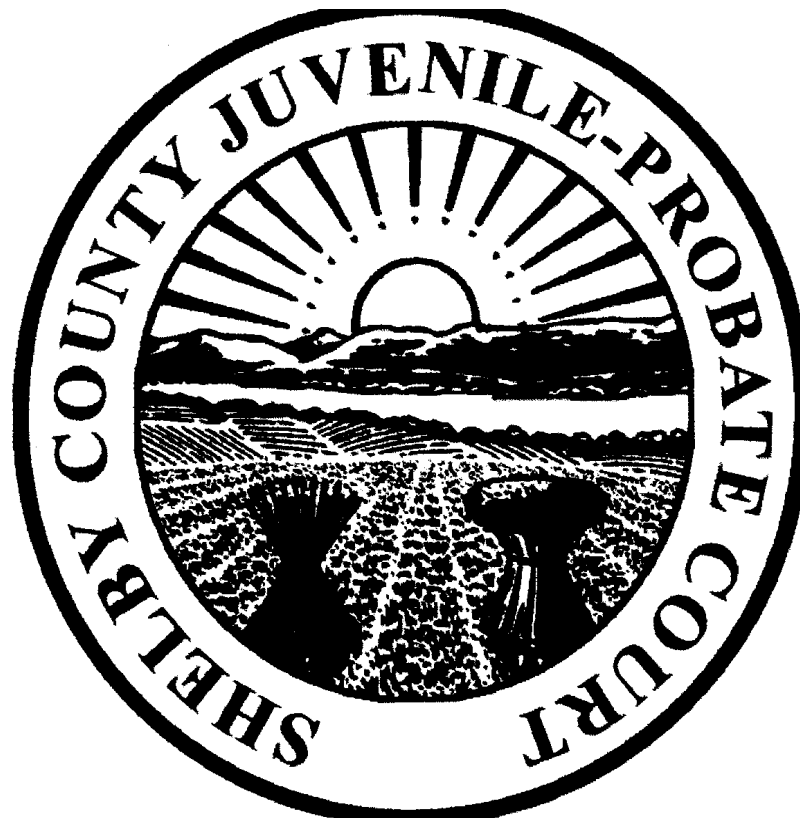


**SHELBY COUNTY JUVENILE
COURT
WILLIAM R. ZIMMERMAN, JUDGE**



LOCAL RULES OF COURT

Effective February 1, 2011

Table of Contents

| | |
|----|--|
| 1 | Local Rules Introduction |
| 2 | Effective date |
| 3 | Hours of Court |
| 4 | Security deposit for court costs and bond schedule |
| 5 | Copies and charges for copies |
| 6 | Facsimile filings |
| 7 | Forwarding copies |
| 8 | Disposition of exhibits |
| 9 | Fees and Costs: payment of fines, fees and costs |
| 10 | Court records |
| 11 | Conduct in Court |
| 12 | Correspondence |
| 13 | Delinquency and unruly actions |
| 14 | Juvenile traffic cases |
| 15 | Abuse, neglect and dependency cases |
| 16 | Parentage actions |
| 17 | Change of residential custodian, visitation and support cases |
| 18 | Criminal cases involving adults |
| 19 | Contempt cases |
| 20 | Contempt arrests |
| 21 | Indigent Public Defender |
| 22 | Attorney Registration Number |
| 23 | Court Appointed Counsel and Compensation |
| 24 | Alleged delinquent, unruly children and juvenile traffic offenders |
| 25 | Court Appointed Guardians-Ad-Litem and Compensation |
| 26 | Guardians-ad-Litem |
| 27 | Appointment of Interpreters |
| 28 | Security Plan |
| 29 | Recording of proceedings |
| 30 | Service of process |
| 31 | Court Records Management and Retention |
| 32 | Case Management Plan |
| 33 | Jury Management Plan |
| 34 | Exception to the rules |
| | Appendix A Required Deposits |
| | Appendix B Juvenile Court Bond Schedule |
| | Appendix C Plea of Admission/Traffic |
| | Appendix D Traffic Bond Schedule |
| | Appendix E Rule 22 |
| | Appendix F Pleas of Admission/Delinquency |
| | Appendix G Jury Management |

1 Local Rules Introduction

These local rules are adopted pursuant to the authority of Rule 5 of the Rules of Superintendence for the Courts of Ohio as amended from time to time. These local rules are supplemental to the Rules of Superintendence for the Courts of Ohio and must be read in conjunction therewith.

2 Effective date

The effective date of these rules is February 1, 2010.

3 Hours of Court

The Juvenile Court shall be open for the transaction of business from 8:30 a.m. to 4:00 p.m. daily Monday through Friday, except legal holidays.

4 Security deposits for court costs and bond schedule

Advance deposits for court costs shall be required in accordance with the schedule attached hereto as "Appendix A."

If there is an outstanding balance of court costs owed by a party petitioning the Court on a post-judgment motion, those costs are to be paid in full before the case is reopened on the motion.

The bond schedule for traffic and other offenses is attached hereto as "Appendix B and D."

5 Copies and charges for copies

Copies to be served

A party who files a pleading, a copy of which is to be served through the Clerk's office, shall furnish a sufficient number of copies for service. Any copies which must be made for service by the Clerk's office shall be charged to the attorney or party filing the same at the rate of \$.10 per page.

The Clerk shall make copies of all orders prepared by the Judge for service upon parties without cost to any party.

Any person preparing a Journal Entry or Order for the Judge's approval or at the direction of the Judge, shall prepare sufficient copies to be served upon all parties and shall include an order to the clerk to serve parties by listing each party's name individually and

providing an address if there is no current address in the file. This rule applies to public agencies, attorneys, and private persons.

Copy costs

Copies of records considered public pursuant to the Rules of Superintendence of the Courts of Ohio may be obtained by any party at a cost of \$.10 per page. Certified copies of records may be obtained at a cost of \$3.00 per record.

6 Facsimile filings

The provisions of this local rule are adopted under Civ.R. 5(E).

Pleadings and other papers may be filed with the Juvenile Court Clerk's Office by facsimile transmission to (937) 498-7260 subject to the following conditions:

APPLICABILITY

These rules apply to proceedings in the Shelby County Juvenile Court.

ORIGINAL FILING

- A. 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 Juvenile Court Clerk's Office 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.
- B. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

DEFINITIONS

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

- A. A "facsimile transmission" means the transmission of a course 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.
- B. A "facsimile machine" means a machine that can send and receive a facsimile transmission.

C. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

COVER PAGE

A. The person filing a document by fax shall also provide therewith a cover page containing the following information:

- (I) the name of the court;
- (II) the title of the case;
- (III) the case number;
- (IV) the title of the document being filed; (e.g. Defendant Jones' Answer To Amended Complaint; Plaintiff Smith's Response to Defendant's Motion)
- (V) the date of transmission;
- (VI) the transmitting fax number;
- (VII) an indication of the number of pages included in the transmission, including the cover page;
- (VIII) if a judge or case number has not been assigned, state that fact on the cover page;
- (IX) 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; and
- (X) if applicable, a statement explaining how costs are being submitted.

B. If a document is sent by fax to the Juvenile Court Clerk's Office without the cover page information listed above, the Clerk may, at its discretion:

- (I) enter the document in the Case Docket and file the document; or
- (II) send a faxed notice to the sending party of failed fax filing.

SIGNATURE

A. A party who wishes to file a signed source document by fax shall either:

- (I) fax a copy of the signed source document; or
- (II) fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

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

EXHIBITS

A. 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.

B. 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 and the title of the exhibit being filed, and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

TIME OF FILING

A. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the 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. However, the fax machine will be available to receive facsimile transmission of documents on the basis of 24 hours per day, seven days per week including holidays.

B. The Clerk's Office may, but need not, acknowledge receipt of a facsimile transmission.

C. 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's Office through whatever technological means are available.

FEES AND COSTS

A. No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Court costs and fees may be paid by cash, check or money order. Documents tendered to the Clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.

B. No additional fee shall be assessed for facsimile filings.

LENGTH OF DOCUMENT

Facsimile filing shall not exceed 20 pages in length. The filer shall not transmit service copies by facsimile.

EFFECTIVE DATE

These local rules shall be effective November 15, 2004, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

7 Forwarding copies

The Court will not return file-stamped copies by mail unless submitted with a return, self-addressed stamped envelope.

8 Disposition of exhibits

All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be filed in the Court case file, unless otherwise ordered by the Court.

Upon agreement of the parties or by order of the Court, copies may be substituted for the original exhibit.

9 Fees and Costs: payment of fines, fees and costs

The Juvenile Court shall tax and collect the same fees and costs as allowed by the Clerk of Common Pleas Court for similar services. No fees or costs shall be taxed in cases of delinquent, unruly, dependent, abused, or neglected children except as required by Section 2743.70 or 2949.091 or 2949.094 of the Revised Code. The Clerk shall also tax the costs associated with the service of subpoenas by the Sheriff's office or Bailiffs in delinquent, unruly and traffic cases.

Fines and costs in all cases filed with the Juvenile Court shall be paid at the conclusion of a case from deposit or as ordered. If payment in full is not made within 30 days of the filing of the entry assessing fines and costs, persons failing to pay may be held in contempt of court and cited to appear in Court or the Court may elect to employ a collection agency to collect the same.

10 Court records

- A. All files in the Juvenile Court and all reports and records of the Shelby County Probation Department, with the exception of files relating to parentage actions, support actions, custody actions and visitation actions, criminal actions involving

adults, are be considered confidential in accordance with Juvenile Rule 37(B).

- B. Official Court records of cases involving juveniles shall be open for inspection by the parent(s), guardian(s) or, if deceased, next of kin, or by legal counsel or guardian ad litem of any child affected by any order of any proceedings. Otherwise, such records shall not be available to any person except by order of the Judge or Magistrate or by written consent of the juvenile involved.
- C. The inspection of social histories or other investigative reports by attorneys and other interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure. Any probation, social, physical or mental examination prepared at the direction of the Court shall not be copied without the express approval of the Court.
- D. No person except a judge of the court, magistrate or representative to either shall remove any documents or case files from the custody of the clerk.
- E. Upon request, the clerk of courts shall allow a party, or attorney of record representing a party, to examine but not remove any oral documents or case file. Examination shall be allowed during regular business hours.
- F. For all records deemed public by these rules and upon request and the payment of photocopy fee, the clerk shall provide copies of an original document, except official transcripts, maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the clerk of courts. A reasonable period of time shall be based upon the extent of the request with efforts toward a 24-hour response time.
- G. Record checks by counsel, law enforcement and other agencies shall be directed to the Chief Deputy Clerk of the Juvenile Court.

11 Conduct in Court

Proper decorum in the Court is necessary for the administration of justice.

In any preliminary juvenile matter presented to the Court, the Court may restrict the attendance at said hearing to next of kin, interested parties and their counsel.

No radio or television transmission or voice recording other than equipment supplied by the Court for purposes of maintaining a record of proceedings shall be permitted without the express consent of the Court in advance and pursuant to C.P. Sup. R. 12.

12 Correspondence

Copies of all correspondence addressed to the Court by any party or counsel shall be mailed or furnished to the counsel or parties in the case and the correspondence to the Court shall disclose to whom copies were furnished. Correspondence not in compliance with the order shall be disregarded by the Court.

13 Delinquency and unruly actions

- A. In all actions involving charges of delinquency or unruliness, the Ohio Rules of Juvenile Procedure and the Ohio Rules of Criminal Procedures, where applicable, shall apply.
- B. Prior to filing, the Complaint shall be approved and certified by the Prosecuting Attorney before it is presented to the Intake Officer.
- C. The Intake Officer or the Chief Probation Officer shall review each complaint for screening pursuant to Juvenile Rule 9. Any assignment of a complaint to the Juvenile Diversion Program shall first have the approval of the Juvenile Judge or a Juvenile Magistrate if the Judge is unavailable.
- D. After all complaints are reviewed and deemed appropriate for formal processing in the Juvenile Court, they shall be delivered to the Clerk of the Juvenile Court for filing.
- E. The initial appearance shall be set by the Clerk of the Court on the first available court date after the filing of a delinquency or unruly charge.
- F. After advising the juvenile of his or her constitutional rights, the possible consequences for offense charged, the Court shall ask the juvenile if he or she desires an attorney. If a juvenile desires an attorney and does not have one at the initial appearance, the Court shall appoint the Shelby County Public Defender unless the Court determines that the juvenile does not qualify for public defender service.
- G. In cases where complaints are filed which allege a juvenile to be a delinquent child for committing an offense that would be a misdemeanor if committed by an adult and the juvenile resides outside of the State of Ohio, the juvenile shall be given the opportunity to waive his or her legal rights and admit to being a delinquent child and pay a standard fine and costs without court appearance. This Court hereby establishes a form which may be utilized for an alleged delinquent child who has committed a misdemeanor offense and his/her parent admit to the charge and pay the fine, pursuant to a schedule attached hereto as Appendix B, and costs. The form is attached hereto as Appendix F to these rules.

14 Juvenile traffic cases

In all actions involving juvenile traffic matters, Ohio Traffic Rules, the Ohio Rules of Juvenile Procedure and the Ohio Rules of Criminal Procedures where applicable shall apply.

Pursuant to Ohio Traffic Rule 13.1, there is hereby established a traffic violations bureau for juvenile traffic offenders to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as prescribed herein. The Judge of the Juvenile Division of the Shelby County Court of Common Pleas shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of said bureau as necessary. The violations bureau shall accept appearance, waiver of adjudicatory hearing, plea of admit, and payment of fine and costs for offenses within its authority.

All juvenile traffic offenses may be disposed of by said violations bureau, except as follows:

- (A) Indictable offenses;
- (B) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- (C) Leaving the scene of an accident;
- (D) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (E) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
- (F) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (G) Willfully eluding or fleeing a police officer;
- (H) Drag racing;
- (I) A second or subsequent moving offense;
- (J) An offense that involves an accident;
- (K) Any traffic offense, otherwise eligible to be disposed of by said violations bureau, that the Court, in its discretion and upon a case-by-case basis, determines should not be disposed of by said violations bureau.

The form is attached hereto as Appendix C to these rules. Appendix D is attached hereto which provides for the fine. Under Ohio law, the Court shall tax costs to these cases.

15 Abuse, neglect and dependency cases

The procedures set forth in the statutes and Ohio Rules of Juvenile Procedure with respect to actions involving abuse, neglect or dependency are mandatory and will be followed by this Court. Those cases shall be guided by the Ohio Rules of Juvenile Procedures and the Ohio Rules of Civil Procedures where applicable.

Any case filed by an individual alleging a child to be a dependent, neglected or abused

child shall be served upon the Shelby County Department of Job and Family Services, Children Services Division, which shall make an independent investigation of the facts alleged in the complaint.

16 Parentage actions

- A. Prior to the filing of a parentage action in the juvenile Court, the Plaintiff is required to request an administrative determination from the Child Support Enforcement Agency of the County in which the child, guardian, or legal custodian of the child resides as required by RC 3111.22.
- B. In all actions involving paternity, the Ohio Rules of Civil Procedure shall apply.
- C. A denial of the existence of parent-child relationship must be made by a written answer to the complaint which conforms to the Ohio Rules of Civil Procedure.
- D. In any case where there has been proper service upon the defendant and no answer has been filed pursuant to the Ohio Rules of Civil Procedure, the Court, upon the request of the complaining party, shall set the matter for hearing upon a motion for default judgment at the Court's earliest convenience.
- E. In all cases where the service has been proper and an answer has been filed, the Court shall set the matter for a pretrial conference at the Court's earliest convenience.
- F. The defendant may file his jury demand at the time he files his answer. Either party may request a jury by filing a written demand at any time after the defendant files his answer but no later than three days after the pretrial conference.
- G. After entry of judgment or order determining parentage, the father may petition for custody of the child or for visitation rights in a proceeding separate from the parentage proceedings.

17 Change of residential custodian, visitation and support cases

In all actions involving custody, visitation and support, each party seeking such relief shall file with the Court with his or her initial pleading the Shelby County Juvenile Court Current Information Form, Uniform Child Custody Jurisdictional Affidavit (3127.23), and the IV-D application for child support services. In such actions this Court adopts and incorporates the provisions of Shelby County Domestic Relation Rule 22, attached as Appendix 'E'. Those Ohio Rules of Civil Procedure which by their nature would be appropriate to proceedings in this Court in actions involving custody, visitation or support shall also apply to such proceedings.

18 Criminal cases involving adults

In all actions involving criminal charges against adults in the Juvenile Court, the Rules of Criminal Procedures shall apply. A demand for a jury trial shall be made in compliance with Criminal Rule 23.

At the conclusion of a criminal case involving an adult defendant, the Court shall prepare a list of all adult sentences and shall include as information on that list the names and addresses of an adult defendant the charge which the defendant admits or is found guilty and the sentence on that charge. The Clerk of Court shall furnish this information to the public media as soon as practicable after sentencing in a case.

19 Contempt cases

- A. All actions for contempt, whether involving the failure of payment of support or for any other reason, shall be set for hearing by the Court immediately upon the filing of the complaint or motion; said hearing shall be set within a reasonable time from the filing of the same and an order setting the matter for hearing shall be served upon the defendant together with a summons and a copy of the initial pleading alleging contempt.
- B. Any person filing a contempt action shall file therewith an affidavit which shall set forth the claimed reasons for the contempt and if the claim is a failure of payment of support, the affidavit shall include the amount of delinquency claimed. In the event the claim is for failure to pay medical expenses, the affidavit shall include the amount of such medical expenses. The party against whom the contempt action has been filed shall be served with a copy of the affidavit along with the motion for an order of contempt.

20 Contempt arrests

When a party is taken into custody pursuant to an order of the Court, other than upon execution of sentence, he shall be brought before the Court on the next regular court day or as soon thereafter as possible.

If a party is released on bond, he shall appear at the office of the Clerk of the Juvenile Court by 9:00 a.m. on the next court day following his release so that the Clerk can set for hearing the action in contempt on a date where he will be present to answer the charges.

Continuances of contempt hearings will only be granted upon a request in writing made by counsel of either party.

21 Indigent Public Defender (ORC 120.36)

Any person who is a defendant in a criminal case or a party in the case of juvenile court who requests or is provided a county public defender shall be assessed a fee of \$25 at the

disposition of such case.

Any party who has been provided a county public defender or private counsel and whose case is dismissed prior to, at the adjudicatory hearing or prior to the disposition hearing shall be assessed a fee of \$25.

Any person who for financial reasons is unable to pay the \$25 fee, may file with the Court a written application to waive or reduce the fee supported by a statement of assets, liabilities, income and expenses.

22 Attorney Registration Number

Every attorney shall include his or her registration number issued by the Supreme Court of Ohio on all documents filed in this Court and which bears his or her signature.

23 Court Appointed Counsel and Compensation

The Juvenile Court is a division of the Common Pleas Court. It was established to provide for the care, protection, and mental and physical development of children, to remove the consequences of criminal behavior and the taint of criminality from children committing delinquent acts to substitute a program of supervision, care and rehabilitation. Attorneys representing parties in Juvenile Court must be aware of the basic purposes and philosophies of the court, familiar with Chapter 2151 of the Ohio Revised Code and the Juvenile Rules of Procedure. Competent legal services provided in Juvenile Court must conform to the special rules, laws and purposes of the juvenile court.

Indigent parties in juvenile court may be a child charged with delinquency or unruliness; a parent of such a juvenile, a child who is allegedly abused, neglected or dependent, or the parent of any parent, custodian or guardian of any such child. Indigent parties subject to a contempt action have the right to court appointed counsel. Indigent parties also include minors seeking the consent of the juvenile judge to marry or minor females seeking an abortion without parental notification.

24 Alleged delinquent, unruly children and juvenile traffic offenders

The Shelby County Public Defender shall be appointed to represent all delinquent and unruly children. The Shelby County Public Defender shall be appointed to represent all juvenile traffic offenders when the disposition includes a possibility of a placement in detention. The Shelby County Public Defender shall be appointed to represent one or more parents of children who are alleged to be abused, neglected and dependent children. If a conflict exist within the office of the Shelby County Public Defender which would prevent any of the attorneys employed by that office to represent one or more of the above-named individuals, then the court shall appoint an attorney to represent an indigent party; that attorney shall be paid through the special service/program offered by this Court through its indigent defense fund following an application for reasonable fees and the granting of the same by the Court. Court appointed attorneys for any

party or individual not required to be represented by the Shelby County Public Defender's office shall be compensated by the Juvenile Court.

Compensation shall be paid to court-appointed counsel and court-appointed guardian ad litem who are also attorneys at the rate of \$50 per hour for out-of-court services and \$60 per hour for in-court services. Beginning with the appointment after July 1, 2000, the maximum fees allowed in juvenile proceedings for all court-appointed attorneys shall be \$500.00 unless said attorney can show extraordinary circumstances. Attorneys will also receive reimbursement of reasonable and necessary expenses. Attorneys shall submit their application for fees and expenses on form Shelby County Juvenile Court Attorney Fees-1 (SCJCAF-1) no later than 90 days after the conclusion of a case. Any request for attorney fees as a result of a conflict with the Shelby County Public Defender's office submitted after 90 days of the conclusion of a case shall have the current Ohio State Public Defender's reimbursement rate deducted from the requested fees.

From time to time the Juvenile Court shall, upon the request of the Shelby County Bar Association, provide a one day's training for attorneys wishing to be appointed to cases in juvenile court. The Shelby County Prosecuting attorney and the Shelby County Public Defender may join in the training.

Any attorney who wishes to practice in Juvenile Court but does not believe he/she is competent in all cases shall notify the Court and said attorney will be appointed to only those cases that he/she is competent.

The Assignment Commissioner of the Juvenile Court shall maintain a list of attorneys who have agreed to be appointed in juvenile matters. Any attorney who desire to be added to the list shall make a written request to the Judge of the Juvenile Court who will then review the request with the applicant to determine the qualifications of the applicant and if additional training is necessary. When it is necessary to appoint a court-appointed counsel, the Assignment Commissioner shall call the attorneys in order so that the list will be completely exhausted before the attorney is called again.

25 Court Appointed Guardians-Ad-Litem and Compensation

Alleged abused, neglected or dependent children

Any child who appears in the juvenile court, especially those who are alleged to be abused, neglected or dependent, may have a guardian ad litem appointed for them. If a guardian ad litem is appointed and requests an attorney, the court shall appoint an attorney to represent the guardian ad litem. The Court may appoint an attorney as guardian ad litem who shall be compensated at the same rate as appointed counsel pursuant to Local Rule 24. A guardian ad litem who is not an attorney shall be compensated at the rate of \$25.00 per hour plus reasonable and necessary expenses.

A guardian ad litem who is not an attorney and is a volunteer with the Shelby County

CASA program shall submit to the Court a statement of the time that the volunteer CASA/GAL has performed in the case. Effective January 1, 2007, the Court shall pay the Shelby County CASA/GAL Agency at the rate of \$25.00 per hour in lieu of compensating the volunteer CASA/GAL. Payments under this paragraph shall not exceed \$250 per family.

In abused, neglected and dependency cases where there are multiple children in the same family, only one attorney will be appointed as guardian ad litem or attorney for the guardian ad litem unless a conflict exists.

Custody and visitation cases

Any party requesting a guardian ad litem in a custody and visitation case shall deposit with the appointed Guardian Ad Litem the amount set forth by Court order. Once received, the guardian ad litem shall then proceed with his/her investigation.

26 Guardians-Ad-Litem

Training requirements

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.

Reports of Guardian ad litem

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 ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment. In addition, the following provisions shall apply to guardian ad litem reports in the juvenile and domestic relations divisions of Courts of Common Pleas:

(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 domestic relations proceedings involving the allocation of parental rights and responsibilities, 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 or by phone 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.

Responsibilities of the court

In order to ensure that only qualified individuals perform the duties of guardians ad litem and that the requirements of this rule are met, each court appointing guardians ad litem shall do all of the following:

(1) Maintain a public list of approved guardians ad litem while maintaining individual privacy under Rules 44 through 47 of the Rules of Superintendence.

(2) Establish criteria, which include all requirements of this rule, for appointment and removal of guardians ad litem and procedures to ensure an equitable distribution of the work load among the guardians ad litem on the list.

(3) Appoint or contract with a person to coordinate the application and appointment process, keep the files and records required by this rule, maintain information regarding training opportunities, receive written comments and complaints regarding the performance of guardians ad litem practicing before that court and perform other duties as assigned by the court.

(4) Maintain files for all applicants and for individuals approved for appointment as guardians ad litem with the court. The files shall contain all records and information required by this rule, and by local rules, for the selection and service of guardians ad litem including a certificate or other satisfactory proof of compliance with training requirements.

(5) Require all applicants to 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.

(6) Conduct, or cause to be conducted, a criminal and civil background check and investigation of information relevant to the applicant's fitness to serve as a guardian ad litem.

(7) Conduct, at least annually, a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule and local rules, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

(8) Require all individuals on its list to 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 division (E) of this rule.

(9) Each court shall develop a process or local rule and appoint a person for accepting and considering written comments and complaints regarding the performance of guardians ad litem practicing before that court. 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 person appointed may forward any comments and complaints to the administrative judge of the court 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.

27 Appointment of Interpreters

When a party to or witness in a legal proceeding cannot readily understand or communicate because of a hearing, speech, or other impairment, the court shall appoint a qualified interpreter to assist such a person. When possible, the court will appoint certified interpreters. If the court is unable to appoint a certified interpreter, the Judge will determine whether an uncertified interpreter is adequate for the job of court interpreting. In such cases, the Judge may conduct a voir dire.

Before entering upon official duties, the interpreter will be required to take an oath that he/she will make a true interpretation of the proceedings to the party or witness, and that he/she will truly repeat the statements made by such party or witness to the court, to the best of the interpreter's ability.

Qualified, private individuals who are appointed as interpreters will be reimbursed at a rate of \$25.00 per hour for in-court services and \$20.00 per hour for out-of-court services.

28 Security Plan

Pursuant to a Supreme Court of Ohio resolution dated July 26, 1995, the Shelby County Juvenile Court has determined the entire Security Plan as submitted to the Supreme Court of Ohio, effective November 1, 1999, be maintained as confidential and not a matter of public record.

29 Recording of proceedings

The Court will make an audio and video recording of the proceedings as the record of the Court. Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The costs of the stenographic record shall be paid by the requesting party unless otherwise ordered by the Court. The original electronic recording of the proceedings will not be made available to the parties. Arrangements must be made with the Court to have proceedings copied at a cost of Ten and No/100 Dollars (\$10.00) per disc, or transcribed by a stenographer approved by the Court. Discs of all electronically recorded proceedings will be maintained by the Court for two (2) years from the date of the hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed.

30 Service of Process

Pursuant to Rule 16 of the rules of Juvenile Procedure, the Court hereby adopts the following Rule for service by Publication. Service by Publication may be made in any manner set forth in Juvenile Rule 16. Service by Publication may be made by posting and regular mail.

If service by publication was made by posting and mail, an Affidavit shall be filed by the party or parties' attorney requesting service pursuant to Juvenile Rule 16. The Notice shall be posted in a conspicuous place or in the hall outside of the Juvenile Courtroom on the second floor of the Shelby County Courthouse and in two additional public places in the County. The two additional public places shall be the following: The lobby of the Shelby County Department of Jobs and Family Services, 227 S. Ohio Avenue, Sidney, Ohio, and on a bulletin board on the third floor outside of the Sidney Municipal Courtroom located at 110 W. Court Street, Sidney, Ohio.

The Notice shall be posted at the required location for seven (7) consecutive days prior to the date of the hearing, and the Clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served, also pursuant to Juvenile Rule 16.

Service of process by certified mail, return receipt requested, pursuant to Civil Rules 4.1, 4.3 and 4.5 may be perfected through a "Track and Confirm" verification by the United States Postal Service. Said verification shall be made part of the record.

31 Court Records management and retention rule for office of the Clerk of Courts and Court Administrator

Exhibits, depositions and transcripts.

At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions and transcripts if all the following conditions are satisfied:

1. The Court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification;
2. The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions or transcripts will be destroyed if not retrieved within sixty days of the notification;
3. The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts.
4. The party that tendered the exhibits, depositions or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (F)(1) of this rule.

Local rules

By local rule, a court may establish retention schedules for any records not listed in Sup. R. 26.01 to 26.05 and may extend, but not limit, the retention schedule for any record listed in Sup. R. 26.01 to 26.05. Any record that is not listed in Sup. R. 26.01 to 26.05 but is listed in a general retention schedule established pursuant to section 149.331 of the Revised Code may be retained for the period of time set by the general retention schedule and then destroyed.

Extension of retention period for individual case files

A court may order the retention period for an individual case file extended beyond the period specified in Sup. R. 26.02 to 26.05 for the case file.

Retention Schedule for the Administrative Records of the Court

1. **Administrative Journal.** Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.
2. **Annual reports.** Two copies of each annual report shall be retained permanently.
3. **Bank records.** Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
4. **Cash books.** Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
5. **Communication records.** Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
6. **Correspondence and general office records.** Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.
7. **Drafts and informal notes.** Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the drafts and informal notes.
8. **Employment applications for posted positions.** Employment applications for posted or advertised positions shall be retained for two years.

9. **Employee benefits and leaves records.** Employee benefit and leave records, including court office copies of life and medical insurance records shall be retained by the appropriate fiscal office for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
10. **Employee history and discipline records.** Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline, termination, and retirement of court employees shall be retained for ten years after termination of employment.
11. **Fiscal records.** Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
12. **Grant records.** Records of grants made or received by a court shall be retained for three years after expiration of the grant.
13. **Payroll records.** Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
14. **Publications received.** Publications received by a court may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the publications.
15. **Receipt records.** Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.
16. **Requests for proposals, bids, and resulting contracts.** Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

Records Retention Schedule: General, Domestic Relation, and Juvenile Division of the Court of Common Pleas

(A) Definitions

1. As used in divisions (A) to (D) of this rule, “division” means the juvenile division of the court of common pleas.
2. As used in this rule, “docket” means the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal and the execution docket.

(B) Required records.

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

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

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

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

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

Retention schedule for case files: Juvenile Division of the court of common pleas.

1. **Delinquency and adults records.** Delinquency records shall be retained until the child attains the age of 21 years or two years after the final order of the juvenile division or one year after the issuance of an audit report by the auditor of the State, whichever is later. Adult records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the juvenile division.
2. **Juvenile by-pass records.** Juvenile by-pass records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signatures of the complainant. Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought for two years after the filing of the appeal.
3. **Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records.** Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or the date specified for case files in division (H)(3) of Sup R. 260.03, whichever is later.
4. **Search warrant records.** Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.
5. **Traffic, unruly and marriage consent records.** Unruly and Marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-five years after the final order of the juvenile division. All other traffic records shall be retained for fifty years after the final order of the juvenile division.
6. **Sealing of delinquency and unruly records.** Any individual adjudicated a delinquent or unruly child may apply for the sealing of his or her records, pursuant to ORC 2151.356. The costs for the sealing as set forth in Appendix 'A' shall be paid in advance.

Purpose. The purpose of this rule is to ensure the readiness of all cases in the Juvenile Division of the Common Pleas Court for pretrial, final pretrial and trial.

- A. All actions in the Juvenile Court except traffic actions.
- (1) A pretrial conference shall be conducted in all actions where the issues are contested prior to being scheduled for trial.
 - (2) Notice of the pretrial conference shall be given to all counsel of record by mail and/or telephone by the Court not less than seven (7) days prior to the conference. Any application for a continuance of the conference shall be in writing and filed with the Court in a timely manner. In the event that the pretrial conference results in a change of plea in a Juvenile matter, thereby eliminating the need for an adjudicatory hearing or a trial, the Court shall immediately be notified and take the change of plea on the date of the pretrial conference and then schedule the dispositional hearing, if requested, to a later date. If the action involves contested issues which result in a consent order, the Court shall be immediately notified and shall direct one of the parties or counsel to prepare the consent judgment entry to be circulated and filed with the Court no later than ten (10) days following the pretrial conference.
 - (3) In the event there is no change of plea or a consent judgment entry, the following decisions shall be made at the pretrial conference and all counsel attending must have authority to enter into a binding pretrial order.
 - a. A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.
 - b. A definite date for exchange of expert witness reports shall be determined.
 - c. A definite date for filing of all motions, which date shall not be later than seven (7) days before the final pretrial.
 - d. The date for a final pretrial, if necessary, shall be set by the court and shall be held approximately one (1) week prior to trial.
 - (4) The following decisions shall be made at the final pretrial and all counsel attending must have full authority to enter into a binding final pretrial order.
 - a. The Court will rule on all pretrial motions.

- b. Briefs on any legal issues shall be submitted.
- c. Proposed jury instructions (if applicable) shall be submitted.
- d. Proposed jury interrogatories (if applicable) shall be submitted.
- e. Clients shall be present.
- f. No motion shall be heard after the final pretrial without leave of Court and without good cause being shown.
- g. The trial date shall not be changed nor shall the trial be continued without the order of the court and after showing of good cause.

B. Traffic Actions:

(1) In all traffic actions where the defendant admits the offense as charged or is found guilty of the offense as charged, the matter shall immediately proceed to disposition unless the defendant requests a continuance for dispositional hearing.

(2) In all traffic actions where the defendant denies the charge in the complaint, the Court, at its discretion, may immediately assign said action for hearing or for pretrial conference. Any request for a pretrial conference shall be made in writing seven (7) days prior to the hearing date.

C. Parentage Actions:

(1) At the initial pretrial conference, if the parties have not consented to genetic testing, the Court will automatically order genetic testing.

(2) In the event that the parties have requested an administrative determination of parentage from the Child Support Enforcement Agency and the parties sign a IV-D application, the State shall pay for the genetic testing. If a parentage complaint is filed in Court and the CSEA is a party to the case, the Court may assess the costs of genetic testing to one or both parties. In the event that genetic testing has been completed and a party requests retesting, then the costs of the second genetic test shall be assessed to the requested party.

(3) After the results of the genetic tests are known and if the results do not exclude the defendant as the father of the child, the plaintiff shall immediately notify the Court that a second pretrial conference is necessary and the Court shall set the pretrial at its earliest convenience.

(4) In the event that the results of the genetic tests exclude the defendant as the father, the plaintiff shall immediately notify the Court of the results of the genetic tests and the Court will dismiss the complaint unless the complaint is

amended within thirty (30) days after the results of the genetic tests are known to the plaintiff.

33 Jury Management Plan

The Shelby County Juvenile Court adopts the jury management plan of the Shelby County Common Pleas Court General Division, implemented April 21, 2009, attached hereto as Appendix G.

34 Exceptions to the Rules

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

APPENDIX A

Required Deposits for Filing in the
Shelby County Juvenile Court

| | |
|--|-----------|
| Filing complaints alleging juveniles to be unruly | \$ 100.00 |
| Filing complaints alleging juveniles to be delinquent..... | \$ 125.00 |
| Filing complaints for parentage, support, custody or visitation..... | \$ 200.00 |
| Reopen any case | \$ 200.00 |
| Filing a motion for contempt..... (must be paid even if case is currently open) | \$ 200.00 |
| Filing all completed pleadings for change of custody for school purposes only (no orders for visitation or support)..... | \$ 100.00 |
| Application for sealing of record..... | \$ 83.00 |

All other fees as provided by law.

**Any remaining deposit in the amount of \$2.00 or less will not be refunded; said remaining amount shall be paid into the Shelby County General Fund.

APPENDIX B

Amended Juvenile Court Bond Schedule

| | |
|---|----------|
| Speed 1-20 Miles Over Limit (out-of-state defendant)..... | \$ 50.00 |
| Speed 21 or More Miles Over Limit and Reckless Operation (out-of-state defendant)..... | \$ 75.00 |
| DUI (out-of-state defendant)..... | \$250.00 |
| Seat Belt Violation (out-of-state defendant)..... | \$ 25.00 |
| Any Other Traffic Offense (out-of-state defendant)..... | \$ 50.00 |

If any out-of-state juvenile defendant is unable to post bond pursuant to this schedule, his or her driver's license shall be deposited with the Court, to be returned upon appearance in court.

| | |
|---|---|
| Charge of delinquency (out-of-state defendant) | |
| Minor misdemeanor | \$ 50.00 |
| Misdemeanor of 1st or 2nd degree | \$100.00 |
| Misdemeanor of third or fourth degree | \$ 75.00 |
| Contempt for Court Costs..... | Amount of Court Costs or \$500.00, whichever is lesser. |
| Other Contempt Actions..... | \$500.00 |
| Contributing..... | \$1,000.00 |

Appendix C
**IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
JUVENILE DIVISION**

IN THE MATTER OF: _____

Case No: _____

Plea of Admission

DOB: _____

ALLEGED JUVENILE TRAFFIC OFFENDER

_____ of the _____ has filed a traffic citation against the above named juvenile alleging that he/she has violated Ohio Revised Section _____, on ___ in _____ County, Ohio. The undersigned acknowledges the receipt of a copy of the citation and further understands that he/she has a right to a trial before the Juvenile Judge of Shelby County, Ohio.

By signing this agreement, I acknowledge that:

1. At a trial, the State must prove me guilty beyond a reasonable doubt.
2. I may testify or remain silent at the trial.
3. I may call witnesses on my behalf.
4. I and/or my attorney may cross-examine the State's witnesses.
5. I may request the Court to subpoena witnesses on my behalf.
6. I may have an attorney of my choice represent me at the hearing.
7. This is my first traffic citation, and I may incur a mandatory 90 day license suspension, attend a Driver Improvement Class and required to re-take the driver's license examination upon receiving a second moving violation.
8. The penalties for this violation is a \$_____ fine plus \$_____ court costs.

I acknowledge understanding of the above rights and **admit** the allegations set forth in the traffic citation. Payment of the fine and costs must be made at the Clerk's office of the Shelby County Juvenile Court at the time this Plea of Admission is filed.

Juvenile

Parent or Custodian witnessing Signature

Sworn to and subscribed in my presence this _____ day of _____, 200__.

Deputy Clerk

ORDER

Based upon the admission of the above named juvenile, the Court hereby finds said juvenile guilty of being a juvenile traffic offender (ORC 2151.021) and imposes a fine of \$_____ and court costs of \$_____.

Judge William R. Zimmerman

APPENDIX D

TRAFFIC BOND SCHEDULE

Pursuant to Rule 14 of the Local Rules of Practice, Shelby County Juvenile Court, a first time offender may file a written plea of admission and pay a fine according to the following schedule:

1. Speeding - less than 16 miles per hour over speed limit and not in a school zone \$25.00
2. Stop sign/stop light violation if there is no accident. \$25.00
3. Any other violation incident to the operation of a motor vehicle
(anti-noise, anti-cruising, squealing tires, improper stopping or parking) \$10.00
4. Any equipment offense related to equipment or license tags. No fine; however, a statement must be attached to plea admission that the cause of the citation has been corrected.

APPENDIX E

RULES OF COURT

COMMON PLEAS COURT, SHELBY COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

EFFECTIVE AUGUST 5, 2008

JAMES F. STEVENSON, JUDGE

GUIDELINES FOR PARENTING TIME

I. Purpose

Companionship (parenting time) is a time for children to do things with the parent with whom they do not live. It provides an opportunity for that parent to engage in activities and teach skills which will make the time rewarding to everyone concerned. Helping the children find friends in the visiting parent's neighborhood makes the new area seem more like home to them. Contact with both parents is important to the children, and companionship arrangements should accordingly be encouraged.

II. Parenting Time Schedule

The following schedule shall apply unless otherwise specified by an order or judgment entry involving the parties. The word "cycle" as used in this Rule refers to a period of four (4) consecutive weeks rather than a calendar month. Since several months of each year contain more than four (4) weeks, each parenting time cycle will in time change in relation to the week of the calendar month in which it falls. Weekend parenting time will commence on the first Friday following the date of filing of such order or judgment entry, unless it otherwise provides. Such weekend will be deemed the "first weekend" of the cycle, again unless otherwise provided.

A. Weekends

Parenting time shall start on the first weekend after filing of such judgment entry, and shall consist of the following repeating four-week cycle:

1. On the first and third weekends, from Friday at 7:00 p.m. to Sunday at 7:00 p.m. during the school year, and from Friday at 7:00 p.m. to Sunday at 8:00 p.m. during summer breaks and before holidays;
2. On the second weekend, from 6:00 p.m. to 9:30 p.m. on Friday;
3. On the fourth weekend, no parenting time.
4. Parenting time shall not be delayed or denied because a child has other scheduled social, athletic, work or school activities. The visiting parent, however, must allow the child to participate in all mandatory scholastic activities and should--unless prevented from so doing by the nature of the parenting time--allows the child to participate in other regularly scheduled activities. The residential parent shall inform the visiting parent reasonably in advance of such activities, advising the visiting parent of dates, times, transportation needs and the like so that the child is not unnecessarily deprived of such activities and the friendships thereby maintained. The parents should discuss, reasonably agree upon and arrange such activities, taking into account both the needs of the visiting parent and the needs of the child. A failure by either parent to be concerned with the needs of the child for such activities shall be taken into account by the court in any post-judgment parenting time proceeding. Each parent should encourage the other to attend all of the child's school and sports activities.

B. Mid-week

Parenting time shall additionally be allowed on one weekday per week, according to the following schedule:

1. For a child 12 year of age or younger, from 5:00 p.m. to 8:00 p.m.
2. For a child 13 years of age or older, 5:00 p.m. to 9:00 p.m. If the parenting time involves more than one child, the hour or return shall be based on the age of the youngest child. If the parents

cannot agree on a particular day for such parenting time, then Wednesday is hereby designated for such purpose.

C. Days of Special Meaning

1. 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 balance of the weekend. Unless otherwise agreed, the time spent with the appropriate parent shall be from 10:00 a.m. to 7:00 p.m.

2. The birthday of each child shall be spent with the mother in even numbered years and the father in odd-numbered years, provided that the visiting parent give one week's notice of his or her intent to exercise such birthday parenting time. Such parenting time shall take place from 10:00 a.m. to 8:00 p.m. for a child not then in school, and from 5:00 p.m. to 8:00 p.m. for a child then in school. Parenting time for the child's birthday shall take precedence over other parenting times. The custodial parent shall take all reasonable steps to ensure the attendance of the child's brothers and sisters at the birthday event.

D. Holidays

Holidays shall be spent with the father or mother according to the following schedule:

| | Even-Numbered Years | Odd-Numbered Years | As Agreed Or |
|-----------------------------------|------------------------|-----------------------|---------------------------------|
| Easter & Spring Break | Father | Mother | Sun., 10 a.m. to 7 p.m. |
| Memorial Day | Mother | Father | Sun., 7 p.m. to Mon., 8 p.m. |
| July 4th | Father | Mother | 7/4, 9 a.m. to 7/5, 9 a.m. |
| Labor Day | Mother | Father | Sun., 7 p.m. to Mon., 8 p.m. |
| Beggars' Night/ Trick or Treat | Father | Mother | 5 p.m. to 8 p.m. |
| Thanksgiving | Mother | Father | Thurs., 9 a.m. to Fri., 9 a.m. |
| | Even-Numbered Years | Odd-Numbered Years | As Agreed Or |
| Christmas Eve | Father | Mother | 12/23, 9 a.m. to 12/25, 10 a.m. |
| Christmas Day/Vacation | Mother | Father | 12/25, 10 a.m. to 12/31, 5 p.m. |
| New Year's Eve/Day | Father | Mother | 12/31, 5 p.m. to 01/01, 9 p.m. |

Holiday parenting time takes precedence over all other parenting times.

E. Vacation Parenting Time

1. The visiting parent shall be entitled to four weeks of parenting time each year, to be taken in one or more periods of not less than one week each. Such parent must give notice at least 30 days in advance of any one-week parenting time period, and at least 60 days in advance for each parenting time period of two or more weeks. The visiting parent's right of vacation parenting

time takes precedence over that of the residential parent, unless that parent's annual vacation period is ordered by his or her employer to take place during a specific designated time. The residential parent shall give the other parent at least 60 days' advance notice of such mandatory vacation period, and reasonable notice of other planned vacations or special events involving the children. A residential parent's vacation shall not exceed 14 consecutive calendar days without providing an opportunity for parenting time by the noncustodial parent.

2. Vacation parenting time must be exercised in such a manner as to allow the child to attend all classes mandated by his or her school curriculum or required for advancement to the next school grade.

3. Each parent shall provide the other with the location, arrival and departure times, and method of travel to and from any vacation taking place outside that parent's community.

4. A parent denied parenting time by reason of the other parent's vacation with the child shall be allowed to make up such parenting time within a reasonable time thereafter. Such time shall not exceed 90 days in the case of the noncustodial parent. The parent seeking such "make-up" parenting time shall give the other parent at least 30 days notice of the weekend(s) during which such make-up parenting time shall be exercised. Failure of either parent to exercise such "make-up" parenting time within six months shall constitute a waiver of such right for such vacation.

III. Parenting Time Procedures

A. Child's Response to Parenting Time

1. It is the absolute affirmative duty of the custodial parent to ensure that his or her child participates in parenting time.

2. If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, both by working with the child and with the other parent, avoiding in each case confrontations or unpleasant scenes.

3. If the parties cannot resolve the problem among themselves and the child, it is the duty of each parent to seek and participate in immediate assistance by a counselor or other mental health professional.

B. Exercise of Parenting Time

1. It is not necessary to give advance notice of the exercise of scheduled parenting time.

2. The residential parent shall have each child emotionally and physically ready for the parenting time.

3. When more than one child is involved, parenting time will be exercised with all children together.

4. The visiting parent will not return the child prior to the end of the parenting time period unless otherwise agreed in advance.

5. The residential parent shall arrange to be present or have a responsible adult present at the return site at the proper time.

6. Unless otherwise agreed or provided by court order, the visiting parent has the responsibility to pick up and return each child. If the visiting parent is unavailable for such pick up or return, then he or she must provide a responsible adult well known to the child for this purpose. Only a licensed driver may transport the child in a motor vehicle; all child restraint laws must be followed. No person under the influence of drugs or alcohol shall be associated in any way with

transporting the child.

7. The residential parent shall provide sufficient appropriate clean clothing for each parenting time period. If an anticipated parenting time activity requires special or unusual clothing needs, the visiting parent must notify the other parent at least two days in advance of such need. If the child does not have the specialized type of clothing required for such activity, the residential parent is under no obligation to provide it. All clothing sent by the residential parent must be returned with the child by the visiting parent.

8. A visiting parent must provide time for each child to study and complete necessary home work assignments and other school assigned projects, even if such requirements interfere with planned parenting time activities. The residential parent shall, however, have the child complete such school assignments prior to parenting time whenever reasonably practical. The residential parent must inform the visiting parent of the nature and deadline date of any assigned school work.

9. A parent who continually fails to pick up or return the child promptly or who habitually returns the child before completing the parenting time period shall, in the discretion of the court, be subject to the same sanctions as a parent who fails to exercise parenting time. A residential parent who habitually fails to provide a secure environment for the child upon its timely return by the visiting parent may be subjected to similar sanctions.

C. Parenting Time Cancellations

1. Except in case of emergency, a visiting parent must give notice of his or her intent not to exercise parenting time at least twenty-four hours in advance of such parenting time. Cancelled parenting times are forfeited, and need not be made up. A parent who continually fails without good cause to exercise parenting time may have such parenting time curtailed, modified or made subject to certain conditions, all as determined in the reasonable discretion of the court upon motion by the other parent.

2. The residential parent has no duty to wait for the visiting parent for more than 30 minutes beyond the time set for parenting time, unless the visiting parent notifies the residential parent that the or she will be late, and the residential parent agrees to remain available for a longer period of time. Such agreement shall not be unreasonably withheld.

D. Illness or Injury of a Child

1. Each parent must immediately notify the other parent of any illness or injury of the child requiring medical or dental consultation, in-patient or out-patient hospital treatment or the giving of prescription medication.

2. If a child is injured or becomes ill prior to a scheduled parenting time, the residential parent must contact the visiting parent and discuss the advisability of such parenting time, taking into account the best interest of the child. In deciding the matter of parenting time the parent should consider the nature of the illness or injury, the danger of contagion, the ability of the visiting parent to provide proper care, the nature of planned parenting time activities and any other matter of importance.

3. If an ill or injured child participates in a parenting time, then the residential parent must provide written instructions and sufficient medication for the child's proper care while with the other parent.

The visiting parent must comply with any appropriate medical directions, and must notify the other parent if the child's condition worsens or fails to improve as anticipated.

4. If the parents determine that the child should not go on parenting time, then the visiting parent, unless otherwise prohibited by law or by an order of this court may spend a reasonable time -- that is, a time which does not conflict with the child's medical needs or the reasonable schedule of the residential parent -- with the child at the residential parent's home.

5. The inability of one child to participate in parenting time will not affect the right or the responsibility of the visiting parent to visit with other children subject to the parenting time order, unless the ill child has a contagious disease to which the other children have been exposed.

6. Parenting time cancelled due to a child's illness or injury may be made up by the visiting parent within 90 days of the child's return to health. The procedure for such make-up shall be as provided in Local Rule I for parenting time missed by reason of vacation.

7. The visiting parent is responsible for the health and safety of the child with whom he or she visits, and must secure appropriate emergency treatment, if necessitated by the child's condition. The residential parent shall keep the visiting parent informed of the name and address of the child's pediatrician or family physician, required insurance information and the like.

8. Subject to law and other rules of this court pertaining to medical expenses, the residential parent shall be responsible to provide prescription medications and therapeutic equipment for and during all parenting times, including vacations, for a child who suffers a chronic disease or disability.

9. If a visiting parent reasonably questions the residential parent's judgment that a child may not participate in parenting time by reason of a claimed injury or illness, such visiting parent shall have the right to have the child examined at his or her expense by the child's pediatrician or family physician. The residential parent shall authorize the release to the visiting parent of all medical information available to such physician concerning such child, except only information which in the judgment of the physician may relate to a possible past or present abuse of the child by the visiting parent. The residential parent must cooperate in the scheduling and taking of such an examination, and in the release of such information to the visiting parent.

IV. Communications

Companionship between visiting parents and their children involves much more than compliance with a parenting time schedule. It includes the right of regular communication by mail, telephone and -- in this modern age of telecommunications -- computer generated electronic mail, facsimile transmissions and the like. Communications between the parents, however strained their relationship may be, is also important, since it enables each of them to better provide for the child.

Accordingly:

A. Each parent has the right to telephone access to the child at all reasonable time for all reasonable purposes. If the parents cannot agree as to the timing, frequency and length of such communications, the following apply:

1. The parent with whom the child is not then living may talk with the child on the telephone twice each week;

2. A visiting parent may call a child once during a cancelled parenting time, regardless of the reason for the cancellation;
 3. Except in cases of emergency, phone calls shall not be made during the child's normal bedtime hours;
 4. Phone calls shall not last more than 15 minutes;
 5. If the child is unavailable to take the call, the residential parent shall be responsible to ensure that the child promptly returns the call;
 6. A child is permitted to call either parent with any reasonable frequency, at any reasonable time and for any reasonable duration. If such call involves a long-distance or other toll charge, it shall be made collect, unless the other parent otherwise agrees.
- B. Each parent shall encourage frequent communication between the child and the other parent, and shall not do anything to impede or restrict such communication, whether by phone, mail or other means. Mail between a child and either parent shall be kept strictly confidential between them, and shall not be open or read by the other parent unless the child so requests it or the child is unable to read.
- C. Unless otherwise provided by law or court order, each parent shall keep the other informed of his or her current address and telephone number, his or her work telephone number (unless calls are not permitted at work) and an alternate telephone number for emergencies. "Current address" means both ail address and sufficient description or directions to enable the other aren't to locate the residence. When it is anticipated that the child will spend an extended time away from the residence of both parties, then the party having such information will provide the other party with the child's temporary address and telephone number, if feasible.

V. Parenting Time Under Special Circumstances

If circumstances make it not in the best interest of a child to comply with the terms of this standard order, each party shall cooperate with the other in establishing a parenting time schedule and procedure which take into account such special circumstances, the needs of the visiting parent and the best interests of the child. If the parties are unable to reasonably determine or agree upon such a schedule and procedure, they shall enlist the services of a counselor or medical professional to assist them in preparing and following such arrangements. Should they still be unwilling or unable to reach a reasonable agreement, then either party may petition the court for an order of special parenting time. Under these special circumstances for parenting time the court may allocate safety and transportation costs between or among parties or entirely to one party, taking into account the activities and status of each party resulting in the specialized parenting time circumstances, the relative financial abilities of the parties, the cooperation or lack of cooperation by each party in regard to resolution of parenting time problems, and any other relevant factors.

A. Long Distance Parenting Time -- Over 100 Miles

In lieu of parenting time under Section II, a non-residential parent residing more than one hundred (100) miles from the child may exercise parenting time with that child as follows:

1. Six (6) weeks parenting time during the child's summer vacation from school.
2. The child's Spring break from school, not to exceed one (1) week.

3. At Christmas time, in the even-numbered years, from the day after the last day of school through December 26; in the odd-numbered years, from December 27 to the day before school commences.

4. Up to four (4) additional non-consecutive weekends each year, upon giving at least thirty (30) days written notice to the residential parent.

5. In case of emergencies, such as death or illness, where the giving of a thirty (30) day prior notice is impractical, either parent shall be entitled to access to the child that is reasonable under the circumstances.

B. Infants and Pre-School Age Children

1. The Court recognizes that any parenting time program involving infants requires special attention to the needs of each child, and that a comprehensive, standardized rule of parenting time is not always appropriate.

A parenting time schedule designed with regard to school attendance and vacations is obviously not automatically relevant to a three-year old. In such situations the parties are ordered to confer directly or through counsel to establish a parenting time program which takes into account the availability of the child, the child's parenting needs and the schedules of the parents. This does not mean, however, that the parents may not mutually agree to follow the standard orders of this Rule, particularly in the case of older pre-school children.

2. Parents shall take into account in establishing a parenting time schedule for pre-school children all factors relevant in regard to the physical and emotional maturity of each such child. Such factors shall take into account breast or bottle feeding, attendance in Head Start or other pre-school programs, attendance at kindergarten, special infant health problems and the like. Each parent is responsible to make reasonable arrangements for the sharing (or if necessary for the separate provision) of clothing, strollers, infant car seats, diapers, formulas, baby bottles, and other items and equipment necessary for the child's welfare.

VI. School Participation

In addition to other rights of the visiting parent in regard to the child's school attendance and activities (See Section VII):

A. The residential parent shall take all necessary action with school authorities of any school in which the child subject to parenting time is enrolled to:

1. List the other parent on the child's school records;

2. Authorize the school to release to the other parent all relevant information concerning the child;

3. Ensure that the other parent receives copies of any school notices involving the child.

B. The residential parent shall promptly transmit to the other parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules and any other school activities in which the child is involved or may be interested.

C. The residential parent shall promptly provide the other parent with a photocopy of the child's grades or other progress reports, and copies of any report concerning the child's status or progress.

D. The residential parent shall, whenever possible, arrange appointments for parent-teacher conferences and other meetings involving the child at a time when the other parent can be

present. The other parent, upon such notice, shall take all reasonable steps to attend such conference or meeting.

VII. Statutory Notices

In addition to these rules, special statutes control the conduct of parties to marriage termination proceedings concerning their children. To the extent that such statutes now or hereafter conflict with the provisions of these Local Rules, then the statutes, and not these rules, control. Accordingly, each party should become familiar with the following statutes:

A. Relocation Notice: Pursuant to Ohio Revised Code §3109.051(G), the parties hereto are hereby notified as follows:

IF THE RESIDENTIAL PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARTIES' JUDGMENT ENTRY, SAID RESIDENTIAL PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THIS COURT.

EXCEPT AS PROVIDED IN O.R.C. SECTIONS 3109.051(G)(2), (3), AND (4), A COPY OF SUCH NOTICE SHALL BE MAILED BY THE COURT TO THE NON-RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE NON-RESIDENTIAL PARENT, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARTIES TO DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE CHILD OR CHILDREN TO REVISE THE PARENTING TIME OR PARENTING SCHEDULE FOR THE CHILD OR CHILDREN.

B. Day Care Center Access Notice: Pursuant to Ohio Revised Code §3109.051(I), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND IN ACCORDANCE WITH O.R.C. §5104.011, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT IS ENTITLED TO ACCESS TO ANY DAY CARE CENTER THAT IS OR WILL BE ATTENDED BY THE CHILD OR CHILDREN WITH WHOM PARENTING TIME IS GRANTED, TO THE SAME EXTENT THAT THE RESIDENTIAL PARENT IS GRANTED ACCESS TO THE CENTER.

C. Records Access Notice: Pursuant to Ohio Revised Code §3109.051(H), and 3319.321(B)(5)(a) the parties hereto are notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY THE PARTIES' JUDGMENT ENTRY, AND SUBJECT TO O.R.C. SECTIONS 3125.16 AND 3319.321(F), THE NON-RESIDENTIAL PARENT IS ENTITLED TO ACCESS, UNDER THE SAME TERMS AND CONDITIONS AS THE RESIDENTIAL PARENT, TO ANY RECORD THAT IS RELATED TO THE CHILD OR CHILDREN AND TO WHICH SAID RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS, INCLUDING SCHOOL RECORDS. ANY KEEPER OF A RECORD, PUBLIC OR PRIVATE, WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER, IS IN CONTEMPT OF COURT.

D. School Activities Notice: Pursuant to Ohio Revised Code §3109.051(J), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY THE PARTIES' JUDGMENT ENTRY, AND SUBJECT TO Division (F) of O.R.C. §3319.321, THE

NON-RESIDENTIAL PARENT IS ENTITLED TO ACCESS UNDER THE SAME TERMS AND CONDITIONS AS THE RESIDENTIAL PARENT, TO ANY STUDENT ACTIVITY THAT IS RELATED TO THE CHILD OR CHILDREN AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS.

VIII. Illness and Injury

A. The residential parent shall promptly inform the other parent of any illness of the child requiring medical attention. Elective surgery shall be performed only after consultation with the other parent. The other parent shall be consulted before emergency surgery if time permits, and shall in any event be informed of such surgery as soon as possible.

IX. Prohibited Conduct; Sanctions

A. The following conduct is prohibited:

1. Criticizing the other parent in the presence of the child.
2. Attempting to modify the religious practice of the child without having first consulted the other parent.
3. Habitually failing to spend significant time with the child during parenting time periods. Failing to encourage a child to visit with the other parent (except upon the reasonable and substantiated belief that such parenting time will result in abuse to the child).
4. Habitually failing to promptly pick up the child for parenting time.
5. Habitually failing to promptly return the child after parenting time.
6. Habitually returning the child prior to the end of a scheduled parenting time.
7. Cancellation of parenting time without reasonable notice.
8. Cancellation of parenting time without reasonable justification.
9. Neglecting, endangering or abusing the child during any parenting time.
10. Interfering with telephonic or mail communication between the child and other parent.
11. Failing to keep the other parent required of the child's whereabouts when required by the terms of this Local Rule.
12. Habitually failing to ensure that the child completes mandatory school assignments while on parenting time.
13. Failing to ensure that the child attends mandatory school activities during parenting time.
14. Failing to keep the other parent informed of a parent's address and telephone number.
15. Failing to inform the other parent of a serious or potentially serious accident, injury or illness involving the child.
16. Consuming an unreasonable amount of alcoholic beverage or any amount of a controlled substance (other than prescription medication) while exercising parenting time, whether or not the child is then and there present.
17. Failing to provide clean, adequate clothing for parenting time; or to return such clothing after parenting time.
18. Other acts of omission or commission found to violate the spirit or terms of this Local Rule.

B. Any of the rights or responsibilities described in this local rule may be enforced by the court on motion of either party. Penalties for interference with such rights or failure to comply with such responsibilities may include incarceration in the Shelby County Jail, fines, the award of attorney fees, modification or curtailment of parenting time and, if necessary, loss of

residential or shared parenting rights.

C. No party may withhold the rights granted by this local rule because the other party fails to pay child support, maintain medical insurance, and pay medical bills or the like. Other remedies, including the free services of the Shelby County Child Support Enforcement Agency, exist to correct such problems.

X. Implementation

A. Unless otherwise clearly indicated by the text, the use of the word "child" in this rule refers to any number of children with whom a parenting time order is concerned. Although the phrase "visiting parent" is used for convenience, it includes the residential parent when the parent's role is temporarily of a noncustodial nature, such as when the visiting parent has the child for a summer vacation. The parties shall apply common sense in applying such definitions.

B. The parties to a parenting time arrangement may agree as to any matter of parenting time in any way that they mutually and reasonably agree to be in the best interest of the child. Such agreement need not be formal and need not be in writing. However, to the extent that the parties now or hereafter fail to agree on any matter described in this rule, then the provisions of this rule dealing with such matter shall automatically control their conduct. Any party who claims in a post-judgment proceeding to excuse his or her conduct by claiming that it is conformed to the parties' agreement shall have the burden of proof as to the existence of such an agreement.

C. It shall be the duty of an attorney for a party to explain to that party his or her rights and responsibilities under this rule, and to furnish a copy of this rule to such party.

Appendix F
IN THE COMMON PLEAS COURT OF SHELBY COUNTY, OHIO
JUVENILE DIVISION

IN THE MATTER OF:

Case No: _____

DOB: _____

Plea of Admission

Alleged Delinquent Child

WHEREAS, a complaint duly verified according to law, has been filed in this Court, which says that **Officer** _____ has knowledge that the above captioned party appears to be an alleged Delinquent child in that: **see attached complaint**

The undersigned acknowledges the receipt of a copy of the citation and further understands that he/she has a right to a trial before the Juvenile Judge of Shelby County, Ohio.

By signing this agreement, I acknowledge that:

1. The State must prove me guilty beyond a reasonable doubt.
2. I may testify or remain silent at the trial.
3. I may call witnesses on my behalf.
4. I and/or my attorney may cross-examine the State's witnesses.
5. I may request the Court to subpoena witnesses on my behalf.
6. I may have an attorney of my choice represent me at the hearing.

I acknowledge that the penalties for the violation is a \$_____ fine, plus Court Costs of \$_____. I **admit** the allegations set forth in the complaint.

Enclosed is a check or money order in the amount of \$ payable to the **Shelby County Juvenile Court, P.O. Box 4187, Sidney, Ohio 45365**.

Juvenile

Parent or Custodian witnessing Signature

ORDER

Based upon the admission of the above named juvenile, the Court hereby finds said juvenile guilty of being a Delinquent (ORC 2152.02) and imposes a fine of \$_____ and court costs in the amount of \$_____.

Judge William R. Zimmerman

Appendix G

Shelby County Common Pleas Court Jury Use and Management Plan

I. Opportunity for Service

- A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. Jury service is an obligation of all qualified citizens of Shelby County, Ohio.

II. Jury Source List

- A. Pursuant to Court Order, the jury source list shall be obtained from the Secretary of State's Office list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service.
- B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Procedures

- A. The jury source list from the Secretary of State's Office shall be imputed into the clerk's computer system. Thereafter, at least quarterly, during public viewing times, the names are drawn randomly. Thereafter, the jury commissioners read and examine the names selected. The list of names shall constitute the prospective list of jurors for a term of court.

After retrieving the requisite number, the venires, containing the names and the respective places of residence of the persons drawn, and specifying for what Court and for what term or part of a term they were drawn, shall be signed by the Clerk or her deputy or to her designated representative and all the attending

officers or their designated representatives. The officers or their designated representatives shall certify that Section 2313.01 to 2313.46 of the Revised Code have been complied with.

- B. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

IV. Eligibility for Jury Service

- A. All persons shall be eligible for jury service except those who:
 1. Are less than 18 years of age.
 2. Are not citizens of the United States
 3. Are not residents of the jurisdiction in which they have been summoned to serve, to-wit; Shelby County;
 4. Are not able to communicate in the English language; or
 5. Have been convicted of a felony and have not had their civil rights restored

V. Term and Availability for Service

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

VI. Exemption, Excuse and Deferral

- A. Prospective jurors may be excused for the following reasons, absence from the county, physical inability to serve, recent death of a juror's spouse or the recent death or dangerous illness or a near relative of the juror or juror's spouse, prior service within the same jury year, material harm to the interests of the juror or public, or the juror is a member of a cloistered religious organization. Any other request for excusal shall be reviewed by the Court.
- B. Deferrals for jury service for reasonably short periods of time may be permitted by the Judge or a specifically authorized Court official.
- C. Requests for excuses and deferrals shall be in writing to the Judge and after disposition, filed with the Clerk's Office. See Exhibit A

VII. Voir Dire

- A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

- B. The trial Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- C. The Judge should ensure that the privacy of prospective jurors is reasonable protected, and the questioning is consistent with the purpose of the voir dire process.
- D. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process may be held on the record unless waived by the parties.
- E. Rules on Voir Dire
 - 1. The case may not be argued in any way while questioning the jurors
 - 2. Counsel may not engage in efforts to indoctrinate jurors
 - 3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
 - 4. Jurors may not be asked what kind of verdict they might return under any circumstance
 - 5. Questions are to be asked collectively of the entire panel whenever possible

VIII. Removal from the Jury Panel for Cause

- A. If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Court.

IX. Peremptory Challenges

- A. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. Administration of the Jury System

- A. The responsibility for administration of the jury system shall be vested exclusively in the Shelby County Common Pleas Court.
- B. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

XI. Notification and Summoning Procedures

- A. The notice summoning a person to jury service should be:
 - 1. Phased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - 2. Delivered by ordinary mail
- B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service. Jurors who fail to report for service may be scheduled for a contempt hearing to inform the Judge as to why they did not appear. Sanctions are imposed as warranted.

XII. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:

- A. The representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures
- C. The responsiveness of individual citizens to jury duty summonses
- D. The efficient use of jurors; and
- E. The cost-effectiveness of the jury management system

XIII. Juror Use

- A. The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors
- B. The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

XIV. Jury Facilities

- A. The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management

techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

- C. Jurors shall be accommodated in waiting facilities furnished with suitable amenities.
 - D. The jury deliberation room shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured.
 - E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors and parties, counsel, the Court and the public.
- XV. Juror compensation
- A. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority.
 - B. Such fees shall be paid promptly.
 - C. Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.
- XVI. Juror Instruction
- A. The Judge shall:
 - 1. Give preliminary instructions to all prospective jurors
 - 2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - 3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
 - 4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
 - 5. Before dismissing a jury at the conclusion of a case, the trial Judge should:
 - i. Release jurors from their duty of confidentiality
 - ii. Explain their rights regarding inquiries from counsel or the press;

- iii. Advise them that they are discharged from service and may be called during the sessions; and
- iv. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

D. All communications between the Judge and members of the jury panel, from the time of reporting to the courtroom for voir dire until dismissal, shall be in writing or on the record or open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. Jury size and unanimity of verdict

A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

XVIII. Jury Deliberations

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making and shall conform with existing Ohio law.

B. The Judge should instruct the jury regarding appropriate procedures to be followed during deliberations.

C. A jury should not be required to deliberate after normal business hours unless the trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and such deliberations are required in the interest of justice.

D. Training shall be provided to personnel who escort and assist jurors during deliberation.

XIX. Sequestration of Jurors

A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

B. The jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.

C. The trial Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

D. Standard procedures should be promulgated to:

1. Achieve the purpose of sequestration; and
 2. Minimize the inconvenience and discomfort of the sequestered jurors
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.

Exhibit A

APPLICATION FOR EXCUSE FOR A JUROR

Common Pleas Court, Shelby County, Ohio

To the Judge of said Court:

Name of Applicant: _____ Telephone Number: _____

Being first duly sworn, I request to be excused from jury service because: _____

Applicant

Sworn to be fore me and signed in my presence, this ____ day of _____
2____.

Signature of Officer

The foregoing application is hereby approved/disapproved this _____ day of
_____, 2____.

Judge