



# **RULES OF COURT**

## **SENECA COUNTY JUVENILE COURT**

### **JUDGE JAY A. MEYER**

Effective as of February 1, 2022

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**RULES OF PRACTICE AND PROCEDURE  
SENECA COUNTY COURT OF COMMON PLEAS  
JUVENILE DIVISION**

It is ordered that the following rules shall be adopted for the governance of the practice and procedures in the Court of Common Pleas, Juvenile Division, Seneca County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Revised Constitution, to Section §2123.15 of the Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

**Adoption, Scope and Construction of Rules**

The Juvenile Division of the Common Pleas Court for Seneca County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.

If an amended rule or appendix conflicts in any way with a prior Order of the Court, the Rules in existence at the time of the Order shall be followed unless otherwise directed by the Court.

These Rules are intended to supplement the Ohio Juvenile Rules of Procedure, the Ohio Civil Rules of Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes.

These Rules shall be effective February 01, 2022.

**RULE 1 GENERAL**

**RULE 1.01 SESSIONS OF COURT**

(A) The Seneca County Juvenile Court shall be open daily from 8:30 a.m. to 4:30 p.m. on all business days, Monday through Friday, with legal holidays, and the day following Thanksgiving, as observed by law. The Juvenile Clerk of Court, at the discretion, and upon the Order of the Judge, may be open or closed at other hours for matters of extraordinary nature or importance.

**RULE 1.02 CONDUCT IN COURT**

(A) Any person entering the Juvenile Court is subject to search at any time by any law enforcement officer, Court Bailiff or Juvenile Court Probation Officer. Any item, container, book bag, backpack, vehicle or possession, within the confines of the Courthouse or upon the Courthouse property, shall be subject to search and inspection at any time by any law enforcement officer, Court Bailiff, or Juvenile Court Probation Officer.

(B) The Court will not tolerate any inappropriate facial expressions, grimaces or gestures during any Court appearance. Rude and disrespectful behavior towards opposing counsel, parties, witnesses, jurors or Court staff will not be tolerated. Any of these actions may be considered by the Court as direct Contempt.

(C) All attorneys, parties and witnesses should wear appropriate attire to Court. The Court considers appropriate attire as clothing Seneca County residents would wear to important events in their lives. Counsel should ensure that their clients and witnesses are appropriately attired. Failure of such may result in the hearing or trial being postponed and costs assessed. Hats shall be removed upon entering the Courtroom.

(D) The general public may be excluded from the courtroom and only those persons who have a direct interest in the case are to be admitted, in accordance with Ohio Revised Code §2151.35(A). Hearings regarding charges against adults and serious youthful offenders will be open in accordance with Ohio Revised Code §2152.

(E) Attorneys may remain seated when addressing the Court unless otherwise directed by the Court. Objections shall be stated with consistency and with reliance on proper legal authority.

(F) 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. Children are generally not permitted in the Courtroom unless the Court has required that the subject child(ren) shall be present.

(G) Food, beverages, and smoking materials are prohibited in the Courtroom during all hearings. No smoking is permitted on the premises of the Courthouse as provided for by law.

(H) The Courtroom shall be cleared at all recesses unless instructed otherwise by the Court.

(I) Representatives of the media will under no circumstances question or converse with prospective or selected jurors concerning a cause set for trial.

(J) All cellular phones and other communication devices are to be turned off by all persons before entering any courtroom. Cellular phones and other communication devices are to remain off during any Courtroom proceeding. The use of Text Messaging and E-Mails during Court hearings is prohibited by all parties unless authorized by the Court.

(K) No person shall have on his or her possession, or under his or her control or direction, any dangerous ordnance other than law enforcement officer(s) and Court Bailiffs on official business. No firearms, deadly weapons, or dangerous ordnances are permitted in the Courthouse or upon the property surrounding the Courthouse.

### RULE 1.03 COURT RECORDS

(A) The Clerk of this Court shall not permit original files to be removed from the Clerk's Office by anyone other than Court personnel, unless the same are to be delivered to the Judge or Magistrate of said Court, or unless removal is authorized in writing by the Judge or Magistrate. The inspection of Court records by attorneys shall be guided by Rule 32(c) of the Ohio Rules of Juvenile Procedure. Counsel of record may view these reports at the Clerk's office. Records may not be removed from the Court, and shall not be copied by any party without leave of the Court. Inspection by pro se litigants may be permitted only by leave of Court. The Court may limit or deny the inspection of said documents for good cause pursuant to Rule 32(c).

(B) Subject to Rule 1.03 (E) and (F), no person, including parties or counsel, shall have access to or right to inspect any social histories, psychological reports, or probation records without written authorization from the Judge or Magistrate, or by the written consent of the juvenile herein. The written consent of the juvenile shall be executed at the Court in the presence of an officer of the Court or Deputy Clerk.

(C) Written requests for information (i.e. military, employment, government) will be processed within seventy-two (72) business hours. Written requests may be hand delivered, mailed or faxed to the Court and must be accompanied by a signed release of information. A copy of the Juvenile Prior sheet will be the only information provided. If the juvenile is under the age of eighteen (18), a parent or legal custodian must also sign the release.

(D) Uncertified copies of any public record may be obtained at the cost of \$0.05 per page. Certified copies of any public record may be obtained at the cost of \$0.05 per page and \$1.00 for certification.

(E) To the extent not covered by other statute or rule, in Custody and Visitation cases Psychological reports, Guardian ad litem reports, home studies, drug/alcohol assessments, drug screen results, victim impact statements, school reports, reports and records of the Probation Department, reports and records from the Seneca County Department of Job and Family Services, shall be considered confidential information and shall not be made available to the general public.

(F) As to Patchworks House observation reports, they may be transmitted to the Court at the discretion of Patchworks House unless a party requests an Order for reports to be sent to the Court. The reports will be subject to Attorney review at the Court's discretion. Inspection by pro se litigants may be permitted only by leave of Court. All Patchworks House reports held by the Court at the conclusion of the case not admitted as evidence will be destroyed.

(G) In a proceeding to resolve a dispute over the custody of a child, records of a parent's supervised visitation with that child shall not be admitted without a proper predicate. The term

"record" as used in this paragraph includes written observation reports, videotapes, and oral testimony by employees of visitation centers. Written reports may be introduced only when the party offering the report has demonstrated by clear and convincing evidence that the report's author is unavailable, and that the report is supported by substantial indicia of reliability. The above restrictions notwithstanding, the Court may in its discretion admit records of critical incidents at visitations. The term "critical incident" means conduct by a parent that warrants termination of a visit.

(D) The record or transcript of any in camera interview shall be sealed, to be opened only by the Court or upon order of the Court. Only Counsel for the child may have access to the transcript of the child's interview and only and then only upon written motion and judgment entry signed by the Court. The parents shall have no access to the report of the interview, even if the record has been transcribed for purposes of the appeal or objections.

#### 1.04 EX PARTE COMMUNICATIONS WITH JUDGE OR MAGISTRATE

(A) No attorney or party shall discuss, or attempt to discuss, the merits, either orally or in writing, of any litigation with any Judge or Magistrate presiding over the matter before final disposition thereof without the presence of opposing counsel, or the unrepresented party.

(B) Letters received by the Court shall not be accepted as an attempted form of direct communication with the Judge or Magistrate. Any letter, e-mail, or facsimile will be returned to the party or destroyed.

#### RULE 1.05 OFFICIAL RECORD OF PROCEEDINGS

(A) All matters heard by the Judge or the Magistrate utilize a digital recording system. 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. Any communications on any recording which are not part of the proceeding shall not be transcribed for any reason.

(B) No public use shall be made by any person, including a party, of any Juvenile Court record, including the recording or transcript thereof of any Juvenile Court hearing, except in the course of an appeal or as authorized by the order of the Court.

(C) If a request for a transcript is made for the purposes of appeal or an objection filed pursuant to Juvenile Rule 40 and Civil Rule 53, the person seeking the transcript may directly request a Court Reporter to transcribe the record. No transcript will be prepared by the Court Reporter until payment is made. The Court Reporter may demand payment in full prior to the preparation of the transcript, except for Prosecuting Attorneys, Public Defenders, and indigents. All original transcripts produced shall be filed with the Clerk and become a part of the official court record of a case.



The transcript shall include a front and back cover; the front cover shall bear the title, case number of the case and the name of the court in which the proceedings occurred. The transcript shall be firmly bound on the left side and shall be prepared on white paper eight and one-half inches by eleven inches in size with the lines of each page numbered and the pages sequentially numbered. An index of witnesses shall be included in the front of the transcript of proceedings and shall contain page and line references to direct, cross, re-direct, and re-cross examination. An index to exhibits, whether admitted or rejected, briefly identifying each exhibit, shall be included following the index to witnesses reflecting the page and line references where the exhibit was identified and offered into evidence, was admitted or rejected, and if any objection was interposed. The transcriber shall certify the transcript of proceedings as correct and shall state whether it is a complete or partial transcript of proceedings, and, if partial, indicate the parts included and the parts excluded.

#### RULE 1.06 ACCESS TO JUVENILE PROCEEDINGS: MEDIA

- (A) Definition: For purposes of these rules, the term “media” shall be understood to encompass representatives from any print or broadcast media.
- (B) Superintendence Rule 12 shall govern the presence of media at hearings. Hearings governed by the Ohio Rules of Juvenile Procedure are neither presumptively open nor presumptively closed to the public and the media. Pursuant to Juv.R. 27(A)(1), the Court may not exclude media from serious youthful offender proceedings or exclude parties with a direct interest in the case and/or persons who demonstrate, at a hearing, a countervailing right to be present.
- (C) Unless otherwise ordered by the Court, access to juvenile traffic, delinquency, unruly, neglect, abuse, and dependency proceedings shall be limited to persons with a direct interest in the proceedings. The Court recognizes alleged victims and/or their immediate family as persons with a direct interest in the proceedings. Alleged victim’s access to proceedings shall be coordinated by the Seneca County Victim’s Assistance Program.
- (D) Other persons or entities seeking access to proceedings shall request access by written communication to the Court. Access will be granted unless an objection is filed to the request by a party. A party requesting closure of proceedings shall have the burden of persuasion. Upon the request to close proceedings, the Court will schedule an evidentiary hearing and provide the public and media with reasonable notice of same via the Court’s website at [www.senecajpcourt.com](http://www.senecajpcourt.com).
- (E) Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be in writing to the Court as far in advance as reasonably practical, but in no event later than twenty-hour (24) hours prior to the courtroom session to be broadcast or photographed

unless otherwise permitted by the Court. Such requests shall be made a part of the record of the proceedings.

(F) If access is permitted, the Court, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned.

(G) Members of the media or public shall not be permitted to enter the Judge or Magistrate's chambers or accesses without judicial approval.

(H) Permissible Equipment and Operators, when Authorized by the Court

(1) Use of more than one portable camera (television videotape or movie) with one operator shall be allowed only with the permission of the Court.

(2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the Court. Still photographers shall be limited to two cameras with two lenses for each camera.

(3) For radio broadcast purposes, not more than one audio system shall be permitted in Court. Where available and suitable, existing audio pickup systems in the Court facility shall be used by the media. In the event no such systems are available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible.

(4) Visible audio recording equipment may be used by news media reporters with the prior permission of the Court.

(5) Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the Judge, Magistrate, or Court personnel. In the event disputes arise over such arrangements between or among media representatives, the Court shall exclude all contesting representatives from the proceedings.

(6) The use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Court may permit modification.

(7) Still photographers, television, and radio representatives shall be afforded a clear view, but shall not be permitted to move about in the courtroom during Court proceedings

from the places where they have been positioned by the jurist, except to leave or enter the Courtroom.

(8) The changing of film or recording tape during the Courtroom proceedings is prohibited.

(9) NOTE: Items (H)(1)-(8) apply only when media access has been specifically granted by the Court.

(I) Limitations

(1) There shall be no audio pickup or broadcast of conferences conducted in a Court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the jurist.

(2) The Court shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed and objections, if any, shall be honored by the media.

(3) There shall be no filming, videotaping, recording, broadcasting, or taking of photographs of jurors.

(4) This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.

(J) Miscellaneous

(1) Proper courtroom decorum shall be maintained by all media representatives.

(2) All media representatives shall be properly attired, in a manner that reflects positively upon the journalism profession.

(K) Revocation of Permission

Upon the failure of any media representative to comply with the conditions prescribed herein, the orders and directions of the Court, and/or the Superintendence Rules of the Supreme Court, the Court may revoke the permission to broadcast or photograph the trial or hearing.

(L) Amendments

Any future amendments to the laws governing public access to and recording of Court proceedings are incorporated herein and, to the extent that such amendments conflict with his rule they shall take precedence.

#### RULE 1.07 FACSIMILE FILING

(A) Filing by facsimile or other electronic means is not permitted on any matter that involves a filing fee as set forth in Local Rule 2 or Appendix A. Permitted pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission [fax] to 419-448-5060 pursuant to the authority extended by Civil Rule 5(E) and Juvenile Rule 8. The Court adopts the following procedures for the acceptance of facsimile copies, subsequent to the original filing of the complaint, of pleadings and other papers not longer than ten (10) pages in length. No document longer than ten (10) pages in length shall be filed this way.

(B) A document filed by fax shall be accepted as the effective original filing. The person making the filing need not file any source document with the Juvenile Court but must, however, maintain in his or her records and have available for production upon request by the Court, the source document filed by fax, with original signatures as otherwise required and under applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

(C) The source document filed by fax shall be maintained by the person making the filing until the case is formally closed by the Court and all opportunities for post judgment relief are exhausted. The person making the filing shall also maintain the verification receipt that the transmission was completed without problems.

(D) The person filing a document by fax shall also provide therewith a cover page containing the following information:

1. The name of the Court;
2. The caption of the case;
3. The case number;
4. The assigned Judge/Magistrate;
5. The title of the document being filed;
6. The date of transmission;
7. The transmitting fax number;
8. An indication of the number of pages in transmission including the cover page;
9. The name, address, telephone number, fax number, Supreme Court Registration Number, if applicable, and e-mail address of the person filing the fax document, if available.

(E) The Clerk's Office is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk or Deputy Clerk may inform the sending party of a failed fax filing. Burden of confirming receipt of fax is on the sending party.

(F) Subject to the provisions of these rules, all documents sent by fax and accepted by the Juvenile Court Clerk or Deputy Clerk shall be considered filed with the Juvenile Court Clerk's Office as of the date and time the Clerk or Deputy Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Juvenile Court will be deemed open to receive facsimile transmission of documents on the same days and time the Juvenile Court is regularly open for business as set forth in Rule 1.01. The risks of transmitting a document by fax to the Clerk's Office shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk.

#### **RULE 1.08 INTERPRETATION OF RULES**

(A) These Local Rules shall be interpreted to achieve the prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule shall be interpreted as follows:

- (1) To be consistent with the Ohio and United States Constitutions, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure and the Ohio Rules of Juvenile Procedure;
- (2) To be practical and efficient in their operation;
- (3) To be taken in context with the other portions of these rules.

(B) Upon application, and for good cause shown, the Juvenile Court may grant exceptions to these rules.

(C) The Court reminds all parties that Juvenile Rule 1 (C) specifically provides that the Juvenile Rules do not apply to "proceedings to determine parent-child relationships." As such, the Rules of Civil Procedure apply to custody proceedings in the Juvenile Court except when they are clearly inapplicable. See: Leonard v. Yenser, 3d Dist. 2003-Ohio-4251.

### **RULE 2 SECURITIES FOR COST**

#### **RULE 2.01 DEPOSITS FOR COSTS**

(A) The Clerk's Office shall not accept any action or proceeding for filing without the requisite filing fee set forth in the attached Schedule of Filing Fees.

(B) Any deposit on account that does not exceed \$10.00 at the conclusion of the case may be retained by the Court and placed in the general fund of the Court.

**RULE 2.02 INABILITIES TO PRE-PAY COST**

(A) In cases of indigence, the Court may waive payment of the filing fee at the time of the filing of the pleading. The party requesting waiver must file a Motion to Waive Filing Fee accompanied by a completed and sworn to affidavit of indigence (Public Defender form). The substantive pleading is submitted to the Court at the same time. The filing of the Motion to Waive Filing Fee does not relieve a party from liability for the filing fee. In determining whether to waive the requirement of a deposit, the Court will consider whether the party seeking the waiver has other outstanding cost owed to the Court. If the Motion is granted, the Court retains the authority to require a payment plan or to assess the filing fees against any party at the conclusion of the case. If the Motion is not granted, the party moving for waiver will have fourteen days after the denial to remit the filing fee to the Court. If the party fails to do so, the substantive pleading submitted with the Motion to Waive Filing Fee will be returned to the party without further action.

**RULE 2.03 PAYMENT OF FINES AND COSTS**

(A) In any case where fines and/or costs are assessed against a party, said fines and/or cost are due immediately unless otherwise ordered by the Court. Failure to pay can result in a citation for contempt or other collection efforts. Any over payment in excess of \$10.00 will be returned to the payer.

**RULE 2.04 DEPOSIT FOR FEES OF GUARDIAN AD LITEM**

(A) Any party requesting appointment of a Guardian ad Litem in a proceeding involving allocation of parental rights and/or parenting time shall, at the time of filing the request for appointment of a Guardian ad Litem, deposit with the court the sum as set forth in Appendix A.

**RULE 3 COUNSEL OF RECORD**

**RULE 3.01 GENERAL**

(A) It is the duty of any attorney upon representation of a juvenile or a party in any civil or criminal action to immediately notify the Court of such representation in writing.

(B) Every party that has the right to be represented by counsel, as provided in R.C. § 2151.352, shall have the right to Court appointed counsel, if found to be indigent. Any party found eligible for Court appointed counsel shall pay a Twenty-Five Dollar (\$25.00) application fee per case to the Clerk of Courts within seven (7) days of determination of indigency. Pursuant to ORC 2151.23 (A)(2) civil matters (i.e. custody, visitation, child support) are excepted from any entitlement to appointed counsel for an indigent party. In civil matters the parties will need to retain Counsel to represent them.

#### RULE 3.02 WITHDRAWAL OF COUNSEL

(A) Unless otherwise ordered, the substitution or withdrawal of a trial attorney shall be permitted only upon filing with the Juvenile Court, and service on all other parties, a Notice of Substitution of Trial Attorney signed by the withdrawing attorney, the client, and a substitute trial attorney; or upon written application for substitution or withdrawal served upon the client and showing of good cause and upon such terms as the Juvenile Court shall impose. Unless otherwise ordered, a trial attorney shall not be permitted to withdraw at any time later than twenty (20) days in advance of a trial or the setting of a hearing on any motion. Unless otherwise ordered, the substitution of a trial attorney shall not serve as a basis for postponement of a trial or any hearing.

(B) Unless counsel files a notice of withdrawal at the conclusion of a case, they may be considered Counsel of Record for any subsequent filings or post decree Motions.

#### RULE 3.03 ATTORNEY SCHEDULING

(A) Each attorney shall cooperate fully with the Court in the scheduling of all appearances before the Court with consideration for prior scheduled appearances in other courts. Each attorney shall have a copy of his or her calendar available at all scheduling conferences, status conferences, pretrial conferences, and hearings.

#### RULE 3.04 COURT APPOINTMENTS

(A) Purpose. The purpose of this rule is to establish, pursuant to Superintendence Rule 8, a rule governing the appointment of Counsel.

(B) The Court will maintain two appointment lists. The first list will consist of attorneys who will serve as Guardians ad litem for children in delinquency, unruly, abuse, neglect and dependency cases, and for adults. The second list will consist of attorneys who will provide all other representation, including but not limited to representing children in delinquency and unruly cases, and adults in abuse, neglect, dependency, contempt, parentage, and criminal matters. Attorneys desiring to be placed on either appointment list shall apply in writing to the Judge.

(C) Appointments will be made on a rotating basis from such lists taking into consideration the qualifications, skill, expertise and caseload of the appointee in addition to the type,

complexity and requirements of the case as set forth on OAC 120-1-10, and or Superintendence Rule 48.

(D) Attorneys seeking to represent indigents in cases before this Court must assure, and upon request from time to time certify to this Court in writing, their full compliance with Qualifications set by the Ohio Public Defender Commission for counsel accepting appointments. Appointed counsel must at all times also be in full compliance with attorney CLE requirements set by the Supreme Court of Ohio; with this Rule, and more generally the Rules of Practice of the Seneca County Juvenile Court; and with the Ohio Code of Professional Responsibility. Any failure to meet such minimum standards may result in loss of compensation, in whole or in part, for work on individual cases, and in suspension or permanent removal from the List.

(E) Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner. The attorney shall have a working phone with a secretary/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number.

(F) Compensation for all Court appointed counsel is set at the rate determined by the Seneca County Commissioners. Invoices for indigent legal representation shall be submitted within thirty (30) days after the last court date to be considered timely for Seneca County to seek reimbursement from the Office of the Ohio Public Defender.

(G) Fees and expenses for representation shall be submitted to the Court on the forms as established by the Office of the Public Defender within sixty (60) days of final disposition. Application for fees submitted after ninety (90) days shall not be paid.

(H) The Court shall review Court appointment lists at least annually to ensure the equitable distribution of appointments.

#### **RULE 4 SERVICE**

##### **RULE 4.01 SERVICE BY CIVIL RULES**

(A) Service in any matter filed or pending before the Court shall be in accordance with the Rules of Civil Procedure.

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



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

#### RULE 4.02 SERVICE BY POSTING

(A) Pursuant to Rule 16 (A) of the Ohio Rules of Juvenile Procedure, in actions before the Common Pleas Court of Seneca County , Ohio, Juvenile Division, when the residence if a party is unknown and cannot be ascertained with reasonable diligence, service shall be made by any of the following methods or any combination of these methods, to wit:

- (1) By publication as set forth in Rule 16(A) of the Ohio Rules of Juvenile Procedure.
- (2) By posting and mail pursuant to this Local Rule and Rule 16(A) of the Ohio Rules of Juvenile Procedure.

(B) Before service by posting and mail can be made, a praecipe shall be filed with the Clerk requesting service by posting and mail pursuant to this rule and Rule 16(A) of the Ohio Rules of Juvenile Procedure. With the praecipe there shall be an affidavit of a party or a party's counsel, captioned in the name of the action pending before the Court stating the following:

- (1) That the affiant is a party, or counsel for a party to an action filed in the Seneca County Common Pleas Court, Juvenile Division, together with their address and telephone number.
- (2) The caption of the case, the case number, and the nature of the action before the Court.
- (3) The name and date of birth of the party whose residence is unknown and is sought to be served by posting and mail.
- (4) A chronology of the reasonable and diligent efforts used by affiant to locate the party sought to be served by posting and mail.
- (5) The last known address of the party sought to be served by posting and mail.
- (6) A certificate of service to all parties and their respective counsel as required by the Ohio Rules of Juvenile Procedure. Upon the filing of the praecipe and affidavit seeking service by posting as set forth in this rule, the Clerk shall cause a summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served as required by Rule 16(A) of Ohio Rules of Juvenile Procedure. The Clerk shall proceed as required by Rule 16(A) of Ohio Rules

of Juvenile Procedure if notified of a corrected or forwarding address of the party sought to be served pursuant to this rule.

Upon the filing of the praecipe and affidavit seeking service by posting, the Clerk of the Common Pleas Court of Seneca County, Ohio, Juvenile Division, shall cause service to be made pursuant to Rule 16(A) of Ohio Rules of Juvenile Procedure by instructing the party or counsel for said party seeking service by posting and mail to post in a conspicuous place, on yellow paper, not smaller than 8 ½ by 11 in size, a notice containing the same information required in a newspaper publication as set forth in Rule 16(A) of Ohio Rules of Juvenile Procedure. This notice shall be posted by the party seeking service by posting and mail in a conspicuous place, on yellow paper, not smaller than 8 ½ “by 11” in size, at all the following locations and any other locations the posting party deems appropriate:

1. The Juvenile Court of Seneca County, Ohio, located at 103 E. Market Street, Tiffin, Ohio.
2. The Tiffin Municipal Building, located at 103 E. Market Street, Tiffin, Ohio.
3. The Seneca County Common Pleas Courthouse, 103 E. Market Street, Tiffin, Ohio.
4. The Seneca County Auditor’s Office, 109 S. Washington Street, Tiffin, Ohio.
5. The Seneca County Department of Job and Family Services located at 3362 S. Eden Twp. Rd. 151, Tiffin, Ohio.
6. The Fostoria Municipal Building, located at 213 South Main Street, Fostoria, Ohio.

The party seeking service by posting and mail shall cause each of these notices to be posted on the same date. Each notice shall be posted in the required locations for seven (7) consecutive days. After the conclusion of the seven (7) day posting period, party or the counsel causing the posting shall promptly remove the posted notices from each posting site.

Each posted notice shall be in the English language and shall be typewritten. All printed matter must appear in at least a twelve point type.

The party or counsel causing service to be made by posting and mail pursuant to this rule shall file an affidavit, captioned in the name of the action, with the Court after posting for the required consecutive days setting forth the following information:

- a. The name of the party or counsel making the affidavit together with their address and telephone number.

b. An accurate full size copy of the notice that was posted at the locations as required by this rule. Said affidavit shall identify a copy of the notice annexed to the affidavit as Exhibit "A" as a fair and accurate copy of the notice that was so posted pursuant to this rule.

c. Affiant shall set forth facts in the affidavit from affiant's personal knowledge that posting was in fact made at the locations set forth in this rule for the required number of days, setting forth the dates each notice was posted, the locations that each notice was posted and the affiant personally posted said notices for the duration of the term of said posting.

d. Said affidavit of posting shall be filed with the Court not later than five (5) days after the last date of posting.

e. Said notice shall be served on all parties and counsel of record as required by the Juvenile Rules.

After the seven (7) consecutive days of posting and upon the filing of the affidavit of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting by the Clerk.

#### **RULE 4.03 SERVICE BY PUBLICATION**

(A) In an action where service is to be made by publication as authorized by Civil Rule 4.4, the attorney filing the necessary affidavit shall, at the same time, furnish to the Juvenile Clerk the form of notice of publication which is to be published in a newspaper of general circulation in Seneca County, Ohio.

(B) Counsel or parties requesting publication shall pay for the costs of publication directly to the publisher. The Juvenile Clerk shall request the publication and proof of service, and notify the publisher that costs are to be forwarded to the requesting party.

### **RULE 5 CASE MANAGEMENT**

The purpose of this rule is to ensure the readiness of all cases in the Juvenile Court for pretrial, final pretrial and trial. Unless otherwise determined by the Court, at the initial hearing, which is not evidentiary, the Court shall determine whether the motion is contested and the basis of the motion.

#### **RULE 5.01 ALL PLEADINGS AND MOTIONS**

(A) All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed, on white 8 1/2" x 11" paper, in at least a 12 point regular type font, and paginated sequentially. In all filings a blank space of at least two inches shall be left at the top of the first page for endorsements, time stamps and other identifying marks thereon and shall

have appropriate side and bottom margins. Each consecutive page shall have appropriate top, bottom, and side margins. Filings that are not legible for any reason including poor handwriting or photocopying may be refused, or if filed, may be stricken unless there is a legibly typed copy attached thereto. The Court will accept for filing only pleadings that are complete.

(B) Every pleading, motion, and memorandum filed shall be served upon all opposing counsel, or upon all parties not represented by counsel, and shall have typed or printed thereon the name, address, supreme court number and telephone number of counsel filing the same. When counsel is a firm of attorneys, a particular attorney within the firm having primary responsibility for the case shall execute the document.

(C) Before a new party can be joined to an existing case, a motion must be filed pursuant to Civil Rule 24 requesting same.

(D) All Judgment Entries granting procedural motions shall be on a separate document.

(E) All motions, unless made during a hearing or trial, shall be made in writing in accordance with Civil Rule 7 through 16 and Juvenile Rule 19 and Juvenile Rule 22, unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

(F) The Court will accept pro se Motions and schedule a hearing if all of the following apply:

- a. The motion is completed in compliance with the Civil Rules, or on the Court's pro se form including the case name and number;
- b. The motion is typed or prepared in a clearly legible manner;
- c. The original motion and one copy is provided to the Court;
- d. The motion states clearly the relief sought and with particularity the grounds for the relief;
- e. The motion is signed by the person seeking relief and properly Notarized;
- f. A request for service is filed; and
- g. The Motion clearly identifies any existing custody Orders from Seneca County or any other Court.

If the motion does not include all of the above, the Court will request a properly completed pro se Motion before scheduling a hearing. The Court cannot provide Notary service.

(G) Superintendence Rule 45 (D) provides that when submitting a case document to the Court, the filing party shall omit personal identifiers from the document. Additionally, the responsibility for omitting personal identifiers from a document submitted to the Court rests solely with the filing party. The Court is not required to review the document to confirm omission of personal identifiers, and shall not refuse to accept or file the document on that basis.

#### RULE 5.02 CONTINUANCES

(A) All Motions for Continuance must be in writing and state the specific reason for the continuance. All motions for continuances must be served upon the opposing party(ies) prior to the hearing as soon as possible. The Movant shall first attempt to secure consent of the opposing party(ies); set forth in the motion whether consent was obtained or denied; and shall state the number of prior continuances. Both sides must approve of the continuance. No case will be continued on the day of the hearing except for good cause shown. All continuances shall contain the date on which the need for the continuance arose, the reason(s) for requesting the continuance, and the date in which all attorneys of record, parties and Guardian ad litem were notified of the requested continuance. Ruling on a continuance request may be reserved until the scheduled hearing date where continuances on the record are necessary to preserve service or notice on parties.

#### RULE 5.03 PRE-TRIAL CONFERENCES

(A) The Court may, on its own motion, set any matter for pre-trial hearing. Any party may move, in writing, for a pre-trial. If the Judge or Magistrate determines that a case warrants a pre-trial, a date and time shall be set. All parties named in the action shall be present at the pre-trial unless their presence is excused, in advance, by the Judge or Magistrate. In that event, the parties shall be available by telephone.

(B) It shall be the duty of counsel to come to the pre-trial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.

(C) If requested by the Court, each party shall file pre-trial memorandums or briefs with the Court stating their respective case, both factual and legal, and bring to the Court's attention any anticipated legal issues which counsel expects to arise during the trial. Said briefs or memorandums shall be filed at least one (1) week prior to pre-trial and copies shall be furnished to opposing council.

#### RULE 5.04 CONFLICT OF TRIAL ASSIGNMENT DATES

(A) The Court may deny continuances because a hearing previously scheduled in this Court conflicts with the scheduled appearance of the attorney in another case when that conflict was apparent when the attorney took the case. The Court may, unless good cause is shown, deny any motion for continuance due to conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than ten days prior to hearing.

**RULE 5.05 SELECTION OF JURORS**

(A) The Juvenile Court hereby adopts the rules of jury selection according to the Seneca County Common Pleas Court, General Division.

**RULE 5.06 COST OF CIVIL JURY**

(A) If a case is settled after 4:30 P.M. two calendar days immediately proceeding the first day of trial, the Juvenile Court may assess the costs of the jury to each one or both parties.

**RULE 5.07 JURY VIEW OF PREMISES**

(A) In any case where a jury view is requested, the party making the request shall deposit with the Clerk, the sum of \$100.00 with the Clerk. This deposit will be applied by the Juvenile Clerk for transportation costs and the amount applied will be charged as court cost against the party ordered to pay costs.

**RULE 5.08. COMPETENCY PROCEEDINGS**

**(A) General Purpose**

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

**(B) Expedited Hearings**

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

**(C) Notice**

Upon the conclusion of each hearing, the Court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian ad litem, and the child's parents, Guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be

required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

(D) Stay of Proceedings

Upon the filing of a motion for a determination regarding a child's competency or upon the Court's own motion the Court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the Court determines that the child is not competent but could likely attain competency, the order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

RULE 5.09 RETURN BINDOVER

(A) A Motion filed pursuant to Ohio Revised Code Section 2152.121 (B) (3) (b) must be filed within fourteen days of the issuance of the order of the General Division of the Common Pleas transferring a case to Juvenile pursuant to Ohio Revised Code Section 2152.121 (B) (3).

RULE 5.10 DISCOVERY

(A) "Open discovery" facilitates settlement and timely preparation of the issues in controversy. Information, documents and material in the custody, control or possession of one party that are discoverable under Rule 24 of the Ohio Rules of Juvenile Procedure or Rule 34 of the Ohio Rules of Civil Procedure where applicable, are considered an "open file" for the purpose of discovery by another party, subject to the limitations/protections of Juvenile Rule 24(B) or Civil Rule 26(C).

Discoverable items include, but are not limited to, police reports, supplemental police reports, and a children's services agency case file (excluding the referral sources, third party investigation reports, foster parent records, adoption records, attorney-client privileged information and attorney work product). This broad discovery assists in arriving at the truth, expedites the hearing process, and may reduce the adversarial nature of the proceedings.

Discovery authorized by Juvenile Rule 24 or Civil Rule 34 shall proceed upon the written request of one party to another without a prior court order. The party from whom discovery is requested shall produce for inspection, copying, or photographing, the discoverable items to the requesting party as follows or as otherwise agreed by the parties or instructed by the Court:

- (a) If the requested party is nongovernmental and represented by counsel, at the office of the attorney for the requesting attorney;
- (b) In parentage/child support proceedings where the requested party is the Seneca County Child Support Enforcement Agency, at the SCCSEA offices;

- (c) In delinquency/unruly/traffic cases where the prosecutor is the requested party, at the office of the Seneca County Prosecuting Attorney;
- (d) In dependency, neglect, abuse cases where Seneca County Department of Job and Family Services is the requested party, at the office of the Seneca County Department of Job and Family Services.

When the discoverable materials are documents, any party may comply with a request for discovery by mailing accurate legible copies to the attorney of the requesting party or if unrepresented, to the party.

If discoverable items are physical evidence or other evidence that is not readily copied, then the items shall be made available to the requesting party for inspection, photographing or other copying.

Counsel is ultimately responsible for the production of the discoverable material.

Parties shall have a continuing duty to disclose additional discoverable information or material subsequent to compliance with the original request for discovery without the necessity of filing a new request for more current information.

#### RULE 5.11 FAILURE TO APPEAR

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

#### RULE 5.12 PREPARATION OF JUDGMENT ENTRIES AND ORDERS

(A) In all juvenile Delinquency, Unruly and Traffic Offender cases, the Court will prepare all final orders, unless the Court otherwise directs. However, all preliminary matters decided by the Court prior to the final adjudicatory hearing which requires journalizing are the responsibility of counsel and all entries shall be drafted as designated by the Court.

(B) In Civil matters the Court may order or direct either party to prepare a judgment entry. When so ordered, the party shall prepare a proper judgment entry and submit it to the opposing party within 14 days, unless the time is extended by the Court. The opposing party shall have 14 days in which to approve or reject the judgment entry. If the opposing party fails to take any action on the judgment entry within 14 days, the preparer shall submit the entry with the notation, "Submitted but not returned".



(C) In the event of rejection or if the parties are unable to agree, each party may prepare his/her version for consideration. The Court may:

- (a) Sign the entry that it deems a proper statement of the parties' agreement or the Court's decision;
- (b) Prepare its' own entry without submitting same to counsel for approval; or
- (c) Schedule the matter for hearing.

(D) If no entry is furnished to the Court as directed within 30 days of the Court's decision, upon notice of such failure to the parties and their counsel, the Court may:

- (a) Dismiss the action for want of prosecution;
- (b) Order the Clerk to schedule hearing on sanctions;
- (c) Make such other Order as deemed appropriate under the circumstances.

(E) Consent judgment entries may be presented to the Court on or before the date of hearing. In the event the parties notify the Court that an agreement has been reached and they wish to vacate the hearing date, the entry shall be submitted within 7 days of the vacated date.

Pursuant to this rule, and the cost schedule set forth in Appendix A, parties may file a Consent Judgment Entry without a Pending Action. The parties will be required to present the Court a fully executed Judgment Entry accompanied by a Motion setting forth that the entry is in contemplation of resolution of matters not before the Court on existing Motion. Should the Judgment Entry terminate or modify support, approval of the CSEA will be required.

(F) All Judgment Entries or other Court orders prepared by an attorney on behalf of the Court shall contain the following:

1. A certificate of service stating the names and address of the attorneys or parties to be served with the Court order and directing the Clerk of Courts to complete such service.
2. The hearing date before the Court, if applicable.
3. Appropriate Civil Rule 54 language if the Court order is a final appealable order.
4. The party who is responsible for payment of the court cost. In the absence of such language, court cost shall be assessed against the Movant.

5. Any required statutory language, child support worksheets or attachments.
6. If child support is Ordered, the appropriate SETS number should be set forth in the caption.
7. If the Order includes Legal Custody to a non-parent, pursuant to ORC 2151.362 and ORC 3313.64, the school district to bear the cost of education of the child shall be identified.

**RULE 5.13 SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)**

(A) In any action commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to represent that party pursuant to the Service members Civil Relief Act (SCRA), as set forth at 50 U.S.C Section 501-597, and may assess and allocate the cost of said counsel as costs in the case. The Court may stay the proceedings until such time as the party in the military service is available for trial. During the pendency, the party may be Ordered to cooperate in all discovery procedures and to notify the Court upon his/her return.

**RULE 5.14 EXHIBITS**

(A) All exhibits must be marked and identified if referred to on the record. Once marked, all exhibits will be maintained in the sole possession of the Court until the conclusion of the case, including time for appeal, unless the Court otherwise Orders return of the exhibit. Upon the conclusion of the case including time for appeal, the Court may dispose of exhibits pursuant to law and at such time as it deems feasible following notice to the proponent, victim, or owner.

(B) If a party is seeking to introduce information stored on a cell phone (e-mails, texts, Facebook/Social Media Posts, etc.), such information must be printed out in an organized fashion with page numbers on the bottom right hand corner for easy reference. Additionally, if a party is seeking to introduce evidence from a cell phone relating to voice mails, video streams, or photographs, they should be duplicated onto a CD or DVD as applicable so that it may be marked for identification in tangible form.

**RULE 5.15 SUBPOENAS (Civil Rule 45 and Juvenile Rule 17)**

The Juvenile Clerk shall issue a subpoena, signed, but otherwise in blank, to a party requesting it, who shall complete it before service.

An attorney who has filed an appearance on behalf of a party in an action may also sign and issue a subpoena on behalf of the Court in which the action is pending. If the issuing attorney modifies the subpoena in any way, the issuing attorney shall file prompt notice of the modification to all other parties.

The form of the subpoenas shall be in accordance with the provision of Civ. R. 45(A) and Juvenile Rule (17A). It may be served by the sheriff, bailiff, coroner, Clerk of the Court, by an attorney at law, or by any person designated by order of Court who is not a party and is not less than eighteen years of age.

Attorneys shall be diligent in filing request for service by the Clerk of Court. Service of process shall be made in accordance with the provisions of Civ. R. 45(B) and Juvenile Rule 17(C).

Any praecipe for the service of subpoenas shall be filed within the following time limit:

- A. In-County Party at least seven (7) working days before the subpoenaed party is to appear.
- B. Out of County Parties at least fifteen (15) working days before the subpoenaed party is to appear.

If this rule is not complied with, the failure of the subpoenaed party to appear because of failure of service shall not constitute grounds for continuance. This rule applies unless it can be shown that the person filing the praecipe was unaware of the name or the location of the persons sought to be subpoenaed in sufficient time to comply and that such information could not reasonably have been obtained in time.

The filing of a subpoena shall include a check for \$6.00 for witness fees made payable to the witness.

The party or attorney responsible for the issuance of a subpoena shall comply with the provision of Civ. R. 45 (C) and Juvenile Rule 17 (D) and shall be responsible for attaching to each subpoena the text of the rule pertaining to the protection of persons subject to subpoenas and duties in responding to subpoenas.

Sanctions will be imposed in appropriate cases under Civ. R. 45(E) and Juvenile Rule 17 (F).

#### **RULE 5.16 PHYSICAL RESTRAINTS IN THE COURTROOM.**

##### **(A) Use of Restraints on Juveniles.**

Juvenile respondents shall not be brought into the Courtroom wearing any physical restraint devices except when ordered by the Court during or prior to the hearing.

Instruments of restraint, such as handcuffs, ankle chains, waist chains, strait jackets, electric-shock producing devices, gags, spit masks and all other devices which restrain an

individual's freedom of movement shall not be used on a juvenile respondent during a Court proceeding and must be removed prior to the respondent's appearance before the Court unless the Court finds both that:

- (1) The use of restraints is necessary due to one of the following factors:
  - (a) Present behavior of the respondent represents a current threat to his or her own safety, or the safety of other people in the courtroom;
  - (b) Recent disruptive courtroom behavior of the respondent has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm to himself or herself or others; or
  - (c) Present behavior of the respondent presents a substantial risk of flight from the courtroom; and
- (2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the respondent or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or the Court staff.

(B) Challenge to the use of restraints.

Before or after any juvenile is ordered restrained, the Court shall permit a party to be heard on the issue of whether the use of physical restraints is necessary in a particular situation or as to a particular child.

(C) The procedure for transporting and preparing the Juvenile for Court hearing from the Youth Center shall be as follows:

- a. The handcuffs, waist belt and leg restraints must remain on the Juvenile at all times during out of facility transports except while in the Courtroom.
- b. After checking in at court reception, the staff shall escort the Juvenile to an area directly outside of the Courtroom.
- c. The Juvenile's handcuffs shall be removed once staff has reached the waiting area unless otherwise predetermined by Youth Center Director or designee. Leg restraints and waist belts are to be removed prior to entering the Courtroom unless predetermined otherwise by the Court.
- d. Once the hearing ends or a recess is called, the Juvenile will exit the Courtroom and handcuffs, waist belts and shackles are directly re-secured on the Juvenile prior to leaving the Courthouse.
- e. Any exception to the above procedure must be approved by the Judge, Magistrate, Detention Director or designee.

**RULE 5.17 NOTICE TO FOSTER/KINSHIP CAREGIVERS**

(A) In accordance with R.C. §2151.424, the Court will provide notice to foster and kinship

Caregivers of their right to attend hearings and provide information concerning child(ren) in their care.

(B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster and kinship caregivers, a Child Placement Form shall be completed and filed with the Clerk the business day of or no later than 7 days following the initial placement and any change in placement of the child(ren).

(C) Information regarding the identity of and contact information for foster or kinship Caregivers provided to assist the Court in fulfilling its duty to give notice under this rule is not accessible to the public, including to any party to a case. The Court shall maintain this information in its family file.

### **RULE 6 PROCEDURES ON APPEAL**

(A) All appeals are subject to the Local Rules of the 3<sup>rd</sup> District Court of Appeals. Parties are cautioned to review those rules at the time of the filing of the appeal.

### **RULE 7 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

#### **RULE 7.01 EX PARTE ORDERS**

(A) There shall be no ex parte orders for residential parenthood prior to non-oral temporary orders, except upon showing of good cause and supported by adequate affidavits indicating an immediate or imminent risk to the health, safety and welfare of the child if the requested relief is not granted. All ex parte Orders shall be at the discretion of the Court. If ex parte Order is issued, pursuant to Juvenile Rule 13 (B) (3), as directed by Juvenile Rule 45, a review shall be attempted to be set by the Court within 72 hours.

(B) All motions for ex parte relief shall be served upon the opposing party by personal service unless otherwise directed by the Court.

(C) A respondent may request oral-hearing, in writing, to modify such ex parte temporary order, which the Court may schedule for hearing at its discretion.

(D) The Court may schedule an expedited hearing on its own Motion.

#### **RULE 7.02 TEMPORARY ORDERS**

(A) Request for temporary allocation of parental rights and responsibilities shall be made by either parent, with a memorandum in support thereof and a child custody affidavit. Civil Rule 75

does not apply to proceedings filed in Juvenile Court, therefore using the discretion pursuant to ORC 3109.043; as well as is permitted by Juvenile Rule 13 via Juvenile Rule 45, the Court may issue Orders pursuant to Juvenile Rule 13, or as it may find in the best interest of the child(ren).

(B) If either party wishes to contest a temporary order granting temporary residential parent status, the party shall file a motion for relief or motion to set aside, as appropriate. Copies of the motion shall be served in accordance with the Rules of Civil Procedure. Upon filing, the Court may schedule the matter for hearing.

#### RULE 7.03 WITNESS FEES

(A) A party requesting the issuance of subpoenas for a witness shall, at the time of filing the request for subpoena, submit a check or checks payable to the witness or witnesses under the Witness Fee Statue (Ohio Revised Code §2335.06 or as hereafter amended) for said witness with the Juvenile Court Clerk. A check must be made out for the witness fee and mileage.

#### RULE 7.04 PARENTAGE ACTION, MOTION TO MODIFY VISITS, CHILD SUPPORT, CUSTODY, SHARED PARENTING

(A) Any person may bring an action to establish parent-child relationship or for an Order establishing visitation and companionship before an administrative determination of the existence or nonexistence of a parent-child relationship from the Child Support Enforcement Agency.

(B) All Motions shall be commenced by the filing of the following:

1. Motion;
2. Memorandum in Support;
3. Child Custody Affidavit (in all actions except support);
4. Request for Service;
5. Personal Identifier Sheet (Appendix D);
6. The appropriate filing fee (Appendix A), per case, per child;
7. All Shared Parenting Plans must be filed pursuant to Ohio Revised Code §3109.04 and Local Rule 7.04 (D).

Upon the receipt of the proper paperwork and application fee, the Juvenile Clerk may set said Motion for pre-trial. All parties are to attend the pre-trial. If the matter is not settled, a trial date shall be set.

(C) All documents shall only contain the last four digits of the Social Security number of the parties and the date of birth of any minor child(ren).

(D) Shared Parenting:

Where a party seeks shared parenting, shared parenting plans shall be filed in accordance with ORC 3109.04. Any request for deviation of child support shall comply with ORC 3119.22 and 3119.23. If a court has previously determined paternity or made orders regarding child support, health insurance, medical expenses or tax exemptions, the shared parenting plan shall reference the case number and court in which such determinations or orders were made, but the shared parenting plan shall not modify such orders.

All shared parenting plans must be attached to and accompanied by a Motion for shared parenting signed by one parent (in the event of a single plan) or both parents (if a joint plan). The plan is to be filed with the Court thirty days prior to the hearing date.

The following are those provisions which must be included in a shared parenting plan. Other provisions may be added as needed or agreed.

#### 1. PHYSICAL LIVING ARRANGEMENTS:

This section needs to describe the regular living schedule of the child(ren) in each parent's home. It is important to keep in mind that a pattern which would be appropriate for a preschool-age child may have to be altered once the child(ren) is attending school, and to the extent that the parties are able to project into the future and provide for a reasonable and practical plan for the child(ren), this may be an appropriate section to provide for such changes.

While it is not mandatory, the parties may wish to designate one party's home as the "primary residence" and another party's home as the "secondary residence". **IT IS NOT APPROPRIATE TO DESIGNATE ONLY ONE OF THE PARENTS AS "RESIDENTIAL PARENT" IN A SHARED PARENTING PLAN.** "Residential Parent" means sole, legal custodian. In a shared parenting plan, both parents are legal custodians of the child(ren) and the use of the term "residential parent" for one parent only is contradictory to the shared parenting concept.

It is also not appropriate to state that each parent is the residential parent and legal custodian when the child(ren) are residing with that parent. See: ORC 3109.04(K)(6).

**EXCEPTION:** The statute does permit the designation of one parent as the residential parent for school purposes or as residential parent for tax exemption purposes or as residential parent for purposes of ADC eligibility but those specific designations do not effect the status of both parents as residential parents and legal custodian of the child(ren).

#### 2. HOLIDAYS, VACATIONS, ETC.

In spite of the fact that the living arrangements for the child(ren) may have been fully described, a specific provision must be included in a shared parenting plan for sharing the major holidays, vacation, birthdays, etc. This is also the appropriate section to include any provision for visitation with grandparents or other relatives. The Seneca County Local Rule (Rule 8) may be incorporated in part or in whole in the plan.

3. SCHOOL:

The statutory scheme mandates the designation of a school district. Our court recognizes the difficulty in those cases where the child(ren) are not school age and the living arrangements of the parties at the time of a new decree may be somewhat temporary and subject to change. The provision should deal with the issue of school placement the extent that the parties can determine the most likely possibility at the time the matter is before the court. An acceptable alternative is to designate the school district where either the mother or father resides.

AGREEMENTS TO AGREE WHEN THE CHILD(REN) REACH SCHOOL AGE ARE NOT ACCEPTABLE.

4. CHILD SUPPORT:

A support computation sheet must be prepared as part of a shared parenting plan utilizing appropriate guideline calculation.

It is common to have deviations from the child support guidelines in shared parenting cases; however, it is by no means considered automatic for neither party to pay support just because it is a "shared parenting." Where a disparity of income exists and/or a disparity of physical care of the children exists, the exchange of child support is still considered appropriate and equitable. For the most part, only cases where there is equal income and equal time spent in each household will a lack of child support exchange be considered equitable, provided, there are adequate provisions for all of the children's financial needs incorporated in the plan (See paragraph 5).

Deviations from the guideline-suggested amount must be explained in financial or monetary terms on line 26 of the computation sheet. Criteria for deviation from the guidelines are enumerated in ORC 3119.22 and 3119.23 and in addition, there are some specific "extraordinary circumstances" applicable to shared parenting orders which are enumerated in R.C. 3119.24(B)(1) through (4) and read as follows:

- (i) The amount of time that the child(ren) spend with each parent;
- (ii) The ability of each parent to maintain adequate housing for the child(ren);
- (iii) Each parent's expenses, including but not limited to child care expenses, school tuition, medical expenses, and dental expenses.



5. OTHER CHILD-RELATED FINANCIAL MATTERS:

Where no child support is being exchanged or the child support to be exchanged is significantly less than the guideline amount, a provision for an appropriate sharing of financial expenses of the child or children, including but not limited to employment related child care, clothing, school fees, camp or sports fees, lessons and extracurricular activities, needs to be included.

6. PROVISION FOR CHILD/CHILDREN'S HEALTH CARE NEEDS:

A recitation of who will cover the child on medical insurance must be included in every shared parenting plan.

The shared parenting plan must include: (1) designation of one or both parents to provide health insurance; and (2) designation of the responsibility for payment of uninsured medical, dental and optical expenses, and psychological expenses.

A reference to Local Rule 10 may be utilized for determination of unreimbursed medical expenses.

7. TAX EXEMPTIONS:

Since both parties are custodial parents, the tax law is of little assistance for determining who will be entitled to claim the children as dependents for tax purposes. That issue must be addressed in the shared parenting plan. It is also appropriate to require the parent who will not be getting the tax exemption or will not be getting it for a particular year to cooperate and execute any and all forms required by the Internal Revenue Service.

8. OUT-OF-STATE RELOCATION:

Both parents shall give written notice to the other parent immediately upon any change of address and/or phone number.

Neither parent shall relocate the children out of state without first obtaining a modified visitation order. The parties may submit an agreed order modifying visitation, with a provision for allocation of transportation expenses, to the court for adoption by the court as an order. If the parents are unable to agree, the moving parent shall, prior to relocation, 1) file a motion asking the court to modify the visitation schedule; 2) set a hearing; and 3) obtain a modified visitation order. No continuances of the hearing will be granted without written permission of the assigned judge. The plan may simply incorporate the standard Order of the Court pursuant to Ohio Revised Code Section 3109.051(G).

9. ACCESS TO CHILD'S/CHILDREN'S RECORDS:

Both parents shall have access to the same records, same school activities and to any day-care center which the children attend on the same basis that said records or access is legally permitted to a custodial parent, unless a restrictive order has been obtained from the court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization. The plan may simply incorporate the standard Order of the Court pursuant to Ohio Revised Code Sections 3109.051(H); 3319.321(B)(5)(a) and 3109.051(J).

10. RELIGIOUS TRAINING:

Any agreement reached between the parents on religious training, if appropriate, may be included in the shared parenting plan.

11. MISCELLANEOUS PROVISIONS:

The parents may wish to include provisions concerning cooperation, open communication, encouragement of love and affection for the other parent, etc.

Post high school education costs may be addressed in the plan as well as any other matter of importance to the parents.

12. MODIFICATION OF SHARED PARENTING PLAN:

A method for modification of the shared parenting plan may be included in the plan. The most typical provisions are:

- a. any modification shall be in writing, signed by both parties;
- b. modification shall be in accordance with R.C. 3109.04(E)(2)(a) or (b);
- c. parties shall engage in mediation to resolve any disputes that arise and shall share costs of mediation equally before filing any motion in court to modify this plan.

(E) Change of Circumstances

Where a showing of a change of circumstances is required for a motion to change custody or to modify a shared parenting plan, the alleged change of circumstances shall be generally identified in the motion. It shall not be sufficient to simply state that "a change of circumstances has occurred".

(F) Name Changes for Minors

Unless specifically plead as part of a parentage action filed pursuant to ORC 3111.04, name changes for minors are governed by ORC 2717.01. In order to properly effectuate a name change, a person must file an application in the Probate Court of the county in which the child resides.

#### RULE 7.05 MOTION IN CONTEMPT

(A) A Motion in Contempt shall be commenced by the moving party filing the following:

1. Motion specifically stating the basis for the contempt citation;
2. Notice of Rights;
3. Brief in Support;
4. Supporting Affidavits;
5. Request for Service;
6. Appropriate filing fee.

(B) A Party motioning for reasonable attorney fees must articulate to the Court the legal basis for such a request and offer evidence in support of said motion. The party requesting the attorneys' fees has the burden of providing evidence that the hours worked were necessary to the action and that the amount of the fees is reasonable.

(C) The party filing any contempt action shall file a supporting affidavit as required by Local Rule 7.05 (A)(4). The affidavit shall set forth the claimed reason for the contempt and shall identify the specific Court Order the contemnor has allegedly violated by identifying the filing date of the order and the specific paragraph, article or section where the order may be found. A copy of the Court Order the contemnor has violated shall be attached to the affidavit. If the claim is a failure of payment of support the affidavit shall include the amount of delinquency claimed. In the event the claim is for failure to pay medical expenses, the affidavit shall include the amount of such medical expenses. The party against whom the contempt action has been filed shall be served with a copy of the affidavit along with the motion for an order in contempt.

#### RULE 7.06 RESIDENTIAL PARENT– NOTICE OF INTENT TO RELOCATE

(A) A residential parent shall file a notice of intent to relocate with the deputy clerk of this Court and the Child Support Enforcement Agency (herein CSEA) within thirty (30) days of said move, the notice shall contain the name and address of the residential parent, names of the child(ren), proposed residence, and the name and address of non-residential parent.

(B) Pursuant to ORC 3109.051 (G)(1), upon receipt of the notice, the Court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

#### **RULE 7.07 PARENTING COORDINATOR/CHILD CUSTODY EVALUATOR**

(A) Superintendence Rule 90.01 requires that Courts that use “parenting coordinators” to adopt a local rule governing its use. Additionally, Superintendence Rule 91.03 requires Courts that use “child custody evaluators” to adopt a local rule governing its use.

The Court has chosen not to use Parenting Coordinators or Child Custody Evaluators under Superintendence Rule 90 and 91, and therefore will not adopt a rule for appointment at this time.

#### **LOCAL RULE 8 -PARENTING TIME/VISITATION/COMPANIONSHIP**

The standard Parenting Time (visitation) rules for the Seneca County Juvenile Court follow as [Appendix C](#). Should there be a conflict, dispute or contempt proceeding necessitating interpretation of former Rules the Court reserves discretion to make a ruling resolving all conflicts.

#### **RULE 9 CHILD SUPPORT**

##### **RULE 9.01 SCHEDULE OF SUPPORT**

(A) In every case in which child support is ordered, the amount of support shall be calculated in accordance with the schedule of support set forth in Ohio Revised Code §3113.215, subject to the permissible statutory deviations.

(B) All support payments for child support are ordered payable through the Child Support Enforcement Agency and shall include a poundage fee on each payment in accordance with the Ohio Revised Code.

(C) The parties are required to comply with ORC 3119.05 in providing income verification. ORC 3119.05 (A) states that when a Court computes the amount of child support required to be paid under a child support order:

“The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.”

Additionally, it has been established that pursuant to R.C. 3119.05(A) a Court is required to review documents, not testimony, to establish income, and failure to obtain the necessary

financial information before calculating child support order renders the Court's order arbitrary and therefore an abuse of discretion. See: Brose v Copeland (3<sup>rd</sup> Dist.) 2013-Ohio-3399; and Montgomery v. Montgomery, 2015-Ohio-2976 (3<sup>rd</sup> Dist.).

Therefore at hearings involving computation of support, the parties shall be prepared to submit to the Court the following:

- 1) Copies of most recent Federal Income Tax Returns, and/or W-2 wage statements.
- 2) Copy of the most recent pay stub or payroll report.
- 3) Verification of cost of health insurance for the child(ren).

(D) Support shall be computed and a copy of the Guideline worksheet shall accompany the Judgment Entry addressing the issue of support with the appropriate effective date the support is to begin being paid.

(E) All payments made by the obligor directly to the obligee shall be considered a gift, unless the payment is made to discharge an obligation other than support.

#### **RULE 9.02 SUPPORT MODIFICATION REQUESTS**

(A) Any motion filed by either the obligor or obligee to terminate or reinstate support due to a change in the living arrangements between the two parties, will be addressed by the Court after the parties have either lived together for a period of six (6) months or have been separate for six (6) months.

#### **Rule 9.03 TITLE IV-D APPLICATION**

(A) In any case involving a support order, the Obligee under the order shall be required to sign an application for Title IV-D Services. The executed application shall be submitted to the Court. If the Obligee is certified IV-D at the time of the hearing, Obligee does not have to sign the application.

#### **RULE 10 DEFINITION OF REASONABLE AND ORDINARY MEDICAL EXPENSES**

(A) Reasonable and ordinary shall mean medical, dental, etc., expenses totaling \$100.00 or less per calendar year per child.

(B) Anything over \$100.00 per year per child shall be deemed extra-ordinary and shall be split between the parties according to the percentage of child support due. The custodial parent shall promptly notify the other parent by written statement of the date, cost, service provided, and by whom for each child of all medical, dental or other health related expenses. After the total sum of \$100.00 per year per child has been paid by the custodial parent for that year, the non-

custodial parent shall either reimburse the custodial parent or pay the bill directly to the creditor within ten (10) days of receipt of said expense. If the custodial parent does not submit the bill to the other party within 30 days of receipt of the bill, the parent waives reimbursement and shall be 100% responsible for payment unless he/she can demonstrate good cause otherwise.

(C) When it is determined that it is necessary for the minor child to have major medical, dental, orthodontic, optical, surgical, hospital, prescription, psychiatric, or psychological expense not of an emergency nature, which the non-custodial parent is obligated to pay, then the custodial parent shall immediately notify the non-custodial parent before authorizing treatment. The non-custodial parent has the right to know the necessity for, proposed cost of, and proposed payment schedule for treatment. The non-custodial parent may also secure an independent evaluation to determine the necessity for treatment of the child.

(D) The Juvenile Court expressly reserves jurisdiction to apportion payment of exceptional medical, dental, etc. expenses between the parties, which are not covered by insurance, upon motion of either party.

(E) The parent obligated to provide insurance coverage shall promptly provide the other parent the insurance cards and forms for all dependents for all coverage available for the use and benefit of the minor child(ren).

### **RULE 11 GUARDIAN AD LITEM**

#### Rule 11.01 General

(A) The Court may appoint a CASA/Guardian ad Litem or Attorney Guardian ad Litem to represent the best interest of a minor child in Delinquency/Unruly, Dependent, Neglected and Abuse proceedings consistent with the Ohio Rules of Juvenile Procedure. Whenever feasible, the same Guardian ad litem shall be appointed for a specific child in any subsequent case relating to the best interest of the child.

(B) Any party requesting appointment of a Guardian ad Litem in a proceeding involving custody, parenting time or visitation shall, at the time of filing of the written motion, deposit with the Clerk the fee (see Appendix A) to be applied toward the satisfaction of the fees for the Guardian ad Litem.

(C) No deposit for fees of a Guardian ad Litem shall be required in cases alleging a minor child to be delinquent, unruly, dependent, neglected or abused.

(D) All Guardian Ad Litem shall comply with the provisions set forth in Superintendence Rule 48.

## RULE 11.02 QUALIFICATIONS

(A) The Court shall maintain a public list of attorneys and volunteers willing to accept appointment as Guardian ad Litem while maintaining individual privacy under Rule 48 of the Rules of Superintendence .

(B) All Guardian ad Litem must successfully complete a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education in each succeeding year as established in Rule 48 of the Rules of Superintendence. All Guardian ad Litem are required to file proof of compliance with the Clerk of Court each year.

## RULE 11.03 DUTIES

Refer to Superintendence Rule 48 as set forth by the Supreme Court.

## RULE 11.04 CONFLICT

When a Guardian ad Litem determines there is a conflict between the child's best interest and the child's wishes, the Guardian ad Litem shall at the earliest practical time, request in writing that the Court promptly resolve the conflict by entering appropriate orders.

## RULE 11.05 REPORT

The Guardian *Ad Litem* shall prepare a written report, including recommendations to the Court. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the Guardian *Ad Litem* in reaching the recommendations and in accomplishing the duties required by statute, Superintendence Rule 48, by Court Rule, and in the Court's Order of Appointment.

Unless waived by all parties, or unless the due date is extended by the Court, the final report shall be filed with the Court no less than seven days before the final hearing. "Final Hearing" shall include any abuse, neglect and dependency hearing in which a complaint or motion is pending and a disposition will be rendered, including all annual reviews, and all evidentiary hearings in private custody cases.

The Guardian ad litem shall file a Notice of Submission of the Guardian *Ad Litem* Report with the written report. The Guardian *Ad Litem* shall serve the Notice of Submission of the Report on all parties or their legal representatives, and file the report only with the Court.

A Guardian *Ad Litem* may be ordered to file a written report on a case-by-case basis in all other cases including delinquency matters.

The Court shall make the report available to the parties or their legal representatives for inspection no less than seven (7) days prior to the final hearing, unless the due date for submission of the report is extended by the Court. Written reports may be accessed in person at the clerk's office by the parties and their legal representatives. The report shall not be copied whatsoever except by Court personnel. The report shall not be removed from the Courthouse. Any copies of the report provided by the Court for purposes of inspection shall be collected and destroyed at the conclusion of the inspection process. Any other disclosure of the report must be approved by the Court. Unauthorized disclosure of the report may be subject to Court action, including the penalties for contempt, which include fine and/or incarceration.

A Guardian *Ad Litem* may file a written request to restrict public access to the Guardian *Ad Litem* Report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the Guardian *Ad Litem* was appointed in accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio.

A Guardian *Ad Litem* shall be available to testify at hearing regarding the report and may orally supplement the report at the conclusion of the hearing.

#### Rule 11.06 TERMINATION OF APPOINTMENT

The Guardian ad litem shall represent the best interest of the minor child(ren) until discharged by the court.

#### Rule 11.07 GUARDIAN FEES

The Guardian ad litem shall be paid from the deposit provided to the Court in an amount not to exceed \$1000.00. In the event the Guardian request extra fees, proper Motion must be filed prior to the conclusion of the case with a request for an additional deposit and the basis for the request.

The Court at its discretion may retain jurisdiction to determine the propriety of request for extra fees and to reallocate the Guardian ad litem fees along with other costs of the proceedings upon Motion and/or conclusion of the case.

Should the Guardian ad litem require a fee arrangement inconsistent with those set forth in the Order of Appointment or the Local Rules, he/she shall so notify the Court prior to accepting appointment.

### **RULE 12 HOME STUDIES**

(A) The Court may order a home study to be performed in any case of allocation of parental rights and responsibilities, parenting time and companionship, or placement of a child outside the home. Parties, unless determined to be indigent, shall pay the home study investigator directly at



such rates/terms as investigator shall require, subject to motion for contempt for non-payment. Disclosure and use of Home Studies are governed by Local Rule 1.03.

### **RULE 13 MAGISTRATE**

(A) The power and duties of Magistrate's are defined in Rule 40 (Ohio Rules of Juvenile Procedure); Rule 19 (Ohio Rules of Criminal Procedure); and Rule 53 (Ohio Rules of Civil Procedure). Where any party of interest may request a hearing by a Judge rather than by a Magistrate to whom such case has been previously assigned, such request must be in writing seven (7) days before the date originally set for the hearing. All decisions of the Magistrate shall be in writing. Magistrate's Order shall take effect immediately unless stayed by a court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless a timely written objection is filed.

#### **RULE 13.01 OBJECTION TO THE MAGISTRATE'S DECISION**

(A) Any party to the action may file written objections to a Decision of the Magistrate. The filing date of the Objection shall be within fourteen (14) days of the file stamped date of the Magistrate's Decision.

(B) The Judge may affirm, reject, or modify the Magistrate's Decision only upon the timely filing of an objection or appeal. The Judge may hear additional evidence at his/her discretion. The objection or appeal should be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence argument is part or all of the basis for the objection, a transcript of testimony is necessary to support the objection to the Magistrate's Decision or Magistrate's Order and must be filed with the Court by the moving party within thirty (30) days after the filing of the objections, unless the Judge, in writing, extends the time period. Partial transcripts may be permitted upon leave of the Court. If a transcript is necessary, a party may file a Motion for Extension of Time to File Objections or Appeal to allow for preparation of transcript. Pursuant to Local Rule 1.05 (C), it is the responsibility of the objecting party to provide a typed transcript of the hearing to the Court pursuant to Ohio Rules of Civil Procedure 53 (D)(3)(b)(iii) and Ohio Rules of Juvenile Procedure 40(D)(3)(b)(iii). If you fail to provide the Court with an acceptable reason why a transcript is not needed; the motion or objection will be dismissed without a hearing. If the Court determines that a transcript is needed and the objecting party has failed to provide the Court with a transcript, the Court may summarily dismiss the Motion to Set Aside or Objections.

(C) Objections or appeals may be set for oral hearing upon the request of any party at the sole discretion of the Court. A memorandum in response may be filed by any party within seven (7) days of the filing of the memorandum in support of the objections or appeal.

**RULE 13.02 MOTION TO SET ASIDE MAGISTRATE'S ORDER**

(A) Magistrates may issue Orders as provided by Civil Rule 53 and Juvenile Rule 40. Parties may file a Motion to Set Aside Magistrate's Order, which shall be heard by a Judge or Magistrate. The Motion shall be filed no later than ten (10) days after the Magistrate's Order is entered.

(B) The Motion shall be accompanied by a memorandum stating the party's position with particularity. The filing of a Motion to Set Aside does not automatically stay the Magistrate's Order. A separate Motion to Stay may be filed, and may be approved or modified by either the Judge or the Magistrate who issued the Order.

**RULE 14 DIVERSION**

(A) The Court may, in its discretion, divert any case, pursuant to Juvenile Rule 9, that is felt to be in the best interest of the juvenile. The juvenile and/or parent shall be assessed a fee for each case (See Appendix A) diverted and complete all requirements set forth by the Diversion Officer.

(B) Actions that are diverted are subject to prosecution in the event that the diversion was deemed not successful by the Court. Such a finding may be made by the Court, in its discretion, upon the Court's own motion and without hearing or notice to the parties or counsel.

**RULE 15 FAMILY INTERVENTION COURT**

(A) After presentation or referral of a complaint alleging a delinquent child the Court on its own Motion may refer the action to the Family Intervention Court. Referral of the matters is discretionary with the court and determinations are made on a case by case basis by the Family Intervention Court Team.

(B) Matters are placed in the Family Intervention Court with the consent of the parties appearing in the action. All parties involved in a referral to Intervention Court are to comply with all the aspects of the intervention and the orders of the Court.

(C) Matters that are placed in the Family Intervention Court are subject to prosecution and will be placed back upon the regular court docket in the event that the juvenile fails to successfully complete the Family Intervention Court Program.

**RULE 16 MEDIATION**  
**(Effective Date: January 1, 2020)**

RULE 16.01 GENERAL

(A) The Seneca County Court of Common Pleas, Juvenile Division incorporates by reference Ohio Revised Code Chapter 2710 - the “Uniform Mediation Act,” including all definitions contained therein. The Court also incorporates by reference Ohio Revised Code §3109.052 - Mediation of Differences as to Allocation of Parental Rights and Responsibilities, and Rule 16 of the Supreme Court of Ohio Rules of Superintendence as it applies to Juvenile Court jurisdiction.

(B) The Seneca County Court of Common Pleas, Juvenile Division has discretion to encourage parties to use mediation in civil cases filed in this Court, with the exception of the specific cases specifically excluded from mediation more particularly described below. A case may be submitted to mediation as provided in this rule.

(C) Exceptions:

Mediation is prohibited in the following circumstances:

1. As an alternative to the prosecution or adjudication of domestic violence;
2. In determining whether to grant, modify, or terminate a protection order;
3. In determining the terms and conditions of a protection order; and
4. In determining the penalty for violation of a protection order.

The following actions shall be exempted from mediation services upon the request of any party and with the permission of the Court:

1. Cases in which one party has been convicted of, or plead guilty to a violation of Ohio Revised Code §2919.25 (domestic violence) within the past two (2) years, or when a civil temporary protection order is in effect;
2. Cases in which the physical distance between parties is so great that it is not feasible for them to participate in mediation sessions;
3. Cases in which one party is mentally ill;
4. In emergency circumstances requiring an immediate hearing by the Court; and

5. Cases in which the parties have achieved an executed Agreed Judgment Entry.

Mediation services are not available for cases involving abuse, neglect, dependency, unruly, delinquency, and juvenile civil protection orders.

Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order, or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

#### RULE 16.02 CONFIDENTIALITY

- (A) General. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. With the exception of the communications specifically set forth in division 16.02(B) below, mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the Mediator consent to disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should be first addressed with the Mediator when possible.

By participating in mediation, a nonparty participant, as defined in Ohio Revised Code §2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties, except that no evidence privilege shall be expanded.

- (B) Exceptions. All mediation communications are confidential with the following exceptions:

1. Parties may share all mediation communications with their attorneys;
2. Certain threats of abuse or neglect of a child or an adult;
3. Statements made during the mediation process to plan or hide an ongoing crime; and
4. Statements made during the mediation process that reveal a felony.

#### RULE 16.03 REFERRAL TO RESOURCES

The Seneca County Juvenile Court Chief Deputy Clerk shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children's Services, domestic violence prevention, counseling, substance abuse, and mental health services.

#### RULE 16.04 CASE SELECTION

- (A) A case in the Juvenile Division may be referred to mediation in the following manner:
  - 1. The Judge or Magistrate may refer a case for mediation by Court Order; and
  - 2. Upon written or oral motion, the Court may refer the matter to mediation.
- (B) The Court Mediator will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process. The Court Mediator may decline any referral.
- (C) All parties shall advise the assigned Judge or Magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which may become known to them following entry of the Order to Mediation but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral Order.
- (D) The mediation shall be commenced via a “Notice of Scheduled Mediation” which shall, at minimum, indicate the date, time, place of mediation, and contact information for the Mediator.

#### RULE 16.05 PROCEDURE

- (A) The Court shall utilize procedures for all cases that will:
  - 1. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;
  - 2. Screen for domestic violence both before and during mediation; and
  - 3. Encourage appropriate referrals to legal counsel and other support services for all parties including victims of and suspected victims of domestic violence.
- (B) The mediation of cases wherein violence or fear of violence is alleged, suspected, or present, may proceed only if the Mediator has the specialized training set forth in division 16.08 below (in cases involving the allocation of parental rights and responsibilities or the care of or visitation with minors) and all of the following conditions are satisfied:
  - 1. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline

participation in the mediation process, and his or her ability to have a support person, in addition to an attorney, present at mediation sessions;

2. The parties have the capacity to mediate without fear of coercion or control;
3. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation;
4. Procedures are in place for the Mediator to terminate the mediation if he or she believes that there is a continued threat of domestic violence or coercion between the parties; and
5. Procedures are in place for issuing written findings of fact, as required by Ohio Revised Code §3109.052, to refer certain cases involving domestic violence to mediation.

#### **RULE 16.06 REPORT OF MEDIATOR**

At the conclusion of any mediation, the Mediator will inform the Court, in compliance with Ohio Revised Code §2710.06, who attended the mediation and whether the case has settled. This report shall be submitted by the Mediator within 10 days of the conclusion of the mediation.

#### **RULE 16.07 EFFECT OF ONGOING COURT ORDERS IN MEDIATION**

Ongoing Court Orders such as discovery or Temporary Orders remain in effect throughout the mediation process. Further, specific Orders of the Court as to a particular case may supersede these general mediation rules.

#### **RULE 16.08 QUALIFICATIONS**

##### **(A) General Qualifications and Training.**

A Mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup. R. 16.21 governing Mediators and mediation, as well as meet all of the following qualifications:

1. Except as provided in division (A)(2) of this rule, a Mediator shall complete “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

2. A Mediator shall not be required to complete “Fundamentals of Mediation Training” if any of the following apply:
  - a. Prior to January 1, 2020, the Mediator has completed at least twelve hours of basic mediation training;
  - b. Prior to January 1, 2020, the Mediator has served as a full-time Mediator for a minimum of three years or mediated at least forty-five cases, in which case the Mediator shall complete the “Advanced Mediation Workshop” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution; or
  - c. The Mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental mediation topics, and mediates under the supervision of faculty at the law school.

(B) Specialized Training

1. Prior to accepting a referral from the Court for disputes involving the allocation of parental rights and responsibilities or the care of or visitation with minor children, a Mediator shall:
  - a. Possess a bachelor’s degree, or equivalent educational experience as is satisfactory to the Court, and at least two years of professional experience with families. “Professional experience with families” includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court;
  - b. Comply with the requirements of division (A) of this rule;
  - c. Complete “Specialized Family or Divorce Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.
  - d. Complete “Specialized Domestic Abuse Issues and Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution unless either of the following apply:
    - 1) The Mediator is co-mediating with another Mediator who has completed the training; or
    - 2) The Mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental and domestic abuse mediation topics, and mediates under the supervision of faculty at the law school who has completed the training.
2. Prior to accepting a referral from the Court for disputes involving school attendance mediation, a Mediator shall meet either of the following qualifications:

- a. Complete the requirements of division (A) of this rule; or
- b. Complete “School Attendance Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

### **RULE 17 JUVENILE CIVIL PROTECTION ORDERS**

#### Rule 17.01 PURPOSE AND PROCEDURE

(A) Juvenile Civil Protection Order cases before this Court shall be administered in accordance with Ohio Revised Code §2151.34, and Juvenile Domestic Violence Civil Protection Order cases before this Court shall be administered in accordance with Ohio Revised Code §3113.31, for the statutory purpose of bringing about a cessation to violence.

(B) All proceedings under Ohio Revised Code §2151.34 and Ohio Revised Code §3113.31 shall be conducted in accordance with the Ohio Rules of Civil Procedure.

(C) There are no costs or fees for filing or obtaining a protection order under these provisions.

(D) Every Petitioner shall be afforded the opportunity to be accompanied by a victim advocate in all stages of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order case. The forms promulgated by the Supreme Court of Ohio in Rule §10.05 of the Ohio Rules of Superintendence provide notice to the Petitioner of this right.

(E). All petitions requesting ex parte relief must be filed before 2:30 p.m., and the hearing shall be held the same day the petition is filed. All requests for ex parte relief shall be supported by sufficient testimony in support of the petition. To grant an ex parte Order, the Court must determine that there is an immediate and present danger to the Petitioner.

(F) If the Court issues an Ex Parte Order, a full hearing must be scheduled within ten (10) days.

(G) If the Court denies an Ex Parte petition, or if the Petitioner does not request an Ex Parte hearing, the Court will proceed as in a normal civil action and set for hearing on the Court’s active docket.

#### Rule 17.02 STANDARD FORMS



(A) The Court shall use substantially similar petitions and protection order forms to those promulgated by the Supreme Court of Ohio in Rule §10.05 of the Ohio Rules of Superintendence.

Rule 17.03 SERVICE

(A) Service of process is required for a full hearing in accordance with the Ohio Rules of Civil Procedure. Further, the Court shall direct that any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order or Consent Agreement issued by the Court be delivered the same day upon the Respondent, all the law enforcement agencies that have jurisdiction to enforce the Order, and the parent, Guardian or legal custodian of the Respondent the same day that the Order is entered.

Rule 17.04 ADDITIONAL FORMS OF RELIEF

(A) The remedies and procedures provided in Ohio Revised Code §2151.34 and Ohio Revised Code §3113.31 are in addition to, and not in lieu of, any other available civil or criminal remedies or any other remedies available under Ohio law.

(B) If a respondent is currently on Probation, the Court may determine that a modification of probation can serve in lieu of a Civil Protection Order.

**RULE 18 SEALING AND EXPUNGEMENT OF RECORDS**

(A) In most cases, application may be made to the Seneca County Juvenile Court for an Order to seal a juvenile record, or to expunge the record under Section 2151.358 of the Ohio Revised Code.

(B) To seal a juvenile record means to have the record removed from the main file of similar records and to have it secured by the Court in a separate file that contains only sealed records accessible only to the Juvenile Court, as defined in Section 2151.355(B) of the Ohio Revised Code.

(C) The Court must expunge all sealed records either five years from sealing or upon the juvenile reaching age 23, whichever comes first. After the record has been sealed, application may be made for earlier expungement. If the prosecuting attorney files a response that objects to the expungement of the records, the Court must conduct a hearing before the records may be expunged, as defined in Section 2151.358 of the Ohio Revised Code.

(D) To expunge the record means to destroy, delete and erase the record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable as defined in Section 2151.355(A) of the Ohio Revised Code.

(E) Cases adjudicated delinquent for committing Aggravated Murder, Murder, and Rape, shall not be sealed as outlined in Section 2151.356(A). Cases adjudicated delinquent for committing Sexual Battery or Gross Sexual Imposition may be considered for sealing pursuant to Section 2151.356 of the Ohio Revised Code.

(F) No fee shall be charged for any person applying to have their records sealed, pursuant to Section 2151.356 of the Ohio Revised Code.

(G) Any delinquency/unruly case which is handled as a diversion pursuant to Juvenile Rule 9 will be sealed upon successful completion of terms and conditions of diversion.

(H) Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders will be sealed when the Respondent turns 19 unless the Petitioner provides the Court with evidence that the Respondent did not comply with the Order

(I) Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders may be sealed after two years from expiration even if Respondent did not completely comply with the Order.

### **RULE 19 RECORDS MANAGEMENT AND RETENTION RULES**

(A) The Seneca County Common Pleas, Juvenile Division, hereby adopts Superintendence Rule 26, and any amendments thereto, in its entirety, and in special reference, to the records of the Seneca County Common Pleas Court, Juvenile Division, adopt Superintendence Rule 26.01 and 26.03, (and any amendments thereto), which govern the administration of the records created by the Common Pleas Court. To this end, the following are specified as rules of this Court.

(B) All indexes, dockets and journals as defined in Superintendence Rule 26; 26.01 and 26.03 shall be maintained in an electronic medium. These records shall be permanently retained. Electronic records and backups of the records shall be maintained until the records are microfilmed. Traditional paper or bound book records may be destroyed after having been microfilmed. The court calendar shall be retained permanently.

(C) Unless covered by the schedule of record retention and disposition provided by the Seneca County Records Commission, all exhibits and depositions may be destroyed after the conclusion of the litigation, including times for direct appeal, upon satisfaction of all, the following conditions:

1. The Clerk of Courts notifies, in writing, the party who tendered the exhibits,

depositions or transcripts that the party may retrieve the exhibits, depositions or transcripts within sixty (60) days of the written notification.

2. The written notification informs the party who tendered the exhibits, depositions or transcripts that the exhibits, depositions or transcripts will be destroyed within sixty (60) days if not retrieved.

3. The written notification informs the party who tendered the exhibits, depositions or transcripts of the location for retrieval of the exhibits, depositions or transcripts.

4. The party who tendered the exhibits, depositions or transcripts does not retrieve the exhibits, depositions or transcripts, within sixty (60) days from the date of notification.

5. The Seneca County Records Commission standard for transcripts from hearings have a 5 year retention period.

(D) All cassette tape and CD recordings of hearings shall be retained for five (5) years after the hearing date or one year after the issuance of an audit report by the Auditor of State, whichever is later.

(E) All administrative records of the Juvenile Division of the Court of Common Pleas shall be retained as follows:

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

2. Annual reports. Two copies of each annual report shall be retained permanently.

3. Bank records. Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

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

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

6. Correspondence and general office records. Correspondence and general office

records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records. Unless covered by the schedule of record retention and disposition provided by the Seneca County Records Commission which specifies a 1-5 year retention period for records of no value.

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

8. Employment applications for posted positions. Employment applications for posted or advertised positions shall be retained for two years.

9. Employee benefit and leave records. Employee benefit and leave records, including court office copies of life and medical insurance records shall be retained by the appropriate fiscal office for ten (10) years after termination or until the issuance of an audit report by the Auditor of State, whichever is later.

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

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

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

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

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

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

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

by another County authority. If not maintained by another county authority, successful bids and contracts shall be retained for 15 years after the contract expires. Unsuccessful bids shall be maintained for 2 years.

(F) The docket for Clerk of Court records of the Juvenile Division of the Court of Common Pleas shall be retained as follows: (As used in this rule, "docket" means the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal and the execution docket.)

(1) Required records.

- a. The division shall maintain an index, docket, journal and case files in accordance with Sup.R. 26(B) and any divisions of this rule.
- b. Upon the filing of any paper or electronic entry permitted by the division, a stamp or entry shall be placed on the paper or electronic entry to indicate the day, month and year of filing.

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

1. Names and addresses of all parties in full;
2. Names, addresses, and Supreme Court attorney registration numbers of all counsel;
3. The issuance of documents for service upon a party and the return of service or lack of return;
4. A brief description of all records and orders filed in the proceeding, the time and date filed, and a cross reference to other records as appropriate;
5. A schedule of court proceedings for the division and its officers to use for case management;
6. All actions taken by the division to enforce orders or judgments; and
7. Any information necessary to document the activity of the clerk of the division regarding the case.

(3) Retention schedule for the index, docket, and journal. The index, docket and journal of this division shall be retained permanently.

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

(5) Retention schedule for juvenile division case files.

1. Unruly records. Unless earlier expunged pursuant to R.C. Section 2151.355-2151.358, unruly records shall be retained until the child attains the age of twenty-one (21) years or for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later.

2. Delinquency records. Unless earlier expunged pursuant to R.C. Section 2151.355-2151.358, delinquency and adult records shall be retained for fifty (50) years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later.

3. Adults' records. Adult records shall be retained for fifty (50) years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later.

4. Juvenile by-pass records. Juvenile by-pass records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signatures of the complainant. Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought for two years after the filing of the appeal.

5. Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency and URESA records. Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained until the child who is the subject of the case obtains the age of 25 years. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or the date specified for case files in division (H)(3) of this rule, whichever is later.

6. Search warrant records. Search warrant records shall be listed chronologically and the warrants and returns retained in their original form for five (5) years after the date of service or last service attempt.

7. Traffic records. Unless earlier expunged pursuant to R.C. Section 2151.355-2151.358, minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-five years after the final order of the juvenile division. All

other traffic records shall be retained for fifty years after the final order of the juvenile division.

8. Marriage consent records. Marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later.

9. Probation, Court Services files, and CASA files shall be retained until one year after the termination of the case and the child who is the subject of the case obtains the age of 18 years.

(G) For any records created prior to 1960 or which are required to be retained more than ten years, the Clerk of this Court shall notify, in writing, the Ohio Historical Society, of all case files, dockets, journals and indexes scheduled for destruction sixty (60) days prior to the destruction of the records and offer the original records for safekeeping to them. The priority of the offer shall be in the order listed above. These records may be transferred to the possession of said entity as long as they maintain the records as public records.

#### **RULE 20 PUBLIC RECORDS POLICY**

(A) It is the policy of the Seneca County Common Pleas Court, Juvenile Division, to adhere to Ohio's Public Records Act and to those portions of the Ohio Revised Code and the Ohio Rules of Juvenile Procedure, and the Rules of Superintendence (and any amendments thereto), that require certain records to remain confidential. Any denial of public records in response to a valid request must be accompanied by an explanation. If the request is in writing, the explanation must also be in writing.

The Court hereby attaches as Appendix B, a copy of the Public Records Policy.

#### **RULE 21 TRAFFIC E-TICKETS**

(A) The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Seneca County Juvenile Court. The Electronically produced ticket shall conform in all substantive respects to the Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket, in compliance with Traffic Rule 3 (F)(1) and (2).

Appendix A

## JUVENILE COURT FEE SCHEDULE

### **Delinquent Actions/Unruly Actions:**

Bindover-Transfer of Jurisdiction to General Division for Prosecution	\$ 169.00 per case
Serious Youthful Offender	\$ 169.00 per case
Juvenile Felony Case	\$ 165.00 per case
Juvenile Misdemeanor Case	\$ 119.00 per case
Probation Violation	\$ 50.00 per case
Unruly/School Truancy	\$ 105.00 per case
Diversion	\$ 25.00
Juvenile Tobacco Offense: Probation Fee	\$ 135.00 per case \$ 75.00

### **Juvenile Traffic Offender:**

Seat Belt - Driver	\$ 111.00 per case
Seat belt - Passenger	\$ 101.00 per case
Non-moving violation	\$ 81.00 per case
Juvenile Traffic Offender (Misdemeanor)	\$ 129.00 per case
Juvenile Traffic Offender (Felony)	\$ 165.00 per case

OVI	\$ 134.00 per case
<b>Adult Criminal Action</b>	\$ 159.00 per case
Adult Application to Seal	\$ 50.00 per case

### **Civil Actions:**

New Civil Action	\$ 178.00 per case/child
Post dispositional Motion in an existing case	\$ 163.00 per child
Consent Judgment Entry without Pending Motion in a New Civil Action:	\$ 93.00 per case/child
Consent Judgment Entry without Pending Motion in an existing case:	\$ 78.00 per case/child
Citation in Contempt	\$ 163.00 per case/child
Habeas Corpus	\$ 163.00 per case/child
Deposit for Guardian ad Litem	\$1000.00 (1-4 children) \$1500.00 (5+ children)
Deposit for Home Investigation:	\$1000.00
Jury Demand:	As established by Common Pleas, General Division
Probation/Community Control: (Juvenile Traffic Offender & Delinquent Only)	\$ 75.00 per case
Drug Test for Juvenile on Probation:	\$ 5.00
Drug Test for Adult:	\$ 35.00
Payment Plan Fee: (Juvenile Traffic Offender & Delinquent Only)	\$ 5.00



Copy per page:	\$ .05
Certified copy:	\$ 1.00
“Buy-Out” Community Services per hour	Current minimum wage per hour
Transcript Fees	As determined by Court Reporter
Filing of Appeal	As established by 3 <sup>rd</sup> District Local Rules
Restitution Surcharge – 5% of total amount collected (Juvenile Traffic Offender & Delinquency only)	
Credit Card/Debit Card Fee	As charged by Credit Card Company
Witness Fee:	As provided by the Rules & Statute
Sheriff Fees:	As requested by Sheriff
Publication on Deposit:	As determined by newspaper

## Appendix B

### LOCAL RULE 20-PUBLIC RECORDS POLICY

Effective January 1, 2008

It is the policy of the Seneca County Common Pleas Court, Juvenile Division, to adhere to Ohio’s Public Records Act and to those portions of the Ohio Revised Code and the Ohio Rules of Juvenile Procedure, and the Rules of Superintendence (and any amendments thereto), that require certain records to remain confidential. Any denial of public records in response to a valid request must be accompanied by an explanation. If the request is in writing, the explanation must also be in writing.

- 1.05.01 Public Records:  
This court, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not

limited to e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this court are public records unless confidential or otherwise exempt from disclosure under the Ohio Revised Code, the Ohio Rules of Juvenile Procedure, or the Rules of Superintendence (and any amendments thereto).

- 1.05.02 It is the policy of this court that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.
- 1.05.03 Certain records kept by this court are excluded from public inspection by applicable provisions of the Ohio Revised Code, the Ohio Rules of Juvenile Procedure and the Rules of Superintendence, if applicable, (and any amendments thereto), and shall not be released to the general public. These records include, but are not limited to:
- a. Adoption records or documents (R.C. 149.43(A)(1)(d);
  - b. Probation documents, including but not limited to: probation officers' case notes, community service, diversion, and restitution information for children on probation. (R.C. 149.43(A)(1)(b); 2151.14(B);
  - c. Judge's or Magistrate's trial notes (R.C. 149.43(A)(1)(g);
  - d. Putative Father Registry information (R.C. 149.43(A)(1)(e);
  - e. Records of Minors seeking approval for abortion (R.C. 149.43(A)(1)(C);
  - f. DNA records (R.C. 149.43(A)(1)(j);
  - g. Records maintained by the Ohio Department of Youth Services pertaining to children in its custody released to the Department of Rehabilitation and Correction (R.C. 149.43(A)(1)(l);
  - h. Estate tax returns in the possession of the Probate Court, Department of Taxation, County Auditor, County Treasurer and Ohio Attorney General (R.C. 5731.90);
  - i. Medical records which include documents pertaining to medical history, diagnosis, prognosis, or medical condition of a patient including psychiatric history, diagnosis and prognosis (R.C. 149.43(A)(1)(a); 2151.14(B); Juv.R. 32(C);
  - j. Confidential law enforcement investigatory records (R.C. 149.43(A)(1)(h);
  - k. Sealed or expunged records (R.C. 2151.355 to 2151.358, et seq.);
  - l. Recording of proceedings (Juv.R. 37(B);
  - m. Fingerprints and photographs, and records of an arrest or custody that was the basis of the taking of fingerprints or photographs (R.C. 2151.313(D); and,
  - n. Records the release of which is prohibited by state or federal law (R.C. 149.43(A)(1)(v).
- 1.05.04 Each request for public records should be evaluated for a response using the following guidelines:

- a. Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the court to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
- b. The requestor does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this court's general policy that this information is not to be requested.
- c. Public records are to be available for inspection during regular business hours, with the exception of holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; the accessibility of the records; and, the necessity for any legal review of the records requested.
- d. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. All requests for public records must either be satisfied or be acknowledged in writing by the court within five (5) business days following the court's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following: i) an estimated number of business days it will take to satisfy the request; ii) an estimated cost if copies are requested; and, iii) any items within the request that may be exempt from disclosure.

- 1.05.05 Any denial of public records must include an explanation. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder released, if permitted by Ohio law. If there are redactions, each redaction must be accompanied by a supporting explanation.
- 1.05.06 Those seeking public records will be charged only the actual cost of making copies. Requestors may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- 1.05.07 Documents in electronic mail format are records as defined in the Ohio Revised Code when their content relates to the business of the court and is not confidential or otherwise exempt by applicable Ohio law or the Ohio Rules of Juvenile Procedure or the Rules of Superintendence, or any amendments thereto. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

a. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the court are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and / or to the court's records custodian.

1.05.08 This policy applies to all departments of the Juvenile Division.

Appendix C

*Standard Parenting Time (Visitation) Order*

**LOCAL RULE 8 -PARENTING TIME/VISITATION/COMPANIONSHIP**

The following are the standard Parenting Time (visitation) rules for the Seneca County Juvenile Court. To keep pace with societal changes, the Seneca County Juvenile Court has from time to time amended its standard visitation rules. To avoid confusion regarding application of the various rules, effective February 1, 2017, the following shall be designated as the standard rule of this Court. Should there be a conflict, dispute or contempt proceeding necessitating interpretation of former Rules 49, 50 and 51, or Local Rule 8, the Court reserves discretion to make a ruling resolving all conflicts. However, all parties are notified that these rules shall be the standard visitation Order unless agreed or Ordered otherwise on all Orders issued by the Seneca County Juvenile Court.

***STANDARD PARENTING TIME (VISITATION) ORDER***

NOTE: If interpretation of these rules involve a prior rule, or a custodian as opposed to a parent, the term “residential parent” and legal custodian shall be considered the “Mother” for interpreting the rules.

These rules set forth specific times for Parenting Time (visitation) to enable child(ren) to spend an equitable amount of time with both their parents in consideration of their age, educational and extracurricular obligations and their parents work schedules. The times designated are designed to give the child(ren) specific periods that they can plan on to be with their parents and to provide them with stability, order and continuity.

These rules are not created to give parents legal weapons to use against each other. The Court will consider a parent’s breach of an obligation, first in the light of the effect it has on the child(ren), and secondly, its effect on the other parent.

Parenting Time (visitation) is a time for child(ren) to spend with the parent they do not live with. Liberal visiting arrangements are encouraged, as contact with both parents is important to the child(ren). **Specific items in the Journal Entry of the Court will take precedence over this schedule.**

At the outset, **visitation should be at such times and places as the parents can agree.** If the parents are unable to agree, then visitation shall be no less than the following:

#### **Infants: 0 – 2 Months**

For infants younger than two (2) months of age, the non-residential parent may spend time with the infant in the residential parent’s home, or the agreed home of a relative, three (3) days per week, for two (2) hours per visit. If the parties cannot agree as to days and time, the following schedule shall be followed: on each Sunday from 2:00 p.m. to 4:00 p.m., and on each Tuesday and Thursday evening, from 6:00 p.m. to 8:00 p.m.

#### **Infants: 2 Months – Age 2**

Commencing at age two (2) months, parenting time is spent away from the residential parent’s residence.

(A) Beginning at two (2) months through twelve (12) months, the non-residential parent may spend time with the child away from the residential parent’s residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.

(B) From thirteen (13) months through twenty-three (23) months, the non-residential parent may spend time with the child as follows: every Tuesday and Thursday evening

from 5:30 p.m. to 8:30 p.m., and on alternating weekends from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.

(C) Holidays and days of special meaning shall be by agreement of the parties, if the parties are unable to agree, then the non-residential parent shall have the child for two hours (5:00 p.m. to 7:00 p.m.) on the days and times designated in the schedule set forth below.

**Child(ren): Age 2 and beyond**

After the child reaches two years of age, visitation by the non-residential parent shall be on alternating weekends from Friday at 7:00 P.M. to Sunday at 7:00 P.M. (the beginning and ending times may vary to accommodate the work schedules of the parties). This alternating weekend schedule shall not change, even if interrupted by holiday and birthday, summer and/or vacation parenting time.

There shall also be a mid-week visit every Wednesday from 5:00 p.m. to 9:00 p.m. (8:00 p.m. for child(ren) under 8).

Additionally there shall be visits at such other times as the parents may agree. Although the parents are not obligated to do so, the Court encourages additional visitation.

**Holidays and days of special meaning:**

Unless otherwise indicated, holiday visitations shall commence at the regular hour as set for the commencement of weekend visitation and shall end at the regular hour set for the ending of weekend visitation. Listed holiday visitation shall take precedence over regular visitations but shall not otherwise modify it, for example, if the holiday granted in any particular year to a non-residential parent fall between the regular weekend visitations, the non-residential parent will have three weekends in a row that particular time.

Mother's Day the child(ren) shall be with the mother and Father's Day the child(ren) will be with the father. In the event this provision requires the child(ren) to be with the non-residential parent on a day not falling within the non-residential parent's visitation weekend, said non-residential parent shall receive the child(ren) at 9:00 a.m. on that day and shall return the child(ren) at 7:00 p.m. on said day.

The birthday of each child shall be spent with the mother in even numbered years and the father in odd-numbered years, provided that the visiting parent give one week's notice of

his or her intent to exercise such birthday visitation. Such visitation shall take place from 10:00 a.m. to 8:00 p.m. for a child not then in school, and from 5:00 p.m. to 8:00 p.m. for a child then in school. Visitation for the child's birthday shall take precedence over other visitations. The custodial parent shall take all reasonable steps to ensure the attendance of the child's brothers and sisters at the birthday event.

In even years mother shall have the child(ren) on Halloween from 5:00 p.m. – 8:00 p.m. of the night Trick-or-Treat is scheduled in her neighborhood, and in odd years father shall have the child(ren) on Halloween from 5:00 p.m. – 8:00 p.m. of the night Trick-or-Treat is scheduled in his neighborhood.

The parents shall have the child(ren) on other holidays as follows:

### **Even Years**

#### **MOTHER**

- Martin Luther King Day and President's Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)
- Memorial Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)
- Labor Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)
- Christmas Eve at 2:00 P.M. until Christmas Day at 2:00 p.m.

#### **FATHER**

- Easter (Thursday evening 7:00 p.m. to Sunday evening 7:00 p.m.)
- Fourth of July (evening before the 4<sup>th</sup> at 7:00 p.m. to continue to the morning after the 4<sup>th</sup> at 10:00 a.m.) When the 4<sup>th</sup> falls on Friday, visitation shall commence on the evening before the 4<sup>th</sup> at 7:00 p.m. and continue to Sunday at 7:00 p.m. When the 4<sup>th</sup> falls on a Saturday, visitation shall commence on Friday night at 7:00 p.m. and continue to Sunday night at 7:00 p.m. When the 4<sup>th</sup> falls on a Sunday, visitation shall commence on the Friday before the 4<sup>th</sup> at 7:00 p.m. and continue to the morning after the 4<sup>th</sup> at 10:00 a.m.
- Thanksgiving Day (Wednesday night at 7:00 p.m. to Friday night at 7:00 p.m.)
- Christmas Vacation and New Year's Day (Christmas Day at 2:00 p.m. until 7:00 p.m. New Year's Day)

### **Odd Years**

#### **MOTHER**

- Easter (Thursday evening 7:00 p.m. to Sunday evening at 7:00 p.m.)
- Fourth of July (evening before the 4<sup>th</sup> at 7:00 p.m. to continue to the morning after the 4<sup>th</sup> at 10:00 a.m.). When the 4<sup>th</sup> falls on Friday, visitation shall commence on the evening before the 4<sup>th</sup> at 7:00 p.m. and continue to Sunday at 7:00 p.m. When the 4<sup>th</sup> falls on a Saturday, visitation shall commence on Friday night at 7:00 p.m. and continue to Sunday

night at 7:00 p.m. When the 4<sup>th</sup> falls on a Sunday, visitation shall commence on the Friday before the 4<sup>th</sup> at 7:00 p.m. and continue to the morning after the 4<sup>th</sup> at 10:00 a.m.  
-Thanksgiving Day (Wednesday night at 7:00 p.m. to Friday night at 7:00 p.m.)  
-Christmas Vacation and New Year's Day (Christmas Day at 2:00 p.m. until 7:00 p.m. New Year's Day)

#### FATHER

-Martin Luther King Day and President's Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)  
-Memorial Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)  
-Labor Day (Friday evening 7:00 p.m. to Monday evening at 7:00 p.m.)  
-Christmas Eve at 2:00 p.m. until Christmas Day at 2:00 p.m.

Holiday visitation shall take precedence over regular alternating week end visitation and summer visitation. The Court recognizes that from time to time the non-residential parent may have visitation on three consecutive weekends.

#### **Summer Vacation:**

Child(ren) two years of age and older (as of April of the particular year) shall have summer visitation with the non-residential parent. The non-residential parent shall not be permitted to exercise his/her right five weeks visitation with the child(ren) unless he/she has maintained a consistent and regular visitation schedule with the child(ren).

The non-residential parent shall enjoy five weeks of summer visitation each year. The non-residential parent shall give the residential parent written notice of summer parenting time plans prior to April 1 of each year.

If the non-residential parent's vacation time is not dictated by his/her employer and he/she can schedule their own vacation times, then, the non-residential parent shall not schedule his/her vacation to interfere with the residential parent's vacation if the residential parent's employer dictates his/her vacation time. If the residential parent can schedule his/her vacation at any time, the non-residential parent has priority of choice for summer parenting time dates if notice is given as required. If notice is not given by April 1, the residential parent has priority in scheduling any summer vacation plans.

During summer parenting time, the residential parent receives weekday parenting time as enjoyed by the non-residential parent during the rest of the year. The alternating weekends are to continue without interruption.

If summer school is necessary for the child to pass to the next grade, both parents shall ensure that it is completed.



As part of his/her summer parenting time, each parent may arrange an uninterrupted vacation of two weeks with the child(ren). The parent who leaves town shall provide a general itinerary to the other parent, including dates, locations, addresses and telephone numbers.

### **GENERAL RULES REGARDING PARENTING TIME**

Failure to give notice of no visitation is a waiver of that visitation.

The non-residential parent must give 24-hour advance notice of intent NOT to exercise parenting time. Unless prior arrangements are made, a parent who does not exercise the parenting time forfeits that time. Failure to exercise scheduled time is upsetting to the child(ren). A parent who continually fails to exercise this right may have parenting time modified and may be subject to other legal remedies by motion of the other parent.

Visitation shall not terminate support for that period of time, unless by specific order, since the weekly rate is adjusted for those periods of visitation and vacation visitation at the non-custodial residence.

#### **Transportation:**

The non-residential parent shall transport the child at the start of parenting time period. The residential parent shall transport the child at the end of parenting time period. This means that the parents, unless otherwise agreed to by both parents or unless ordered by the Court, shall share the transportation of the child equally. A parent, if unavailable for the pick-up of the child, shall have a responsible adult, well known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving with the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child. Unless otherwise ordered by the Court or agreed to by the parties, the child shall be dropped off/picked up at the parent's homes. If the child is to be picked up from a daycare or school facility which requires written consent for the pickup, the residential parent shall sign such written consent prior to the commencement of any parenting time period.

The child(ren) of the parties shall be picked up for visitation personally by the non-residential parent. In the event that work schedules or other circumstances exist which preclude the non-residential parent from picking up the child(ren) for visitation, the child(ren) may be picked up by the non-residential parent's spouse, a grandparent, or some other responsible adult. It is the intention of the Court that the non-residential parent visit with the minor child(ren) of the parties during scheduled visitation and that the visitation be quality-time between the non-residential parent and the child(ren). Consequently, the non-residential parent shall not leave the child(ren) for extended periods during visitation with third parties, but rather the non-residential parent shall be available at all times practicable to visit with the child(ren).

Both parties shall be diligent in having the child(ren) ready and available at the appointed times and the transporting party shall be prompt in picking up and delivering the child(ren) at their residence, provided however, that the transporting parent for visitations shall have a grace period

of thirty (30) minutes for pickup and delivery if both parties live within a distance of thirty (30) miles of each other. If the one-way distance to be traveled is in excess of thirty (30) miles, the grace period shall be one (1) hour. In the event that the visiting parent exceeds the grace period, the visitation for the weekend is forfeited, unless prior notification and arrangements have been made and except in cases where the visiting parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route, and the visiting parent promptly notifies the residential parent by phone of the delay.

**Clothing:**

The residential parent shall send with the child(ren) on visitation sufficient clothing and outer wear appropriate for the season to last the period of visitation. Clothing for weekend visitation shall consist of a minimum of two sets of play clothes and one dress outfit in addition to the clothes that the child(ren) are wearing at the time of the start of visitation. Clothing for summer vacation shall consist of a minimum of four sets of play clothes and one dress outfit in addition to the clothes that the child(ren) are wearing at the time of the start of visitation.

In the case of infants, sufficient bottles, formula and diapers to last the weekend or for the travel time plus one day for summer vacation. If a child is a participant in a school or extracurricular activity that occurs during regular visitation, the visitation shall take place as scheduled, but the visiting parent shall have the responsibility of taking the child to the activity.

**Schoolwork:**

A parent must provide time for any child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parents plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the non-residential parent of the school work to be done, so that it may be timely completed.

**Education of the child(ren):**

Unless otherwise agreed, the child(ren) shall attend the public schools in the school district where the residential parent resides.

Neither parent shall enroll the child(ren) in a private or parochial school without the consent of the other or an order of Court first obtained, unless, the child(ren) were so enrolled prior to any Court Order.

**School and Day Care records, notices and activities:**

The residential parent shall make contact with the administrators of the schools that the child(ren) attend and cause the school to enter in its student records the name, residence address and telephone number of the non-residential parent and any information the school may need to reach the non-residential parent for routine or emergency reasons.

The residential parent shall direct and authorize the school to release any and all information concerning the child(ren) to the non-residential parent. The residential parent and the school shall make such arrangements as are necessary to timely provide to the non-residential parent copies of all grade reports, notices and bulletins that the residential parent would routinely receive from the school.

If for any reason the school is unable to provide the non-residential parent with the grade reports, notices and bulletins that the residential parent routinely receives, then the residential parent shall make copies of the same and shall immediately deliver them to the non-residential parent.

The residential parent shall be responsible to provide the following information and deliver the same to the non-residential parent as soon as it is available, to wit:

Parent teacher meetings which shall be scheduled, whenever possible, so that both parents can attend together and

School programs and all scheduled events in which the child(ren) are participants or have a particular interest in, including but not limited to the following, academic, drama, athletic, instrumental or vocal music programs, school clubs, or other organized programs or events and

Extra-curricular programs and all scheduled events in which the child(ren) are participants or have a particular interest in, including but not limited to the following, baseball, softball, swimming, scouting, 4-H, Y.M.C.A. or Y.W.C.A, theater, music/dance recitals, church pageants and programs and any other programs or events.

Regardless of the parenting time schedule the child(ren)'s participation in extracurricular activities, school-related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent in physical possession at the time of the activity to provide the physical and/or cost of transportation to these activities. The residential parent shall timely provide the other parent with notice of all extracurricular activities, school related or otherwise, in which the child(ren) participate, schedules of all extracurricular activities and the name of the activity leader (including address and telephone number if reasonably available).

Pursuant to Ohio Revised Code Sections 3109.051(H) and 3319.321(B)(5)(a), the parties are also notified as follows:

**EXCEPT AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. SECTIONS 3125.16 AND**

3319.321(F), A PARENT OF A CHILD WHO IS NOT THE RESIDENTIAL PARENT OF THE CHILD IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS UNDER WHICH ACCESS IS PROVIDED TO THE RESIDENTIAL PARENT, TO ANY RECORD THAT IS RELATED TO THE CHILD AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID RECORDS AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS TO BOTH THE RESIDENTIAL PARENT AND THE NON-RESIDENTIAL PARENT. **ANY KEEPER OF A RECORD WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.**

Pursuant to Ohio Revised Code Section 3109.051(I), the parties are also notified as follows:

**DAY CARE CENTER ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051(I), the parties hereto are hereby notified as follows: THE COURT ISSUING A PARENTING TIME ORDER OR DECREE PURSUANT TO THIS SECTION OR O.R.C. 3109.12 SHALL DETERMINE WHETHER THE PARENT GRANTED THE RIGHT OF PARENTING TIME IS TO BE PERMITTED ACCESS, IN ACCORDANCE WITH O.R.C. SECTION 5104.011, TO ANY CHILD DAY-CARE CENTER THAT IS, OR THAT IN THE FUTURE MAY BE, ATTENDED BY THE CHILDREN WITH WHOM THE RIGHT OF PARENTING TIME IS GRANTED. UNLESS THE COURT DETERMINES OTHERWISE, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT AND WHO IS GRANTED PARENTING TIME RIGHTS IS ENTITLED TO ACCESS TO THE CENTER TO THE SAME EXTENT THAT THE RESIDENTIAL PARENT IS GRANTED ACCESS TO THE CENTER. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID CENTER AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS OF ACCESS (WHICH SHALL NOT BE GREATER THAN THE ACCESS THAT IS PROVIDED TO THE RESIDENTIAL PARENT) AND THE COURT SHALL INCLUDE SAID TERMS AND CONDITIONS OF ACCESS IN THE PARENTING TIME ORDER OR DECREE.

**Child(ren)'s Activities:**

Regardless of where the child is living, the child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of an activity shall transport the child to the

activity, unless otherwise agreed by the parties, in advance of the parenting time period. Each parent shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

The residential parent shall not enroll a child in a school or extracurricular activity that substantially interferes with the non-residential parent's visitation rights, including summer visitation, unless the non-residential parent consents to the same.

The purpose of visitation and companionship schedules is to provide the child(ren) time to spend with their non-residential parent. The Court will not look favorably on any parent who consistently leave the child(ren) with baby-sitters or other non-family persons while the parent pursues their own pleasures or entertainment and will consider the same a violation of these Rules.

Pursuant to Ohio Revised Code Section 3109.051(J), the parties hereto are hereby notified as follows:

**SCHOOL ACTIVITIES NOTICE:** Pursuant to Ohio Revised Code Section 3109.051(J), the parties are also notified as follows:  
EXCEPT AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. 3319.321(F), THE PARENT OF THE CHILD WHO IS NOT THE RESIDENTIAL PARENT OF THE CHILD IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS UNDER WHICH ACCESS IS PROVIDED TO THE RESIDENTIAL PARENT, TO ANY STUDENT ACTIVITY THAT IS RELATED TO THE CHILD AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. IF THE COURT DETERMINES THAT THE NON-RESIDENTIAL PARENT SHOULD NOT HAVE THE SAME ACCESS TO SAID STUDENT ACTIVITIES AS THE RESIDENTIAL PARENT, SAID COURT SHALL ISSUE AN ORDER CONTAINING THE TERMS AND CONDITIONS TO BOTH THE RESIDENTIAL PARENT AND THE NON-RESIDENTIAL PARENT. **ANY SCHOOL OFFICIAL OR EMPLOYEE WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.**

**Medical, dental and optical care:** The child(ren) shall continue to be cared for by the same health care providers that attended them during the time prior to a filing with the Court unless otherwise agreed to by the parties, or for geographic reasons is not practical.

If a child is ill, requiring medication or consultation with a doctor/dentist, each parent must notify the other as soon as possible.

If the child becomes ill while with the residential parent prior to a scheduled parenting time period, the parent must contact the other parent and discuss the advisability of parenting time while considering the best interest of the child as the primary concern.

If a child is ill immediately prior to a scheduled visitation, the residential parent should give 24 hour notice, if possible, so appropriate plans can be made. However, if any parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or critical illness, then any missed parenting time shall be made up as follows:

**Make-Up Parenting time:** Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.

If the parents agree that there will be parenting time while the child is ill, the residential parent must provide written instructions and sufficient medication for the parenting time period. The non-residential parent shall notify the other parent if the child's condition worsens or does not improve as expected.

If one child is ill and does not enjoy the parenting time period, other child(ren) shall enjoy their regularly scheduled parenting time period.

The non-residential parent shall seek emergency treatment if necessary for the child(ren)) during his/her period of parenting time.

The residential parent shall communicate, in writing, any allergic or chronic condition of the minor child(ren), together with the medication and recommended treatment.

Routine medical, dental and optical care will be arranged by, and be the responsibility of, the residential parent. Consulting with the non-residential parent is not required before such routine care is undertaken.

Either parent who has the physical custody of the child(ren) at the time, shall promptly notify the other of any illness or injury that requires the child(ren) to be seen or treated by a doctor or other health care provider.

Either parent who has the physical custody of the child(ren) at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consultation with the other parent, if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the child(ren)'s treatment and condition, the name of the treating physicians and the location of the medical facility where the child(ren) have been admitted or treated.

Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child(ren) without timely consulting with the other parent in advance.

Neither parent shall subject the child(ren) to a piercing or tattooing of any part of their anatomy, or allow the child(ren) to do so on their own, without the consent of the other parent.

**Relocation:**

Either parent must notify the other in writing at least 30 days in advance of his/her intent to change residence. Each parent shall provide a current address and telephone number to the other parent at all times. If the parties move more than 150 miles apart, unless the parties agree otherwise, each shall comply with the Long Distance Parenting Time Schedule without further order of the court. The parties shall also comply with local Rule 7.06 in notifying the Court and Child Support on any change in address within 30 days prior to moving.

Pursuant to Ohio Revised Code Section 3109.051(G), the parties are also notified as follows:

IF THE RESIDENTIAL PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARENTING TIME ORDER OR DECREE OF THE COURT, THE PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THE COURT THAT ISSUED THE ORDER OR DECREE. UNLESS OTHERWISE ORDERED PURSUANT TO O.R.C. 3109.051(G)(2), (3) AND (4), THE COURT SHALL SEND A COPY OF THE NOTICE TO THE PARENT WHO IS NOT THE RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE PARENT WHO IS NOT THE RESIDENTIAL PARENT, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARENTS TO DETERMINE WHETHER IT IS IN THE BEST INTEREST OF THE CHILD(REN) TO REVISE THE PARENTING TIME SCHEDULE FOR THE CHILD.

**Address and Telephone Numbers:**

Unless the Court orders otherwise, each parent shall keep the other parent informed of his/her current address and telephone/cell/text/pager number, and an alternate telephone number in the event of an emergency. Absent an order of the court, no parent shall put a block on his/her phone prohibiting the other parent from calling. Answering Machines and/or Voice Mail for both parents are encouraged, in order to facilitate communication. If either parent takes the child outside the county in which that parent resides, for a period of 24-hours or more, that parent must provide the other parent with the destination, times of arrival and departure, and method of travel and a telephone number where the child can be reach in an emergency.

**Obligations imposed on both parents**

When exercising parenting time, a child may exhibit a strong emotional reaction when saying good-bye to either parent. Child mental health professionals concur that this emotional response is generally quite normal, especially with young child(ren), and does not mean that the child does not love the other parent or does not want to spend time with the other parent. Both parents need to calmly reassure the child that the child will see the other parent soon. The length of the adjustment will vary. If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation. Parents should comfort and calmly talk with the child, and provide reassurance. Confrontation and unpleasant scenes are to be avoided. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional, or file a motion with the Court. As uncomfortable as this issue may be for a parent, this issue should not remain unresolved. **IT IS THE DUTY OF THE RESIDENTIAL PARENT TO TAKE ALL REASONABLE MEASURES TO MAKE SURE THAT THE CHILD GOES FOR THE PARENTING TIME PERIOD.**

**Mutual respect:**

Neither parent shall criticize the other or allow a subsequent spouse or significant other to do so in the presence of the child(ren).

A parent should not, nor permit any other person to, suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

**Discipline:**

It is presumed that the parents will use consistent discipline between the households and will communicate with each other concerning the need for discipline of the child(ren). If the parents disagree over the appropriate discipline or solutions to the child(ren)'s behavior, they should seek the help of a professional. Examples of concern are decline in grades, truancy problems, delinquency, or drastic changes in behavior.

**Communication between parents:**

Both parents will communicate directly with each other regarding any matters involving their child(ren). Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor child(ren) unless such communications are amicable and are of minor significance.

It is the parent's responsibility, not the child(ren), to make all parenting time arrangements. Neither parent should communicate with a child about the issue of parenting time, or future events or activities which conflict with the other parent's scheduled time. It is not the child's responsibility to mediate or become involved in parental differences over parenting times, dates or activities. If the parties are unable to communicate with each other, they may use other adults to make parenting time arrangements. The best solution is to seek professional help to improve their ability to communicate for the best interest of their child(ren).



**Communication between parent and child(ren):**

Both parents shall encourage free communications between the child(ren) and other parent. Neither parent shall do anything to impede or restrict communications by E-mail, text, fax or surface mail between the child(ren) and the other parent, whether the same is initiated by the child(ren) or the other parent.

The mail exchanged by the child(ren) and either parent shall be strictly confidential between the child(ren) and that parent and such mail shall not be opened or read by the other parent.

The non-residential parent shall have the right to initiate a telephone call to each child twice each week. The duration of the call shall not exceed fifteen (15) minutes. The residential parent shall have the same rights during the summer and Christmas vacation

Each child shall have the right to initiate telephone calls to the non-residential parent at least twice each week. The duration of the call shall not exceed fifteen (15) minutes. The child shall have the same right to call the residential parent during the summer and Christmas vacation.

The residential parent shall encourage free communication between the child(ren) and the non-residential parent and shall not impede or restrict communications between the child(ren) and non-residential parent whether initiated by the child(ren) or the non-residential parent. This rule applies equally to the non-residential parent when the child(ren) is/are on extended visitation with the non-residential parent.

**Religious practice:**

Neither parent shall attempt to modify the child(ren)'s religious practices without the consulting with the other. If the issue is disputed, a Motion shall be filed with the Court and an evidentiary hearing will be held.

**Non-Compliance:**

Any of the rights or responsibilities outlined in this schedule may be enforced by the Court after the filing of the appropriate motion of either party. A parent may not withhold parenting rights because the other party does not obey another Court Order, including, but not limited to, the payment of child support.

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court.

**The parents are advised that it is a violation of law for any person to obtain or attempt to obtain from a child a written or recorded statement setting forth the child's wishes and concerns regarding the allocation of parental rights. ORC 3109.04 (B) (3).**

In all cases that involve minor child(ren), it shall be the responsibility of the Attorney of record to cause a copy of these Rules to be delivered to his/her client. Said attorney shall make reasonable efforts to make sure his/her client reads and understands these Rules.

***LONG DISTANCE PARENTING TIME***  
(parents who live more than 150 miles apart)

COMPANIONSHIP SHALL TAKE PLACE AT SUCH TIMES AND PLACES AT THE PARTIES CAN AGREE (these are the most important words)

For child(ren) under the age of 2, this shall not normally be less than:

If the non-residential parent visits the community where the residential parent lives he/she is entitled to parenting time with the child(ren) if the non-residential parent provides two (2) days advance written notice to the residential parent. The parenting time may be outside the presence of the residential parent.

If the parties are unable to agree on the time to be spent with the child then the non-residential parent may spend time with the child away from the residential parent's residence two weekday evenings from 5:30 p.m. to 8:30 p.m., through the week and one day each weekend, either Saturday or Sunday, from 10:00 a.m. to 6:00 p.m.

For child(ren) age 2 and older, this shall not normally be less than:

The non-residential parent must give the residential parent thirty (30) days' notice IN WRITING to exercise the following:

Summer Vacation- June 15 through August 15 each year, and in the

EVEN NUMBERED YEARS

Christmas Vacation (from  
The day vacation starts to December 26)

ODD NUMBERED YEAR

Christmas Vacation (from  
December 26 to January 2)

For purposes of this Rule, the 30 day notice time period shall commence upon the actual receipt of written notice by the residential parent.

**Additional Companionship Times**

(A) Weekend: Third Friday at 7:00 P.M. through Sunday at 7:00 P.M. every month if travel time between homes is less than four (4) hours. Advance notice, of one week, must be given to the residential parent of one week to exercise this additional companionship time.

(B) Father's Day to the father, and Mother's Day to the mother if there is one week advance notice to exercise this additional companionship time.

(C) If the non-residential parent travels to the community where the residential parent lives, and gives one week's advance notice of intent to exercise companionship, companionship must occur.

For each visitation it shall be the responsibility and expense of the non-residential parent to provide transportation for the commencement of visitation and it shall be the responsibility and expense of the residential parent to provide transportation for the return of the child(ren). If either parent elects to use public transportation such as airline, train or bus, it shall be the responsibility of the parent then having physical custody of the child(ren) to timely deliver them to the terminal to connect with their transportation.

While no specific times are set for long distance exchanges, due to the need for flexibility in making transportation arrangements, the Court does expect parents to be reasonable in considering their children's needs.

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economical support; and the father and mother each respects the right of the other to parent their child(ren).

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

Children whose parents live at a considerable distance from each other grow up to be as normal and healthy as children whose parents live together if the parents communicate well, and if both parents continue regular contact with their child(ren), avoid anger in front of the child(ren) when dealing with or talking about the other parent. It is normal for a child to have a strong emotional reaction to leaving his or her residential parent, and an equally strong reaction when leaving the non-residential parent. Parents need to know that their child's emotional response is natural and that it does not mean that the child does not love the other parent, or wishes not to be returned to that parent. Parents need to calmly reassure the child that he or she will see the other parent again. A healthy child should adjust to the situation.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to calmly talk to the child as to the child's reasons, and to work together to do what is in the child's best interest, particularly avoiding confrontation or unpleasant scenes. If the matter is not settled quickly, either parent should seek the immediate assistance of a mental health professional, or file a motion with the Court. No parent should allow a child to decide when or whether parenting time will take place. As uncomfortable as this problem may be for either parent, this issue should not go unresolved. **IT IS THE ABSOLUTE, AFFIRMATIVE DUTY**

OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD(REN) GO FOR ALL PARENTING TIME AND THE RESIDENTIAL PARENT DISCUSSES WITH THE CHILD IN ADVANCE OF THE PARENTING TIME THE IMPORTANCE OF HIS OR HER CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

Travel by methods other than car require the residential parent to transport the child timely to the transportation terminal for departure and for picking up.

**Transportation by Car:**

Any responsible adult with a valid driver's license well-known to the child(ren) may be utilized by the non-residential parent to provide transportation. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child may be a user of illegal drugs, or under the influence of alcohol.

**Transportation by Airplane:**

Airline regulations govern the age at which a child may fly unescorted. An older child may fly under such regulations as each airline may establish. Airline reservations should be made well in advance, and preferably non-stop. The parent who is taking the child to the airport must call the other parent immediately upon departure to notify the other parent that the child is arriving, and the parent who meets the child must immediately notify the other parent that the child has arrived. Parents should consider in making the decision on this method of transportation whether or not the child may need an adult to chaperone the flight.

**Costs of Transportation:**

There is no general rule about who pays the costs of transportation, regardless of which parent no longer lives in the community where the child makes his or her primary residence. Each case is different. The parents need to agree on payment of transportation expense before the first time the child needs to be transported and make their agreement part of their Court order.

**Clothing:**

The residential parent is responsible for providing sufficient appropriate clean clothing for the companionship period including good and play clothes, based on the lifestyle of the residential parent and child. If planned activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance of the companionship period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be immediately returned at the end of the parenting time.

**Summer School:**

Summer school which is necessary for a child to pass to the next grade must be attended at the location of the non-residential home after receipt of written notice from the residential parent. The non-residential parent must make arrangements with both schools

and be certain that documentation of completion is received by the child's school in the residential parent's community.

**Address and Telephone Numbers:**

Each parent must, unless the Court orders otherwise, keep the other informed of his or current address and telephone number, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court of their intent to relocate.

**Traditions and Family:**

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new family traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with parents.

**Children's Activities:**

Scheduled parenting time must not be delayed because a child wishes to schedule other activities with friends, work, lessons, sports, which conflict with the non-residential parent's scheduled time with the child(ren). No residential parent shall schedule or allow a child to schedule any event which conflicts with the times and dates herein, unless the parties agree otherwise. This schedule anticipates that the child will develop new friends and relationships, and have additional activities in a different community which are presumed to be beneficial to the child.

**Child's Health:**

As a general rule, if a child is hospitalized, or has a serious injury or illness, each parent is entitled to be notified. If the child is ill or injured while with the non-residential parent, the parent shall secure appropriate emergency treatment. The residential parent shall be notified. Regularly prescribed medications should be sent (i.e. asthma or allergy medicine). Any health care regime recommended by the child's doctor in case of certain symptoms should be copied and sent in advance of the parenting time.

**Communication between Parents:**

**IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS.**

Neither parent should communicate with a child about future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

### **When Parents Do Not Communicate With Each Other:**

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve their ability to work together for their child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

### **Communication between Parent and Child:**

This schedule presumes that in place of frequent and regular physical contact which would be available if the parents lived nearer to the other, that frequent and liberal communication between the non-residential parent and his or her child(ren) is vital. Unless the parties agree or the Court orders otherwise, there shall be no limit on the number and length of telephone calls from either parent to his or her child (but the Court retains the right to limit phone calls if it finds that it is not in the best interests of the child for the other parent to have unlimited privileges, if the calls are disruptive to the child, for the purpose of interrogating the child concerning the other parent, or the calls are for harassing the other parent). If it is the practice of the residential parent to use a telephone answering device, the parents should agree in advance when the other parent will call at a designated time, so that the call may be completed. Each parent must always provide a telephone number to the other parent where the child may be reached. Each parent must provide all letters, e-mails, audio tapes, video tapes, DVD's, cd's, gifts, cards, voice mails and any written communication from the other parent to the child as soon as it is received, and must provide a home address to the other parent at all times. Each parent must also allow all communications requested by the child in his or her home to other parent (excluding telephone calls for which the parent would be charged). The child must be allowed privacy by each parent for the purpose of communicating with the other.

Appendix D  
Personal Identifier Sheet

**SENECA COUNTY JUVENILE COURT INFORMATION SHEET**

**EFFECTIVE JULY 1, 2009**

Please complete the following information. This will allow the court to have needed demographic information without it being released to the other parties on your case.

Please provide complete Social Security numbers, financial account numbers, or employer and/or employee identification numbers are necessary, since they are also considered personal identifiers which must be omitted prior to submission or filing. On all filling(s), you must place the last four digits of the Social Security number (in each area required). It should appear in this format: xxx-xx-1234. **YOU MUST COMPLETE A SEPARATE INFORMATION SHEET FOR EACH CASE NUMBER.**

**THE FOLLOWING INFORMATION MUST BE TYPED:**

Juvenile Court Case # \_\_\_\_\_

Sets# \_\_\_\_\_

**Complainant/Petitioner/Plaintiff**

Name: \_\_\_\_\_

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

\_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_ (Last 4 digits only)      Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_

**Respondent/Petitioner/Defendant**

Name: \_\_\_\_\_

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

\_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_ (Last 4 digits only)      Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_

**Child's Name**

Child's Name: \_\_\_\_\_

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

\_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_ (Last 4 digits only)      Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_

Mother's Name: \_\_\_\_\_ Father's Name: \_\_\_\_\_

**Additional Party**

Circle the party's role:      Petitioner/Plaintiff      OR      Respondent/Defendant

Name: \_\_\_\_\_

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

\_\_\_\_\_

SSN: XXX-XX-\_\_\_\_\_ (Last 4 digits only)      Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_



