

FRANKLIN COUNTY
COURT OF COMMON PLEAS
Division of Domestic Relations
Juvenile Branch
Effective February 1, 1990
unless otherwise noted

JUVENILE RULES

Rule

1. Court records
2. Continuances and advancements
3. Duty magistrate
4. Appointed counsel
5. Custody and /or Visitation Actions
6. Parentage cases
7. Detention/shelter care hearings
8. Objections to Decisions of Magistrates / Motions to Set Aside
Magistrate's Orders
9. Photographing and broadcasting of court proceedings
10. Support orders
11. Motions
12. Transcripts/recording of proceedings
13. Warrants
14. Filing fees and costs
15. Traffic offenders/misdemeanor citations
16. Expungements
17. Mediation
18. Repealed
19. Informal intake conferences
20. Magistrate hearings
21. Assignment of cases
22. Model visitation schedule
23. Case Management Rule
24. Work Release Program
25. Duty Judge
26. Juries, Jurors
27. Guardian Ad Litem
28. Entries
29. Forms
30. Repealed

RULE 1. Court records

Reports and records of the Probation and Protective Services Departments shall be considered confidential information and shall not be made public. The inspection of Court Records 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 by counsel without leave of the Court. The Court may limit or deny inspection for good cause shown pursuant to aforementioned Rule 32(C).

Traffic Records maintained by the Court are confidential and shall not be made public. Inspection by attorneys or any interested parties may be allowed by leave of the Court.

Family History files shall be considered confidential information and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the Court.

Record checks by counsel, law enforcement and other agencies shall be directed to the Intake/Delinquency department which shall provide reasonable access to public records.

(Amended, effective 7/1/93)

RULE 2. Continuances and advancements

Requests for continuances will be made in accordance with Supreme Court of Ohio Superintendence Rule 41 and Ohio Rules of Juvenile Procedure 19 and 23.

All applications for continuances or advancements shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing on forms provided by the Juvenile Case Management Office with a proposed new date included. Requests shall be granted only after notice to all other counsel and/or parties involved. No case will be continued on the day of hearing except for good cause shown. Unless otherwise directed, it will be the responsibility of the attorney obtaining the continuance to notify all other counsel and parties of the new hearing date. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date.

Ruling on a continuance request may be reserved until the scheduled hearing date where continuances on the record are necessary to preserve service or notice on parties. Requests for continuance or advances on parentage actions are to be made through the Domestic Court Assignment Commissioner.

Amended Effective 1/1/00

RULE 3. Duty Magistrate

The Administrative Magistrate shall designate one Magistrate each day the Court is in session who shall be known as the Duty Magistrate. In addition to his or her regular docket, the Duty Magistrate shall be responsible for the authorization of continuances, review of requests for emergency orders and other additional duties the Administrative Magistrate or Administrative Judge may assign.

RULE 4. Appointed counsel

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

The Court shall maintain an individual file for each appointed counsel for the purpose of providing appointments, notices and other matters as may be necessary. It will be the responsibility of appointed counsel to inspect said file not less than weekly.

Rates of compensation shall be as determined from time to time by the Franklin County Board of Commissioners. In addition thereto, necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph costs, long distance phone calls, photocopying, and certain travel expenses if prior approval of the Trial Judge is obtained. The Trial Judge may not allow for any fixed office overhead expenses, Court transcripts or depositions, except as provided by law.

Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents, to the Court Director. An award for extraordinary fees will be made only with the approval of a majority of all the Judges of the Domestic Relations Court.

All applications for fees and/or expenses, including applications for fees and/or expenses submitted by Guardians ad Litem, are to be submitted on forms approved and provided by the Court within thirty days of the date of termination listed on the fee application. Date of termination shall be no later than the file stamp date of the journal entry dismissing the complaint or motion, dispositional journal entry, or journal entry approving the case plan, whichever is later. If the fee application is received by the Court late, then payment to the attorney will be reduced by the reimbursement rate currently being used by the Ohio Public Defender. All applications for fees shall be submitted within ninety days of the date of termination. Applications submitted beyond ninety days of the date of termination will not be paid. It will also be the responsibility of counsel to have an affidavit of indigency filed with each application for payment of fees. Defective fee affidavits will be returned to the court appointed counsel for correction, who shall correct the deficiency and submit the corrected fee application to the court appointed counsel clerk within ten days. Defective fee applications which are corrected within ten days will be reimbursed at the same rate as if they were correct on the date first submitted.

(B) Standards for Juvenile Guardian Ad Litem

The following standards shall apply to all Guardians ad Litem in abuse, neglect and dependency cases:

CLE Requirements

In order to maintain placement on the GAL List an attorney must attend a three-hour training program concentrating solely on the duties of GALs. Other equivalent training may be approved by the Courtside Deputy Director.

Duties

Upon appointment, the Attorney/Guardian ad Litem shall perform certain basic duties, as warranted by the facts of the case.

- a. Interview the children and when possible observe each parent with the child(ren). Be aware of the interaction between the parent and child, and the appropriateness of discipline, conversations, and activities. Interview both parents if permitted by their counsel. If only one parent is known, attempt to ascertain the identity and whereabouts of the other parent;
- b. Review pleadings and consult with each attorney as to position and issues. Review the court file;
- c. Investigate all significant persons and interview independently;
- d. Determine the physical health of the child. Obtain the name of any physician who has treated the child. Obtain the child's medical and hospital records.
- e. Meet with the child's school teacher and counselor. Obtain information regarding the child's behavior in school and interaction with parents. Review the child's school records.
- f. Perform home visits (this may be combined with the interview process). Observe the living conditions of each parent and the child's sleeping arrangements;
- g. Evaluate the necessity, if any, of psychological evaluations or counseling, and file a motion requesting the same;
- h. Communicate with the Court Protective Services worker. Obtain the case history. If the worker has the family file, schedule a time to review it;
- i. Communicate with the Franklin County Children Services worker. Obtain the case history. Confirm whether the child has been removed from home and the child's adjustment to his/her current placement. Confirm the names, addresses, and telephone numbers of parents and care providers. Determine what services are being provided the parents;
- j. Call the FCCS Regional Records Room and schedule a time to view their file. Identify the pages you need copied and request FCCS to send the copies to your office;
- k. Contact the child at least once a month, and when the child is of sufficient age to have communicative ability, interview the child. Ask the care providers for their perceptions of the child's adjustment. Assess the child's developmental level. If the child relates a new allegation of abuse or neglect, immediately call FCCS intake, the caseworker, and the Protective Services caseworker;

l. Notify the Court and counsel if the child's wishes are in opposition to the Guardian's recommendation;

m. Maintain a log documenting all work performed, all contact with the child, parties, witnesses, etc., and all telephone calls.

Powers

The powers of the Attorney/Guardian ad Litem shall be wide ranging, including but not limited to, the right to file motions and to review all confidential records involving the child(ren) by request, through deposition, and by subpoena.

Reports and Court Appearances

In cases involving termination of parental rights, or when required by a judge or magistrate, the Guardian ad Litem shall prepare and file written reports detailing observations and recommendations at least three days prior to any dispositional hearing, and shall be present at all hearings pertaining to the child(ren). The GALs log detailing the work performed should accompany the written report of the GAL. The Attorney/Guardian ad Litem may subpoena and examine independent witnesses. The lay GAL may be represented by counsel who may subpoena and examine independent witnesses presented by other parties.

Fees and Costs

All filing fees and court costs are waived as to Guardians ad Litem.

Local Juvenile Rule 4 shall not apply to actions to determine the allocation of parental rights and responsibilities, where counsel/guardian ad litem has been appointed pursuant to Local Juvenile Rule 27.

(C) Standards for Court Appointed Counsel in Delinquency, Unruly, Parentage, Contempt and Adult Criminal Cases.

ORIENTATION

(1) Applicants to be placed on the appointed counsel list must attend an orientation session by the Juvenile Law Committee and observe two (2) felony delinquency cases and two (2) abuse/neglect/dependency cases with an experienced court appointed attorney. (See Panel of Mentors below) The orientation requirement may be waived upon application and approval of the Court.

(2) In addition to the orientation requirement contained in paragraph (C)(1) above, applicants wishing to represent youth charged with category 1 or category 2 delinquency offenses must have served as lead counsel or co-counsel on three cases involving offenses which currently constitute category 1 or 2 offenses, and which culminated in a trial, whether in juvenile or adult court, and including probable cause hearings in Juvenile Court proceedings to relinquish jurisdiction for prosecution as an adult. Counsel must submit an affidavit listing the case name and numbers of the

three cases which meet this requirement to the Courtside Deputy Director.

CLE REQUIREMENTS

In order to maintain placement on the court appointed counsel list an attorney must annually attend a three-hour training program concentrating solely on juvenile law. Other equivalent training may be approved by the Courtside Deputy Director.

FEES AND COSTS

All filing fees and court costs are waived as to court appointed counsel.

(D) Requirements to Remain on Guardian ad Litem or Court Appointed Counsel List

Attorneys wishing to remain on the Guardian ad Litem or court appointed counsel list shall complete the following annual requirements:

1. Attend three (3) hours of juvenile law seminars per year. Excess hours may be carried over and applied to the following year.
2. Attend three (3) meetings of the Juvenile Law Committee and/or the Central Ohio Association of Juvenile Lawyers per year. Membership in the Columbus Bar Association and Juvenile Law Committee is encouraged but not required. Three hours of continuing legal education devoted to juvenile law may be substituted for attendance at three meetings of the Juvenile Law Committee or COAJL. Said three hours of CLE shall be in addition to the three seminar hours required in section 1 above.
3. No later than March 1 each year, complete an eligibility report certifying compliance with the requirements of Local Rule 4, on a form provided by the Court. If an attorney does not complete and return the annual report certifying compliance by March 1, (s)he will be removed from eligibility.

REPRESENTATION

Attorneys accepting appointments to serve as Guardian ad Litem or court appointed counsel shall personally represent the client for which (s)he was appointed, and shall not, absent an emergency, allow substitute counsel to represent the client. Repeated failure to personally represent the client will result in removal from the Guardian ad Litem/appointed counsel list(s).

REMOVAL AND REINSTATEMENT

Attorneys may be removed from the court appointment list(s) with the approval of a majority of the judges of the Domestic Relations Court. After losing eligibility, an attorney seeking reinstatement of eligibility shall complete the orientation, seminar, and meeting requirements.

PANEL OF MENTORS

There will be a panel of experienced juvenile attorneys who will be available to provide orientation and who will mentor new applicants. All communications between an attorney mentor and his client in the presence of an attorney applicant participating in the orientation, shall be deemed confidential and the attorney/client privilege shall apply.

(Amended Effective 7/1/95; 2/10/97; 2/9/98; 1/1/00)

RULE 5. Custody and/or Visitation Actions

(A) All actions seeking custody of and/or visitation with a child shall be initiated by sworn complaint, or in preexisting cases by Motion, and pursuant to Ohio Revised Code Section 3109.27 shall be accompanied by a child custody affidavit provided by the Court, or the standard domestic relations form promulgated in proposed Rule of Superintendence 80. Prior to filing, the complaint shall be submitted to the Division of Protective Services and Investigations.

(B) A social investigation concerning the best interests of any child or children shall be conducted by the Division of Protective Services and Investigations in all abuse, neglect and dependency cases unless expressly waived by a Judge or Magistrate.

(C) Pursuant to Juvenile Rule 32(D) the court may order a social investigation following the filing of a complaint requesting the allocation of parental rights and responsibilities or a writ of habeas corpus, or the filing of a motion to modify the allocation of parental rights and responsibilities. Prior to ordering a social investigation the court may refer the parties to mediation.

(D) The Judge or Magistrate may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

(Amended effective July 1, 1990; 1/1/00)

RULE 6. Parentage cases

(A) No person may bring an action to establish the parent and child relationship before requesting an administrative determination of the existence or nonexistence of a parent and child relationship from the Child Support Enforcement Agency. The person filing a complaint to establish the parent and child relationship shall allege in the complaint that he/she has requested an administrative determination of the existence or nonexistence of the parent and child relationship from the Child Support Enforcement Agency, and that the administrative process is complete. The person filing a complaint to establish the parent and child relationship shall attach to the complaint a copy of the administrative order issued by the Child Support Enforcement Agency. All complaints to establish the parent and child relationship shall be filed in duplicate.

(B) Upon the completion of the administrative process to determine the existence or nonexistence of a parent and child relationship by the Child Support Enforcement Agency, including the entry of an administrative child support order, either parent may file a complaint requesting the court to issue a child support order for the minor child. At the time of filing the moving party shall attach to the complaint a copy of the following: the administrative order for payment of child support; the additional order and notice to the parties; the administrative process withholding order and notice to the employer; the child support guideline worksheet prepared by the Child Support Enforcement Agency calculating the amount of the child support order. All pleadings must be served on the Child Support Enforcement Agency.

(C) All complaints filed pursuant to R.C.3111 shall be governed by the Ohio Civil Rules. When at least twenty-eight (28) days have elapsed since proof of service of the complaint has been filed, upon the request of the plaintiff's attorney, notices of a default hearing shall be mailed to the parties and the plaintiff's attorney by the Domestic Relations Division Assignment Commissioner.

(D) When an Answer is filed, upon the request of any party or their attorney notices of a pre-trial hearing shall be mailed to the parties and counsel by the Domestic Relations Division Assignment Commissioner.

(E) If no request for hearing is made within three months of the date of filing or the case is deemed inactive by the Assignment Commissioner then the case shall be scheduled for a drop list hearing and notices shall be mailed to the parties and the plaintiff's counsel by the Assignment Commissioner.

(F) At the pretrial hearing the Court may set the case for further pretrial or trial.

(G) The Magistrate may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

Amended effective July 23, 1992; July 1, 1995; January 1, 2000

RULE 7. Detention/shelter care hearings

All juveniles received into detention or shelter care before 8:00 a.m. shall be brought before a Magistrate for a Detention/Shelter Care Hearing on that same day. All juveniles received into detention after 8:00 a.m. shall be brought before a Magistrate for a Detention/Shelter Care Hearing on the next Court day.

Requests for Detention/Shelter Care Hearings based upon new information shall be in writing and will be heard on the next Preliminary Hearing docket.

(Amended Effective 7/1/95; 1/1/00)

RULE 8. Objections to Decisions of Magistrates / Motions to Set Aside Magistrate's Order

(A) Objections to Magistrate's Decision

A decision of a Magistrate may be reviewed by the assigned Judge of this Court by filing an Objection in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure.

The Objection should be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence is part or all of the basis for the Objection, a transcript of the testimony is necessary to support the Objection to the Magistrate's decision and must be filed with the Court. Partial transcripts may be permitted upon leave of the Court.

Failure to file a transcript when one is required by this Rule is a basis for dismissal of the Objections.

All Objections shall be set for oral hearing by the moving party and shall be scheduled with the assignment office at the time of filing. Notice shall be made by the moving party on all other parties including the guardian ad litem. Oral hearings may be waived by agreement of all parties and the Judge scheduled to hear the Objections.

Memoranda Contra Objections may be filed by any party within seven (7) days of the filing of said Objections.

(B) Motions to Set Aside Magistrate's Orders

Magistrates may issue orders as provided by Ohio Civil Rule 53 and Juvenile Rule 40. Parties may file a motion to set aside the order, which shall be heard by a Judge. The motion shall be filed no later than ten days after the magistrate's order is entered.

The motion shall be accompanied by a memorandum stating the party's position with particularity. If a finding of fact or weight of the evidence is part or all of the basis for the motion, a transcript of the proceeding before the magistrate must be filed with the Court. Partial transcripts may be permitted upon leave of Court. Failure to file a transcript when one is required by this rule is a basis for dismissal of the motion.

The moving party shall schedule the motion to set aside the magistrate's order with the assignment office at the time of filing, and shall give notice of the hearing to all other parties, including the Guardian ad Litem.

(Amended effective 7/1/93; 7/1/95; 1/1/00)

RULE 9. Photographing and broadcasting of court proceedings

The taking of photographs in the courtroom, and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 12 and Ohio Revised Code Section 2151.35.

(A) Requests for permission to broadcast, televise, record or photograph in the courtroom shall be made in writing to the Duty Judge or Trial Judge as far in advance as reasonably practicable but in any event no later than 24 hours prior to the courtroom session to be broadcast, recorded, or photographed, unless otherwise permitted by the Trial Judge for good cause shown. Request forms may be obtained from the Judge's Bailiff.

(B) The Court shall immediately attempt to inform the attorneys for all the parties in the case of the media request. If time does not permit notification by mail then telephonic means or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Trial Judge deciding the media request.

(C) In the event the Trial Judge approves the media request, he shall prepare and sign a Journal Entry setting forth the conditions of media broadcasting, televising, recording, or photographing. This entry shall be made a part of the record of the case.

(D) 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) 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.

(F) 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.

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

(H) 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 the commencement of the courtroom session.

(I) Visible audio portable tape recorders may not be used by the news media without the permission of the Trial Judge.

(J) Only professional 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.

(K) 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.

(L) Audio pick-up by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located on the Trial Judges bench, witness stand and jury rail. Microphones shall be visible, secured but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this Rule, or the Trial Judge, in advance of any session.

(M) 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 broadcast courtroom sessions, except to enter or leave the courtroom.

(N) 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 recess. Neither television film magazines, rolls, lenses, still camera film, nor audio portable tape cassettes shall be changed within a courtroom except during a recess.

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

(P) There shall be no audio pick-up or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel or the Trial Judge and counsel.

(Q) The Trial Judge shall prohibit photographing or televising by any means victims of sexual assaults or undercover police officers. The Trial Judge shall retain discretion to limit or prohibit photographing or televising any juror, victim, witness, defendant, counsel or his work product upon objections.

(R) Upon the failure of any media representative to comply with the conditions prescribed by the Trial Judge, the Rules of Superintendence of the Supreme Court, or this Rule, the Trial Judge may revoke permission to broadcast, photograph, or record the trial or hearing.

(Amended effective 7/1/93; 1/1/00)

RULE 10. Support orders

(A) Completed child support worksheets, as prescribed by R.C.3113.215, shall be presented to the Court at or prior to hearing on a motion or complaint for child support. If the parties are unable to agree on the proper completion of the worksheets, each shall present a proposed worksheet prior to the hearing. Proposed agreed entries for child support shall be accompanied by completed support worksheets and all appropriate orders required by Ohio Revised Code Section 3113.21. If the child support provided in the agreement deviates from the child support guidelines, the proposed judgment entry shall contain findings of fact sufficient to substantiate the deviation. General recitals that the deviation is fair or equitable, or words of similar import shall not be sufficient to substantiate the deviation. This Court has promulgated forms to meet the other requirements of Section 3113.21. Complainants and/or movants for child support orders shall submit completed withholding and notice entries as required by Section 3113.21 prior to adjournment of a hearing wherein an order for support is entered.

(B) A motion requesting modification of an existing child support order shall state with particularity the grounds therefor, and shall be supported by a memorandum or the affidavit of the moving party. If the responding party files a memorandum contra or affidavit, it shall be served on the opposing party or his counsel not less than fourteen days prior to hearing.

(C) All persons required to pay child support pursuant to a decree or order of the Juvenile Court shall make those payments, plus processing charge through the Franklin County Child Support Enforcement Agency.

(D) All orders which contain an order of support for children or a spouse shall contain the following notice which shall be in boldface type and in all capital letters:

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO

OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

Additionally, if there is support for children involved, the following notices shall be included in the order:

The residential parent or the person who otherwise has custody of a child for whom a support order is issued is also ordered to immediately notify, and the obligor under a support order may notify, the Franklin County Child Support Enforcement Agency of any reason for which the support order should terminate, including but not limited to, the child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the support order does not provide for the duty of support to continue past the age of majority; the child ceasing to attend such a high school on a full-time basis after attaining the age of majority, if the support order does not provide for the duty of support to continue past the age of majority; or the death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal or physical custody of the child.

A WILLFUL FAILURE TO NOTIFY THE FRANKLIN COUNTY CHILD SUPPORT ENFORCEMENT AGENCY AS REQUIRED BY DIVISION (G)(4) OF SECTION 3113.21 OF THE OHIO REVISED CODE IS CONTEMPT OF COURT.

All child support and spousal support orders shall contain the following provision:

All child support and spousal support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code or a withdrawal directive issued pursuant to section 3113.214 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.213 of the Revised Code.

All such decrees and orders shall also contain language requiring that notices required by this rule to be sent to the Child Support Enforcement Agency, 373 South High Street, 13th floor, Columbus, Ohio 43215. Attn: Notice Officer.

(E) All matters pertaining to the establishment or modification of an order for support shall be prosecuted and assigned for hearing in accordance with the guidelines set forth in Section 3113.21(L).

(F) In any complaint for custody, support, paternity, or motion for modification of support or motion for health insurance coverage, the pleading and any responsive pleadings shall be accompanied by a completed Child Support Enforcement Agency Health Insurance Disclosure Affidavit on a form prescribed by the Court.

(G) Whenever a support order is issued or modified the obligee shall complete and file with the Court, prior to the adjournment of the hearing, an Application for IV-D Services.

(H) Whenever a support order is issued or modified a copy of the entry shall be provided by counsel to the Clerk of Courts Office at the time of filing to be forwarded to the Franklin County Child Support Enforcement Agency.

(Amended effective 7/1/93, 6/16/94, 7/1/95; 2/9/98; 1/1/00)

RULE 11. Motions

All Motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court. The Motion shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. Except as provided in Local Rules 5(D) and 6(G), all pretrial Motions shall be set for an oral hearing by the moving party and shall be scheduled with the assignment office at the time of filing. Notice shall be made by the moving party on all other parties, including the guardian ad litem. Oral hearings may be waived by agreement of all parties and the Trial Magistrate or Judge.

Motions for contempt may contain additional requests for attorney fees and reducing the arrearage to a judgment. All other motions shall contain a single request for relief and shall not contain multiple branches or alternative requests for relief, except that in addition to the single request for relief a motion may contain a request for appointment of a process server and/or attorney fees.

Due to technological changes in the Court's computerized docket management system, all motions, memoranda contra, and replies shall be titled in the following manner:

MOTION

MOTION OF (Plaintiff/Defendant) (Party Name)
(to/for) (type of motion)

MEMORANDUM CONTRA

MEMORANDUM CONTRA OF (Plaintiff/Defendant) (Party Name)
To (Plaintiff/Defendant) (Party Name)'s
MOTION (to/for) (type of motion) FILED (date of motion)

REPLY

REPLY MEMORANDUM OF (Plaintiff/Defendant) (Party Name)

(Amended effective 7/1/93, 3/11/94, 7/1/95, 1/1/00)

RULE 12. Transcripts/recording of proceedings

Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure a complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype, or by any other adequate mechanical or electronic recording device as prescribed by the Court.

No public use shall be made by any person, including a party, of any record or transcript thereof, except in the course of the proceedings or appeal or as authorized by the Court.

Within three(3) days after the filing of objections, the request for said transcript shall be filed with the Clerk of Courts with a copy to be delivered to the Stenographer's Office. The cost of same shall be as the Court shall from time to time determine at a per page amount. At the time of ordering a transcript, the ordering counsel or party shall arrange for payment to the official Tape Recorder Transcriptionist, through his or her supervisor. An advance deposit approximating 75% of the total cost shall be posted by the ordering counsel or party with the balance due prior to delivery of a copy or filing of an original with the Court.

All original transcripts shall be filed by the official Tape Recorder Transcriptionist with the Clerk of Courts and shall thereby become part of the official record of the case. A copy will be provided to the ordering party, upon request, at a cost which shall be determined by the court.

Requests for transcripts for the benefit of indigent parties other than those represented by the office of the Public Defender, shall be submitted to the Court and supported by an order of the Court directing that the transcript be prepared at public expense. This order shall serve in lieu of the deposit otherwise required by this Rule.

Amended effective 1/1/00

RULE 13. Warrants

Warrants for the arrest of juveniles will be issued only upon authorization of a Judge or Magistrate.

(Amended effective 7/1/95)

RULE 14. Filing fees and costs

In all actions for Parentage, the party instituting the action shall deposit with the Clerk the sum of \$75.00 as security for costs. There shall be no right to a jury trial in parentage actions filed on or after January 1, 1998.

In all actions for Custody and Habeas Corpus proceedings, the moving party shall deposit with the clerk the sum of \$100.00 as security for costs.

Any person seeking to file pleadings without posting a deposit or security for costs, shall complete a financial disclosure / affidavit of indigency. All affidavits filed pursuant to this Rule shall be on the form authorized by the Court, which is appended hereto and incorporated herein, or in a format consistent therewith. Upon approval of the court, the deposit shall be deferred and the Clerk shall receive and file the documents without deposit or security.

Costs for adjudicated juvenile traffic offenders shall be assessed at the rate of \$57.00 for moving violations, and \$40.00 for non-moving violations. Costs for juvenile traffic offenders include the costs mandated by O.R.C.2743.70 and O.R.C.2949.091.

Costs for delinquency cases shall include the costs mandated by O.R.C.2743.70 and O.R.C.2949.091. Costs in delinquency/unruly proceedings may be waived at the discretion of the Court.

Fees for Computer Research and Services

(A) Pursuant to the authority of R.C.2151.541(A)(1)(b) it is determined that, for the efficient operation of the Juvenile Branch of this Court additional funds are required to obtain computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect a fee of three dollars (\$3.00) upon the filing of each cause or appeal under R.C.2303.20(A), (Q), and (U). The fee is included in the appropriate security for costs sections listed above.

All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

(B) Pursuant to the authority of R.C.2301.210(B)(1) it is determined that for the efficient operation of the Juvenile Branch of this Court, additional funds are required to computerize the office of the Clerk of Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under R.C.2303.20(A), (P), (Q), (T) and (U). The fee is included in the appropriate security for costs sections listed above.

All funds collected pursuant to this rule shall be paid to the County Treasurer to be

disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost of the court of procuring and maintaining computer systems for the office of the Clerk of Court of Common Pleas.

(Amended effective 7/1/93; 2/10/97;2/9/98; 1/1/00)

PLAINTIFF

CASE

NO.

DEFENDANT

FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY

NAME _____ SS# _____
 DOB / / ADDRESS _____ CITY _____
 STATE PHONE _____ **OTHER PERSONS LIVING IN HOUSEHOLD**
 1) NAME _____ AGE _____ RELATIONSHIP _____
 2) NAME _____ AGE _____
 RELATIONSHIP _____ 3) NAME _____
 AGE _____ RELATIONSHIP _____ 4) NAME _____
 AGE _____ RELATIONSHIP _____ **MONTHLY**

INCOME / EMPLOYMENT INFORMATION

Income Source	Self	Spouse	Household Members	Total
Employment				
Unemployment				
Workers' Comp				
Pension				
Social Sec.				
Child Support				
ADC				
Disability				
Food Stamps				
Other				
Total				

MONTHLY EXPENSES / LIABILITIES

Expense/Liability	Amount Debtor (Self/Household Member)	Expense/Liability	Amount Debt (Self/Household Member)
Child Support Paid		Child Care (Only if Working)	
Work Transportation		Medical / Dental Uninsured	
Medical Insurance		Costs of Caring for Infirm Family Member	
Rent / Mortgage		Food	
Electric		Gas	
Telephone		Cable TV	

Water/Sewer/Trash		Credit Cards (Specify)	
Loans (Specify)		Taxes	
Other (Specify)		Other (Specify)	
Other (Specify)		Other (Specify)	
TOTAL		TOTAL	

ASSET INFORMATION

Type of Asset	Describe Length of Ownership/ Make, Model, Year (where applicable)	Estimated Val
Real Estate / Home		
Stocks / Bonds / CD's		
Automobiles		
Trucks/Boats/Motorcycles		
Other Valuable Property		
Cash On Hand		
Money Owed to Defendant		
Checking Acct. (Bank/Acct.#)		
Savings Acct. (Bank/Acct.#)		
Credit Union (Name/Acct.#)		
TOTAL		

AFFIDAVIT OF INDIGENCY

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

_____, being first sworn,
deposes and says that (s)he is a party in the above entitled
cause; that said cause is brought in the Domestic Relations
Division of the Common Pleas Court of Franklin County, Ohio,
requesting
_____; that (s)he is:

_____ employed _____ unemployed _____ a recipient
of ADC/SSI/SSD
and is without sufficient financial means to prepay or give
security for the costs of said action. Affiant further says that
(s)he has no money with which to pay the costs of said action;
that (s)he has no available real property or personal property
with which to secure the payment of said costs that may accrue;
nor is (s)he able to give bond or any other security to cover said
costs as provided by law.

I understand that if the security for costs is waived, and it
is later determined that I was not entitled to such a waiver, I

will be required to pay the costs associated with this action. I further understand that I am subject to criminal prosecution for providing false financial information in connection with this indigency affidavit.

This affidavit is made in accordance with O.R.C.2323.31 and in conformity with an order of the Domestic Relations Division of the Common Pleas Court of Franklin County, Ohio. I hereby certify that the information provided herein is true to the best of my knowledge.

Affiant

Sworn to before me and subscribed in my presence this _____ day of _____, 19_____.

Notary Public

RULE 15. Traffic offenses/misdemeanor citations

(A) Traffic matters will generally be heard Monday through Friday by a Magistrate of this Court.

(B) The following offenses require an appearance before the Court for adjudication:

- (1) Minor Misdemeanors filed on Citations
- (2) Second or Subsequent Moving Violation
- (3) Reckless Operation of a Motor Vehicle
- (4) Leaving the Scene of an Accident
- (5) Fleeing a Police Officer
- (6) Operating a Vehicle While Under the Influence of Alcohol and/or Drugs
- (7) Passing a Loading or Unloading School Bus
- (8) Operating a Vehicle without a Valid Operator's License
- (9) Operating a Vehicle while the Operator's License is under Suspension or Revocation
- (10) Offenses involving Serious Injury or Property Damage
- (11) Speeding in Excess of 20 m.p.h. over the Posted Speed Limit
- (12) Drag Racing

(C) Upon determination by the Clerk's Office that a mandatory appearance is not required, a Juvenile Traffic Offender may elect to proceed without a Court appearance upon the following conditions:

A parent, guardian, or an attorney must be present with the offender. A waiver will be executed. Said waiver shall constitute an admission to the facts as alleged in the complaint and to the traffic violation. It shall further constitute a waiver of the right to trial, the right to cross-examine witnesses against the offender, the right to silence and right to counsel. Upon said admission and waiver, a fine shall be assessed by the Court in accordance with schedules established by the Court.

(D) No continuances of a traffic appearance shall be granted by phone.

(E) Forms are available in the Intake Office which may be used by an attorney or parent to enter a denial on behalf of a youth who has been cited. The matter will then be set for trial on the contested docket before a Magistrate.

(F) All requests for driving privileges or other form of post-adjudicatory relief are to be made in writing and will be set for hearing on the afternoon Traffic Docket. Notice to the Prosecutor's Office shall be made by the moving party.

(Amended effective 7/1/93; 2/10/97; 1/1/00)

RULE 16. Expungements

All expungements shall be made in accordance with Section 2151.358 of the Ohio Revised Code. Any person seeking expungement of juvenile matters shall make a written request through the Court's Intake Department. The Intake Department shall provide said person with the appropriate written form. After notice to the Prosecutor's Office, the Court shall conduct a hearing to determine whether the expungement should be granted. Upon journalization of an expungement the Intake Department shall notify all appropriate court departments and law enforcement agencies.

RULE 17. Mediation

(A) After service of summons in an action for custody or at any time after the filing of a post-decree motion to modify custody or visitation, when it is determined that the parties have not reached an agreement regarding custody or visitation, the court may order the parties to participate in mediation assessment. Parties may also participate in mediation prior to or after the filing of a contempt motion for denying visitation. The court may waive participation in mediation assessment if the parties have previously entered mediation. Mediation Assessment and Referral Services (MARS) will also accept direct referrals from counsel and parties wishing to mediate without litigation pending.

If Mediation Assessment and Referral Services determines that the case qualifies for mediation, the Court may permit and encourage both parties to participate in mediation for a period of time not to exceed ninety (90) days. If the parties agree to mediate, the court will stay the proceedings, and mediation sessions may be reconvened from time to time until all issues are resolved in a manner mutually acceptable to the parties or until the mediator determines continued efforts would not be productive. The Court may order parties to participate in or return to mediation at any time.

The parties may agree to mediate issues other than custody and child-related matters, provided that the parties obtain the approval of their respective counsel prior to entering into a final agreement. The costs of mediation shall be the initial subject of mediation, and shall be paid by the parties pursuant to their fee agreement with the mediator.

The mediator shall notify the Court upon the conclusion of mediation if the parties have reached an agreement on all or some issues. Any agreement reached during mediation shall not be binding upon the parties until reviewed and approved by their counsel and the Court. Statements made during mediation shall be considered compromise negotiations and not admissible as evidence pursuant to Evidence Rule 408. Mediators will not be permitted to testify regarding the substance of the mediation negotiations, including but not limited to, cooperation or non-cooperation of the parties.

MARS shall conduct an exit interview with the parties in person, in writing, or by telephone, and shall request the court to release the mediation stay.

(B) Delinquent and unruly cases may be referred for participation in the Juvenile Victim Offender Mediation Program.

(C) If mediation is ordered in abuse/neglect/dependency cases, all parties and their counsel shall appear and participate in a mediation conference. The minor children who are the subjects of the action shall not participate in the mediation conference unless requested by their Guardian ad Litem and ordered by the Court. Abuse/neglect/dependency cases shall not be stayed during mediation but may be continued within statutory time limits.

(D) To be accredited by the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch, a mediator should possess the following qualifications:

- 1) Completion of at least 12 hours of basic mediation training and 40 hours of specialized family/divorce mediation Training.
- 2) Adherence to the ethical guidelines as set by the Academy of Family Mediators.
- 3) An undergraduate degree* and at least two years of professional experience with families. "Professional experience with families" includes counseling, casework, mediation, legal representation in family law matters, or equivalent experience as is satisfactory to the court.

*The undergraduate degree requirement may be waived by the court upon consideration of well-documented equivalent educational experience.

- 4) Eligibility for membership in professional association.
- 5) Maintenance of appropriate liability insurance specifically covering the activities of the individual as a mediator.
- 6) Adherence to the ethical standards of the mediator's profession.
- 7) A commitment to continuing education.
- 8) Awareness of the factors affecting the propriety of mediation in particular cases.
- 9) Substantial divorce mediation experience, or completion of a supervised domestic mediation apprenticeship.

(Amended effective 7/1/95; 1/1/00)

RULE 18. REPEALED

RULE 19. Informal intake conference

Ohio Revised Code Section 2151.01 and Rule 9 of the Ohio Rules of Juvenile Procedure speak to the desirability, in appropriate cases, of avoiding formal actions.

2151.01 Construction: purpose

The sections in Chapter 2151. of the Revised Code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes:

(A) To provide for the care, protection, and mental and physical development of children subject to Chapter 2151. of the Revised Code.

(B) To protect the public interest in removing the consequences of criminal behavior and the taint of criminality from children committing delinquent acts and to substitute therefor a program of supervision, care, and rehabilitation.

Juvenile Rule 9

(A) Court action to be avoided

In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the Court.

(B) Screening: referral

Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

As part of the Court's overall effort to conform with the above provisions, informal intake conferences and referral to court diversion programs may occur in lieu of formal actions for certain delinquency and unruly cases.

Generally, informal conferences will be available only for first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.

(Amended effective 7/1/93; 1/1/00)

RULE 20. Magistrate hearings

Magistrates shall conduct arraignments in adult criminal proceedings under Criminal Rules 10 and 19, and shall conduct hearings in complaints initiated in the Juvenile Branch for custody, delinquency, unruliness, parentage, juvenile traffic offenses, and for abuse, neglect and dependency.

In addition to the above duties, Magistrates shall hear the following matters:

- (A) All motions, except probable cause and amenability hearings conducted in proceedings to transfer jurisdiction for purposes of criminal prosecution pursuant to Juvenile Rule 30 and R.C.2151.26.
- (B) Contempt citations, unless assigned before a Judge.
- (C) Motions requesting a new trial or relief from judgment pursuant to Civil Rule 59 or 60. Such motions should be heard by the Judge or Magistrate who heard the matter originally.
- (D) All hearings under 3113.21 of the Ohio Revised Code, including objections to CSEA administrative determinations.
- (E) Motions for relief from judgment which were journalized by the Court without hearing following a FCCSEA administrative hearing.
- (F) Objections to administrative parentage determinations filed pursuant to R.C.3111.22(D).

(Amended effective 7/1/90; 7/1/95; 1/1/00)

RULE 21. Assignment of cases

Upon the original filing of a case by motion, the case shall be assigned by lot to a specific Judge and Magistrate of this Court. A case that is reactivated by motion shall be assigned to the original Judge unless the original action was filed prior to January 1, 1991, then it shall be assigned in the same manner as an original filing.

In any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the Judge originally assigned by lot to hear it; unless for good cause shown, that Judge is precluded from hearing the case. When a Judge leaves the Court his or her cases will be assigned to his or her successor. To allow for other responsibilities, assignments to the Administrative Judge shall be reduced by ten percent.

Once assigned a case, the assigned Judge becomes primarily responsible for the determination of every issue and proceeding in the case. All preliminary matters, including requests for continuances, must be submitted for disposition to the Judge or Magistrate to whom the case or motion is assigned, or if he or she is unavailable, to the Duty Judge.

None of the above language shall be construed to limit the reference of cases to Magistrates pursuant to Juvenile Rule 40, Civil Rule 53 or Local Juvenile Rule 20. Notwithstanding those rules the following matters shall be docketed for and heard only by the assigned Judge except with permission of the Administrative Judge of this Court or in his or her absence the Presiding Judge of the Common Pleas Court, a Judge may refer specific cases to a Magistrate if the case cannot be heard due to unavailability of docket time and must be heard that day:

a) Juvenile delinquency charges of:

Murder, Aggravated Murder, Vehicular Homicide, Aggravated Vehicular Homicide, Negligent Homicide, Consent to Marry, Abortion Notification, Habeas Corpus, Permanent Surrender for Adoption, Bindover for Trial as an Adult, Manslaughter, Voluntary Manslaughter, Involuntary Manslaughter, Offenses against Human Corpse.

b) All criminal charges against adults.

c) All paternity proceedings tried to a Jury.

(Effective January 1, 1991; Amended effective 7/1/93)

**RULE 22. MODEL VISITATION/PARENTING TIME SCHEDULE
FRANKLIN COUNTY COMMON PLEAS COURT
DOMESTIC AND JUVENILE DIVISIONS**

FOR PARENTS TRAVELING UNDER 90 MILES ONE WAY:

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal visitation/parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

VISITATION/PARENTING TIME BETWEEN THE CHILDREN AND THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT BE LESS THAN:

1. Weekends: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation visitation/parenting time. (See Section 5a below)
2. Weekdays: One weekday evening per week from 5:00 p.m. to 8:00 p.m. which shall be Wednesday unless otherwise agreed and designated herein as

3. Extracurricular Activities: Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.

4. Pre-School Age: Unless otherwise agreed, pre-school age children follow the same schedule of school age children in the school district where they live regardless of whether or not other school age children live in the family. Frequent contact with both parents each week is recommended for very young children.
5. Holidays (includes birthdays): In odd-numbered years, mother has Spring Break, Memorial Day, Labor Day, and the first half of Winter Break. In odd-numbered years, father has Martin Luther King's Day, Fourth of July, Thanksgiving, and the second half of Winter Break. In the even-numbered years, the schedules are reversed.

- a. In the event of a conflict between regular visitation/parenting time and holiday visitation/parenting time, holiday visitation/parenting time prevails. The alternating weekend visitation/parenting time continues, however, as if the holiday had not intervened. This means that one parent may have the children three weekends in a row. This process equalizes itself over the course of time for each parent.

For any holiday falling on a Monday or Friday, if the weekend immediately preceding or following the holiday visitation/parenting time is spent with the same parent, there is no need for that parent to return the children that evening and then pick them up the next morning. For a holiday falling on a Friday, visitation/parenting time commences Friday a.m. and continues to Sunday evening; or for a holiday falling on a Monday, visitation/parenting time commences Friday evening and continues to Monday evening.

- b. Mother's Day and Father's Day and, the parent's birthdays only when they fall on a Saturday or Sunday, are to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 7:00 p.m. These do not have to be made up.
- c. Other days of special meaning, such as Religious Holidays, etc., (i.e., New Year's Eve and Day, Kwanzaa, Passover, Easter, Rosh Hashanah, Christmas Eve, Christmas Day) should be decided together, as follows:

-
- d. Hours for parents who can not agree are as follows:
Martin Luther King Day (9:00 a.m. to 7:00 p.m.); Spring Break (6:00 p.m. on the day school is out to 7:00 p.m. the day before school recommences; Memorial Day and Labor Day (6:00 p.m. Friday to 6:00 p.m. Monday); July 4th (9:00 a.m. to 9:00 a.m. the next day); ;

Thanksgiving (6:00 p.m. Wednesday to 6:00 p.m. Sunday);
Winter Break (first half commences at 6:00 p.m. the last day of school before Winter Break begins, until December 25 at 1:00 p.m.; second half commences at 1:00 p.m. December 25 until 6:00 p.m. the day before school recommences).

- e. 48-hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.
 - f. The children's birthdays should be alternated per child, between the parents and on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.
6. Summer: In odd numbered years, Mother shall have visitation/parenting time with the children the first half of the summer, and Father shall have visitation/parenting time with the children the second half of summer. This schedule reverses in even numbered years. The summer school vacation commences the day after the children are out of school and continues until seven (7) days before school begins. Each parent's time is calculated by taking the number of intervening weeks (full and/or partial) and dividing in half.
- Weekday and alternating weekend visitation/parenting time shall be exercised by the parent who is not exercising his/her half of the summer.
7. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent shall schedule this vacation during his/her half of the summer. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Alternate weekend visitation/parenting time with the other parent is missed during vacation, and there is no requirement that it be made up.
8. Telephone Access:
- a. Children can call either parent as often as they wish, at reasonable times, so long as the call is collect, if it is a long distance call.
 - b. In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes

per call.

- C. Possessory parent shall not interfere with or stop the telephone communication.

9. Transportation: The parties shall divide the transportation equally. The parent who is exercising visitation/parenting time shall pick up the children. Unless otherwise ordered by the court or agreed by the parents, drop off/pick up shall be at the parents' respective homes.

10. Moving: Upon either parent learning that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new visitation/parenting time schedule.

11. Waiting: Neither parent shall be more than 30 minutes late picking up the children. If the non-residential parent has not arrived to pick up the children within the 30 minute period, visitation/parenting time is forfeited and shall not be made up.

12. Cancellation: The non-residential parent should give 24 hour notice to cancel. The time canceled by the non-residential parent is forfeited.

13. Illness: If a child is ill, the residential parent should give 24 hour notice, if possible, so appropriate plans can be made. However, if any visitation/parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or critical illness, then any missed visitation/parenting time shall be made up as provided in paragraph 14.

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

15. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

16. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as visitation/parenting time exchanges occur.
17. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following visitation/parenting time.

**MODEL VISITATION SCHEDULE
FRANKLIN COUNTY COMMON PLEAS COURT
DOMESTIC AND JUVENILE DIVISIONS**

FOR PARENTS TRAVELING OVER 90 MILES ONE WAY

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal visitation/parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

VISITATION/PARENTING TIME BETWEEN THE CHILDREN AND THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT BE LESS THAN:

1. Pre-School Age: Unless otherwise agreed, pre-School age children shall follow the same schedule as school age children in the school district where they live, whether or not a school age child resides in the family. Frequent contact with both parents is recommended for very young children.
2. Winter Break: Winter Break will be divided in half and alternated annually, by half, between the parents.
3. Spring Break: The non-residential parent shall be entitled to the entire school vacation (the day school is out to the day before school recommences) in odd-numbered years.
4. Summer: Each parent shall be entitled to one half of the

school summer vacation. Summer school necessary for the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.

a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the home of the non-residential parent, and in the odd-numbered years, the second half.

b. A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.

5. Vacations: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. If this includes a trip away from home a general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers.

6. Additional Visitation/Parenting time:

a. Weekend: A once-a-month, weekend visit to the non-residential parent's home shall be permitted if the child's traveling time does not exceed THREE AND ONE HALF HOURS, one way. The residential parent must be notified at least one week in advance. THE NONRESIDENTIAL PARENT SHALL PROVIDE THE TRANSPORTATION FOR WEEKEND VISITATION/PARENTING TIME.

b. Father's Day and Mother's Day should always be spent with the appropriate parent.

c. The non-residential parent shall notify the residential parent as least two days in advance of any time the non-residential parent will be in the area and wants visitation/parenting time. Absent extraordinary circumstances, this visitation/parenting time shall occur.

d. The residential parent shall notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and visitation/parenting time must be allowed.

7. Telephone Access:

a. Children can call either parent as often as they wish, at reasonable times, so long as the call is collect if it is a long distance call.

- b. In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.
 - c. Possessory parent shall not interfere with or stop telephone communication.
8. Transportation: Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule. Parties shall also decide and provide in the plan where the child(ren) shall be picked up and dropped off.
 9. Moving: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she will immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new visitation/parenting time schedule.
 10. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.
 - Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.
 11. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as visitation/parenting time exchanges occur.
 12. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following visitation/parenting time.

(Effective July 1, 1991; amended, effective 7/1/93; 7/1/99)

RULE 23. Case Management

All cases other than delinquent youth who are held in the Detention Center and traffics shall be assigned to the appropriate case track as set forth below. The timeframes are meant to be outside limits and the parties or the Court may accelerate the schedule as necessary.

- | | | |
|-----|--|------------|
| (A) | Delinquency | -Track II |
| | Unruly | -Track I |
| | Adult Cases | -Track I |
| | U.I.F.S.A. | -Track I |
| | Abuse, Neglect, Dependency | -Track I |
| | Parentage | -Track IV |
| | Motion for Permanent Custody | -Track III |
| | Custody, Change of Custody, Visitation | -Track III |
| | Support Enforcement/Modification | -Track I |
| | All other cases | -Track II |
- (B) Track I Schedule (3 months)

<u>Event</u>	<u>Latest date of occurrence (in weeks)</u>
Case filed	0
Initial Hearing	6
Disclosure of Witnesses	8
Trial Confirmation Date	10
Discovery Cutoff	10
Final Pretrial Conference	10
Trial Completion	12

- (C) Track II Schedule (6 months)

<u>Event</u>	<u>Latest date of occurrence (in weeks)</u>
Case filed	0
Initial Hearing	6
Disclosure of Witnesses	12
Trial Confirmation Date	16
Discovery Cutoff	16
Final Pretrial Conference	16
Trial Completion	24

- (D) Track III Schedule (9 months)

<u>Event</u>	<u>Latest date of occurrence (in weeks)</u>
Case filed	0
Initial Hearing	8
Disclosure of Witnesses	12
Trial Confirmation Date	24
Discovery Cutoff	24
Final Pretrial Conference	24
Trial Completion	36

(E) Track IV Schedule (18 months)

<u>Event</u>	<u>Latest date of occurrence (in weeks)</u>
Case filed	0
Initial Hearing	12
Disclosure of Witnesses	40
Trial Confirmation Date	25
Discovery Cutoff	40
Final Pretrial Conference	25
Trial Completion	72

The first hearing date given by the Assignment Office shall be considered the Case Management Conference. Attorneys for parties and any pro se parties served shall be given notice of the Case Management Conference. All shall appear with full authority to settle. Continuances shall be made by written motion and only be granted upon a showing of good cause. Disclosure of Witnesses and Discovery Cutoff events shall not require a Case Management Conference.

Amended Effective 1/1/00

RULE 24.**WORK RELEASE PROGRAM**

The Franklin County Juvenile Court will participate in the Franklin County Work Release Program as administered and operated by the Franklin County Court of Common Pleas, General Division.

The work release program is established to afford the Court a community based and community oriented rehabilitative alternative to incarceration for those convicted criminal offenders who pose no substantial threat to the community but who need minimum custody in order for treatment efforts to be effective.

The work release program is a residential community center for rehabilitation for those offenders who have been granted the privilege of work release. The program center operates in a similar fashion as a traditional jail, but rather than housing offenders in jail itself, the offenders are housed in a community setting.

The Court, with the consent of the offender, may sentence individuals to the work release program as a condition of intensive or standard probation.

All staff of the work release program are appointed employees of the Franklin County Court of Common Pleas, General Division. The Juvenile Court will comply with all regulations prepared, utilized, and deemed necessary for the operation of the program by the program director, and approved by the Judges of the Franklin County Court of Common Pleas, General Division.

The program director may order, with the consent of the Trial Judge, Administrative Judge of the Juvenile Court, or the Administrative Judge of the General Division of the Franklin County Court of Common Pleas, removal of any resident from the program for infractions of the work release rules and regulations.

Before admittance to the work release program, the offender shall agree to and sign a Participation Agreement. The Agreement shall detail the rules, regulations and procedures by which the offender must abide while in the program. Any resident who is removed from the program shall be returned to jail, or authorized correction agency, to serve the balance of their sentence.

Any resident participating in the work release program is required to pay a per diem as determined by the Court, under R.C. Section 5147.29, for reimbursement to the county for the cost of boarding and the direct cost of administering such program.

All funds received by the program from the offender are to be handled in accordance with R.C. Section 5147.29 and generally accepted accounting principles.

RULE 25. DUTY JUDGE

The administrative judge shall appoint one judge each week who shall be known as a "Duty Judge."

In addition to his or her regular docket, the "Duty Judge" shall be responsible for consents to marry and other unclassified business of the Court, and to act for any other Judge who is not available.

Amended Effective 1/1/00

RULE 26 JURIES, JURORS

The Franklin County Domestic Relations Court, Juvenile Branch will participate in the jury system established, administered and operated by the Franklin County Court of Common Pleas, General Division.

26(A) Opportunity for Service

1. The opportunity for jury service in Franklin County 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 of the Court.
2. Jury service is an obligation of all qualified citizens of Franklin County, Ohio.

26(B) Jury Source List

1. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters.
2. The jury source list shall be representative and should be as inclusive of the adult population in Franklin County as is feasible.
3. The court shall on a regular basis review the jury source list for its representativeness and inclusiveness of the adult population in Franklin County as is feasible.
4. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.
5. "Ballots" or automated data processing electronic/magnetic storage devices remaining after the creation of the annual juror tape, on the jury draw automated data processing electronic/magnetic storage device, shall be disposed of by the erasure and/or reuse of this device for any other data processing use, pursuant to section 2313.35 O.R.C.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2311.42	Authorizes the drawing of a jury from an adjoining county if a party to the case is the board of county commissioners.
O.R.C. 2313.06	Provisions relative to the summoning of jurors using lists of voters and licensed drivers.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.20	Notice of drawing.
O.R.C. 2313.21	Conduct of drawing.
O.R.C. 2313.26	Order for additional number of jurors.

26(C) Random Selection Procedures

1. Random selection procedures are to be used in selecting persons to be summoned for jury service, assigning prospective jurors to panels and calling prospective jurors for voir dire. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.
2. The prospective juror list shall be created through the use of automated data processing electronic/ magnetic storage devices pursuant to 2313.07(C), 2313.08(C) and 2313.21(C) of the Ohio Revised Code and such automated information retrieval systems shall not be activated except by order of the Franklin County Common Pleas Court, General Division.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2101.30	Drawing of jury in probate cases.
O.R.C. 2313.07	Construction of a jury wheel and the use of data processing equipment in drawing jurors.
O.R.C. 2313.08	Contains provisions relative to the annual jury list.
O.R.C. 2313.09	Supplemental jury lists.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.21	Conduct of drawing.

26(D) Eligibility for Jury Service

1. All persons shall be eligible for jury service except those who:

- . are less than eighteen years of age;
- . are not citizens of the United States;
- . are not residents of the jurisdiction in which they have been summoned to serve; to wit, Franklin County;
- . are not able to communicate in the English language; or
- . have been convicted of a felony and have not had their civil rights restored.

Ohio Statutes

O.R.C. 1901.25

Selection and impaneling of a jury.

O.R.C. 1907.28

Authorizes county courts to adopt local rules regarding jury selection and impaneling.

O.R.C. 2961.01

Precludes convicted felons from serving as jurors.

26(E) Term of and Availability for Jury Service

- 1.** Unless otherwise provided by law or order of the Court, jurors shall be called to serve a tour of two weeks. The tours of the jurors shall be staggered so that a new panel of jurors is called each week to serve the respective tours. Once they are assigned to a case, jurors will be oriented by the Judge assigned to the case. Jurors may be excused or deferred pursuant to R.C. Sections 2313.16 by a representative of the Franklin County Court of Common Pleas, General Division. That representative shall be the Deputy Jury Commissioner(s) who shall pass on all requests by jurors to be excused or deferred from jury duty.
- 2.** "Ballots" or automated data processing electronic/magnetic storage devices containing the names of jurors who serve as jurors shall be disposed of by erasing those names and reusing the tag device immediately after the service by the juror has terminated unless otherwise ordered by the Franklin County Court of Common Pleas, General Division, pursuant to section 2313.30 O.R.C.

26(F) Exemption, Excuse and Deferral

1. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.
2. Prospective jurors are excused for the following reasons:
 - . Over age 70 and request to be excused;
 - . Financial hardship;
 - . Personal or family illness;
 - . Childcare hardship;
 - . Physician;
 - . Firefighter;
 - . Lawyer.

Prospective jurors are rescheduled for the following reasons:

- . Vacation;
 - . Employment hardship;
 - . Student.
3. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.
 4. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded. See Exhibit A.

Ohio Statutes

O.R.C. 737.26	Exempts firemen from jury duty.
O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.12	Jury exemptions; proof of exemptions.
O.R.C. 2313.13	Postponement of jury service; temporary excuse or discharge.
O.R.C. 2313.14	Failure to attend after postponed service.
O.R.C. 2313.15	Report of names of jurors excused.
O.R.C. 2313.16	Reasons for which jurors may be excused.
O.R.C. 2313.27	Evasion of jury service.
O.R.C. 2313.36	Exemptions from jury service in court of record.
O.R.C. 5919.20	Exempts certain officers and personnel of the Ohio National Guard from jury service.
O.R.C. 5920.10	Exempts members of the Ohio Military Reserve from jury duty.
O.R.C. 5921.09	Exempts members of the Ohio Naval Militia from jury service.

26(G) Voir Dire

1. 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.
2. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin. See Exhibit B.
3. The trial judge may conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. Questions are to be asked collectively of the entire panel whenever possible.
4. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
5. If requested by either party, the voir dire process shall be on the record.
6. All prospective jurors shall complete the "Juror Questionnaire" approved by the Court. If a trial judge approves a supplemental questionnaire, jurors shall complete the supplemental questionnaire.
7. Subject to the availability of jurors, the Deputy Jury Commissioner shall, at all times, have a panel of jurors available for call to a courtroom. Such panel shall be randomly drawn and shall consist of twenty-four jurors.
8. When a bailiff requests that a panel of jurors report to a courtroom, the Deputy Jury Commissioner shall provide for the bailiff the prepared panel of jurors, along with three copies of the Questionnaire.
9. If a lesser or greater number of jurors is needed for the case that is called, the bailiff shall advise the Deputy Jury Commissioner of the number of jurors needed. If available, the jurors, along with copies of their Questionnaires, shall be made available to the bailiff.
10. The Questionnaire shall be used by the parties for purposes of voir dire only. No copies of the Questionnaire shall be made by the parties. Upon completion of the voir dire, the copies of the Questionnaire shall be returned to the bailiff who shall return them to the Deputy Jury Commissioner when the juror has completed his or her service in the courtroom. The Questionnaire is not to be marked on.

Ohio Statutes

O.R.C. 1901.25

Selection and impaneling of a jury.

O.R.C. 1907.28

Authorizes county courts to adopt local rules regarding jury selection and impaneling.

Court Rules

Civ. R. 47

Jurors.

Crim. R. 24

Trial jurors.

26(H) Removal from the Jury Panel for Cause

1. 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 judge.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.42	Challenge for cause of persons called as jurors.
O.R.C. 2313.43	Challenge of petit jurors.
O.R.C. 2945.25	Causes for challenging jurors.
O.R.C. 2945.26	Challenge of juror for cause.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

26(I) Peremptory Challenges

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

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2338.06	Number of jurors and challenges.
O.R.C. 2945.21	Peremptory challenges.
O.R.C. 2945.23	Use of peremptory challenges.

Court Rules

Civ. R. 47	Jurors.
Crim. R. 24	Trial jurors.

26(J) Administration of the Jury System

1. The responsibility for administration of the jury system shall be vested exclusively in the Franklin County Common Pleas Court, General Division.
2. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

Ohio Statutes

O.R.C. 1901.14	Authorizes the adoption of local rules regarding the summoning of jurors.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2313.01	Authorizes the appointment of jury commissioners.
O.R.C. 2313.02	Compensation and appointment of deputies and clerks in the office of jury commissioners.
O.R.C. 2313.03	Oath of office for jury commissioners.
O.R.C. 2313.04	Lists cases in which the deputy jury commissioner may act.

26(K) Notification and Summoning Procedures

The notice summoning a person to jury service should be:

1. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury system.
2. Delivered by ordinary mail.
3. The summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
4. 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.

Ohio Statutes

O.R.C. 1905.28	Gives the mayor of a municipal corporation the authority to compel the attendance of jurors.
O.R.C. 1907.29	Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2101.30	Drawing of a jury in probate cases.
O.R.C. 2313.10	Notice to jurors to appear and testify before jury commissioners.
O.R.C. 2313.11	Failure of summoned juror to attend or testify.
O.R.C. 2313.14	Failure to attend after postponed service.
O.R.C. 2313.25	Service and return of venire.
O.R.C. 2313.26	Order for additional number of jurors.
O.R.C. 2313.29	Failure of juror to attend.
O.R.C. 2313.30	Arrest for failure to attend.

26(L) Monitoring the Jury System

1. The Court shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:
 - . The representativeness and inclusiveness of the jury source list;
 - . The effectiveness of qualification and summoning procedures;
 - . The responsiveness of individual citizens to jury duty summonses;
 - . The efficient use of jurors; and
 - . The cost-effectiveness of the jury management system.

26(M) Juror Use

- 1.** 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.
- 2.** The Court should use the services of prospective jurors so as to achieve optimum results with a minimum of inconvenience to the juror.

Ohio Statutes

O.R.C. 2313.19

Number of jurors drawn.

O.R.C. 2313.24

Number of jurors; exception for smaller counties.

26(N) Jury Facilities

1. The Court shall provide an adequate and suitable environment for jurors.
2. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
3. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
4. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
5. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

Ohio Statutes

O.R.C. 1907.29	Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2313.05	Office and supplies for the jury commissioner.
O.R.C. 2315.03	Deliberations of jury.
O.R.C. 2945.33	Keeping and conduct of the jury after case is submitted to the jury.

26(O) Juror Compensation

1. Persons called for jury service should receive a reasonable fee for their service pursuant to statutory authority.
2. Such fees shall be paid weekly by the Clerk of Courts.
3. Employers SHALL be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

Ohio Statutes

O.R.C. 1901.25	Selection and impaneling of a jury.
O.R.C. 1907.28	Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2101.16	Cross-references to other sections regarding jury fees.
O.R.C. 2313.34	Discharge of juror, compensation.

26(P) Juror Orientation and Instruction

1. The Franklin County Court of Common Pleas, General Division, may develop an orientation or instruction program for persons called for jury service.

2. The trial judge should:

Give preliminary instructions to all prospective jurors;

Give instructions directly following empanelment 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;

Prior to the commencement of deliberation, 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 may be made available to the jurors during deliberations;

Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

Provide written instructions when possible.

Before dismissing a jury at the conclusion of a case, the trial judge should:

Release the jurors from their duty of confidentiality;

Explain their rights regarding inquiries from counsel or the press;

Either advise them that they are discharged from service or specify where they must report; and

Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

3. 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 in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Ohio Statutes

O.R.C. 2945.10

Order of trial proceedings, including the charge to the jury.

O.R.C. 2945.11

Charge to the jury on questions of law and fact.

O.R.C. 2945.34

Admonition to be administered to jurors if they are separate during trial.

Court Rules

Civ. R. 51 Instructions to the jury; objections.
Crim. R. 30 Instructions to the jury.

26(Q) Jury Size and Unanimity of Verdict

- 1. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.**

Ohio Statutes

O.R.C. 1901.24 Cross-references to civil and criminal rules related to juries.
O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2938.06 Number of jurors and challenges.

Court Rules

Civ. R. 38 Jury trial of right
Civ. R. 48 Juries, majority verdict, stipulation of number of jurors.
Civ. R. Form 18 Judgment on jury verdicts.
Crim. R. 23 Trial by jury or by the court.

26(R) Jury Deliberations

- 1.** Jury deliberations should take place under conditions and pursuant to procedures that are designated to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.
- 2.** The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
- 3.** A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- 4.** Training should be provided to personnel who escort and assist jurors during deliberation.

Ohio Statutes

O.R.C. 2315.03	Deliberation of jury.
O.R.C. 2315.04	Duty of officer in charge of jury.
O.R.C. 2945.32	Contains the oath to be administered to an officer if the jury is sequestered.
O.R.C. 2945.33	Keeping and conduct of the jury after case is submitted to the jury.

Court Rules

Civ. R. Form 18	Judgment on jury verdicts.
Crim. R. 30	Instructions to the jury.

26(S) Sequestration of Jurors

1. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
2. 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.
3. Standard procedures should be promulgated to:
 - Achieve the purpose of sequestration; and
 - Minimize the inconvenience and discomfort of the sequestered jurors.
4. Training shall be provided to personnel who escort and assist jurors during sequestration.

Ohio Statutes

O.R.C. 2315.04

Duty of officer in charge of jury.

O.R.C. 2945.31

Allows, but does not require, sequestering of jurors after a trial has commenced.

Court Rules

Crim. R. 24

Trial jurors.

RULE 27. Guardian Ad Litem

The Court of Common Pleas, Domestic Relations Division, Juvenile Branch may appoint Guardians Ad Litem to represent the best interest of the minor children/incompetents in matters regarding the allocation of parental rights and responsibilities, not arising out of abuse, neglect or dependency filings, wherein said Branch has jurisdiction. These appointments shall be made in accordance with the Domestic Relations Division Rule 15, which is set out below and incorporated within this rule.

In order to superintend the best interest of minor children/incompetents in any action over which this Court has jurisdiction, the Court may appoint a Guardian ad Litem upon its own motion or the motion of either party. Said appointment shall be made by the required entry attached hereto and incorporated herein.

Counsel for the party requesting the Guardian ad Litem shall be required to notify the assignment commissioner of said appointment. The Assignment Commissioner and all counsel shall notify the Guardian ad Litem of all proceedings. It shall be the responsibility of counsel in the case to copy the Guardian ad Litem with all pleadings, notices of hearings and depositions, entries and any other necessary documents. Any additional expense incurred by the Guardian as a result of counsel's failure to notify, including the costs of transcripts shall be charged to the party(ies) responsible for such failure.

The Court, through its Domestic Administrative Magistrate, shall maintain a list of eligible attorneys from which Guardian ad Litem shall be appointed. The Court may also appoint a Guardian ad Litem from the Franklin County CASA Program.

In order to be eligible, attorneys shall attend a three-hour training program concentrating solely on the duties of a Guardian ad Litem. Attending an Ohio approved Continuing Legal Education course on the subject of Guardians ad Litem or viewing a video of such shall automatically qualify for eligibility. Other equivalent training may be approved by the Domestic Administrative Magistrate. Upon completion, a letter verifying completion and requesting placement on the list shall be sent to the Domestic Administrative Magistrate. In sending this letter requesting placement on the Guardian ad Litem appointment list, the attorney is indicating a commitment to the acceptance of an appointment on a pro bono basis at least once a year. Implementation of the above training requirement shall be effective after the first offering of a Guardian ad Litem training.

If any party has filed an affidavit of indigency, the court may, in its discretion, not require that party to pay an initial deposit.

The Guardian ad Litem shall represent the best interest of the minor child(ren) until discharged by the court. At the conclusion of the litigation, the Attorney/Guardian ad Litem shall prepare an entry withdrawing as the Guardian ad Litem and dismissing the child(ren) as parties.

The Guardian ad Litem has a duty to notify the Court and counsel if the child's wishes are in opposition to the Guardian's recommendation.

When an Attorney/Guardian ad Litem requires fee arrangements inconsistent with those set

forth in the required entry, he/she shall so notify the Court prior to accepting an appointment.

No later than seven (7) days after final hearing in the matter on which the Guardian ad Litem has been appointed, the Attorney/Guardian ad Litem shall submit an affidavit of fees to the Court. If approved by the Court, said fees shall be made a part of the final entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of the Supreme Court as to Civil Procedure and Superintendence.

In order to protect the fee for the services of the Attorney/Guardian ad Litem, the Court may require additional deposits, and shall have the discretion to issue a lump sum Judgment against the party or parties for the attorney fees due and owing at the time of the final adjudication.

DUTIES OF THE GUARDIAN AD LITEM

Upon appointment, the Attorney/Guardian ad Litem in every case shall perform certain basic duties, identified below. The feasibility of some of the duties will depend upon the age(s) of the children and the specific circumstances of each case. Therefore, it is within the discretion of the Guardian ad Litem to tailor each to the facts of the individual case.

- a. Interview the children and observe each parent with the child(ren);
- b. Review pleadings and consult with each attorney as to position and issues;
- c. Investigate all significant persons and interview independently;
- d. Obtain records e.g., school, criminal, medical, psychological, child protective agency;
- e. Perform home visits (this may be combined with the interview process);
- f. Evaluate the necessity, if any, of psychological evaluations or counseling; and file a motion requesting the same;
- g. Communicate with the Protective Services worker;
- h. Attend all depositions concerning the best interest of the child(ren)/incompetent.

POWERS

The powers of the Attorney/Guardian ad Litem shall be wide-ranging, including but not limited to, the right to file motions and to review all confidential records involving the child(ren) by

request, through deposition, and by subpoena.

REPORTS AND COURT APPEARANCES

The Guardian ad Litem may prepare and file written reports detailing observations and recommendations on both an interim basis and at the conclusion of hearing, but in all cases shall be present at all hearings pertaining to the children. The Attorney/Guardian ad Litem may subpoena and examine independent witnesses.

FEES AND COSTS

All filing fees and court costs are waived as to Guardians ad Litem.

**IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS AND JUVENILE BRANCH**

PLAINTIFF/PETITIONER

CASE NO. _____

v.

JUDGE _____

MAGISTRATE

DEFENDANT/PETITIONER

ENTRY / MAGISTRATE'S ORDER APPOINTING GUARDIAN AD LITEM

Pursuant to Rule 15 of the Franklin County Rules of the Court of Common Pleas, Domestic Relations Division / Rule 27 of the Juvenile Branch, it appearing to the Court that the best interest of _____ minor(s) and/or incompetent(s) would be served and protected by making (him, her, them) party(ies) defendant in this action and by appointing a Guardian ad Litem to act in (his, her, their) best interest.

It is therefore ORDERED and ADJUDGED that _____ be designated party(ies) defendant and that _____ be appointed Guardian ad Litem.

It is further ORDERED and ADJUDGED that:

- () Plaintiff shall deposit the sum of _____ and/or Defendant shall deposit the sum of _____ into the trust account of the Guardian ad Litem no later than _____. Said total deposit shall be at least \$800.00 unless agreed upon otherwise by the Guardian ad Litem.

Additional sums may be ordered and apportioned to the respective parties upon the Court's own Motion or Motion of the Guardian ad Litem, who may submit to the Court a request for an additional deposit, or a monthly affidavit of fees for approval and an order regarding payment of said deposit/fees. Said request shall be served on the parties, or their counsel if they are represented, and if there is no objection, an order regarding payments of said deposit/fees may be issued after seven days.

The Court retains jurisdiction to reallocate the above costs along with all costs of the proceedings, at the conclusion of the case.

- () The Guardian ad Litem position is filled by an attorney on the Court list on a pro bono basis, both parties being indigent, and having filed proper affidavits.

Should either party no longer qualify for indigency status during the pendency of the matter, fees may be requested by the Guardian ad Litem and assessed at the discretion of the Court.

It is further ORDERED and ADJUDGED that:

1. Upon presentation of a copy of this order to any agency, hospital, organization, school, person, or office including but not limited to the Clerk of Court, human services agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, counselors, or law enforcement agencies, the Guardian ad Litem shall be permitted to inspect and copy any records relating to the child(ren) without the consent of the child(ren) or parent; to discuss all matters pertinent to treatment and findings related to the child(ren).
2. The Guardian ad Litem assigned to this cause shall maintain any information received from any such source as confidential and will not disclose the same except to report to the Court or as the law permits.
3. The Guardian ad Litem shall be given notice of and shall appear at all hearings or proceedings scheduled in this cause and assure proper representation of the child(ren)'s best interest at said hearing.
4. The Guardian ad Litem fees are in the nature of child support for the purposes of dischargeability in bankruptcy.
5. The next hearing date is scheduled/continued to_____.

JUDGE / MAGISTRATE

cc:

Counsel for Plaintiff/attorney code

Counsel for Defendant/attorney code

Guardian ad Litem/attorney code

Judge's assignment commissioner

Effective July 1, 1995

RULE 28. Entries

Unless subject to the Uniform Judgment Entry form promulgated by the Ohio Supreme Court, or unless the Trial Judge otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within five (5) days thereafter prepare the proper journal entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within three (3) days after the receipt thereof. Name of the counsel, counsel's Ohio Supreme Court registration number, and the Trial Judge shall be typed or printed upon the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the Judge who made the decision for approval and if signed by him or her shall then be filed with the Clerk. If counsel are unable to agree upon the entry, each counsel shall prepare his/her version. Counsel who prepared the initial entry shall forthwith notify the other counsel of when (s)he intends to submit the entry to the Trial Judge, which entry shall be submitted within fourteen (14) days after the decision is rendered. The Trial Judge shall direct which entry shall be filed.

Due to technological changes in the Court's computerized docket management system, all entries shall state the reason for the entry, or relate the entry to the motion decided and the date of the decision. For example:

ENTRY SUSTAINING DEFENDANT SMITH'S
MOTION TO DISMISS FILED JUNE 1, 1994

Effective 7/1/95; Amended effective 1/1/00

RULE 29. Forms

The court shall from time to time promulgate standard forms for use in juvenile court actions. When parties are required by local court rule to use forms authorized by the court, they may submit a form which is identical in content, but not appearance, to the form promulgated by the court, and shall include therein a certificate verifying the content of such form.

Effective 7/1/95

RULE 30. REPEALED

Effective January 1, 2000