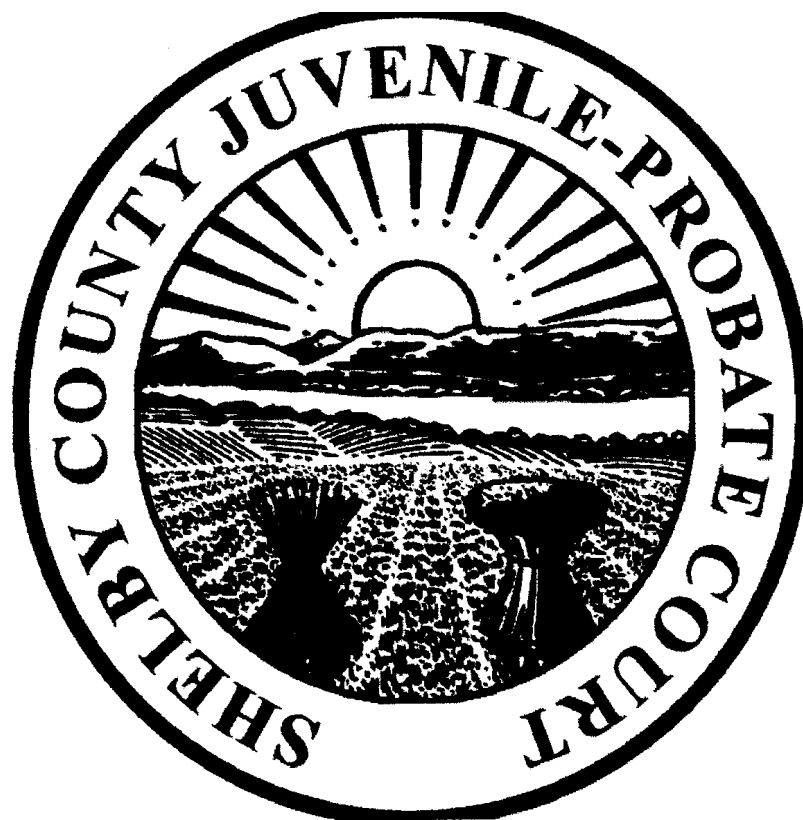


**SHELBY COUNTY JUVENILE COURT  
JEFFREY J. BEIGEL, JUDGE**



**LOCAL RULES OF COURT**

Effective July 22, 2021

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## **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 and in addition 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 July 22, 2021.

## **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 scheduled on the motion. Non-compliance with the criteria set forth in this local rule shall result in dismissal of the action.

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

## **5 Copies and Copy Charges**

### **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 these rules may be obtained by any party at a cost of \$.10 per page. Certified copies of records may be obtained at a cost of \$1.00 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. Any document received by facsimile shall be filed with the Clerk but not scheduled on the complaint/motion until in compliance with Local Rule 4, if applicable
- 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 October 31, 2016, 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 is not made within a reasonable time period, the Court may elect to employ a collection agency to collect the same, pursuant to O.R.C. 2152.20.

## **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, and juvenile traffic cases are to 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.
- H. Pursuant to Rule 45(D) of the Rules of Superintendence for the Courts of Ohio, it is the responsibility of the filing party to omit or redact personal identifiers from case documents. Personal Identifiers include social security numbers, except for the last four digits, financial account numbers, including but not limited to debit card, charge card and credit card numbers, and employer and employee identification numbers. Pursuant to Sup. R. 45(D)(3), all personal identifiers shall be provided to the court on the Confidential Disclosure of Personal Identifiers form promulgated by the Supreme Court as prescribed in and adopted by his rule. The Clerk of this Court shall keep in a secure location the Confidential Disclosure of Personal Identifiers forms filed pursuant to this Rule, during the pendency of the case. Thereafter, the clerk may destroy the original form and shall maintain it in electronic form only.

## **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 pursuant to Sup. R. 12. and Shelby County Local Rule 37, Public Access to Proceedings.

## **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 E to these rules.

H. Juvenile competency proceedings

**General Purpose**

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

**Expedited Hearings**

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

**Notice**

Upon the conclusion of each hearing, the Court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

**Stay of Proceedings**

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

## **13.1 Delinquency and Unruly Actions-Juvenile Restraint**

A child will only appear at a court hearing in physical restraints if the Court has made the determination that there is no less restrictive alternative to the use of physical restraints and that physical restraints are necessary because of either of the following:

1. The child represents a current threat to the safety of the child's self or other person in the courtroom; or
2. There is a risk that the child will flee the courtroom.

If the Court finds that physical restraints are necessary, they shall be the least restrictive restraints which shall not unnecessarily restrict the movement of the child's hands. Any party to the case may be heard on the issue of restraints.

## **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.

## USE OF ELECTRONICALLY PRODUCED TICKETS

### A. Authorization

The use and filing of a traffic citation that is produced by computer or electronic means is hereby authorized by the Shelby County Common Pleas Court, Juvenile Division. The ticket produced by computer or other electronic means shall conform in all substantive respects to the Ohio Uniform Traffic Citation.

### B. Issuance

If a ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by Ohio Traffic Rule 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

## 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.

### 15.1 Abuse, Neglect and Dependency Cases - Notice of Hearings to Foster/Kinship Caregiver and the Right to be Heard

(A) In accordance with R.C. 2151.424, the Court will provide notice to foster caregivers and kinship caregivers of their right to attend hearings and the right to be heard concerning the child(ren) in their care.

(B) To facilitate the Court in fulfilling its duty to provide proper notice of hearings to foster caregivers and kinship caregivers a Child Placement Form shall be completed by the Shelby County Department of Job and Family Services, Children Services Division, and filed with the clerk the next business day or no later than 7 days following the initial placement and any change in placement of the child(ren).

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

## 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 the documents required by law and the IV-D application for child support services. Shelby County Juris Notice 2151.233 shall be filed in paternity and custody complaints. In such actions this Court adopts and incorporates the provisions of Shelby County Domestic Relations Rule 22, incorporated herein by reference as if fully rewritten. 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.

In the event a person files the Parenting Procedure Affidavit as approved by the Supreme Court and the filer requests to have the address of the filer, the child(ren) or both be confidential and to have the information sealed pursuant to R.C. 3127.23(d), the person shall also file a narrative affidavit detailing the specific reasons how and why the disclosure of identifying information would jeopardize the health, safety or liberty of the party or the child(ren). Upon the filing of such narrative affidavit, the clerk shall seal the affidavits required by this rule pursuant to R.C. 3127.23(d) until further order of the Court.

## **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.

## **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) and Court Appointed Counsel and Compensation**

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 include: a child charged with delinquency or unruliness; a juvenile traffic offender; a child who is allegedly abused and their parent/guardian; the parent/guardian of an allegedly neglected or dependent child; parents in a permanent custody action; juveniles and adults charged with contempt; minors seeking consent to marry; and minors seeking a judicial bypass.

The Shelby County Public Defender shall be appointed to represent indigent parties. If a conflict exists 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.

Any person who requests or is provided a Shelby County Public Defender, or other court appointed counsel, shall be assessed a fee of \$25 at the disposition of such case, unless waived by the Court.

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

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

Compensation shall be paid to court-appointed counsel and court-appointed guardians-ad- litem who are also attorneys at the rates established by the Shelby County Commissioners. Attorneys shall submit their application for fees and expenses on Form OPD-1026R provided by the Office of the Ohio Public Defender no later than 60 days after the conclusion of a case. Any request for attorney fees 60 days of the conclusion of a case may 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 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 Court shall call the attorneys in order so that the list will be completely exhausted before the attorney is called again.

## **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 Reserved for future use**

## **24 Reserved for future use**

## **25 Court Appointed Guardians-Ad-Litem / CASA**

Guardian ad Litem and Guardian ad Litem/Court Appointed Special Advocates shall comply with the requirements for guardian ad litem as set forth in Sup. R. Rule 48, including any amendments thereto.

## **26 Reserved for future use**

## **27 Appointment of Interpreters**

The Juvenile Division of the Court of Common Pleas, Shelby County, Ohio adopts Rules 80 – 88 (effective January 1, 2013) of the Rules of Superintendence for the Courts of Ohio.

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/or 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 or transcribed by a stenographer approved by the Court. The cost to parties desiring to have a record copied on disc or USB flash drive will be at the purchase cost to the Court. No personal USB flash drives of requesting parties will be used in the copying of proceedings. Current costs can be determined by contacting the Juvenile Clerk's Office.

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**

Service by Publication may be made in any manner set forth in Juvenile Rule 16 and Civil Rule 4.4. Service by publication shall be made by newspaper publication, by posting and mail, or by a combination of these methods. Alternatively, the postings may be made on the website of the clerk of courts, if available, in a section to be designated for such purpose. Notice by posting and mail shall be made upon the Shelby County Juvenile Court website in accordance with Ohio Juv.R.16 and Civil Rule 4.4. Notices shall be posted pursuant to the consecutive days required prior to the date of hearing and the clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

## 31 Court Records Management and Retention

Pursuant to the Rules of Superintendence for the Courts of Ohio, the Court hereby adopts Rules 26, 26.01 and 26.03 with the following exception:

**Delinquency 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.

**Juror Information.** Juror information and documents as anticipated by the Ohio Trial Court Jury Use and Management Standards received (by the Court) in proceedings in the Court's docket shall be retained for two years from the date the jury was discharged by the Court.

## 32 Case Management Plan

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 current jury management plan of the Shelby County Common Pleas Court, General Division, and incorporates said plan herein by reference as if fully rewritten.

### **34 Exceptions to the Rules**

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

### **35 Transcripts**

The compensation of reporters for making transcripts shall be set by order of the Court and shall be paid forthwith to the reporter by the party for whose benefit the same is made.

Every transcript filed in this Court shall bear the name, address and telephone number of the court reporter making the same.

A reporter shall not be required to prepare a transcript until satisfactory arrangements for payment have been concluded.

Written transcripts are to be originals or certified copies. To facilitate scanning for electronic recording, transcripts are to be single sided on an 8 ½ x 11 sheet of paper with each sheet containing only one page of a transcript. The transcript must be bound in a report folder. Staples may not be used to bind a transcript.

The court reporter be, and she/he is hereby authorized and directed to erase all recordings used to support transcript and Court proceedings after the lapse of time as follows: pursuant to Local Rule 29.

### **36 Public Access to Proceedings**

#### **HEARING CLOSURE**

- A. Hearings involving Adult Criminal cases, Parentage and Child Support cases, Serious Youthful Offender proceedings initiated under R.C. §2152.13 and private-party custody disputes shall be open to the public unless otherwise ordered by the Court. Closure will be considered by the Court only upon written motion of a party.

- B. Hearings held pursuant to Revised Code Section 2151.85 and Superintendence Rule 23 and 23.1 shall be closed pursuant to Superintendence Rule 23(D).
- C. All other hearings before the Court are neither presumed to be open nor presumed to be closed (*St. ex rel. Plain Dealer Publishing Co. v. Geauga Cty. Court of Common Pleas, Juvenile Division* (2000), 90 Ohio St.3d 79). Closure will be considered on a case-by-case basis on the Court's own motion or upon motion of a party based on 1) whether there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the adjudication, 2) whether the potential for harm outweighs the benefits of public access and 3) whether there are no reasonable alternatives to closure (*State ex. Rel. Plain Dealer Publishing Co. v. Floyd* (2006), 111 Ohio St.3d 56).
- D. The right of a victim to attend a hearing pursuant to Revised Code Section 2930.09, and the right of a parent, relative or prospective adoptive parent to attend a hearing pursuant to Revised Code Section 2151.424 shall be preserved.

### MEDIA ACCESS

In accordance with Rule 12 of the Rules of Superintendence for the Courts of Ohio, the Court shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings to which public access has been permitted pursuant to Local Rule 36 above. Broadcasting or recording by electronic means and the taking of photographs in court proceedings shall be governed by Superintendence Rule 12 and by this Rule.

- A. **Applicant** – Media requests for permission to broadcast, televise, record, or photograph proceedings in the Juvenile Court shall be made in writing to the Judge as far in advance as reasonably practicable, but in no event less than twenty-four hours prior to the courtroom session, unless permitted by the Judge for good cause shown. Media Request forms may be obtained from the Chief Deputy Clerk. If the hearing for which the request is filed is continued for more than 30 days a new request must be submitted.
- B. **Procedure** – Upon receipt of a media request, the Clerk shall immediately inform the attorneys for the parties of the receipt of a media request by such means as are appropriate under the circumstances, (mail, telephone, facsimile, in person) in order to give the attorneys an opportunity to be heard, if possible, prior to the Judge deciding a media request.
- C. **Order** – Superintendence Rule 12, and this local rule govern the Judge's granting of a media request. If the request is approved, the Judge shall prepare and sign a journal entry setting forth the conditions of the media broadcasting, televising, recording or photographing the proceedings.
- D. **Pooling** – Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this rule to cover the court sessions. Such arrangements are to be made outside the courtroom and without imposing on the Trial Judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

- E. Equipment** – Not more than one portable camera (television, video-tape or movie), operated by not more than one person, shall be permitted without authorization of the Trial Judge.

Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the Trial Judge.

Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the Trial Judge.

If audio arrangements cannot be reasonably made in advance, the Trial Judge may permit one audio portable tape recorder at the bench which will be activated prior to commencement of the courtroom session.

Audio portable tape recorders may not be used by the news media without prior permission of the Trial Judge.

Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom sessions. No motor-driven still cameras shall be permitted.

No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Trial Judge may permit modification.

Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. If no technically suitable audio system exists in the courtroom, media microphones and related wiring essential for all media purposes shall be unobtrusively located in places designated by the Trial Judge or Magistrate, in advance of any session.

- F. Location of Equipment and Personnel** – The television, broadcast and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

Television cameras, microphones and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess. Neither television film magazines, rolls or lenses, still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during recess.

Proper courtroom decorum shall be maintained by all media pool participants, including proper attire, in a manner that reflects positively upon the journalistic profession.

- G. Witness/Victim Permission** – The Judge or Court Personnel shall inform victims and witnesses of their right to object to being filmed, or videotaped, recorded, or photographed. Each shall indicate in writing or orally, whether or not they object. Upon objection, the media are prohibited from employing any means to record the victim or witness.
- H. Specific Prohibitions** – No broadcasting, televising, recording or photographing will be permitted:
- 1) In Judge’s chambers or the jury deliberation rooms;
  - 2) Of witnesses or victims without prior consent of the witness or victim;
  - 3) Of jurors or prospective jurors;
  - 4) Of bench conferences, of conversation or conferences between an Attorney and his client, or of jury deliberations;
  - 5) Of any document or exhibit, before or after such document is admitted into evidence, except those which are clearly visible to spectators, e.g. maps, charts, blackboards, etc.
  - 6) Actions of reporters and photographers in the Courtroom shall not be disruptive or distracting. Movement by still photographers during the testimony of a witness shall be kept to a minimum.

**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.....	\$ 250.00
Reopen any case .....	\$ 250.00
Filing a motion for contempt..... <b>(must be paid even if case is currently open)</b>	\$ 250.00
Filing all completed pleadings for change of custody for school purposes only (no orders for visitation or support).....	\$ 250.00
Filing an appeal .....	\$ 150.00
Preparation of Certificate of Judgment .....	\$ 6.00

The Clerk may demand an additional security deposit in any amount up to \$150.00 if the initial deposit is sufficient to cover costs already incurred.

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
<b>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.</b>	
Charge of delinquency (out-of-state defendant)	
<b>Minor misdemeanor</b> .....	\$ 50.00
<b>Misdemeanor of 1<sup>st</sup> or 2<sup>nd</sup> degree</b> .....	\$100.00
<b>Misdemeanor of third or fourth degree</b> .....	\$ 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: \_\_\_\_\_

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

**Plea of Admission**

**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

### 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