

LOCAL RULES OF PROCEDURE
MIAMI COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

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As Amended June 1, 2009

LOCAL RULES OF PROCEDURE MIAMI COUNTY JUVENILE COURT

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

The Rules are effective as of June 1, 2009.

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

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RULE 1 COMPLIANCE WITH OHIO RULES OF CIVIL PROCEDURE

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

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

RULE 2 FILING BY FACSIMILE TRANSMISSION

The provisions of this local rule are adopted under Juvenile Rule 8.

Pleadings and other papers may be filed with the Juvenile Court by facsimile transmission to (937)-440-3531 subject to the following conditions:

APPLICABILITY

- 2.01 These rules apply to juvenile proceedings in the Miami County Juvenile Court.
- 2.02 The following documents will not be accepted for fax filing:
 - 1) any pleading which requires an accompanying filing fee;
 - 2) any pleading that exceeds ten (10) pages, including attached exhibits;
 - 3) parents' signatures on consents to wed;
 - 4) pleadings in parental by-pass proceeding.

ORIGINAL FILING

- 2.03 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.
- 2.04 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.

DEFINITIONS

As used in these rules, unless the context requires otherwise:

- 2.05 A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
- 2.06 A "facsimile machine" means a machine that can send and receive a facsimile transmission.
- 2.07 "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

- 2.08 The person filing a document by fax shall also provide therewith a cover page (See Appendix 8) containing the following information:
1. The name of the court;
 2. The title of the case;
 3. The case number;
 4. The assigned judge/magistrate;
 5. The title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendant's Motion To; Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's; Response to Defendants' Motion to Dismiss);
 6. The date of transmission;
 7. The transmitting fax number;
 8. An indication of the number of pages included in the transmission, including a cover page;
 9. If a judge/magistrate or case number has not been assigned, state that fact on the cover page;
 10. 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.
- 2.09 If a document is sent by fax to the Clerk's Office without the cover page information listed above, the document will not be filed.
- 2.10 The Clerk's Office is not required to send any form of notice to the sending party of a failed fax filing. Burden of confirming receipt of fax filing is on the sending party.

SIGNATURE

- 2.11 A party who wishes to file a signed source document by fax shall fax a copy of

the signed source document.

- 2.12 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

EXHIBITS

- 2.13 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.
- 2.14 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge/magistrate and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

TIME OF FILING

- 2.15 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Juvenile Clerk's Office as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The Juvenile Clerk's Office will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business.
- 2.16 The Clerk's Office may, but need not, acknowledge receipt of a facsimile transmission.
- 2.17 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 through whatever technological means are available.

FEES AND COSTS

- 2.18 No document filed by facsimile requiring a filing fee shall be accepted by the Clerk.
- 2.19 No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

- 2.20 Facsimile filings shall not exceed ten (10) pages in length including attached exhibits. The filer shall not transmit service copies by facsimile.

RULE 3 SERVICE

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

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

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

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

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

- 3.03 Service by publication may be accomplished through posting and perfection of service in this manner shall be as set forth in Juv. R. 16. The party seeking service by publication through posting shall file with the Court:

1. Motion requesting service by publication through posting;
2. An affidavit which avers that the residence of the person to be served is unknown and cannot be ascertained with due diligence, the efforts which evidence due diligence in finding a current address or why such efforts are impossible and a last known address, if available;
3. An Entry authorizing service by publication through posting;
4. The summary statement required by Juv. R. 16 to be posted.

The following locations are hereby designated as locations for posting of notices for service by publication through posting, pursuant to Juv. R. 16:

1. Miami County Safety Building, 201 W. Main Street, Troy, Ohio 45373

2. Department of Jobs and Family Services, 2040 N. Co. Rd. 25A, Troy, Ohio 45373

3. Piqua City Building, 219 W. Water Street, Piqua, Ohio 45356

RULE 4 COURT COSTS and WITNESS FEES

- 4.01 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.
- 4.02 In cases of indigence, the Court may waive payment of the filing fee at the time 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) and a certification by the attorney, if any, that no attorney fees have been paid. 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.
- 4.03 If the Motion is granted, the Court retains the authority 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.
- 4.04 A party seeking issuance of a subpoena in a case for paternity, allocation of parental rights and responsibilities or any issue related to paternity, custody, support of or visitation with a minor child must file a praecipe for the subpoena accompanied by a check or money order for the estimated witness fees for each subpoena. The witness fees as set by Ohio Revised Code Section 2335.06 are: Six Dollars (\$6.00) for a half day attendance, Twelve Dollars (\$12.00) for a full day attendance and Ten Cents (\$0.10) per mile for a round trip from the witness' residence or usual place of business to the Court. The check or money order shall be made out to the witness.
- 4.05 The party shall also pay an issuance fee of Two Dollars (\$2.00) per subpoena. The issuance fee must be made by check, money order or cash and is due prior to the issuance of the subpoena. A check or money order shall be made payable to the Miami County Juvenile Court.
- 4.06 In cases where a party unable to pay the witness and issuance fees, an ex parte application for waiver of submission of witness and issuance fees shall be submitted to the Court. Upon a satisfactory showing that the presence of the witness is necessary and that the party is financially unable to pay the witness fees, the Court shall issue an order for service of the subpoena on the named witness as requested. The costs of the issuance and the witness fees shall be paid

in the same manner that fees are paid in case of the witness subpoenaed on behalf of the State in a criminal prosecution.

- 4.07 No witness fees or issuance fees shall be required of the Miami County Child Support Enforcement Agency or the Miami County Children's Services Board for the subpoena of witnesses in any original action or subsequent Motion to seek modification, enforcement, extension or termination of existing orders.
- 4.08 A party involved with charges as a juvenile traffic offender, juvenile tobacco offender, unruly or delinquent child or adult criminal seeking issuance of a subpoena must file a praecipe for the subpoena. No witness or issuance fee is required at the time of the filing of the praecipe. Any costs associated with the subpoenas in these case types shall be assessed as court costs at the conclusion of the case.

RULE 5 RECORD OF THE PROCEEDINGS

- 5.01 All matter heard by the Judge or a Magistrate will be recorded via digital technology. This electronic recording is the court's official record.
- 5.02 Upon written request filed with the Clerk, a party to the case may request a typewritten transcript of the proceedings. Within five days of the request, a court reporter shall prepare a written estimate of the cost of the deposit for the transcript and notify the requesting party of the same. Upon payment of a required deposit an official typewritten transcript of the proceedings shall be prepared from the digital recording. The deposit must be made within fourteen days of the issuance of the written cost estimate or the request will be considered withdrawn. Transcripts shall be completed within a reasonable time, which shall be 30 days from the date the deposit is made, unless otherwise ordered.
- 5.03 A request for preparation of a transcript does not extend or stay the time for the filing of objections to a Magistrate's Decision and Journal Entry in accordance with Juvenile Rule 40 (E)(3). Any supplementation of Objections after the filing of the transcript shall be only at the Court's discretion for good cause shown.
- 5.04 Parties may obtain a copy of the recording on compact disk by filing a written request with the Clerk. A \$1.00 fee to cover cost of the compact disk/case is required. If the request is for the compact disk to be mailed, an additional \$3.00 is required to cover postage costs. Compact disks will be made available within 7 days of the request.
- 5.05 The compact disk version of the hearing is not a substitute for the official typewritten transcript of the hearing. All appeals submitted to the 2nd District Court of Appeals require an accompanying typewritten transcript; compact disks will not be accepted for the appeals process.

RULE 6 VISITATION ORDERS, SUPPORT ORDERS AND DEPENDENT HEALTH CARE ORDERS

- 6.01 The Court adopts standard visitation guidelines which are set forth in the Appendix. The Court promotes, wherever possible, parenting by both of a child's parents. Recognizing that the Court deals with paternity establishment and cases where there has been little or no parent-child bond, there are guidelines to begin and phase in visitation with a nonresidential parent who has had little or no contact with the child.
- 6.02 All child support orders shall contain standard language as set forth in the Appendix regarding the payment amount, where the payments are to be made and the statutorily mandated provisions regarding mandatory withholding and notice requirements.
- 6.03 The following documents shall accompany all judgment entries awarding child support:
- A. Attached to the Judgment Entry:
 - a. A copy of the completed child support worksheet.
 - b. Standard Order of Health Care Needs for Dependent Children and Additional Order of Health Care Needs for Dependent Children.
 - c. Standard Order of Visitation, if applicable
 - B. Detached from the Judgment Entry:
 - a. Health Care Order
 - b. Praecept directing the Juvenile Clerk to mail, by regular mail, a certified copy of the Health Care Order to the employer and/or insurance company specified in the Health Care Order.
- 6.04 Miami County CSEA shall prepare all income withholding notices.
- 6.05 Child support shall not be abated except by specific court order.

RULE 7 ATTORNEY'S FEES AND EXPENSES

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

- 7.02 In cases of court appointed counsel or Attorney Guardian ad litem paid at county expense, the attorney accepting the appointment shall be supplied with a packet of information including the order of appointment, the affidavit of indigence, a fee schedule and directions and the forms necessary for payment of fees and expenses. A copy of the fee schedule is included in the Appendix.

Any request for fees in excess of the amount set by the fee schedule shall be accompanied by a Motion and Memorandum detailing the necessity for payment of extraordinary fees and an entry granting the same. The Court shall review each request for extraordinary fees and shall exercise its discretion in approving or denying the request. Any request for fees that exceed the amounts set by the fee schedule that is not accompanied by a Motion and Memorandum for extraordinary fees shall be reimbursed at no more than the maximum permitted under the fee schedule.

All fee requests shall be submitted within thirty (30) days of the last court activity. Failure to submit a timely request could result in the disallowance of all or a part of the fee requested.

- 7.03 In private cases, the Guardian ad litem shall be paid in accordance with the provisions of the order of appointment. A deposit shall be required by the party/parties before the Guardian ad litem begins their investigation. The Guardian ad litem shall submit a Motion itemizing the services rendered and an Order releasing the deposit for the Guardian ad litem's fee and payment of any additional fees and/or expenses.
- 7.04 Guardians ad litem from CASA/GAL of Miami County, Inc. shall be appointed as at the Court's discretion in abuse, neglect and dependency cases and/or when the disposition requested is Planned Permanent Living Arrangement or Permanent Custody to Miami County Children's Services Board.

RULE 8 JUDGMENT ENTRIES

- 8.01 In cases where complaints, counterclaims and motions have been settled and an attorney has been required to submit a judgment entry, the judgment entry shall be submitted to the Court within twenty (20) days of the hearing date, unless an extension of time is granted. Failure to comply with this rule may result in the automatic dismissal of the complaint, counterclaim or motion by the Court.
- 8.02 The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be submitted to opposing counsel or party if pro se prior to the submission to the Court. If counsel and/or pro se litigant are unable to agree upon the judgment entry, opposing counsel or pro se litigant shall notify, within five days of receipt of the entry, the attorney who prepared the entry. Thereafter, counsel for opposing parties or pro se litigant may submit a proposed entry to the Court for review. The Court will then direct which entry is to be filed. A judgment entry sent for signature which is not

returned within five (5) days may be submitted to the Court without signature of the opposing counsel or party, if the agreement was read into the record. A copy of the transmittal letter indicating the date sent to opposing counsel or party shall accompany all judgment entries not signed by the parties or legal counsel.

- 8.03 If the agreement was not read into the record and a consent entry cannot be agreed upon, counsel should seek a new hearing date within the time period for filing the agreed entry.
- 8.04 Should a judgment entry not be timely filed in accordance with 8.01 above, the Court may dismiss the pending complaint, counterclaim or motion without further hearing. Should a matter be so dismissed and the parties wish to submit an entry thereafter, counsel shall, within thirty (30) days, submit accompany the judgment entry on the substantive issues with a Motion to Vacate the Dismissal and an entry granting the same.
- 8.05 In cases where an agreement is submitted to the Court upon the filing of a Complaint or other Motion, and not all parties are represented by counsel, the matter will be set for hearing to advise the unrepresented party of their right to counsel and to ascertain the knowing and voluntary consent to the agreement.

RULE 9 GUARDIANS AD LITEM

- 9.01 The Court shall appoint a Guardian ad litem when it finds it necessary and appropriate to protect the interests of a child or when required to do so by statute or rule.
- 9.02 In order to provide the court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform, at a minimum, the responsibilities stated in this division, unless impracticable or inadvisable to do so.
- (1) A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian ad litem represents.
 - (2) A guardian ad litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no ex parte communications with the court regarding the merits of the case.
 - (3) A guardian ad litem is an officer of the court and shall act with respect and courtesy to the parties at all times.

(4) A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.

(5) A non-attorney guardian ad litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the guardian ad litem's duties and request that the court appoint legal counsel, or otherwise employ the services of an attorney, to undertake appropriate legal actions on behalf of the guardian ad litem in the case.

(6) A guardian ad litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable rules of procedure.

(7) When a court appoints an attorney to serve as both the guardian ad litem and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both guardian ad litem and attorney should be aware of Rule 3.7 of the Rules of Professional Conduct and act accordingly.

(8) When a guardian ad litem determines that a conflict exists 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.

(9) A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except from compensation for services as a guardian ad litem.

(10) Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict, shall advise the court and the parties of the action taken and may resign from the matter with leave of court, or seek court direction as necessary. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this division.

(11) Unless excepted by statute, by court rule consistent with this rule, or by order of court pursuant to this rule, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements under this rule and under any local court rules governing guardians ad litem. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and

shall promptly advise each court of any grounds for disqualification or unavailability to serve.

(12) A guardian ad litem shall be responsible for providing the court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements so the court may maintain the files required in division (G) of this rule. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

(13) A guardian ad litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

- (a) Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian and conduct at least one interview with the child where none of these individuals is present;
- (b) Visit the child at his or her residence in accordance with any standards established by the court in which the guardian ad litem is appointed;
- (c) Ascertain the wishes of the child;
- (d) Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
- (e) Review pleadings and other relevant court documents in the case in which the guardian ad litem is appointed;
- (f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- (g) Interview school personnel, medical and mental health providers, child protective services workers and relevant court personnel and obtain copies of relevant records;
- (h) Recommend that the court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court; and

(i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

(14) A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

(15) As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the 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. The court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(16) A guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(17) A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment.

- 9.03 The Court shall maintain a list of approved Guardians ad litem who are not volunteers through CASA/GAL of Miami County, Inc.
- 9.04 Prior to being placed on the approved list, the individual requesting approval shall submit a resume or information sheet stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of a guardian ad litem, submit to a civil background check and criminal background check through the Miami County Sheriff's Department and provide documentation that they have completed a pre-service training course as described below.
- 9.05 To remain on the approved Guardian ad litem list, an individual must certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with continuing training requirement set forth below.

9.06 The Court Administrator shall maintain files for all applicants and for individuals approved for appointment as guardian ad litem with the Court who are not volunteers through CASA/GAL of Miami County, Inc. The Executive Director of CASA/GAL of Miami County, Inc. shall maintain the files for all applicants and individuals appointed to serve as CASA/GALs with the Court. The Executive Director shall certify on an annual basis that records in conformance with this Local Rule and Superintendence Rule 48 are properly maintained.

9.07 In order to serve as a guardian ad litem, an applicant shall have, at a minimum, the following training:

(1) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(2) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of the appointing court, be a course at least six hours in length that covers the topic areas in division (E) (3).

(3) To meet the requirements of this rule, the pre-service course shall include training on all the following topics:

(a) Human needs and child development including, but not limited to, stages of child development;

(b) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;

(c) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;

(d) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;

(e) Legal framework including, but not limited to, records checks, accessing, assessing and appropriate protocol, a guardian ad litem's role in court, local resources and service practice, report content, mediation and other types of dispute resolution.

(4) The continuing education course must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio

CASA/GAL Association, or with prior approval of the appointing court, be a training that complies with division (5) of this rule.

(5) To meet the requirements of this rule, the three hour continuing education course shall:

(a) Be specifically designed for continuing education of guardians ad litem and not pre-service education; and

(b) Consist of advanced education related to topics identified in division (E)(3) (a)–(e) of this rule.

(6) If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

(7) An individual who is currently serving as a guardian ad litem on the effective date of this rule, or who has served during the five years immediately preceding the effective date, shall have one year from the effective date to obtain the required six hour pre-service training in order to avoid removal from the court's list of approved guardians ad litem.

(8) Attendance at an Ohio Guardian ad Litem Training Program approved by the Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program at any time prior to the effective date of this rule shall be deemed compliance with the pre-service training requirement.

9.08 The procedure for appointing/removing a guardian as litem shall be as follows:

(1) If a motion for GAL is filed, it will be set for hearing before a magistrate.

(2) If the parties request a guardian ad litem for the first time during a pretrial conference, the Court will appoint the Guardian ad litem agreed upon by the parties. One of the attorneys will prepare a Motion for GAL requesting the agreed upon GAL and a Magistrate's Order appointing the GAL.

(3) If the parties cannot agree on a GAL, a motion for GAL must be filed and the matter set for hearing. If it finds that appointment of a Guardian ad litem is appropriate, the Court will appoint a guardian ad litem from the approved list with the appointment being on a rotating basis.

- (4) For good cause shown, a guardian ad litem may be removed from their services. To remove a Guardian ad litem, a party must file a motion which will be set for hearing.
 - (5) The Court may remove a guardian ad litem from the approved list for failure to abide by this rule or other just cause as deemed appropriate by the Court.
 - (6) Whenever feasible, the same guardian ad litem shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.
- 9.09 The Guardian ad litem is entitled to notice of all hearings and shall be forwarded copies of any and all filings made by other parties to the action.
- 9.10 The Court Administrator is designated as the contact person to accept and consider written comments and complaints regarding the performance of a guardian ad litem on the Court's approved list. The Executive Director of CASA/GAL of Miami County, Inc. is the contact person to accept and consider written comments and complaints regarding the performance of a CASA/GAL. All written comments and complaints shall be forwarded to the Court Administrator for investigation. A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The Court Administrator shall complete an investigation and forward a report to the Judge for consideration and appropriate action. Dispositions by the court shall be made promptly. The court shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.
- 9.11 A guardian ad litem shall prepare a written final report, including recommendations to the court, within the times set forth in this division. 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 guardian's ad litem recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

(1) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

(a) All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code.

(b) Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.

(c) Unless waived by all parties or unless the due date is extended by the court, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the court at the hearing.

(d) A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

(e) A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.

(f) Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the interim report shall be provided to the court at the hearing.

(2) In proceedings involving the allocation of parental rights and responsibilities or a grant of custody to a non-parent, the final report shall be filed with the court and made available to the parties for inspection no less than seven days before the final hearing unless the due date is extended by the court. Written reports may be accessed in person by the parties or their legal representatives. A copy of the final report shall be provided to the court at the hearing. The court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

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

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

RULE 10 PRIVATE CUSTODY AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND/OR COMPANIONSHIP ACTIONS

- 10.01 When a complaint, counterclaim or a motion to determine paternity, establish or modify custody or any aspect of the allocation of parental rights and responsibilities is filed, the Petitioner or Movant shall file the original pleading, a memorandum or affidavit in support and the child custody affidavit with sufficient copies for all parties. The original pleading and supporting documents shall be attached by paperclip with copies stapled. Any complaint or motion that initiates or reactivates a case, but for visitation only matters, shall be accompanied by a completed, signed Title IV-D application. Pleadings shall be signed in accordance with Ohio Civil Rule 11. The matter will be set for a pretrial/uncontested hearing before a hearing officer at which time further hearings, referrals, investigations, assessments, etc. shall be discussed and scheduled. If service is complete on the opposing party and the opposing party fails to appear, personally or through counsel, an uncontested hearing shall take place.
- 10.02 Counsel filing a complaint, counterclaim or a motion to establish or modify custody or allocation of parental rights and responsibilities shall also file a notice of hearing that contains the following language:
- "This matter has been scheduled for a pretrial hearing and uncontested hearing on _____, _____ at _____ .m. The parties, with or without counsel shall be present on the above date on the Second Floor of the Safety Building, Troy, Ohio. Failure to appear may result in the dismissal of the matter or an uncontested hearing on the matter.
- 10.03 Complaints/Motions involving custody or visitation filed by a nonparent shall state the relationship to the minor child. A home study shall be ordered for all cases where a nonparent requests custody. The party seeking custody shall pay the cost of the home study.
- 10.04 The Court may furnish and require the completion and filing of such forms as it deems necessary. Unless waived by the Court, no pleading shall be accepted for filing until the information requested in required forms is provided.
- 10.05 A proposed Judgment Entry or Entry Setting Hearing shall be submitted with all Motions. All Entries setting hearings shall specifically state all motions/matters to be heard at said hearing.

RULE 11 DELINQUENT AND UNRULY COMPLAINTS

- 11.01 The deputy clerks of the Juvenile Division shall not prepare complaints unless instructed to do so by the Judge. The Court shall not be placed in the position of

initiating complaints by its staff and thereby promoting the conclusion that the Court is starting cases, and thereby casting the Court in a nonjudicial character. This rule does not apply to the filing of Motions by the Probation department for violation of terms of probation or Court Orders.

RULE 12 CRIMINAL CHARGES AGAINST ADULTS

- 12.01 The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions wherein the Juvenile Division has jurisdiction.
- 12.02 All persons charged with offenses and who are being held under process from this Court or who have been arrested and charged in this Court shall be brought before the Court for arraignment immediately upon arrest or without unnecessary delay or post bond in accordance with the Rules of Criminal Procedure established by the Ohio Supreme Court.

RULE 13 BONDS AND RECOGNIZANCE

- 13.01 Appearance bonds for adults shall be fixed by the Judge or assigned Magistrate in each individual case upon arraignment, or at such other time as may be determined; the deputy clerks shall endorse on all Warrants for the arrest of adults the amount of bond as may be provided by the Judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the Judge or assigned Magistrate.
- 13.02 Other bonds or recognizance to appear as may be provided by the Judge or assigned Magistrate shall be in the form as provided by the law, order of this Court, or other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.
- 13.03 The sufficiency of sureties shall be determined by the Judge or assigned Magistrate in each case; and when real property is offered as security by a surety, the Court shall require twice the value of said property that appears upon the county tax list maintained by the office of the County Auditor.
- 13.04 An entry of denial of felony delinquency charge(s) may be filed by the defendant's attorney on behalf of the child, but an appearance at an arraignment on said charge(s) is mandatory for the child and parent. In addition to accepting the child's plea of denial on the record at the arraignment, the Court will use the opportunity to also determine the necessity of placing the defendant in detention, on electronic home monitoring or on house arrest pending further hearing.

RULE 14 PRE-TRIAL CONFERENCES

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

1. Those matters set forth in Rule 16 of the Ohio Rules of Civil Procedure, Rule 17.1 of Ohio Rules of Criminal Procedure or Rule 21 of the Ohio Rules of Juvenile Procedure.
2. Further discovery proceedings including a completion date.
3. Trial briefs.
4. Identification of witnesses and disclosures of their statements and potential testimony.
5. Views of the scene.
6. Status of case for trial.
7. Narrow trial issues by stipulation.
8. Parties shall have made at least one (1) good faith attempt to settle the case.

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

RULE 15 DISCOVERY

15.01 "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.

15.02 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/URSEA/child support proceedings where the requested party is the Miami County Child Support Enforcement Agency, at the MCCSEA offices;
- C. In delinquency/unruly/traffic cases where the prosecutor is the requested party, at the office of the Miami County Prosecuting Attorney;
- D. In dependency, neglect, abuse cases where Miami County Children Services is the requested party, at the office of the Miami County Prosecuting Attorney;

15.03 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.

15.04 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.

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

15.06 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 16 CONTINUANCES

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

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

- 16.03 Continuances shall not be granted unless the party requesting the same can demonstrate to a judge or magistrate an emergency or unanticipated circumstance. Absent such condition, the hearing or trial shall proceed as scheduled.
- 16.04 When a continuance is requested because a witness is unavailable at the time set for hearing, the Court may consider the filing of a deposition pursuant to Ohio Rule of Civil Procedure 30.
- 16.05 When a continuance is requested because counsel is scheduled to appear in another case on the same date and time, the case that was first set for hearing or trial shall have priority. The Court will not consider any motion for continuance on this basis unless a copy of the conflicting assignment or an affidavit of counsel is attached.
- 16.06 The Court may waive these requirements for cause.

RULE 17 JURY DEMAND

- 17.01 In criminal cases, the defendant is entitled to jury trial in accordance with Ohio Rule of Criminal Procedure 23(A). An adult charged with a misdemeanor or a juvenile designated a “serious youthful offender” may demand a jury in writing filed with the clerk not less than ten (10) days prior to the date set for trial or before the third (3) day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury as provided in this Rule shall be deemed a complete waiver of the rights thereto.

RULE 18 HOURS OF THE COURT

- 18.01 The Miami County Juvenile Court shall be open for the transaction of business from 8:00a.m. to 4:00 p.m. Monday through Thursday, and Friday from 8:30 a.m. to 4:00 p.m., on all business days, with legal holidays as observed by law. The Juvenile Clerk of Court, at the discretion of, and upon the Order of the Judge, may vary for matters of extraordinary nature or importance.
- 18.02 The Court shall sit in session between the hours of 8:00a.m. and 4:00 p.m. At their discretion, Judges or Magistrates may schedule hearings at other times.

RULE 19 COURT RECORDS

- 19.01 Psychological reports, Guardian *ad litem* reports, home studies, drug/alcohol assessments, drug screen results, victim impact statements, and school reports are confidential information and shall not be made public. These documents are contained in the unofficial file. Counsel of record may view these reports at the Clerk's office. Counsel must sign in and out with the Clerk. Inspection by *pro se* litigants may be permitted only by leave of Court.

19.02 Upon ordering of any medical testing by the Court, the family will be instructed to have the test results mailed directly to the Miami County Juvenile Court Judge. After judicial review, the results will be placed into a brown envelope and sealed with tape. The envelope is then to be marked in red ink "CONFIDENTIAL INFORMATION". Written on the front of the envelope will be the child's name and the following statement: "NOT TO BE OPENED UNLESS DIRECTLY ORDERED BY THE PRESIDING JUDGE". The initials of the sealing person shall be marked on the tape. The results are not to be opened unless directed or ordered by the Judge. Upon the child's 18th birthday or one year after the results are received, whichever is later, these documents are to be shredded in whole (i.e. including the envelope and all documents inside).

Anyone requesting the information contained in the envelope shall possess an order from the Judge.

Test results sealed in this manner include, but are not limited to, HIV testing, all sexually transmitted disease results, and any other pertinent medical testing as ordered by the Court.

19.03 Traffic records maintained by the Clerk are confidential and shall not be made public. Counsel of record may view these reports at the Clerk's office. Counsel must sign in and out with the Clerk. Inspection by *pro se* litigants may be permitted only by leave of the Court.

19.04 Reports and records of the Court Probation Department and reports from community agencies serving the Court are confidential and shall not be made public. Counsel of record may view these reports at the Clerk's office. Counsel must sign in and out with the Clerk. Inspection by *pro se* litigants may be permitted only by leave of Court.

19.05 Such records, referred to in Subsections 19.01, 19.03 and 19.04, will be available for review for reasonable amounts of time only in the conference room adjacent to the Clerk's reception area. Absent specific permission from the Court, granted for good cause shown, under conditions set by the Court, copies shall not be made, nor shall any information contained in the report be recorded by tape recording device, although written notes may be taken.

19.06 Attorneys wishing to investigate a matter prior to accepting the case may, upon notice of limited appearance filed on a pre-printed form provided by and filed with the Clerk, and with Court permission, review the case file or confidential files.

19.07 Upon the motion of one or more parties, reports, assessments and other documents maintained in an unofficial file may be admitted into evidence as a Court Exhibit and become part of the Court's official file. Any party may call the individual who prepared the report, assessment or other document admitted as a Court Exhibit as on cross examination.

RULE 20 OFFICIAL FILE

- 20.01 All other records not listed above are contained in the court's official file.
- 20.02 The official file may be reviewed by parties or their attorneys.
- 20.03 Exhibits properly introduced and admitted into evidence at trial shall be maintained separately and made available pursuant to Juvenile Rule 19.05 and 19.06.

RULE 21 TRIALS/HEARINGS

- 21.01 Failure to appear: If a moving party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion, without prejudice. If the responding party or counsel fails to appear within fifteen (15) minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all the issues. Failure of counsel or a party to appear may result in sanctions being imposed pursuant to Miami County Juvenile Rule 25.
- 21.02 Findings and conclusions: The Court may require the parties to file proposed findings of fact and conclusions of law.
- 21.03 In permanent custody cases where parental rights are being terminated, or private custody cases, the Court may require the parties to file a pre-trial statement fourteen (14) days prior to hearing, addressing at a minimum:
- A. Disputed and stipulated issues of law and fact;
 - B. Proposed exhibit lists;
 - C. Proposed witness lists; and
 - D. Outstanding motions.

RULE 22 CONTEMPT MOTIONS

- 22.01 Specificity: All motions for a party to appear and show cause why he or she should not be held in contempt of a prior court order shall contain the specific facts or must be accompanied by an affidavit setting forth the specific facts forming the basis for the motion. A party requesting a court order to compel a person's appearance at a hearing for such purpose shall provide a copy of the motion and proposed order to the Court for signature.
- 22.02 Service: Motions for contempt shall be served pursuant to Ohio Rule of Civil Procedure 4 through 4.6; provided that, when imprisonment is sought as a sanction, the responding party shall be served by personal service.

RULE 23 MEDIATION

23.01 To promote justice through individualized case resolution, greater efficiency, early case resolution and public satisfaction, the Court promotes and facilitates the use of mediation for cases within its jurisdiction. The “Uniform Mediation Act” (UMA) Ohio Revised Code Chapter 2710, Mediation of Differences as to Allocation of Parental Rights and Responsibilities Ohio Revised Code Section 3109.052 and Rule 16 of the Supreme Court of Ohio Rules of Superintendence are incorporated herein by reference.

Definitions

23.02 All definitions found in the “Uniform Mediation Act” (UMA) R.C. 2710.01 are adopted by this court through this local rule including, but not limited to the following:

- A. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- B. “Mediator” means an individual who conducts a mediation.
- C. “Mediation Communication” means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- D. “Proceeding” means a judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery.

Case Selection

23.03 Any party to a matter under the jurisdiction of this court may request a referral to mediation as set forth below. The Court may, on its own motion, refer a matter to mediation.

23.04 A case in this court may be referred to mediation in the following manner:

- A. For formal proceedings, the court may order parties to participate in the mediation process.
- B. For formal proceedings, the court upon written or oral motion to the court may order parties to participate in the mediation process.

- C. For informal cases (pre-filing), a referral to the Mediation Coordinator may be made by court personnel.

23.05 The following types of cases are eligible for mediation:

- A. Delinquency – First time offenders charged with the following offenses: Assault (M1), Menacing; Criminal Damage or Endangering; Criminal Mischief; Criminal Trespass (M4); Theft (M1); Receiving Stolen Property (M1); Telephone Harassment (M1); Disorderly Conduct
- B. Unruly or Status Offenses: On a case by case basis
- C. Allocation of Parental Rights and Responsibilities and issues associated therewith; Legal Custody to Third Parties; Visitation by Relatives
- D. All other case types and charges on a case by cases basis

Mediator Selection and Assignment

23.06 The following methods may be used to determine the mediator for the case:

- A. The court randomly assigns a mediator to the case from the court's roster of approved mediators.
- B. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case.
- C. Parties may select a mediator from the court roster.
- D. Parties may select a mediator from the local community subject to approval by the court in cases concerning allocation of parental rights and responsibilities, legal custody and visitation.

Procedures

23.07 In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Diversion Prevention Coordinator, assigned Magistrate or Judge, and with agreement of all parties, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

23.08 The court shall utilize procedures for all cases that will:

- A. 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.
- B. Screen for domestic violence both before and during mediation.
- C. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
- D. Prohibit the use of mediation in any of the following:
 - a. As an alternative to the prosecution or adjudication of domestic violence;
 - b. In determining whether to grant, modify or terminate a protection order;
 - c. In determining the terms and conditions of a protection order; and
 - d. In determining the penalty for violation of a protection order.

Nothing in this section of this rule 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.

23.09 Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children or delinquency or status offense cases when violence or fear of violence is alleged, suspected, or present, may proceed, only if the mediator has specialized training set forth in “Qualifications” section (2) of this rule and all of the following conditions are satisfied:

- A. 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 option to have a support person present at mediation sessions.
- B. The parties have the capacity to mediate without fear of coercion or control.
- C. 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.
- D. Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
- E. Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

- 23.10 Mediation in child abuse, neglect, or dependency cases shall abide by all provisions outlined in (E)(1) and (2) of this rule and shall proceed only if the mediator has specialized training set forth in the “Qualifications” section (3) of this rule and utilizes procedures established by the court that will:
- A. Ensure that parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open court, and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers can be rescinded at any time.
 - B. Provide for the selection and referral of a case to mediation at any point after the case is filed.
 - C. Notify the parties and nonparty participants of the mediation.

Party/Non-Party Participation

- 23.11 Parties who are referred to mediation as part of the Diversion Prevention Program or ordered into mediation in formally filed cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.
- 23.12 A judge, magistrate and/or mediator may require the attendance of the parties’ attorneys at the mediation sessions if the mediator deems it necessary and appropriate.
- 23.13 If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.
- 23.14 If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the court.
- 23.15 By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and 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 as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).

Confidentiality/Privilege

- 23.16 All mediation communications related to or made during the mediation process are subject to and governed by the “Uniform Mediation Act” (UMA) R.C. 2710.01 to

2710.10, R.C. 3109.052, the Rules of Evidence and any other pertinent judicial rule(s).

Mediator Conflicts of Interest

- 23.17 In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator's impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and request that the assigned Judge or Magistrate appoint another Mediator from the list of qualified Mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

Termination

- 23.18 If the assigned Mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this Court.

Stay of Proceedings

- 23.19 All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

Continuances

- 23.20 It is the policy of this court to determine matters in a timely way. Cases referred to mediation shall be resolved or terminated within 60 days of the referral. An extension of time for continued mediation efforts may be granted by the Judge or Magistrate who referred the case or who would be assigned to the case.

Rescheduling of individual mediation sessions shall be at the discretion of the mediator in consultation with the parties so long as the new dates do not exceed the time period allotted for mediation by the court.

Guardian Ad Litem

- 23.21 A guardian ad litem for the child shall be appointed by the court in all cases involving a child who was the subject of a prior abuse or neglect action, in all cases where one of the parties was the perpetrator of an act which resulted in an adjudication that any other child was abused or neglected and in other cases

where the mediator believes it to be in the best interest of the child. A guardian ad litem appointed in these cases shall participate in mediation.

Mediation Memorandum of Understanding

- 23.22 The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The “Mediation Memorandum” may be signed by the parties and counsel (if the “Mediation Memorandum” is signed it will not be privileged pursuant to R.C. 2710.05 (A) (1)). The written “Mediation Memorandum of Understanding” may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

In cases of mediation for delinquent and unruly cases, the underlying charges shall not be considered disposed of until all provisions agreed to in the Mediation Memorandum are fulfilled.

Mediator Report

- 23.23 At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following:
- A. Whether the mediation occurred or was terminated;
 - B. Whether a settlement was reached on some, all or none of the issues;
 - C. Attendance of the parties;
 - D. Future mediation session(s), including date and time;
 - E. In cases concerning allocation of parental rights and responsibilities and issues associated therewith, legal custody and visitation by relatives, a copy of the Mediation Memorandum as is required by Ohio Revised Code Section 3109.052(B).

Qualifications

- 23.24 To be a court approved mediator the following qualifications apply:
- 1. General Qualifications and Training
 - a) Possess a bachelor’s degree, or equivalent education or experience as is satisfactory to the division, 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 division.

- b) Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the division.

A mediator eligible to receive referrals for mediation of delinquent, unruly or status offense cases shall satisfy the above requirements:

2. Qualifications and Training for Allocation Cases

- a) In addition to the above, a mediator eligible to receive referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall also fulfill the following requirements:
- b) Complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court.

3. Specific Qualifications and Training: Domestic Abuse

- a) A mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who has completed the specialized training.

4. Specific qualifications and training; abuse, neglect, and dependency cases.

- a. In addition to satisfying the requirements outlined above, a mediator eligible to receive referrals for mediation of abuse, neglect, or dependency cases shall satisfy both of the following:
- b. Possess significant experience in mediating family disputes;
- c. Complete at least thirty-two hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Dispute Resolution Section of the Supreme Court.

List of Qualified Mediators

- 23.25 The Court maintains a list of qualified Mediators which shall be maintained by the Mediation Coordinator and a copy shall be distributed to all Judges and Magistrates of the Court.
- 23.26 The Court will review applications of person seeking to be added to the list of qualified Mediators in accordance with the procedures adopted by the Judges of the Court.
- 23.27 All those on the list of qualified mediators shall submit to the Mediation Coordinator a regularly updated Curriculum Vitae (including a list of training related to the field of dispute resolution and professional or association memberships).

Fees and Costs

- 23.28 The court offers mediation to parties at no costs for the following cases:
- A. Delinquent cases for first time offenders for selected offenses
 - B. Allocation of parental rights and responsibilities and issues associated therewith, legal custody and visitation by relatives cases where at least one party's income is less than 187.50% of the federal poverty level.
 - C. Other case types as determined on a case by case basis as will serve the best interest of the child or children and the interests of justice.
- 23.29 In all other cases where a mediator is retained privately, the parties shall agree between themselves about the hourly fee for the mediator and how to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. Should a dispute arise, the court retains the authority to determine apportionment of the mediation costs to the parties. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

Sanctions

- 23.30 If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

Model Standards

- 23.31 Mediators providing services for the court shall comply with the Model Standards of Practice for Family and Divorce Mediation, and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated

Programs as set for in Rule 16 of the Supreme Court of Ohio Rules
Superintendence for the Courts of Ohio.

RULE 24 COURTROOM DECORUM

- 24.01 Any person entering the Juvenile Court area is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom without first, if requested by the Court, submitting such bag, case or parcel to security personnel for inspection.
- 24.02 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 O.R.C. 2151.35 (A) (1). Hearings regarding charges against adults and serious youthful offenders will be open in accordance with O. R. C 2152.
- 24.03 No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult.
- 24.04 At all court appearances, all parties must be properly attired in accordance with the following:
- A. No cutoff or short shorts
 - B. No hats
 - C. Shirts are required.
 - D. The following garments are considered inappropriate in Court: midriff tops, tank tops, strapless tops and shirts, blouses, t-shirts or other tops that contain offensive language or pictures (sexual, drug, tobacco or alcohol related)
 - E. Shoes are required
 - F. No visible undergarments (examples: bra strap hanging out of shirt or boxer shorts hanging out of jeans)

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

- 24.05 Food and beverages and smoking are prohibited in the courtroom during all hearings.
- 24.06 Persons committing any violation of proper conduct shall be removed from the courtroom, hallway or entryway by security personnel charged with the enforcement of this Rule.

RULE 25 SANCTIONS

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

RULE 26 APPEARANCE, WITHDRAWAL OR SUBSTITUTION OF COUNSEL

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

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

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

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

B. The Court grants the motion.

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

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

RULE 27 INACTIVE CASES

- 27.01 Any party or attorney for any party who initiates any action in this Court shall attempt to obtain service on all parties as soon as possible.
- 27.02 In cases involving delinquency, unruliness, juvenile traffic offenders or adults charged with criminal acts, the Prosecutor shall be given notice of failure of service and be responsible for obtaining service of process.
- 27.03 In cases involving paternity, allocation of parental rights, custody, support, visitation or related matters or allegations of abuse neglect or dependency, if service is not perfected, counsel or the party, if unrepresented shall be given notice of the failure of service, the date of filing and that if service is not perfected within six months of filing, the action will be dismissed without prejudice, without further hearing.

RULE 28 EX PARTE COMMUNICATION

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

RULE 29 ACCESS TO JUVENILE COURT PROCEEDINGS

- 29.01 The policy of this rule is to provide a just, fair, equitable and impartial adjudication of the rights of litigants, allow an opportunity for media coverage of Court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding of the administration of justice. This rule is to be construed as requiring the court to balance all interests involved to maintain the confidentiality, dignity, decorum and impartiality of the court proceeding, while at the same time providing public access allowed by law.
- 29.02 The policy's aim is to ensure that: (1) the media and public are accommodated to the best of the court's abilities, (2) an appropriately dignified atmosphere prevails at Court so that other trials and proceedings are not adversely impacted, (3) all security measures have been taken to ensure the safety and well being of court staff, parties, attorneys, media representatives, and public, and (4) all activities associated with these cases be in conformance with all applicable laws.
- 29.03 Definitions: For purposes of this rule:
- A. "Media" or "Media Agency" means any person or organization actively engaging in professional news gathering or reporting and

includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

B. “Court” means the courtroom at issue, the Safety Building, and its entrances and exits, parking lots, and grounds.

- 29.04 Hearings governed by the Ohio Rules of Juvenile Procedure are neither presumptively open nor presumptively closed to the public or the media.
- 29.05 Any party to a juvenile court proceeding who wishes to have a hearing closed to the media and/or the public shall file a Motion requesting closure. *State ex rel. Plain Dealer Publishing Company v. Floyd*, 2006-Ohio-4437. Motions requesting closure of the proceeding to the media and/or public must be filed at least seven (7) days prior to any hearing for which closure is sought. The seven (7) day requirement may be waived at the discretion of the Judge or Magistrate for good cause shown. The Motion will be set for hearing no earlier than forty-eight (48) hours after filing, unless the immediacy of the proceeding requires variance from this standard. The public and the media have a right to present evidence of a countervailing right to attend the proceeding at issue.
- 29.06 The Juvenile Court may restrict media and/or public access to its proceedings if the Court finds all of the following:
- A. There exists a reasonable and substantial basis for believing that public/media access could harm or endanger the fairness of the adjudication;
 - B. The potential for harm outweighs the benefits of public access; and
 - C. There are no reasonable alternatives to closure.
- 29.07 All Motions for Closure, Notice of Hearing on said Motions and written Decisions on said Motions shall be available for public inspection upon request at the Juvenile Clerk’s office during court hours.
- 29.08 In all cases, media/public access shall be limited in accordance with Local Rule 30 and Rule 12(A) of the Rules of Superintendence for the Courts of Ohio.

RULE 30 AUDIO AND/OR VIDEO RECORDING OR BROADCAST OF JUVENILE COURT PROCEEDINGS

- 30.01 In accordance with Rule 12(A) of the Rules of Superintendence for the Courts of Ohio, motions for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the ruling shall be made

part of the proceedings. Motions shall be filed within a reasonable time before any scheduled proceeding. A hearing shall be held on said Motion.

30.02 If permitted, the hearing officer, after consultation with the media, shall specify the place or places in the courtroom where the journalists, operators and equipment are to be located. The hearing officer shall include such terms in the ruling as will limit potential distraction for the participants, maintain the dignity of the proceedings and prevent material interference with achievement of a fair trial.

30.03 Permissible Equipment and Operators

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

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

For radio broadcast purposes not more than one (1) audio system shall be permitted in court. Where available and suitable, the existing audio pick up systems in the courtroom shall be used by the media. In the event no systems are available, microphones and other electronic equipment necessary for audio pick up shall be as inconspicuous as possible, but must be visible.

Visible audio equipment may be used by news media reporters with prior permission of the hearing officer.

30.04 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 of the court and must be made without imposing on the hearing officer or court personnel. If disputes arise over such arrangements, the hearing officer shall exclude all contesting representatives from the proceedings.

30.05 Use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial light other than normally used in the courtroom shall be employed.

30.06 Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about the room during the proceedings from the places they have been positioned by the hearing officer, except to enter and leave the courtroom.

30.07 The changing of film or recording tape in the courtroom during the proceedings is prohibited.

- 30.08 The hearing officer may impose limitations on media actions as deemed appropriate for a given case. The following are limitations that are in force in all situations:
- A. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and client or co-counsel or conferences conducted at the bench between the hearing officer and counsel.
 - B. The hearing officer shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Any objections shall be honored by the media.
 - C. There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors.
 - D. No media representative or agency shall report the name of the accused child or otherwise identify the child or the child's family.
 - E. No media representative or agency shall report the name of any victim if the victim is under the age of eighteen (18) years, nor shall they otherwise identify the victim or the victim's family.
 - F. No information shall be published relative to the child's social history, personal or educational background, or mental or physical condition, or that of the child's family, without prior authorization by the Court.
 - G. If any audio or visual recording is to be made, the voices and faces of anyone under age eighteen (18) will be distorted, or blacked out, so that identification is impossible.
- 30.09 All media representatives and agencies must arrive at the hearing room prior to commencement of the hearing and present proper identification and sign in. A media representative's signature indicates agreement to abide by the above provisions and any others determined on a case by case basis by the Judge or hearing officer.
- 30.10 Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order imposing appropriate sanctions, including, without limitation, terminating media coverage, barring the particular person or agency from access to future electronic media coverage of proceedings in that courtroom for a defined period of time, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.
- 30.11 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.
- 30.12 Any future amendments to Rule 12(A) of the Rules of Superintendence for the Court of Ohio are incorporated herein and, to the extent that such amendments conflict with this rule, they shall take precedence.

APPENDIX 1 – COURT COSTS

COURT COSTS - assessed at final disposition

Delinquency (Misdemeanor).....	\$ 79.00
Delinquency (Felony).....	\$100.00
Unruly.....	\$ 55.00
Traffic (Moving Violation).....	\$ 79.00
Traffic (Nonmoving Violation).....	\$ 55.00

FILING FEES - due at time of filing

Request to Seal Adult Criminal Record.....\$50.00 PER APPLICATION

Initial or original petition or complaint for paternity, allocation of parental rights and responsibilities or any issue related to paternity, custody, support of or visitation with a minor child..... \$75.00 PER CHILD

Filing which reactivates a case after the filing of the decree or orders that dispose of the original petition or complaint..... \$50.00 PER CHILD

No filing fee shall be required of the Miami County Child Support Enforcement Agency or the Miami County Children’s Services Board for the filing of any original action or subsequent Motion to seek modification, enforcement, extension or termination of existing orders.

APPENDIX 2 – STANDARD PARENTING TIME SCHEDULE

STANDARD PARENTING TIME SCHEDULE

Unless the parties agree otherwise or subject to a modifying order, the following shall be the temporary and permanent order of this Court relative to the rights and obligations of the residential and non-residential parent. The factors set forth in R.C. 3109.051 (D) (1) through (14) inclusive and the best interests of the child(ren) have been considered in establishing this order.

(A) Neither party shall establish residence for the minor child(ren) outside the State of Ohio without prior approval of this Court.

(B) The non-residential parent shall have visitation alternate weekends from Friday evening at 6:00p.m. until 6:00p.m. on Sunday.

(C) Mid-Week: In addition, the child(ren) shall spend a minimum of one day of mid-week companionship as follows:

For a child not yet in mandatory education: 5:00p.m. to 7:30p.m.

For a child Kindergarten through 8th grade: 5:00p.m. to 8:00p.m.

For a high school student, 5:00p.m. to 9:00p.m.

If there is more than one child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the mid-week companionship is Wednesday. If a child is in a child care arrangement, the non-residential parent may not pickup the child from the caretaker without the prior permission of the residential parent, preferably in writing.

The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for the pickup or delivery of the child(ren), must use an adult well known to the child(ren).

(D) The father shall have the children on the holidays in Column 1 in odd - numbered years and the holidays in Column 2 in the even-numbered years. The mother shall have the children on the holidays in Column 1 in even-numbered years and the holidays in Column 2 in odd-numbered years:

COLUMN 1

Martin Luther King, Jr. Day

Easter

Fourth of July

Beggars' Night (6:00 to 9:00p.m).

COLUMN 2

Presidents' Day

Memorial Day

Labor Day

Thanksgiving eve *Wednesday at 6:00p.m until Sunday at 6:00p.m.)*

APPENDIX 2, continued

If the parties cannot agree on times, non-residential holiday parenting time shall be from 10:00 a.m. the day of the holiday until 7:00p.m., except for Beggar's Night as observed in that parent's community. When the holiday falls on a Monday immediately following a non-residential parenting time weekend, the non-residential parent shall be entitled to keep the children continuously from 6:00 p.m. Friday to 7:00p.m. Monday. Weekend rotation remains the same after holidays.

(E) Mother's Day shall always be spent with the mother, and Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the time shall be 10:00a.m. to 7:00p.m. The child's birthday shall always be spent with the mother in the even-numbered years and shall always be spent with the father in the odd-numbered years. However, nothing herein should be construed to prevent a parent from delivering a gift or attending a party if it is otherwise appropriate, i.e., at a grandparent's after invitation. The non-residential parent must provide one week's notice of their intent to have visitation for a birthday. If the parties cannot agree, the time is 10:00 a.m. to 7:00p.m. for a child not in school on the birthday, and 4:00p.m. to 8:00p.m. for a child in school on their birthday. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to the weekend, holiday or vacation with the child. (Brothers and sisters shall be allowed to attend the birthday event.) In addition, in all even-numbered years, the mother shall have the child(ren) from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child(ren) are not in school), until 3:00 p.m. December 25 and the father shall have the child(ren) from 3:00p.m. December 25 through 6:00p.m. January 1. In all odd-numbered years, the reverse shall apply.

(F) Non-residential parent shall have visitation for Spring Break from school, not to exceed one (1) week in alternate years, commencing in the calendar year after the decree or order is filed.

(G) Non-residential parent shall have four (4) weeks of summer visitation which shall not be extended because other non-residential parenting time falls within the chosen summer. Weekend rotation remains the same after extended summer visitation. Non-residential parent's visitation shall be set sixty (60) days in advance by the non-residential parent or with the consent of the residential parent if less than sixty (60) days notice. The non-residential parent's choice of vacation has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by the employer to give more than sixty (60) days notice of intent to take a vacation and the non-residential parent has no similar requirement. Each parent must provide the other parent with destination, times of arrival and departure and method of travel if the vacation will be outside the parent's community. Summer school necessary for the child(ren) to pass to the next grade must be attended. Extended visitation may be scheduled by either parent during a mandatory summer school period, but the child must attend all classes. There will be no abatement of support unless visitation is in excess of twenty-eight (28) consecutive days, and then it is discretionary with the Court.

APPENDIX 2, continued

The regular alternate weekend and day of the mid-week visitation schedule shall continue throughout the summer with the custodial parent continuing to have the children on the weekends said parent would normally have them and a mid-week visit pursuant to the above. Each parent shall be entitled to two uninterrupted seven-day periods of visitation, (**if the parents are out of town**) which may be consecutive at the exercising parent's option, per summer. Said visitation periods shall be scheduled in the same manner as set forth above.

(H) The non-residential parent will be prompt for pickup and return of the child(ren) and the residential parent will ready the child(ren) for the visitation. The residential parent has no duty to wait for non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that they will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the visitation period.

(I) Each parent must, unless the Court orders otherwise, keep the other informed of their current address and a telephone number in the event of an emergency.

(J) If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If a child becomes ill while with the residential parent prior to a scheduled visitation period, the parent must contact the other parent and discuss the advisability of whether the visitation period should take place with the best interests of the child as the primary consideration. If the child does not go for the visitation period, then the non-residential parent has the right to visit the child for not more than one(1) hour at the time scheduled for the visitation period to begin. This does not apply if the order of any Court or consent agreement prohibits the non-residential parent from being at the home. If another child of the parties is scheduled to have visitation, then the regular visitation schedule must go on with that child(ren).

(K) The residential parent shall take the necessary action with school authorities to: (A) List the non-residential parent as a parent of the child(ren); (B) authorize the school to release to the non-residential parent all information concerning the child(ren); (C) direct the school to send copies of all notices to the non-residential parent as well as the residential parent; and (D) provide copies of each child's grades to the non-residential parent. In addition, the residential parent must inform the other parent of school activities or special events such as parent-teacher conferences, school programs, athletic events, honors programs, special ceremonies, graduation, or other school activities in which the child is involved as soon as the residential parent receives notice of the same.

(L) The residential parent shall upon request by the non-residential parent immediately comply with whatever action is required, including the signing of full release to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child(ren). With the exception of sudden emergency, each

APPENDIX 2, continued

parent shall be consulted relative to elective surgery.

(M) It is the affirmative duty of the residential parent to prepare and encourage their child(ren) to comply with the visitation schedule.

A parent may not withhold visitation rights because the other parent does not obey another Court Order, such as paying support or medical bills. The parties should seek the advice of attorneys in such a case.

(N) Both parents shall encourage and foster in the child(ren) sincere respect and affection for both parents and should not hamper the natural development of the child(ren)'s love and respect for the other parent.

APPENDIX 3 – PHASE IN VISITATION SCHEDULE

PHASE IN VISITATION SCHEDULE

In many paternity cases, the parents and child have not been living together as a family unit. Therefore, it is in the child's best interests that visitation with the non-custodial parent be introduced on a limited basis. After that introduction has been accomplished, visitation would be expanded consistent with the Standard Order of Visitation and Companionship

1. Unless the parties agree otherwise, or subject to modifying order, introductory visitation shall be as follows:

(A) Visitation shall occur once a week for two hours away from the custodial parent's home at a neutral site, such as a suitable relative of the non-custodial parent or Family Connections, Inc.

(B) The non-custodial relative must be agreeable.

(C) The child shall not be removed from the agreed upon visitation location during the visitation period

(D) No alcoholic beverages or substances of abuse shall be used during the visitation or prior thereto.

(E) The visit shall take place on a day of custodial parent's choice and time, unless this conflicts with non-custodial parent's work schedule. In such case, if the custodial parent cannot choose another non-conflicting day and time, then visitation day shall be at non-custodial parent's choice.

(F) Introductory visitation shall continue for 4 weeks. If non-custodial parent misses any visitation, the introductory visitation pattern shall continue beyond four weeks until three consecutive weeks of visitation have occurred.

2. Thereafter, visitation shall be enhanced for an additional four consecutive weeks once a week for 6 hours. Visitation may occur away from the relative's home or Family Connection. All other guidelines of the introductory phase shall continue in effect.

3. Thereafter, non-custodial parent may have the child for overnight visitation, once a week. The third phase shall continue for six consecutive weeks. The choice of days shall follow the selection process set out in the introductory phase. Visitation shall commence at 10:00 A.M. and terminate the following day also at 10:00 A.M., unless modified by mutual agreement. All other guidelines of the introductory phase shall continue in effect.

4. After the successful completion of Phase 3, the parties shall exercise visitation in accordance with the Standard Order of Visitation and Companionship.

APPENDIX 4 – OUT-OF-STATE VISITATION SCHEDULE

OUT-OF-STATE VISITATION SCHEDULE

Non-residential parent shall be entitled to parenting time per Local R. 8.021, except as modified below. As long as one of the parties resides outside the State of Ohio, paragraphs C, D, and F of Loc. R. 8.021 are amended. The non-residential parent shall be entitled to:

- A) Six (6) weeks visitation during the children's summer vacation from school.
- B) One week at Spring break from school.
- C) Extended visitation at Christmas time, in the first year from the day after the last day of school through December 26, in the second year from December 27 to the day before school commences again and alternating in the same sequence thereafter.
- D) Visitation - Whenever non-residential parent is in the state in which the residential parent resides, and after at least 24 hours notice, for a reasonable period of time considering the circumstances.
- E) Visitation - Whenever residential parent is in the state in which non-residential parent resides he/she shall notify non-residential parent that he/she may visit with the children for a reasonable period of time considering the circumstances.
- F) In all events, a reasonable period of time shall be at least those periods established in Local R. 8.021.
- G) Whenever possible the children shall spend Father's Day and Mother's Day with the appropriate person.
- H) Each parent shall have access personally or telephonically to the child on that child's birthday.
- I) Non-residential parent shall be permitted to telephone the children at 6:00 P.M. Eastern time on alternate Sundays commencing the first week after the order and thereafter and residential parent shall make sure that the children are available to receive the calls.
- J) The parties shall exchange all pertinent addresses, phone numbers and other necessary information to implement these orders.
- K) Costs of transportation shall be borne by the party that has chosen to relocate outside of the State of Ohio subject to the discretion of the Court in light of the financial circumstances of the parties.

APPENDIX 5 – SUPPORT ORDERS

SUPPORT ORDERS

IT IS FURTHER ORDERED that (Name of Obligor), SSN: _____ born____ living at _____ shall pay \$ _____ per month, plus two percent administrative fee commencing _____. (Name of Obligor) is currently employed by _____. All payments shall be made through Ohio Child Support Central, P.O. Box 182372, Columbus, Ohio 43218. Questions can be addressed to Miami County CSEA, 2040 N. Co. Road 25A, Troy, Ohio 45373, telephone number (937) 339-2919. (Name of Obligor) shall make the payments to Ohio Child Support Central until appropriate withholdings are issued and deductions begin.

All child support under this order shall be withheld or deducted from the wages or assets of the Obligor pursuant to a withholding or deduction notice or appropriate court order issued and forwarded to the Obligee in accordance with O.R.C. Sections 3121.01 et seq.

The Obligor is restrained from making payments directly to the Obligee and the Obligee is restrained from accepting direct payments from the Obligor. Any payments not made through the Miami County CSEA shall be deemed a gift.

The Obligor shall notify the Miami County CSEA in writing of any change in employment. This is an ongoing duty and failure to provide said notification may make the Obligor liable for retroactive support that would have been ordered.

The Obligee shall notify the Miami County CSEA of any change in the child's status, which would terminate the duty of support.

If the Obligor is in default under this support order and has a claim against a third party of more than One Thousand Dollars, the Obligor shall notify the CSEA of the claim, including the nature of the claim and the name of the person or entity against whom the claim exists.

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE

APPENDIX 5, continued

REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND MAY BE SUBJECTED TO FINES UP TO \$1000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IT IS FURTHER ORDERED that the parties shall provide for (Name of Child)'s health care needs in accordance with the Standard Order of Health Care Needs for Dependent Children and Additional Order of Health Care Needs for Dependent Children attached hereto.

APPENDIX 6 – STANDARD ORDER OF HEALTH CARE

STANDARD ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN

The parties shall comply with the Court's Standard Order of Health Care Needs for Dependent Children and the parents shall be responsible for payment of the medical expenses pursuant to

Option _____ of the following schedule:

(1) HEALTH INSURANCE PROVIDED BY OBLIGOR'S GROUP INSURANCE

IT IS THEREFORE ORDERED that Obligor shall provide group health insurance coverage if available at a reasonable cost for the dependent children pursuant to the Dependent Health Care Order filed herewith.

IT IS THEREFORE ORDERED that Obligor and Obligee shall take notice of the Additional Order of Health Care Needs for Dependent children attached hereto and incorporated herein by reference.

Obligee shall be responsible for the first \$100.00 incurred per child per calendar year of uninsured medical, dental and optical expenses.

Costs of the remaining medical, dental, optical and all psychological expenses shall be shared equal unless otherwise agreed as follows: _____

(2) HEALTH INSURANCE PROVIDED BY OBLIGEE'S GROUP INSURANCE

IT IS THEREORE ORDERED that Obligee shall provide group health insurance coverage if available at a reasonable cost for the dependent children pursuant to the Dependent Health Care Order filed herewith.

IT IS FURTHER ORDERED that Obligee shall take notice of the Additional Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference.

Obligee shall be responsible for the first *100.00 incurred per child per calendar year of uninsured medical, dental, and optical expenses.

Costs of the remaining medical, dental, optical and all psychological expenses shall be shared, equally unless otherwise agreed as follows: _____

(3) IN THE EVENT BOTH OBLIGOR AND OBLIGEE HAVE GROUP HEALTH INSURANCE AVAILABLE

APPENDIX 6, continued

IT IS THEREFORE ORDERED that Obligor and Obligee shall provide group health insurance coverage if available, at a reasonable cost, for the dependent children pursuant to the Dependent Health Car. Orders filed herewith.

IT IS FURTHER ORDERED that Obligor and Obligee shall take notice of the Additional Order of Health Care Needs for Dependent Children attached hereto and incorporated herein by reference.

Obligee shall be responsible for the first \$100.00 incurred per child per calendar year of uninsured medical, dental and optical expenses.

Costs of the remaining medical, dental, optical and all psychological expenses shall be shared equally, unless otherwise agreed as follows

(4) IN THE EVENT NEITHER OBLIGOR NOR OBLIGEE HAS GROUP HEALTH INSURANCE AVAILABLE AT A REASONABLE COST.

IT IS THEREFORE ORDERED since no health Insurance for dependent children is available at a reasonable cost. Obligee shall be responsible for the first * 100.00 Incurred per child par calendar year of uninsured medical, dental and optical expense.

Cost of the remaining medical, dental, optical and al psychological expense shall be shared equally, unless otherwise agreed as follows

IT IS FURTHER ORDERED that Obligor and Obligee shall take notice of the Additional Order of Health Care Needs for Dependent Children attached hereto and Incorporated herein by reference.

IT IS FURTHER ORDERED that if after the Issuance of this order a group health insurance becomes available for the dependant children at a reasonable cost through a plan offered by the Obligor's or Obligee's employer or through any other group health insurance plan, available to Obligor or Obligee said party shall immediately notify the Miami County Child Support Enforcement Agency, 2040 N. County Road 25.A.Troy. OH 45373 in writing of the available Insurance company name and address and policy number.

APPENDIX 6, continued

ADDITIONAL ORDER OF HEALTH CARE NEEDS FOR DEPENDENT CHILDREN

Pursuant to R.C. 3113.217 (C) obligor and obligee shall take notice that all children subject of a child support order (hereinafter "children") must have health insurance coverage provided as set out below. The parties may reach agreement accordingly, or the court will determine based on testimony. Once the health insurance coverage for children becomes an order, the parties have thirty (30) days to comply with all provisions.

1. Health insurance coverage shall be provided through a group insurance policy (i) offered by the employer of the obligor, (ii) through another group health insurance plan when available to the obligor, (iii) offered by the employer of the obligee or (iv) through another group health insurance plan available to the obligee, whichever group policy is available for the most reasonable cost.
2. When the obligor is providing the health insurance coverage, obligor shall supply obligee with (i) insurance forms necessary to receive payment reimbursement, or other benefits, (ii) with necessary insurance cards, and (iii) obligor shall notify the insurance company that all reimbursement for expense covered under the policy and paid for by the obligee on behalf of insured children, shall be paid to obligee upon filing of necessary insurance or claim forms.
3. Obligor and Obligee shall designate the children as covered dependents on any health insurance plan for which they contract.
4. Obligor and obligee shall share the costs of any uninsured extraordinary medical, dental, optical or psychological expenses including co-payments and/or deductibles under the health insurance plan(s) that cover the children in equal amounts. Obligee shall be responsible for uninsured ordinary medical, dental and optical expenses including co-payments and/or deductibles. Ordinary medical expense shall be defined as the first \$100.00 incurred per child per calendar year of uninsured medical, dental and optical expenses including co-payments and/or deductible costs of the remaining extraordinary medical, dental optical and all psychological expense (extraordinary expenses are defined as those expenses in excess of \$100.00 per child per calendar year).
5. When health insurance coverage for the children is not available to either obligor or obligee through employment or through another group health insurance plan at a reasonable cost, then obligor and obligee shall share liability for the cost of extraordinary medical, dental, optical or psychological expenses in equal amounts. Obligee shall be responsible for ordinary medical, dental and optical expenses. Thereafter, when any group health insurance plan becomes available to either obligor or obligee said party shall immediately notify the Miami County Child Support Enforcement Agency.

APPENDIX 6, continued

6. If obligor is ordered (i) to provide health insurance coverage and (ii) to assure access to insurance forms, cards and reimbursement to obligee and fails to comply, the court shall order obligor's employer to enroll the obligor and children in available group health insurance and to deduct from obligor's earnings, the amount necessary to pay for the coverage.
7. While a medical insurance order is in effect, obligor's employer shall comply with R.C. 3113.217(C) and with court orders and shall release to obligee or the Miami County Child Support Enforcement Agency information on health insurance coverage, including, but not limited to, the name and address of the insurance company and policy number.
8. Any insurance company providing group health insurance to obligor and obligee must comply with R.C. 3113.217 and court orders.

APPENDIX 7 – FEE SCHEDULE FOR APPOINTED COUNSEL

FEE SCHEDULE FOR COURT APPOINTED COUNSEL

Payment for assigned counsel shall be on the basis of Fifty Dollars (\$50.00) per hour for time in court and Forty Dollars (\$40 00) per hour for time out of court, up to the following maximum amounts

JUVENILE PROCEEDING	MAXIMUM AMOUNT
Felony level Delinquency and Bindover	\$1000.00
Misdemeanor level Delinquency	\$750 00
Unruly	\$500.00
Abuse, Neglect and Dependency	\$1000 00
Paternity or Child Support	\$500.00
Allocation of Parental Rights and Responsibilities (Private)	\$500.00

Payment for Guardian Ad Litem (Attorney) shall be on the basis of Thirty-five Dollars (\$35.00) per hour for all time (in and out of court) up to a maximum amount of \$1000.00 per case per year.

APPENDIX 8 – FACSIMILE FILING COVER PAGE

FACSIMILE FILING COVER PAGE

MIAMI COUNTY JUVENILE COURT

IN THE MATTER OF: **CASE NO.*** _____

JUDGE W. McGREGOR DIXON, JR.

MAGISTRATE _____

TITLE OF DOCUMENT _____

DATE OF TRANSMISSION: _____

TRANSMITTING FAX NUMBER _____

NO. OF PAGES IN TRANSMISSION _____

SENDER INFORMATION:

NAME: _____ **SUP. CT. REG. NO.** _____

ADDRESS: _____

TELEPHONE NO. _____ **FAX NO.** _____

EMAIL ADDRESS: _____

* PLEASE STATE IN SPACE IF NO CASE NUMBER HAS BEEN ASSIGNED

APPENDIX 9, continued

at [Address:] _____

From _____ to _____ with _____
at [Address:] _____

From _____ to _____ with _____
at [Address:] _____

From _____ to _____ with _____
at
[Address:] _____

1. Said Affiant (circle one) **HAS/HAS NOT** participated as a party, witness, or any other capacity in any other proceeding concerning the allocation, between the parents of the same child, or parental rights and responsibilities for the care of the child including any designation of parenting time rights and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of or visitation with the same child. If affiant has so participated, the court, case number and the date of the child custody determination are stated below.

2. Said Affiant (circle one) **DOES/DOES NOT** know of any proceeding that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions. If Affiant does know of such a proceeding, the court, case number, and the nature of the proceeding are stated below.

3. Said Affiant (circle one) **KNOWS/DOES NOT KNOW** of any person who is not a party to the proceeding and has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child show had custody or visitation rights with respect to the child. If Affiant knows of such a person, the names and addresses of those persons are stated below.

Said Affiant has the following additional knowledge regarding information set forth in paragraphs one through three above:

APPENDIX 9, continued

Each party has a continuing duty to inform the court of any child custody proceeding concerning the child in this or any other state that could affect the current proceeding.

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete and accurate. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury. (R.C. 2921.11).

AFFIANT

Sworn to and subscribed before me on this _____ day of _____, 20____

Notary Public