § 2705.
- (C) A party requesting a Court Order to compel a person's appearance at a hearing to show cause must provide the Court with a proposed order at the time the motion is filed.
- (D) All Motions for Contempt must be served in accordance with [Local Rule of Practice and Procedure 6](#). In addition, when imprisonment is the requested sanction, the party required to show cause will be served with a copy of the Motion and Court Order requiring the party's appearance at a hearing by personal service.

#### 5.06 MOTIONS FOR RELIEF FROM JUDGMENT

- (A) All Motions for Relief from Judgment must comply with Civil Rule 60 and Civil Rule 7(B).
- (B) All Motions for Relief from Judgment must be accompanied by a memorandum in support and may include affidavits, transcripts, depositions, exhibits and other relevant materials.

## 5.07 JURY DEMAND

- (A) The Court will hear and determine all cases involving Juveniles without a jury, except for the Adjudication of a serious youthful offender complaint, indictment, or information in which a trial by jury has not been waived.
- (B) In cases where an adult has been charged with a criminal offense over which the Juvenile Court has jurisdiction, except for cases alleging a violation of O.R.C. § 3321.38, the Defendant is entitled to a jury trial pursuant to Criminal Rule 23(A). An adult charged with a misdemeanor offense may demand a jury in writing. The demand shall be filed no later than ten days prior to the date set for trial or before the third day following the receipt of the notice of the date set for trial, whichever is later. A Defendant's failure to demand a jury trial as stated in this rule will be deemed a complete waiver of that right.

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**RULE 6: SERVICE**

6.01 GENERAL REQUIREMENTS

- (A) A request for service must be accompanied by an Instructions to Clerk for Service form identifying the type of service requested and a time stamped copy of the document to be served.
- (B) The court will maintain a list of persons approved as process servers for cases in which personal or residential service is requested.
- (C) The Court has appointed FedEx Corporation and all employees of FedEx Corporation who are 18 years of age or older, acting in their capacity as FedEx employees, as standing process servers for the Summit County Court of Common Pleas, Juvenile Division. In this capacity, these employees are required to abide by law and make service of process on all cases except where that employee is a party, or related by blood or marriage to a party, to that case.

6.02 WHO MUST BE SERVED

- (A) All persons who are parties to the case as defined in Juvenile Rule 2(Y) must be served, except a child who is the subject of a dependency, neglect, abuse, or custody claim, unless the Court otherwise directs.

Summit County Children Services is not required to serve relatives of children in dependency, neglect, and abuse cases unless the child's removal was from those relatives' care. However, Children Services must provide the Court's next hearing date to all relatives who contact Children Services about children involved in dependency, neglect, and abuse cases.

Upon filing a complaint alleging abuse, neglect, and/or dependency, the petitioner must provide CSEA with the case number(s), name of mother, father and caregiver(s) as well as the last known addresses of each of the preceding individuals.

- (B) If a party is represented by an attorney, service on the party may be achieved by serving the attorney of record. Initial pleadings must be served on the party, not their attorney.
- (C) Sufficient copies shall be provided to the Clerk for each party to be served.

6.03 SERVICE BY PUBLICATION

- (A) Service by publication can be made by newspaper publication or by posting and mail. Service by publication of a Motion for Permanent Custody must be accomplished by newspaper if the address of the party is unknown.



- (B) A request for service by publication must be accompanied by an affidavit executed by the party or the party's attorney stating that service cannot be made because the residence of the person is unknown and cannot be ascertained with reasonable diligence and providing what attempts were made to ascertain the address. The affidavit must also state the last known address of the person to be served.
- (C) Service by publication for a party with no last known address must be accomplished via newspaper publication. This includes service for John Doe and/or Jane Doe.
- (D) Publication by newspaper:
  - (1) The Clerk will serve notice by publication in a newspaper of general circulation in Summit County.
  - (2) A request for service by publication in a newspaper shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.
  - (3) A request for service by publication by newspaper shall be submitted at least fourteen days before the date and time of the hearing stated in the notice.
  - (4) The publication will be published one time and service is considered complete on the date of publication.
  - (5) The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service.
- (E) Publication by posting and mail:
  - (1) The Clerk will serve notice of publication by posting and mail as set forth below.
  - (2) A request for service by publication by posting and mail shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time, and place the person is to appear.
  - (3) A request for service by publication by posting and mail shall be submitted at least fifteen days before the date and time of the hearing stated in the notice.
  - (4) The notice shall be posted on the Summit County Juvenile Court web site, in a section designated "Public Notices," for seven consecutive days.

- (5) In addition to posting the notice, the Clerk shall mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, address correction requested, to the last known address of the party to be served.
- (6) If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven-day period that the notice is posted pursuant to this rule, the Clerk must mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address.
- (7) Upon completion of service by posting and mail, the Clerk shall docket where and when the posting was completed and a copy of all certificates of mailing.
- (8) Service is complete when the notation of posting and mail is docketed by the Clerk.

#### **6.04 SERVICE BY ELECTRONIC MAIL (E-Mail)**

- (A) Attorneys may opt-in to receive electronic mail service of all filings in all cases in which they are attorneys of record. Attorneys may opt-in by completing the Service by Electronic Mail Opt-In form which can be obtained from the Clerk of Courts. Attorneys shall complete the Opt-In Form and return it to the Clerk of Courts, who will maintain a physical file of all attorneys who have opted-in for e-mail service.
- (B) The Court's automated system shall generate a Notification of Electronic Filing for all entries and orders signed by a Judge or Magistrate. This Notification of Electronic Filing shall constitute service under Civ.R. 5 and Crim.R. 49.
- (C) Once an attorney has opted in for e-mail service, that attorney will no longer be served with Court filings via other methods of service. The Court will continue to serve non-registered users and pro se parties in accordance with Civ.R. 5 and Crim.R. 49.
- (D) If an attorney no longer wishes to receive e-mail service, he or she shall notify the Clerk's Office and complete the Opt-Out, which is located at the bottom of the Electronic Mail form. A copy of the Opt-Out will be maintained by the Clerk's Office.

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**RULE 7: HEARINGS**

7.01 FAILURE TO APPEAR OR FAILURE TO PROSECUTE

- (A) If a moving party or the moving party's attorney fails to appear or fails to prosecute within fifteen minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion. All parties and attorneys must inform the Court of potential scheduling conflicts within the building as soon as they become aware that a conflict may arise.
- (B) If the opposing party or the opposing party's counsel fails to appear within fifteen minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all issues.
- (C) Failure of a party or counsel to appear may result in sanctions being imposed by the Court.

7.02 PRETRIAL STATEMENTS

- (A) Each party in a dependency, neglect, and abuse case or a legal custody case must file a pretrial statement at the final pretrial/status hearing or seven days prior to the trial or evidentiary hearing, whichever is earlier. Each party in a delinquency or traffic case must file a pretrial statement seven days prior to trial.
- (B) The pretrial statement must contain the following information:
  - (1) A brief statement of the facts;
  - (2) The legal issues in dispute including, but not limited to, issues to be determined by Motions in Limine and/or Motions relating to Evidence Rules 804 and 807;
  - (3) A list of potential witnesses;
  - (4) A list of any expert witness and his/her credentials in compliance with Evidence Rule 702;
  - (5) A list of potential exhibits. The list of exhibits must indicate which exhibits have been provided to opposing counsel and whether the authenticity of the exhibits has been stipulated to so that the Records Custodian can be eliminated as a witness;
  - (6) If a party is not stipulating to the authenticity of an exhibit which has been shared by opposing counsel, that party must state the basis for its objection to authenticity in its pretrial statement;
  - (7) A list of any motions pending before the Court that have not yet been determined; and

- (8) For an adjudication hearing in dependency, neglect, and abuse cases, and for trial in permanent custody cases, and for the final hearing in legal custody cases, a description of the time and manner of service of process upon the appropriate parties.
- (C) Failure to timely file a Pretrial Statement may result in the party being precluded from calling witnesses, qualifying a witness as an expert, introducing exhibits and arguing legal issues and motions.
- (D) The Court may entertain a Motion for Leave to File an Amended Pretrial Statement for good cause shown. The decision to grant or deny Leave to File is discretionary and it should not be assumed that the Court will grant the motion automatically.

### 7.03 ATTENDANCE AT HEARINGS

- (A) Youth who are subject to an abuse, neglect or dependency case are permitted and encouraged to attend all hearings relating to the case if they so desire. Attendance may be in person or via remote technology.
- (B) The Court shall presume that all youth 13 years of age and older who are subject to an abuse, neglect or dependency case wish to attend all hearings relating to the case unless otherwise expressed by either the youth or the youth's attorney or Guardian ad Litem.
- (C) The Court has discretion to exclude a child from any hearing or any portion of a hearing if the Court finds that to be in the child's best interest.

### 7.04 JUVENILE RESTRAINTS

- (A) Physical restraints shall not be used on any juvenile appearing for court proceedings unless the Judge or Magistrate before whom the juvenile is appearing issues a finding on the record of both of the following:
  - (1) The use of physical restraint is necessary due to either of the following factors:
    - i. The behavior of the juvenile represents a current threat to the safety of the juvenile or other persons in the courtroom.
    - ii. There is a significant and imminent risk that the juvenile will flee the courtroom.
- (B) If a party or Court staff believes that physical restraints are necessary, the issue should be raised to the Court prior to the hearing so that the Court and the parties may conduct a brief hearing prior to commencing court

proceedings. The issue may also be raised during court proceedings. The Court will allow all parties to be heard on the issue prior to a determination of whether physical restraints are necessary in a particular situation or as to a particular juvenile.

- (C) If physical restraint is found necessary by the Court, 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 juvenile's hands.

#### 7.05 REMOTE ATTENDANCE

##### (A) Video Conferencing

The Court on its own motion, or upon the request of any party, may conduct conferences, hearings, and proceedings using a two-way video and audio-conferencing platform (virtual) for both attorneys and unrepresented parties provided the remote attendance complies with the requirements set forth in Juv.R. 27. Links for virtual attendance at hearings will be provided in Hearing Notices as well as on the Summit County Juvenile Court website.

- (1) The Court **may** conduct its proceedings by video at the following conferences, hearings, and proceedings:
  - (a) Case management/scheduling and status conferences/review hearings;
  - (b) All uncontested hearings;
  - (c) Pre-trial hearings; and
  - (d) Any hearing approved in advance by the Court for appearance by video.
- (2) The Court may require a personal appearance at a hearing, conference, or proceeding, if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of any particular case.
- (3) If at any time during a hearing, conference, or proceeding conducted by video conference the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.
- (4) Parties shall not assume that they may attend a hearing virtually unless the Court has set the hearing as virtual in advance. If a party wishes to attend an in-person hearing virtually they must file a motion requesting permission to attend virtually seven (7) days in advance of the hearing.
- (5) The Court may approve virtual attendance even when the above outlined request for virtual attendance has not been filed in a timely manner, in order to facilitate party or witness attendance when necessary.

(B) In conducting video conference hearings:

- (1) The Court shall recite the date, time, case name, case number, names of parties and counsel, and the type of hearing.
- (2) All evidentiary proceedings involving video conference appearances must be recorded and reported to the same extent as if the participants had appeared in person.

(C) Production of Exhibits in Virtual Hearings

As with in-person hearings, in virtual hearings exhibits shall be exchanged between parties in advance of the hearing. Any exhibits admitted in a virtual hearing shall be marked and produced in hard copy to the assigned bailiff within 24 hours of the virtual hearing.

(D) Witnesses

- (1) If the hearing is a contested matter and therefore occurring in -person, a motion shall be filed by the party requesting a witness to appear via video as outlined in Juvenile Rule 41(B)(2). The moving party shall indicate if approval from other parties was obtained prior to the filing. If a party objects to a witness appearing via video, the objections shall be filed within seven (7) days following the request.
- (2) The Court may approve virtual attendance even when the above outlined request for virtual attendance has not been filed in a timely manner, in order to facilitate party or witness attendance when necessary, so long as the Court finds that an exception to face-to-face confrontation is necessary to further an important state interest or public policy objective.

(E) Technical Standards and Equipment

The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:

- (1) All participants must be able to see and/or hear and communicate with each other simultaneously.
- (2) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other method.
- (3) A verbatim record of the proceeding will be made and maintained by the Court when the nature of the proceeding so requires.
- (4) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
- (5) The telephonic or audiovisual technology must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

(6) There are times when the Court may request that a party turn off their camera due to connectivity issue as it deems appropriate to regulate proceedings.

(F) Decorum

Hearings conducted via video conferencing are court proceedings and should be respected as such. All remote participants shall comply with the court decorum standards set forth in Local Rule 1.03. Attorneys and/or parties who appear remotely are required to keep their cameras on for the entire proceeding if they have video capabilities. All remote participants shall be appropriately dressed and conduct themselves as if they were physically present in the courtroom. All parties and witnesses shall ensure that they are in a quiet environment with no distractions. No parties or witnesses will be permitted to operate a motor vehicle during a video appearance.

It is the expectation of the Court that users will not interrupt or disrupt proceedings during a virtual appearance. If a party does not comply with any part of this rule the Court may, at its own discretion, remove them from the hearing and require that they attend any future hearings in person, continue the hearing, or any other relief deemed appropriate. Removal of a party or a witness for failing to comply does not automatically continue the hearing.

**RULE 8: ATTORNEYS**

8.01 IN GENERAL

(A) Notice of Appearance

- (1) An attorney representing a party in any matter before this court, unless the attorney has been appointed by the Court, shall file a Notice of Appearance within seven days of being retained by the client.
- (2) The Court may not recognize an attorney as the Attorney of Record if the attorney fails to file a Notice of Appearance.

(B) Withdrawal

- (1) An attorney who has either been appointed by the Court or has been retained by a party may request the Court's permission to withdraw as counsel for a party by filing a Motion to Withdraw, stating with particularity the grounds for the motion.
- (2) An attorney who requests the Court's permission to withdraw as counsel for a party must do the following:
  - (a) Notify the client and opposing counsel of the attorney's request to withdraw as counsel;
  - (b) Notify the client of all scheduled hearing dates and that the client's attendance at the hearings is mandatory; and
  - (c) When appropriate, file a Notice of Appeal, Objection, or Motion to Set Aside a Magistrate's Order on behalf of client to preserve the client's rights.
- (3) An attorney is not withdrawn as counsel for a party unless and until the Court grants the attorney's Motion to Withdraw.

(C) Substitution of Counsel

- (1) If an attorney has been retained to represent a party who was previously represented by another attorney, the current attorney shall file a Notice of Substitution of counsel within seven days of being retained by the client or appointed by the Court.

(D) Change of Address

- (1) An attorney of record for a party, or a party who is not represented by an attorney, who has a case pending before this Court must notify the Court, opposing counsel, and any party not represented by counsel, in writing, of any change of address of the attorney or party as soon as the change is known to the attorney or party.



## 8.02 APPOINTED COUNSEL

- (A) An attorney will be appointed to represent any party entitled to representation under Juvenile Rule 4 and O.R.C. § 2151.352 if they make a request in person to the Judge's Bailiff, 650 Dan Street, Akron, Ohio 44310, completes the financial affidavit under oath, and qualifies under Court guidelines as indigent. Each person applying for counsel shall pay a non-refundable application fee to the Clerk upon application or within seven days thereafter. In the event an applicant fails to pay the application fee, the amount of the fee will be taxed as costs against the applicant at the close of the case.
- (B) In an abuse, neglect, or dependency action filed by Summit County Children Services, the Court will appoint counsel for eligible parties at the initial hearing. If a party fails to complete the financial affidavit by the adjudicatory hearing, the appointment of counsel will be terminated at that time. This provision applies to all parties, including alleged fathers. However, if paternity is not established within a reasonable period of time, the Court will terminate appointment of counsel for an alleged father.
- (C) At every review hearing, the Court will inquire regarding contact between absent parties and their attorneys. If a party fails to maintain contact with counsel for a period of 90 days, the appointment of counsel will be terminated. Counsel may be reappointed if the party reappears. Failure to reapply for court-appointed counsel will be considered a knowing, intelligent, and voluntary waiver of the right to appointed counsel.
- (D) Court-Appointed Counsel List
  - (1) An attorney who wishes to be placed on the Court-Appointed Counsel List shall do the following:
    - (a) Complete and submit an application with required documentation to the Judge, including a resume stating the attorney's training and experience handling juvenile cases;
    - (b) Comply with the requirements of O.A.C. 120-1-10;
    - (c) Comply with the professional liability insurance requirements set forth in the Ohio Rules of Professional Conduct, which includes the requirement to inform clients when they do not maintain professional liability insurance;
    - (d) Submit an updated application every year by December 31 in order to remain on the Court-Appointed Counsel List; and
    - (e) Immediately notify the Court of any changes to his/her contact information or status with the Ohio Supreme Court; and

- (f) Failure of an attorney to comply with any of the requirements of this section may lead to removal of the attorney from the Court-Appointed Counsel List.
  - (2) In cases where the appointment of counsel is appropriate, the Court will appoint attorneys based on a rotating schedule of the attorneys on the Court-Appointed Counsel List to ensure that each attorney on the list is provided with an opportunity to obtain an equitable share of appointments. The Court may, in its discretion, deviate from the rotating schedule to assure the efficient and orderly administration of justice.
  - (3) Attorneys may utilize the electronic system to sign up for representation of eligible parties at Shelter Care Hearings. Sign-ups will be available on a first come first served basis. To ensure an equitable share of appointments, the Court may limit the number of slots per attorney per month.
  - (4) The Judge, or her designee, shall maintain a written list of the attorneys on the Court-Appointed Counsel List and document each time an attorney is appointed. This list shall be reviewed at least annually to ensure the equitable distribution of appointments.
- (E) Fees and Expenses
- (1) An appointed attorney must submit a Fee Application within the time limits set by the County of Summit and/or the State of Ohio Legal Defender's Office. Attorney fee applications may be submitted following any hearing in the matter. Fee applications may be submitted directly to the County of Summit Law Department or placed in the drop box at the Clerk's office.
  - (2) Fee applications not submitted in a timely manner may result in the denial of the application of attorney's fees.
  - (3) Pursuant to O.R.C. § 120.33(A)(4), each request for payment of fees and/or reimbursement for expenditures on indigent cases must contain the following:
    - (a) A Motion, Entry and Certification Form;
    - (b) A completed Ohio Public Defender Form OPD 206R, financial Disclosure/Affidavit of Indigency (Attorney Guardian ad Litem should attach form, but completion of the financial information is not necessary);
    - (c) A copy of the Appointment Order;
    - (d) Such other documentation as may be required by the County of Summit Fiscal Office; and
    - (e) A copy of the Court order pre-approving any expenditures for which reimbursement is being sought.

- (4) Reimbursement for representation in juvenile proceedings will be made based on the current county maximum rate for out-of-court services and in-court services.
  - (5) The prescribed maximum fee per case permitted in juvenile proceedings will be in accordance with the Summit County Indigent Fee Schedule. Fees in excess of this amount will only be considered upon completion of the requirements outlined in subsection (G) below.
- (F) Extraordinary Fees
- (1) Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds maximums established by the Juvenile Court.
  - (2) Reimbursement by the County for extraordinary fees is subject to the following requirements:
    - (a) Extraordinary fees must be requested by Motion with Supporting Memorandum; and
    - (b) Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry and Certification Form.
- (G) Extraordinary expenses incurred by counsel in the representation of an indigent client in a case for which the attorney is appointed will be reimbursed only if the expenditure is approved by the Court prior to the time the expense is incurred. A copy of the order allowing the expenditure must be attached to the fee application. Application for extraordinary fees must be submitted in the same way as the initial fee application: directly to the County of Summit Law Department or placed in the drop box at the Clerk's office.
- (H) The Order appointing counsel will expire upon the closure of the case or upon the placement of a child in permanent custody, legal custody, or in a planned permanent living arrangement unless otherwise ordered by the Court. A party requesting counsel for contempt proceedings, matters before the Citizen's Review Board, or in connection with matters relating to children in a planned permanent living arrangement, must make a new request for court appointed counsel and file an affidavit of indigency with the Court.

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**RULE 9: GUARDIAN AD LITEM**

9.01 GENERAL INFORMATION

(A) Appointment

- (1) The Court will appoint a Guardian ad Litem when necessary and appropriate to make recommendations regarding the best interests of a child or whenever the Court is required to do so by statute.
- (2) The Court may also appoint a Guardian ad Litem to make recommendations regarding the best interests of an incompetent adult in a Juvenile Court proceeding.
- (3) If the Guardian ad Litem finds that a conflict of interest exists with his or her appointment, he or she must file an appropriate motion.
- (4) As practical, every effort will be made to ensure equitable distribution of cases between Guardians ad Litem on the Court's appointment list. Special needs of a particular case may be considered in the appointment of a Guardian ad Litem with specialized qualifications or skills. A review of case distribution shall be conducted annually.
- (5) In cases returning to the Court which require a Guardian ad Litem, every effort will be made to ensure the reappointment of the previous Guardian ad Litem to the case, unless otherwise specified by the Court.

(B) Role

- (1) The role of the Guardian ad Litem is to assist the court in its determination of the best interests of the child or incompetent adult.
- (2) A Guardian ad Litem must be given notice of all hearings and must be forwarded copies of all filings made by the other parties to the action.

(C) Qualifications

- (1) A Guardian ad Litem shall successfully complete the Summit County Juvenile Court Guardian ad Litem pre-service training course and annually complete a minimum of six hours of in-service continuing education training provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association. A Guardian ad Litem shall also be sworn in by the Juvenile Court Judge or the Judge's duly appointed representative. The Summit County Juvenile Court Guardian ad Litem pre-service training course curriculum shall be approved by the Judge or the Judge's designee.
- (2) An attorney who wishes to serve also as a Guardian ad Litem shall meet all the requirements to be a Guardian ad Litem as outlined above and shall be duly licensed to practice law in the State of Ohio.

- (3) In order to be included and maintained on the Court's Guardian ad Litem list, the Guardian ad Litem or attorney shall do the following:
  - (a) Complete and submit a formal application;
  - (b) Submit to the Court proof of a valid driver's license and automobile insurance coverage; and
  - (c) Complete a BCI criminal background check.
- (4) Guardians ad Litem will be evaluated on an annual basis through a formal evaluation process to determine whether they qualify to remain on the Court's appointment list.
- (5) Any Guardian ad Litem may be removed from the Court's appointment list at his or her own request. The Court may, in its own discretion, remove any Guardian ad Litem from the Court's appointment list at any time. In the event of such removal, the Court shall notify the Guardian ad Litem that he or she has been removed from the Court's appointment list.

(D) Complaint Procedure

- (1) It is the goal of the Summit County Juvenile Court to resolve problems and grievances regarding a Guardian ad Litem fairly, promptly, and as close to the source as possible. When a parent, family member, attorney, professional or any other person has a grievance or complaint about a Guardian ad Litem, that person shall try to first resolve the issue with the Guardian ad Litem directly. If such an effort is unsuccessful or impractical, the person shall utilize the form process as set forth in [Appendix D](#), attached hereto, to resolve his or her grievance or complaint.

## 9.02 DUTIES AND RESPONSIBILITIES

- (A) The Guardian ad Litem will have full access to all Court records regarding that child or children, including closed prior cases, and will perform whatever functions are necessary to protect the best interests of the child or the incompetent adult pursuant to O.R.C. § 2151.281(I), including subpoenaing and examining witnesses. All costs will be waived for any filings made by a Guardian ad Litem.
- (B) In addition to the above, the Guardian ad Litem may perform the following duties upon appointment in each case:
  - (1) Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
  - (2) Interview the child or children separately (or state in the report why such interviews would be unnecessary or impractical).
  - (3) Observe each child's interaction with each parent.

- (4) Visit the child or children a minimum of one time per month (or state in the report why such interviews would be unnecessary or impractical). In the initial stages of the case this visit can be combined with interviews or observation.
  - (5) Investigate all significant people and interview them independently, either in person or by telephone.
  - (6) Review pleadings and consult with each attorney as to position and issues.
  - (7) Contact all mental health providers involved in the case.
  - (8) Contact the school of the child.
  - (9) Review records regarding the child from school, courts, health care providers, child protective agency, etc.
  - (10) Perform appropriate home visits (this can be combined with interviews or observation).
  - (11) Evaluate the necessity of psychological evaluations or counseling.
  - (12) Communicate with the Children Services worker.
  - (13) Attend all hearings and depositions concerning the child.
  - (14) File, or if not an attorney, seek counsel to file all Motions or other Pleadings necessary to further the child's interests.
- (C) If the child's wishes are in opposition to the Guardian ad Litem's recommendation, the Guardian ad Litem shall notify the Court and all counsel in writing of the conflict.
- (D) Evaluations
- (1) With good cause shown, a Guardian ad Litem may request that the Court order the parties and/or child to submit to physical, psychological, or psychiatric evaluation.
  - (2) The request must be made by filing a motion with the Court and must be timely. Upon the filing of said motion, the Court shall afford the parties and child a reasonable opportunity to respond to the motion.
  - (3) The Court will determine the party responsible for the payment of the evaluation and issue an order accordingly.
- (E) Length of duties
- (1) The duties of a Guardian ad Litem, including Attorney/Guardian ad Litem appointments, conclude thirty days after the case is closed unless otherwise ordered by the Court.
  - (2) If an Objection or Appeal is filed in the case, the Guardian ad Litem will continue their duties until thirty days after the Objection or Appeal is decided regardless of the closed status of the case.

### 9.03 GUARDIAN AD LITEM REPORT

- (A) The Guardian ad Litem must prepare a written report for the Court for all hearings at which a dispositional order is requested by a party. The Guardian ad Litem may prepare a written report at all other hearings, as needed.
- (B) The report must contain the following information. For Sections (1) through (4) the report need only contain the information relative to visits, contacts, attempted contacts, and activities which occurred since the last report.
  - (1) A list of contacts made in the case, including the person contacted, the relationship of the person to the child, and the date of the contact;
  - (2) A list of visits made in the case, including the person visited, the relationship of the person to the child, and the date of the visit;
  - (3) A list of unsuccessful contacts made in the case, including the person with whom contact was attempted, the relationship of the person to the child, and the date of the attempted contact;
  - (4) A summary of the activities taking place in the case;
  - (5) An assessment of the child's situation and what is in the child's best interest;
  - (6) Recommendations for a resolution that would be in the child's best interest; and
  - (7) An affirmative statement that Guardian ad Litem responsibilities have been met.
- (C) The report must be filed with the Court no less than seven days prior to the dispositional hearing, unless all parties waive, or the due date is extended by the Court.
- (D) The Guardian ad Litem report must be provided to the court, unrepresented parties, and legal counsel. When applicable, the report may be provided to staff members of the CASA Office. The report is confidential and may only be inspected by the parties and/or their attorneys.

### 9.04 COMPENSATION

- (A) Non-indigent cases
  - (1) In non-indigent cases, where an Attorney Guardian ad Litem is appointed by the Court, the attorney will be paid at a rate equivalent to that of attorneys appointed for indigent clients and subject to the limitations set forth in [Local Rule 8.02](#).
  - (2) In non-indigent cases, or in cases where a party is not entitled by law to court appointed counsel, each party must deposit the sum of three hundred and seventy-five dollars with the Clerk for payment of the Guardian ad Litem's fees. The failure of a party to make a deposit as

ordered will result in the assessment of this amount as costs against that party at the close of the case.

- (3) Upon payment of the deposit to the Clerk, each party must file a Notice of Deposit Paid, and must service Notice upon all parties.
- (4) After the full deposit is paid, the Guardian ad Litem will commence the performance of the duties required.
- (5) All Guardians ad Litem must keep accurate time records.
- (6) Fees for Guardians ad Litem will be limited to the amount of the deposit, unless the Court orders otherwise for good cause.

(B) Indigent cases

- (1) Compensation for services in indigent cases will be made in accordance with the requirements for Appointed Counsel fees as stated in [Local Rule of Practice and Procedure 8.02](#).

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**RULE 10: CHILD SUPPORT**

- (A) When a Motion to Establish a Child Support Order, a Motion to Modify a Child Support Order, or an Administrative Appeal from an Order for Child Support Enforcement Agency is scheduled for a hearing before the Court, the parties must be prepared to present evidence or stipulations with respect to the following:
- (1) Child support worksheet, including evidence of payment of childcare expenses (statement from a licensed day care center, canceled checks, etc.), payment of health care insurance, payment of child support for a party's other child(ren) (not of these parties), or payment of spousal support to a former spouse;
  - (2) Evidence of the factors listed in O.R.C. § 3109.05(A);
  - (3) Current evidence of income, including the previous six months pay stubs or other evidence of income, three years income tax returns, and evidence to support imputing income to the other party;
  - (4) The current amount of income and source of same for the new spouse of any party; and
  - (5) Any other relevant factors.
- (B) To request that support payments made under a current order of support be escrowed at the Child Support Enforcement Agency, or that support be transferred to a different payee, Child Support Enforcement Agency records must be submitted verifying the child's parentage and support.
- (C) Failure to provide the above information may result in dismissal of the motion.

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## **RULE 11: COURT RECORDS**

### 11.01 RECORDS

#### (A) Non-Public Records

- (1) The following records will not be made available to the public, including any party to the case:
  - (a) Child Abuse, Neglect and Dependency investigative records pursuant to O.R.C. § 5153.17 and § 2151.421(H)(1);
  - (b) Confidential law enforcement investigatory records pursuant to O.R.C. § 2151.141(B)(2)(b) and § 149.43(A)(1)(h);
  - (c) Victim Impact Statements pursuant to O.R.C. § 2152.19(D)(3);
  - (d) Records relating to parental notification of abortion proceedings pursuant to O.R.C. § 2151.85(F) and § 149.43(A)(1)(c);
  - (e) Fingerprints or photographs of a child arrested or taken into custody pursuant to O.R.C. § 2151.313;
  - (f) Sealed or Expunged juvenile adjudications or arrests pursuant to O.R.C. § 2151.356; and
  - (g) Names, documentation, and other identifying information regarding foster caregivers pursuant to O.R.C. § 5101.29(D)(1).

#### (B) Confidential Records

- (1) Pursuant to O.R.C. § 2151.14, reports and records of the Intake and Probation Departments shall be considered confidential and shall not be made public.
- (2) All confidential records are maintained in the Court's unofficial file.

#### (C) Official Records

- (1) Pursuant to O.R.C. § 2151.18 and § 2152.71 the Court maintains an Official file that may be inspected by the parties or their attorney.
- (2) Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Clerk's Office.

### 11.02 REVIEW OF RECORDS

- (A) The inspection of records, by attorneys and other interested parties, is governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and O.R.C. § 2151.18 and § 2152.71.

- (1) Attorneys shall have electronic access to the cases they have been assigned or appeared in. This access shall continue after the case is closed as approved by the Court.
- (2) Any person authorized by the Judge or Magistrate to inspect any confidential records must comply with the following procedure:
  - (a) The authorized person must sign in and out with the Clerk's office;
  - (b) The records must be reviewed in the Clerk's reception area during regular business hours;
  - (c) Only written notes may be taken regarding the records;
  - (d) No copies may be made absent a Court Order; and
  - (e) No information contained in any record will be recorded by tape recording, photographic or other electronic device absent a Court Order.

(B) The release of confidential records is governed by O.R.C. § 2151.14 and Juvenile Rule 32(C).

- (1) No person is permitted to inspect confidential records unless proper authorization is given.

#### 11.03 SEALING AND EXPUNGEMENT OF RECORDS

(A) Immediate Sealing of Records

- (1) The court will promptly order the immediate sealing of records pertaining to a juvenile after the Court determines that the harm of disclosure of the juvenile record outweighs the potential benefits of public access to the record in any of the following circumstances:
  - (a) If the Court receives a record from a public office or agency and no complaint is filed.
  - (b) If the delinquency or unruly case was handled unofficially pursuant to O.R.C. § 2151.27.
  - (c) If the juvenile was charged with a violation of O.R.C. § 4301.69(E)(1) (Underage Possession or Consumption of Alcohol) and has successfully completed a diversion program pursuant to O.R.C. § 4301.69(E)(2)(a).
  - (d) If the complaint is dismissed after a trial and the Court finds the person not to be a delinquent or unruly child or a juvenile traffic offender.
  - (e) If the juvenile has been adjudicated an unruly child, the juvenile is eighteen years old and the juvenile does not have any delinquency charges currently pending before the Court, or.
  - (f) If the juvenile has complied with all terms of the protection order and has reached 19 years of age pursuant to O.R.C. § 2151.358(D).

(B) Application for Sealing Records

- (1) Any juvenile who has been found to be delinquent, unruly or a juvenile traffic offender is eligible to apply to have his or her record sealed, except for those juveniles who have been adjudicated delinquent by reason of any of the following (See [Appendix A](#)):
  - (a) Aggravated Murder or Murder, or
  - (b) Rape.
- (2) There is no fee to file the application.
- (3) If the person is under 18 years of age, he or she may apply six months after any of the following occur, as applicable:
  - (a) Termination of any court order relating to the adjudication;
  - (b) Unconditional discharge from the department of youth services or a facility the juvenile was committed to as a dispositional order for the adjudication; and
  - (c) The Court determines that the child is no longer a juvenile offender registrant.
- (4) If the person is 18 or older, he or she may apply any time after the later of the following:
  - (a) The person becomes 18, or
  - (b) The occurrence of any event listed under Local Rule 11.03(B)(3).
- (5) Upon receipt of the person's application to have his or her record sealed, the Court will promptly notify the prosecuting attorney, who has thirty days to file a response with the Court. If there is an objection to the sealing or the Court determines it necessary to hold a hearing, the Court will schedule a hearing to be held within thirty days and will notify the juvenile and the prosecuting attorney of the date and time of the hearing to determine whether the juvenile has been rehabilitated and whether it is appropriate to seal his or her record.
- (6) The Court will consider the following factors in determining whether the person has been rehabilitated:
  - (a) The age of the person;
  - (b) The nature of the case;
  - (c) Whether the person has had any new delinquent, traffic or criminal offenses;
  - (d) The education and employment history of the person;
  - (e) Whether the person has an active driver's license suspension;

- (f) Whether the person has outstanding costs or fines in the Juvenile Court;
- (g) The grant of a new tier classification or declassification from the juvenile offender registry; and
- (h) Any other circumstance relevant to rehabilitation.

(C) Expungement of Records

- (1) A record can only be expunged if it has first been sealed.
- (2) The Court will expunge all records that are sealed pursuant to O.R.C. § 2151.356 either:
  - (a) Five years after the Court issues the sealing order; or
  - (b) Upon the twenty-third birthday of the person who is the subject of the sealing order, whichever occurs first.
- (3) Any person who has had his or her juvenile record sealed pursuant to O.R.C. § 2151.356 may apply to have his or her record expunged before the time periods specified in section (C)(2) of this rule by filing an application with the Court. See [Appendix B](#).
- (4) Upon receipt of the person's application to have his or her record expunged, the Court will follow the procedure specified in section (B)(5) of this rule.
- (5) In addition to the methods of expungement provided for in section (C)(2) and (C)(3) of this rule, a person who has been adjudicated delinquent for soliciting, loitering to engage in solicitation, or prostitution, may apply for expungement of the record if the person's participation in the act was a result of having been a victim of human trafficking.
- (6) If a person successfully completes Safe Harbor diversion under O.R.C. § 2152.021(F), the Court will order that the records pertaining to the case be expunged immediately.

11.04 TRANSCRIPTS AND RECORDINGS

- (A) The digital recording system used throughout the Courthouse creates a continuous automatic digital backup. All discussions that are not part of official Court proceedings should be held outside of the Courtroom in order to ensure the confidentiality of these discussions. There are several conference rooms available on each floor of the Courthouse where parties can facilitate discussions in private. The continuous automatic digital backup is for backup purposes only and will only be transcribed in the event that the original recording is unavailable. The remaining portions of the recording will not be transcribed for any reason.
- (B) In accordance with Juvenile Rule 37, any party of record may request an audio copy of any proceeding held in the Court by making written

application to the Court setting forth the reason the recording is being requested and by depositing the fee set by the Court to cover the costs of the compact disc on which the recording will be made. The request must be made at least ten days prior to the date it is needed.

- (C) In all matters heard by the Judge, a Court Reporter will be available to the Court and taxed as costs. Any party may request that the proceedings before the Judge be recorded by the Official Court Reporter by filing a Motion requesting the same at least ten days prior to the date of hearing. The Judge or Magistrate will record any proceeding by digital recording, unless otherwise agreed to by the parties. All digital recordings will be preserved for a minimum period of two years unless otherwise ordered by the Court upon written request of a party.
- (1) In accordance with Juvenile Rule 37, a party's attorney or the party, if the party is not represented by counsel, may request a transcript of any proceeding for the purpose of filing an appeal by filing a praecipe, which has been signed by the Court Reporter, with the Clerk.
  - (2) The transcript, not the digital recording, constitutes the official record of the proceeding. A party's attorney or the party, if the party is not represented by an attorney, may request a transcript of any proceeding for the purpose of filing a Motion to Set Aside a Magistrate's Order or an Objection to the Magistrate's Decision by filing a praecipe, which has been signed by the Court Reporter, with the Clerk.
  - (3) When a party's attorney, a party, if the party is not represented by counsel, or any other person requests a transcript for a purpose other than the filing of an objection, a motion to set aside, or an appeal the person will file a motion stating the purpose for which the transcript is requested in accordance with [Local Rule of Practice and Procedure 5.01](#). Any such transcript requested under this section will be provided only upon order of the Court and upon the deposit of costs for the preparation of the transcript with the Court Reporter.
  - (4) A praecipe shall be accompanied by the deposit for the cost of the transcript as determined by the Court Reporter. If, for good cause shown, the deposit for the cost of the transcript is not made at the time of the filing of the praecipe, the deposit for the cost of the transcript must be made within seven days of the filing of the praecipe.
  - (5) If the deposit for the cost of the transcript is not made within seven days of the filing of the praecipe, the praecipe will not be considered valid, and the Court Reporter will not prepare the transcript. The Court will then rule upon the objection or motion to set aside without the transcript.
  - (6) An indigent party may request that the transcript be produced at the Court's cost. Indigency will be determined via a valid affidavit of

indigency that has been filed with the Clerk's office or if the party otherwise qualifies as indigent pursuant to indigency guidelines.

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## **RULE 12: MEDIATION**

### 12.01 GENERAL INFORMATION

- (A) After service of summons in an action filed in Juvenile Court requesting custody, parenting time or other child related matters, the Court may order the parties to participate in Mediation. The decision to refer parties to Mediation will be made by the Judge or assigned Magistrate in accordance with the provision of the Local Rules.
- (B) Mediation will not be used as an alternative to the prosecution or adjudication of domestic violence, nor will it be used to determine whether to grant a protective order, or to determine the terms and conditions of a protective order, or to determine the penalty for violation of a protective order.
- (C) When a case is referred to Mediation, all parties will be allowed to participate in the process, and if the parties wish, their attorneys are allowed to participate in the process. The Court will notify the parties and non-party participants of the referral and will advise the parties of their right to attend Mediation with legal counsel and of their right to waive presence of legal counsel, which may be rescinded at any time.
- (D) If an agreement is reached as a result of Mediation during regular Court hours or when a Judge or Magistrate is available, the parties may request to place their agreement upon the record immediately following the Mediation.
- (E) If an agreement is reached as a result of Mediation, the parties may submit an agreed entry to the Court for approval within thirty days.

### 12.02 QUALIFICATIONS AND TRAINING FOR JUVENILE COURT MEDIATION

- (A) The Court will only assign mediators who have completed the training as set forth in the Local Rules, and who are on the Court's list of approved mediators.
- (B) General Qualifications
  - (1) A mediator employed by the Court or to whom the Court makes referrals for Mediation of custody, allocation of parental rights and responsibilities, the care of/visitation with minor children, or abuse, neglect, and dependency cases, must satisfy all of the following:
    - (a) Possess a law degree and an active license to practice law, is in good standing, and has at least two years of professional experience with families. "Professional experience with families" includes counseling, case work, legal representation



in family law matters, juvenile law, or such other equivalent experience satisfactory to the Court.

- (b) Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court.
- (c) After completing the training in accordance with the Local Rules of Practice and Procedure 12.02 (B)(2), complete at least forty hours of specialized family or divorce mediation training that is provided by a training program approved by the Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution.

(C) Specific Qualifications and Training for Abuse, Neglect, and Dependency Cases

- (1) In addition to the requirements of Local Rules of Practice and Procedure 12.02(B), a mediator employed by the Court or to whom the Court makes referral for Mediation of abuse, neglect, or dependency cases must satisfy both of the following:
  - (a) Possess experience in mediating family disputes; and
  - (b) Complete at least thirty-two hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Dispute Resolution Section in accordance with the standards established by the Supreme Court Advisory Committee or Dispute Resolution.

(D) Aspiration Standards

- (1) Mediators providing services for the Court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set forth in Rule 16 of the Supreme Court of Ohio Rules of Superintendence for the Courts of Ohio.

12.03 DOMESTIC VIOLENCE

(A) Screening

- (1) Before referring a case to Mediation, the Court will review the complaint, all case filings, and all facts and allegations presented during the course of the case to determine if domestic violence or fear of violence is alleged, suspected or present in the case. A case will not be referred to Mediation for the purpose of determining any

of the prohibited issues set forth in Local Rules of Practice and Procedure 12.01(B).

- (2) After a case is assigned to Mediation, the assigned Mediator will review all of the filings, facts and allegations presented during the course of the Mediation proceeding to determine if domestic violence or fear of violence is alleged, suspected or present. If the Mediator makes the determination that domestic violence or fear of violence is alleged, suspected, or present, and it appears the Mediation is being used to determine any of the prohibited issues set forth in Local Rules of Practice and Procedure 12.01(B), the case will be returned to the docket of the referring Judge or Magistrate.
- (3) When domestic violence or fear of violence is alleged, suspected, or present, the Court or Mediator will encourage the victim or suspected victim of domestic violence to obtain legal counsel and will encourage indigent parties, including the victim or suspected victim of domestic violence, to engage other support services.
- (4) When domestic violence or fear of violence is alleged, suspected or present, Mediation on issues other than those prohibited under Local Rules of Practice and Procedure 12.01(B), may proceed only if the assigned mediator has specialized training as set forth in Local Rules of Practice and Procedure 12.02(C), and the Court determines that all of the following conditions are satisfied:
  - (a) The person who is or may be the victim of domestic violence is fully informed about the Mediation process and his or her right to decline participation in the Mediation process;
  - (b) The person who is or may be the victim of domestic violence is informed he or she has the option to have a support person present at all sessions;
  - (c) The parties have the capacity to mediate without fear of coercion or control;
  - (d) That appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence; and
  - (e) That procedures are in place for issuing written findings of fact, as required by O.R.C. § 3109.052, to refer certain cases involving domestic violence to Mediation.

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**RULE 13: RECORDS SUBPOENAED FROM CHILDREN SERVICES**

- (A) In the event a party subpoenas or otherwise requests copies of records from a children services agency, and the agency files an objection to the disclosure, the agency shall provide copies of the records to the court for an in-camera review as to their discoverability along with their objection. The identity of a referent of child abuse/neglect and identifying information regarding the foster parents shall be redacted. The agency will also file a statement with the Court indicating which portions of the records in question should not be provided to the parties and the reasons for their objection to the disclosure.
- (B) Agency records submitted for in camera review shall be maintained as non-public records in the Court's unofficial file. The inspection of the records by counsel, if authorized by the Judge or Magistrate, shall proceed under the direction of the Clerk's Office as set out in [Local Rule 11.02](#). No copies of the records shall be made absent Court Order.
- (C) If authorized by the Court, counsel/prosecutor may make copies of select records for use at trial only, and if entered into evidence the records shall be retained only so long as they are needed for the purposes of trial or possible appeal. They shall thereafter be destroyed. To the extent the records are to be retained by the Court, they shall be kept in a sealed record and not re-disclosed to third parties. Agency records released to the Prosecutor or counsel for use at trial shall be designated as "counsel only" materials, which may not be reproduced, copied, or disseminated in any way. Defense counsel may orally communicate the content of the "counsel only" material to the parties they represent, but not provide those parties with copies of the records. The Court may specifically regulate the time, place, and manner of a pro se party's access to any discoverable material, not to exceed the scope of this rule. If not entered into evidence, counsel shall return any copies of agency records to the Juvenile Court at the conclusion of the trial.

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**RULE 14: INCONSISTENT ORDERS FROM OTHER COURTS**

- (A) In the event that a temporary protection order, civil protection order, restraining order, or other no contact order is issued by a Court with jurisdiction that prohibits contact between persons who are parties in the proceedings in the Juvenile Division, that temporary protection order, civil protection order, restraining order or no contact order will take precedence over any visitation orders issued by this Court until such time as the issue is specifically addressed by this Court. A temporary protection order, civil protection order, restraining order, or other no contact order does not, however, excuse a party from appearing in Court.

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**RULE 15: JUVENILE TRAFFIC BUREAU**

- (A) The Summit County Juvenile Court has established a Juvenile Traffic Violations Bureau pursuant to Ohio Traffic Rule 13.1. The Juvenile Traffic Violations Bureau will be operated in accordance with the procedures outlined in Ohio Traffic Rule 13 and 13.1 as well as those stated in this rule.
- (B) All juvenile traffic violations that meet the criteria for waiver and written plea of admission will receive a notice which explains the juvenile's option to waive appearance; describes how to properly execute the waiver of appearance and enter a written plea of admission; outlines the fines and costs required to waive; and states the date and time to appear for hearing if the juvenile opts not to waive.
- (C) The following offenses may not be disposed of by the Juvenile Traffic Violations Bureau:
  - (1) Any offense that involves an accident;
  - (2) A second moving violation;
  - (3) Indictable offenses;
  - (4) Operating a motor vehicle while under the influence of alcohol or of any drug of abuse;
  - (5) Leaving the scene of an accident;
  - (6) Driving while under suspension or revocation of a driver's or a commercial driver's license;
  - (7) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
  - (8) Failure to stop and remain stopped upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
  - (9) Willfully eluding or fleeing a police officer;
  - (10) Drag racing; and
  - (11) Any traffic offense otherwise eligible to be disposed of by the Juvenile Traffic Violations Bureau that the Court, in its discretion, determines should not be disposed of by the Juvenile Traffic Violations Bureau.

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**RULE 16: NOTICE TO FOSTER CAREGIVER/RELATIVE PLACEMENT PROVIDER OF HEARINGS**

- (A) In accordance with O.R.C. § 2151.424 the Court will provide notice to foster caregivers and relative placement providers of their right to attend hearings and be heard concerning the child in their care.
- (B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and relative placement providers A Child Placement Form ([Appendix E](#)) must be completed and filed with the clerk the next business day following the initial placement and any change in placement.
- (C) Information provided regarding foster caregivers to assist the Court in fulfilling its duties under this rule is non-public and will not be available to the public, including any party to a case. The Court shall maintain this information in the unofficial file.

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**RULE 17: STANDARD ORDER OF VISITATION**

- (A) The Court has created a Standard Visitation Order ([Appendix C](#)) which can be used by parties to assist in the development of their own visitation schedule. This visitation schedule may also be made an order of the Court when parties are unable to come to an agreed upon visitation order.

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## **RULE 18: COMPETENCY PROCEEDINGS**

### 18.01 EXPEDITED HEARINGS

- (A) Juvenile competency hearings under O.R.C. § 2152.51 through § 2152.59 shall be scheduled and heard on an expedited basis. The timelines established by these code sections shall be strictly enforced.

### 18.02 NOTICE

- (A) 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.

### 18.03 STAY OF PROCEEDINGS

- (A) 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.

### 18.04 COMPETENCY EVALUATOR

- (A) The Court shall contract with an evaluator qualified according to O.R.C. § 2152.54 to perform competency evaluations. Upon the objection of any party to the contents of a competency assessment report, the Court may order an additional evaluation according to O.R.C. § 2152.57 to be completed by an evaluator qualified according to O.R.C. § 2152.54. The moving party shall provide the Court with a qualified evaluator and show that the evaluator meets the qualifications of O.R.C. § 2152.54.

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## **RULE 19: SPECIALIZED DOCKETS**

### 19.01 CROSSROADS

#### (A) Creation of Crossroads Docket

- (1) Crossroads is a diversionary probation program implemented in 2003 to address the needs of youth with specific mental health diagnoses, substance dependence, or both (co-occurring disorders) under Sup.R 36.20 through 36.29.
- (2) The goals of the program are to empower youth and their families, promote individual wellness, and ensure community safety. These goals are achieved by helping youth to identify their strengths and positive attributes and acknowledge the challenges that mental health diagnoses and/or substance dependence bring, by providing services necessary to teach each youth the skills necessary to succeed and manage mental health and/or substance dependence throughout their lives.

#### (B) Placement in Crossroads

- (1) Youth are referred to the Crossroads program by the Judge or Magistrate assigned to the case either sua sponte, upon the request of any party, or upon recommendation of a court intake worker or probation officer assigned to the youth's case. All referrals are considered post adjudication but prior to disposition. Upon referral to the Crossroads program, disposition for open charges is transferred from the assigned magistrate's docket to that of the Crossroads magistrate. A referral is also made at that time to the suitability committee. After reviewing information from the youth and family, treatment, school and other records, the Crossroads suitability committee makes a recommendation to the Crossroads magistrate as to whether the youth should be accepted into the program. The magistrate decides as to whether the child will be accepted subject to review by the Judge.
- (2) A youth may be eligible for participation in Crossroads if he/she meets the clinical and legal criteria outlined in the Crossroads Specialized Docket Program Description, Crossroads Participant Handbook, and Crossroads Participation Agreement. These written legal and clinical eligibility and termination criteria do not create a right to participation in Crossroads.

#### (C) Crossroads Services

- (1) Treatment and services are recommended based on the individualized needs of the youth. The youth and family may choose the community treatment provider of their choice.

- (2) Crossroads probation is divided into four phases in which the Court monitors the youth's progress on his/her individual goals through mandatory status review hearings.

(D) Termination from Crossroads Docket

- (1) A youth may be released from the Crossroads program in one of the following three ways:
  - (a) A youth may graduate from the Crossroads docket and be released from probation upon completion of all treatment and docket requirements.
  - (b) A youth may be neutrally released when he/she moves out of the county or cannot continue to participate through no fault of his/her own.
  - (c) A youth may be released unsuccessfully from the Crossroads docket if he/she is adjudicated delinquent on new charges, continues to violate probation terms and/or fails to comply with recommended treatment. The decision to discharge a youth from the docket may only be made by the Summit County Juvenile Court Judge and lies solely within the Judge's discretion.
- (2) Upon successful completion of Crossroads probation, the presenting charge and probation violations are dismissed, and the record is sealed by the Court.

## 19.02 FAMILY REUNIFICATION THROUGH RECOVERY COURT

(A) Creation of Family Reunification Through Recovery Court (FRRC)

- (1) The FRRC is a specialized abuse, neglect, and dependency docket implemented in 2014 under Sup.R 36.20 through 36.29 that quickly, creatively, and effectively partners with court-involved families to address substance use and other family challenges to create a healthy, stable home environment that allows the family to permanently reunify.
- (2) The primary goals of the program are to significantly increase the rate of reunification for program-involved families and to significantly lower the percentage of program-involved families who become re-involved with Children Services within twelve months of reunification.

(B) Placement in Family Reunification Through Recovery Court

- (1) When a report comes into SCCS, screeners review the report to determine if it is an abuse or neglect case. After intake, a safety assessment is completed, and it is determined if the case will be referred to court. If the case is referred to court, then a referral for an

in-home alcohol and other drug assessment is also made. If the alcohol and other drug assessment confirms concerns for substance misuse, then participant is screened for program participation. If the potential participant meets the legal and clinical eligibility criteria and the treatment team is in favor, then the treatment team makes a recommendation for the potential participant to enter the FRRC. Once the parent agrees to participate, he/she may formally enter the program following a court order made at the dispositional hearing. The dispositional hearing will be held immediately after adjudication or as soon as practicable to maximize benefit to the participant from the FRRC. The judge or FRRC magistrate has discretion to decide admission into the program.

- (2) A parent may be eligible for participation in FRRC if he/she meets the clinical and legal criteria outlined in the FRRC Specialized Docket Program Description, FRRC Participant Handbook, and FRRC Participation Agreement. These written legal and clinical eligibility and termination criteria do not create a right to participation in FRRC.

(C) Family Reunification Through Recovery Court Services

- (1) Treatment and services are recommended based on the individualized needs of the participant. The participant may choose the community treatment provider of his/her choice.
- (2) The FRRC is divided into three active phases in which the Court monitors the participant's progress on his/her individual goals through mandatory status review hearings.

(D) Termination from Family Reunification Through Recovery Court

- (1) A participant may be released from the FRRC program in one of the following three ways:
  - (a) A participant may successfully complete the FRRC program upon demonstrating abstinence from alcohol and drugs, demonstrating the ability to access supportive services, demonstrating stability and responsibility in the community, completing the case plan and FRRC recovery plan, and completing a relapse prevention plan and petitioning for successful completion.
  - (b) A participant may be neutrally discharged if he/she develops a medical or mental health condition that prohibits participation or cannot continue to participate through no fault of his/her own.
  - (c) A participant may be released unsuccessfully from the FRRC docket if he/she has ongoing noncompliance with treatment or resistance to treatment, a new felony criminal conviction or an FRRC infraction or series of infractions. The decision

to discharge a participant from the docket lies solely within the discretion of the Judge or FRRC Magistrate.

### 19.03 RESTORE COURT

#### (A) Establishment of Restore Court

- (1) Restore Court is a specialized docket implemented in 2015 under Sup.R 36.20 through 36.29 to empower juvenile victims of human trafficking and those at high risk for trafficking to achieve successful lives by providing services and support through collaboration of caregivers, the community, and the Court.
- (2) The primary goals of the program are as follows:
  - (a) To identify juvenile victims of human trafficking and those at high risk for trafficking;
  - (b) To provide strength-based opportunities for victims to enhance their self-efficacy;
  - (c) To foster resilience in youth, enabling them to maintain in the community without court involvement by facilitating connections to safe and trusting transformational relationships; and
  - (d) To provide each participant with a multidisciplinary team to monitor participation and compliance.

#### (B) Placement in Restore Court

- (1) A juvenile may be considered for the program under the following circumstances:
  - (a) The juvenile has an automatically qualifying charge under O. R.C. 2152.021(F);
  - (b) A motion for Safe Harbor is filed on the juvenile's behalf;
  - (c) The juvenile has been identified as a victim of human trafficking by law enforcement, children services, or the court; or
  - (d) The juvenile has been identified as high risk for human trafficking by a designated licensed social worker on the court's human trafficking committee.
- (2) Participation is not limited by degree or nature of the offense. Similarly, clinical eligibility is not based upon certain diagnoses. Alternatively, the primary issue to be addressed by the program is the trauma specific to this type of victimization.

#### (C) Restore Court Case Management

- (1) Treatment and services are recommended based on the individual needs of each participant. At a minimum, participants will be referred for behavioral health treatment and provided with a mentor.

- (2) Restore Court is comprised of three active phases in which the court monitors the participant's progress on his/her individual goals through mandatory status review hearings. Expectations and guidelines are delivered through the program description, participant handbook, and participation agreement.

(D) Termination from Restore Court

- (1) The Judge has discretion to determine a participant's completion of or termination from the program in accordance with the written criteria. A juvenile may be released from the Restore Court docket in one of the following ways:
  - (a) Successful completion upon substantial compliance with court orders;
  - (b) Unsuccessful termination resulting from ongoing noncompliance with treatment, failure to follow court orders, acquiring new delinquency charges, or being AWOL for a specified period; or
  - (c) Neutral discharge resulting from a medical or mental health condition that prohibits participation or any other circumstance that prevents continued participation through no fault of the participant.

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**RULE 20: OPPORTUNITY FOR YOUTH TO ATTEND HEARINGS**

- 20.01 All youth are permitted to attend their Court hearings. It is presumed by the Court that youth 13 years of age and older wish to attend their court hearings. Youth may attend hearings in person or virtually at their option. Youth are required to attend delinquency and/or traffic cases.
- 20.02 All youth must be informed of their right to attend hearings if they choose. The CASA/GAL must review the Statement of Opportunity ([Appendix G](#)) with all youth aged 13 or older who is the subject of a pending abuse, neglect and/or dependency case.
- (A) The Statement of Opportunity must be completed and filed with the Court no less than 10 days before the first hearing after the appointment of the CASA/GAL or the first hearing after the child's 13<sup>th</sup> birthday.
- (B) If the child expresses a desire to attend hearings, then any party who believes it is not in the child's best interest to attend a hearing may make a motion requesting that the child not be permitted to attend the hearing. The motion will be addressed at the next regularly scheduled hearing.
- (C) The CASA/GAL should reevaluate the child's wishes regarding attendance of hearings prior to each hearing; however, the CASA/GAL must only file a new completed Statement of Opportunity every six months or if the child's wishes regarding hearing attendance change.

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## **RULE 21: DETENTION ASSESSMENTS**

### 21.01 ASSESSMENTS

- (A) Pursuant to Juvenile Rule 32(A)(5) and (6), the Court has issued a policy that physical and/or mental examinations will be administered to all juveniles admitted into the detention facility as required to determine the need for emergent medical care under Juvenile Rules 7 and 13.
- (B) Further assessments, administered for the purposes of identifying issues related to mental health, substance abuse, and safety, determining the appropriate level of care, and creating treatment plans for the juvenile's stay in detention, will only be administered with the consent of the juvenile.

### 21.02 CONSENT

Counsel for any juvenile admitted into detention should advise his/her client of the various assessments that may be administered while the juvenile is in the detention facility and the legal implications of consenting to the assessments. Counsel should review the consent form ([APPENDIX H](#)) with the juvenile. Juveniles who do not consent to undergo detention assessments will not be assessed while in detention, aside from those referenced in section 21.01(A) for the purpose of immediate medical care.

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**APPENDIX A: Application to Seal Records**

**APPLICATION TO SEAL RECORD**

OHIO REVISED CODE § 2151.356

CASE NUMBER(S): \_\_\_\_\_

NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ AGE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

DRIVER'S LICENSE NUMBER: \_\_\_\_\_

TYPE OF CASE: \_\_\_\_\_ DELINQUENCY \_\_\_\_\_ TRAFFIC

WERE YOU ON PROBATION OR PAROLE AS A RESULT OF THIS CHARGE?  YES  NO

IF YES, NAME OF PROBATION OR PAROLE OFFICER \_\_\_\_\_

HAVE YOU BEEN ADJUDICATED OR CONVICTED OF ANY JUVENILE AND/OR ADULT CRIMINAL OR TRAFFIC OFFENSES SINCE YOUR LAST CONTACT WITH THE COURT?

YES  NO

IF YES, PLEASE COMPLETE THE FOLLOWING:

<u>DATE</u>	<u>OFFENSE</u>	<u>COURT OR LOCATION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

IS YOUR DRIVER'S LICENSE CURRENTLY SUSPENDED?  YES  NO

PLEASE INDICATE ANY OTHER INFORMATION YOU WOULD LIKE THE COURT TO KNOW IN REVIEWING YOUR APPLICATION. (YOU MAY ATTACH A SEPARATE SHEET IF NECESSARY).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY SUBMITTING THIS APPLICATION I AM REQUESTING THAT THE SUMMIT COUNTY JUVENILE COURT SEAL MY RECORD PURSUANT TO OHIO REVISED CODE § 2151.356.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PARENT/GUARDIAN  
(IF APPLICANT IS UNDER AGE 18)

\_\_\_\_\_  
DATE



**APPENDIX B: Application to Expunge Records**

**APPLICATION TO EXPUNGE RECORD**

O.R.C. § 2151.358

NAME: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ AGE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

IS YOUR DRIVER'S LICENSE CURRENTLY SUSPENDED? YES \_\_\_\_\_ NO \_\_\_\_\_

TYPE OF RECORD SEALED: DELINQUENCY \_\_\_\_\_ TRAFFIC \_\_\_\_\_

DATE OF SEALING ORDER: \_\_\_\_\_

NATURE OF THE OFFENSE FOR WHICH THE RECORD WAS SEALED: \_\_\_\_\_

ARE YOU AWARE OF ANY CIVIL CASE THAT HAS BEEN FILED REGARDING THE CASE THAT HAS BEEN SEALED? YES \_\_\_\_\_ NO \_\_\_\_\_

HAVE YOU BEEN ADJUDICATED OR CONVICTED OF ANY JUVENILE AND/OR ADULT CRIMINAL OR TRAFFIC OFFENSE SINCE YOUR LAST CONTACT WITH THE COURT? YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, PLEASE COMPLETE THE FOLLOWING:

DATE	OFFENSE	COURT / COUNTY

PLEASE PROVIDE YOUR EDUCATION AND EMPLOYMENT HISTORY BELOW:

EMPLOYER	DATES EMPLOYED	REASON FOR LEAVING

NAME OF SCHOOL	DATE OF GRADUATION	AREA OF STUDY / DEGREE

PLEASE INDICATE ANY OTHER INFORMATION YOU WOULD LIKE THE COURT TO KNOW IN REVIEWING YOUR APPLICATION:

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BY SUBMITTING THIS APPLICATION I AM REQUESTING THAT THE SUMMIT COUNTY JUVENILE COURT EXPUNGE MY RECORD PURSUANT TO OHIO REVISED CODE §2151.358.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

\_\_\_\_\_  
SIGNATURE OF PARENT/GUARDIAN    DATE  
(IF APPLICANT UNDER AGE 18)

PLEASE NOTE: UPON REVIEW OF YOUR APPLICATION A COURT HEARING MAY BE SCHEDULED. PLEASE INDICATE BELOW ANY TIMES THAT YOU ARE NOT AVAILABLE TO APPEAR:

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## **APPENDIX C: Standard Visitation Order**

### **VISITATION ORDER**

The best visitation/companionship schedule is your own plan.

However, if you cannot agree, this Court designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

**PLEASE NOTE:** Summer vacations shall take precedence over the holiday schedule and the holiday schedule shall take precedence over the normal weekly schedule.

When companionship schedules are in conflict due to the ages of the children, the schedule of the oldest child under age 14 shall apply for all children.

#### **(A) Weekend and Midweek Companionship**

- (1) **For children from birth to 18 months.** Three weekly visits for 2-6 hours, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 6:00 p.m. and every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m., unless otherwise ordered by the Court.
- (2) **For a child 18 months to three years.** One or two weekly visits for 2-6 hours, plus one overnight, on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m. and overnight from Friday at 5:30 p.m. until Saturday at 5:30 p.m., unless otherwise ordered by the Court.
- (3) **For children from age 3 through age 13.** Every other weekend from Friday after school (as soon as the non-residential parent can pick up the child) until Sunday at 7:00 p.m. plus one evening a week, as the parties may agree. If the parties cannot agree, the midweek will be Wednesday from 5:30 p.m. until 8:00 p.m. and weekends from 5:30 p.m. Friday until Sunday at 7:00 p.m., unless otherwise ordered by the Court.
- (4) **For a child age 14 and older.** Visitation is expected to take place weekly, with the days and times to be agreed upon between the child and the non-residential parent.

#### **(B) Summer Vacation – 4 Weeks Commencing at Age 18 Months.**

- (1) For children from ages 18 months up to 5 years vacation shall be taken in no longer than one or two week segments. For children ages 5 and older vacation may be taken in one, two, three, or four-week periods.
- (2) During any vacation when the children are in the vicinity, the residential parent shall have the same mid-week visitation as the non-residential parent.
- (3) Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
- (4) Non-residential parents schedule shall have priority over residential parents, unless residential parent's vacation time is mandated by provisions of his/her employment (such as

annual planned shut-down). The parties shall give written notice to the other as the vacation schedule at least 60 days in advance.

**(C) Holiday Visitation/Companionship, Commencing at 18 months.**

<b>HOLIDAY</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>	<b>DAYS &amp; TIMES</b>
Martin Luther King Day	father	mother	9:00 a.m. to 7:00 p.m.
President's Day	mother	father	9:00 a.m. to 7:00 p.m.
Easter Sunday	father	mother	9:00 a.m. to 7:00 p.m.
Spring Break	father	mother	5:30 p.m. day school ends to 7:00 p.m. day before school begins
Memorial Day	mother	father	5:30 p.m. Fri. preceding to Mon. at 7:00 p.m.
Fourth of July	father	mother	5:30 p.m. day preceding to 11:00 p.m. on the 4 <sup>th</sup>
Labor Day	mother	father	5:30 p.m. Fri. preceding to Mon. at 7:00 p.m.
Halloween	father	mother	4 hours on "trick or treat" day/night
Thanksgiving	father	mother	5:30 p.m. Wed. before holiday to Fri at 7:00 p.m.
	mother	father	7:00 p.m. Fri. to Sun. at 7:00 p.m.
Christmas Eve	father	mother	9:00 a.m. 12/24 to 10:00 p.m.
Christmas Day	mother	father	10:00 p.m. 12/24 to 7:00 p.m. 12/25
New Year's Day	father	mother	5:30 p.m. December 31 to 7:00 p.m. January 1
Holiday Break	divide equally (or as the parties may otherwise agree in writing)		

**(D) Days of Special Meaning**

- (1) Religious or ethnic holidays- alternate between the parties yearly.
- (2) Mother's and Father's Day with respective parents.
- (3) Children's birthdays with father in even-numbered years and mother in odd-numbered years. All siblings to attend.

**(E) Notification of Change of Residence.**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Summit County, he/she shall immediately file a Notice of Intent to Relocate with the Court and shall serve copies upon the Court, Child Support Enforcement Agency, and the other parent. If the parents cannot, by written agreement, agree that the move is in the best interest of the child(ren), the residential parent shall file a motion and schedule a hearing to revise the companionship schedule. O.R.C. 3109.051 (G)(1).

**(F) Access to Records, Day Care and Activities.**

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

- (1) any school, health, or agency records or reports that are related to the child(ren).
- (2) any child day care center which the child(ren) attends; and
- (3) any student activity in which the child(ren) participated. O.R.C. 3109.051(H),(I),(J).

**(G) Transportation.**

Unless the parents agree otherwise, the non-residential parent has the responsibility of obtaining the children at the beginning of a visitation period, and the residential parent has the responsibility for picking up the children after their visit. The child(ren) and the residential parent have no duty to wait for the non-residential parent to arrive for more than 30 minutes. The non-residential parent who is more than 30 minutes late for a particular companionship period shall forfeit that visitation. If a parent is unavailable to pick up the child(ren), an adult licensed driver who is well-known to the children may substitute for the parent. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

## **APPENDIX D: Grievance/Complaint Procedure for Guardians ad Litem**

If a person has a grievance or complaint about a Guardian ad Litem's performance and the person is not able to first resolve the issue with the Guardian ad Litem involved, the following procedure shall be used to address the grievance/complaint:

### A. General Information

1. The grievance/complaint must be in writing and signed by the complainant.
2. The grievance/complaint must identify the Guardian ad Litem with whom there is a concern, the full details of the issue or concern and the remedy sought by the complainant.
3. The grievance/complaint shall be submitted to CASA Staff Attorney, Joe Kernan.
4. The process to resolve the grievance/complaint will be conducted honestly, fairly, without bias and without undue delay.

### B. Procedure

1. Upon receipt of the grievance/complaint, the Guardian ad Litem will be notified in writing that a grievance/complaint has been received about him or her.
2. The Guardian ad Litem will be given a reasonable amount of time to provide a written response to the grievance/complaint.
3. The staff member assigned to handle the grievance/complaint shall review the grievance/complaint and response and conduct a meeting between the complainant and the Guardian ad Litem at the earliest opportunity for all parties.
4. If the grievance/complaint is successfully resolved to the satisfaction of all parties as a result of this meeting, the assigned staff member will prepare a written report. A copy of the report will be provided to the parties and the original will be maintained in the Guardian ad Litem's file.
5. If the grievance/complaint is not successfully resolved to the satisfaction of all parties as a result of this meeting, the assigned staff member will forward to either the CASA/GAL Program Coordinator or the Judge or Magistrate assigned to approve the annual reviews of attorneys who serve as Guardians ad Litem, if the grievance/complaint is regarding an attorney serving as a Guardian ad Litem, the grievance/complaint, the response of the Guardian ad Litem and any additional information thought to be relevant.
6. The CASA/GAL Program Coordinator or, if appropriate, the Judge or Magistrate will issue a written finding regarding the grievance/complaint after consideration of all relevant information, which may include meeting with the parties. A copy of the written finding will be provided to the parties and the original will be maintained in the Guardian ad Litem's file.

**APPENDIX E: Child Placement Form**

**Non-Public**  
**COURT PERSONNEL ONLY!**

**Information contained in this form must not be made available to the public or any party.**

**CHILD PLACEMENT FORM**

In re: \_\_\_\_\_  
(Full Name)

Case No.: \_\_\_\_\_

D.O.B.: \_\_\_\_\_

Magistrate/Judge: \_\_\_\_\_

The above captioned child has been placed with the Foster Caregiver or Relative Placement Provider listed below and this provider should be provided with notice of future hearings in compliance with O.R.C. § 2151.424. Any previous Foster Caregiver or Relative Placement Provider should no longer be provided with notice of future hearings in compliance with O.R.C. § 2151.424.

The above captioned child is no longer placed with a Foster Caregiver or Relative Placement Provider and therefore any previous Foster Caregiver or Relative Placement Provider should no longer be provided with notice of future hearings in compliance with O.R.C. § 2151.424.

Placement Caregiver Name: \_\_\_\_\_

Foster       Kinship

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Placement Information Provided By: \_\_\_\_\_

Date Information Provided: \_\_\_\_\_

*\*This Form must be updated and submitted to the Clerk's Office the next business day following the initial placement or any change in placement for the above-captioned youth.\**

See O.R.C 2151.424, 2151.412, and O.A.C. 5101:2-39-03

**APPENDIX F: CSEA Information Request**

**REQUEST FOR INFORMATION REGARDING CHILDREN UNDER JUVENILE COURT JURISDICTION**

Page \_\_\_\_\_ of \_\_\_\_\_

**TO: CSEA – ATTN:** \_\_\_\_\_

Please provide requested information and return to sender via email

Child: \_\_\_\_\_ M  F

Child dob: \_\_\_\_\_

Mother: \_\_\_\_\_

Mother DOB: \_\_\_\_\_

Alleg. Father: \_\_\_\_\_

Paternity Established:  yes  no

Means of Establishment: \_\_\_\_\_

Father: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Existing Support order:  yes  no

Amount of order: \$ \_\_\_\_\_

Support currently paid:  yes  no

SETS # \_\_\_\_\_

Child: \_\_\_\_\_ M  F

Child dob: \_\_\_\_\_

Mother: \_\_\_\_\_

Mother DOB: \_\_\_\_\_

Alleg. Father: \_\_\_\_\_

Paternity Established:  yes  no

Means of Establishment: \_\_\_\_\_

Father: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Existing Support order:  yes  no

Amount of order: \$ \_\_\_\_\_

Support currently paid:  yes  no

SETS # \_\_\_\_\_

Child: \_\_\_\_\_ M  F

Child dob: \_\_\_\_\_

Mother: \_\_\_\_\_

Mother DOB: \_\_\_\_\_

Alleg. Father: \_\_\_\_\_

Paternity Established:  yes  no

Means of Establishment: \_\_\_\_\_

Father: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Existing Support order:  yes  no

Amount of order: \$ \_\_\_\_\_

Support currently paid:  yes  no

SETS # \_\_\_\_\_

Child: \_\_\_\_\_ M  F

Child dob: \_\_\_\_\_

Mother: \_\_\_\_\_

Mother DOB: \_\_\_\_\_

Alleg. Father: \_\_\_\_\_

Paternity Established:  yes  no

Means of Establishment: \_\_\_\_\_

Father: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Existing Support order:  yes  no

Amount of order: \$ \_\_\_\_\_

Support currently paid:  yes  no

SETS # \_\_\_\_\_



## APPENDIX G: Statement of Opportunity

### **SUMMIT COUNTY JUVENILE COURT JUDGE LINDA TUCCI TEODOSIO**

#### **STATEMENT OF OPPORTUNITY TO ATTEND COURT HEARINGS**

All youth may ask to attend their court hearings. Because you are 13 years old or older, it is important to the Court that you are given the opportunity to express whether you wish to attend your court hearings. During the case, there will be various hearings to review progress and problem-solve. You can attend as many or as few of these hearings as you wish.

You are not required to attend hearings if you do not wish. You may change your mind at any time regarding attendance at a hearing – even during the hearing. If you tell a supportive person that you wish to leave, you may quietly exit at any time. You may wait in the waiting room or you may ask to wait in a quiet, private space as long as an adult accompanies you.

Hearings are likely to involve a number of people who are familiar to you – your social worker, Guardian Ad Litem, foster parents, and of course your family members. Hearings will also involve a number of people who may not be familiar to you like the Judge or Magistrate and attorneys. Hearings may be very long or relatively short. Many different things may be talked about at a hearing, including the events that brought your family to the Court's attention and your family's current situation. If you become uncomfortable with what is being said in the hearing it is o.k. if you need to leave at any time. The Judge or Magistrate will make sure that everyone has a chance to talk during a hearing – including you, if you choose. It is important that people attending hearings wait for their turn to talk.

During the hearing you may have an opportunity to talk to the Judge or Magistrate. You may be asked questions about your daily life, activities, and how you are feeling. You may have the opportunity to tell the Court where you want to live and with whom. You may also choose to tell the Court about visiting with family, school and counseling. You also may ask to talk to the Judge or Magistrate privately. You should tell your Guardian Ad Litem before the hearing if you wish to speak with the Judge or Magistrate in private.

You may bring a supportive person with you to a court hearing. That person might be a foster parent, a counselor, a mentor, a family member, your Guardian Ad Litem, your attorney or someone else. You should talk to your Guardian Ad Litem if you wish to bring a supportive adult with you to a hearing.

The Judge or Magistrate's job is to consider all the information from all parties and make decisions that they believe to be in your best interests. The Judge or Magistrate may need to decide where you live, whom you live with, where you go to school, and how you visit with family. Ultimately, it is the job of the Judge or Magistrate to decide a permanent plan for you and your wishes are important to the Court!

**YOUTH'S WRITTEN ACKNOWLEDGMENT**

My name is \_\_\_\_\_. I have reviewed the Statement of Opportunity with my Guardian Ad Litem and choose:

\_\_\_\_\_ To attend Court hearings

\_\_\_\_\_ To attend some Court hearings

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Not to attend Court hearings but wish to speak with the Judge or Magistrate in private.

\_\_\_\_\_ Not to attend Court hearings and do not wish to speak with the Judge or Magistrate in private.

\_\_\_\_\_  
Youth's signature

\_\_\_\_\_  
Date

As the child's Guardian Ad Litem I have discussed his/her options regarding attendance at hearings and an in camera interview with the Judge or Magistrate. I certify that the youth made the choice as indicated above and was not pressured in any way to choose as he/she did. I will continue to ascertain the youth's wishes regarding attendance at hearings or in camera interviews and report any change to the Court.

\_\_\_\_\_  
Guardian Ad Litem signature

\_\_\_\_\_  
Date

APPENDIX H: Consent for Summit County Juvenile Court Detention Assessment

I, \_\_\_\_\_, have had the opportunity to discuss assessments that are administered in detention with my attorney. I have been informed of the nature of the assessments and I understand the following purposes of the assessments:

- a) to identify issues related to mental health, substance use, and safety
- b) to determine the appropriate level of care, and
- c) to create a treatment plan for my stay in detention.

- My attorney has advised me of the legal implications of completing the assessments and I voluntarily consent to participate in the assessments for the purposes listed above.
- My attorney has advised me of the legal implications of completing the assessments and I **do not** consent to participate in the assessments for the purposes listed above.

\_\_\_\_\_  
Signature of juvenile

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print/Signature of Counsel for juvenile

\_\_\_\_\_  
Date

- 
- I wish to revoke my consent to participate in detention assessments. I understand the implications of revoking my consent and the limitations on services/treatment available to me while in detention as a result of my revocation.

\_\_\_\_\_  
Signature of juvenile

\_\_\_\_\_  
Date

**This consent expires six months from the date of execution, unless revoked by the consenting party prior to the date of expiration.**