

PORTAGE COUNTY JUVENILE COURT LOCAL RULES OF PRACTICE

Effective January 1, 2024

**PATRICIA J. SMITH
Juvenile Judge**

8000 Infirmary, Ravenna, Ohio 44266
Phone: (330) 297-0881 📠 Fax: (330) 297-2227
Website: <https://www.portagecounty-oh.gov/juvenileprobate-court>
Probation: (330) 298-2112

INTRODUCTION
TO
PORTAGE COUNTY JUVENILE COURT
LOCAL RULES OF PRACTICE

These Rules supplement the Rules of Superintendence for the Courts of Ohio. It is important to understand that our Local Rules do not replace any statutory requirements, case law, or other procedural rules related to juvenile cases. All persons coming before this Court should familiarize themselves with these rules and all applicable law.

IMPORTANT NOTICE

THESE RULES APPLY EQUALLY TO EVERY PERSON INVOLVED IN A PROCEEDING IN PORTAGE COUNTY JUVENILE COURT, REGARDLESS OF WHETHER THE PERSON IS OR IS NOT REPRESENTED BY AN ATTORNEY. THERE ARE NO SPECIAL EXCEPTIONS OR MORE LENIENT STANDARDS FOR PERSONS CHOOSING TO REPRESENT THEMSELVES WITHOUT THE ASSISTANCE OF LEGAL COUNSEL.

Table of Contents

Local Rule 1: Construction of Rules.....	1
Local Rule 2: General Information.....	1
Local Rule 2.01: Hours of the Court.....	1
Local Rule 2.02: Courtroom Decorum.....	1
Local Rule 2.03: Courtroom Security.....	2
Local Rule 2.04: Sanctions.....	2
Local Rule 2.05: <i>Ex Parte</i> Communications.....	2
Local Rule 2.06: Attorney or Pro Hac Vice Registration.....	3
Local Rule 3: Filing by Facsimile Transmission.....	3
Local Rule 3.01: Applicability.....	3
Local Rule 3.02: Documents Not Accepted by Facsimile.....	3
Local Rule 3.03: Original Filing.....	3
Local Rule 3.04: Cover Page.....	3
Local Rule 3.05: No Cover Page.....	4
Local Rule 3.06: Signature.....	4
Local Rule 3.07: Exhibits.....	4
Local Rule 3.08: Time of Filing.....	5
Local Rule 3.09: Fees and Costs.....	5
Local Rule 3.10: Length of Document.....	5
Local Rule 4: Service.....	5
Local Rule 4.01: General Requirements.....	5
Local Rule 4.02: Special Process Server.....	5
Local Rule 4.03: Who Must be Served.....	6
Local Rule 4.04: Service by Publication.....	7
Local Rule 5: Court Costs, Witness Fees and Subpoenas.....	9
Local Rule 6: Record of the Proceedings.....	9

Local Rule 6.01: Recording System.....	9
Local Rule 6.02: Recording Devices.....	9
Local Rule 6.03: Transcripts.....	10
Local Rule 7: Court Records.....	10
Local Rule 7.01: Non-Public Records.....	10
Local Rule 7.02: Confidential Records.....	11
Local Rule 7.03: Official Records.....	11
Local Rule 7.04: Review of Records.....	11
Local Rule 7.05: Case Documents.....	12
Local Rule 8: Jury Demand.....	12
Local Rule 9: Jury Management.....	12
Local Rule 9.01: Opportunity for Service.....	12
Local Rule 9.02: Jury Source List.....	13
Local Rule 9.03: Random Selection Procedures.....	13
Local Rule 9.04: Eligibility for Service.....	13
Local Rule 9.05: Terms and Availability of Jury Service.....	13
Local Rule 9.06: Exemptions, Excuses, and Deferral.....	14
Local Rule 9.07: Voir Dire.....	14
Local Rule 9.08: Removal of the Jury Panel for Cause.....	14
Local Rule 9.09: Preemptory Challenges.....	15
Local Rule 9.10: Administration of the Jury System.....	15
Local Rule 9.11: Notification and Summoning Procedures.....	15
Local Rule 9.12: Monitoring the Jury System.....	15
Local Rule 9.13: Juror Use.....	15
Local Rule 9.14: Jury Facilities.....	15
Local Rule 9.15: Jury Compensation.....	16
Local Rule 9.16: Juror Orientation and Instruction.....	16
Local Rule 9.17: Jury Size and Unanimity of Verdict.....	17

Local Rule 9:18: Jury Deliberation.....	17
Local Rule 9:19: Sequestration of Jurors.....	17
Local Rule 10: Traffic Cases.....	18
Local Rule 10.01: General.....	18
Local Rule 10.02: Electronically Produced Tickets.....	18
Local Rule 10.03: Waiver.....	18
Local Rule 10.04: Diversion-Carteens.....	18
Local Rule 10.05: Non-Waiverable Offenses.....	19
Local Rule 10.06: Traffic Arraignments, Pretrials, and Trials.....	19
Local Rule 11: Judgment Entries.....	20
Local Rule 12: Motion to Set Aside Magistrate’s Order.....	20
Local Rule 13: Objections to Magistrate’s Decision.....	21
Local Rule 14: Motions.....	23
Local Rule 14.01: Motion Practice.....	23
Local Rule 14.02: Motions for Continuance.....	23
Local Rule 14.03: Contempt Motions.....	23
Local Rule 14.04: Withdrawal of Counsel.....	25
Local Rule 15: Discovery.....	25
Local Rule 15.01: General.....	25
Local Rule 15.02: Informal Discovery Procedure.....	25
Local Rule 15.03: Discovery Deadline.....	26
Local Rule 16: Diversion Cases.....	26
Local Rule 17: Competency Proceedings.....	26
Local Rule 17.01: Expedited Hearings.....	26
Local Rule 17.02: Notice.....	27
Local Rule 17.03: Stay of Proceedings.....	27
Local Rule 18: Standard Schedule of Parenting Time.....	27
Local Rule 19: Conveyance of Prisoner.....	27

Local Rule 20: <i>Pro Se</i> Pleadings.....	28
Local Rule 21: Inactive Cases.....	28
Local Rule 22: Case Management.....	28
Local Rule 22.01: Purpose.....	28
Local Rule 22.02: Unruly Offenses.....	28
Local Rule 22.03: Delinquent Offenses.....	29
Local Rule 22.04: Traffic Offenses.....	29
Local Rule 22.05: Abuse, Neglect, and Dependency Cases.....	30
Local Rule 22.06: Child’s Attendance in Abuse, Neglect, and Dependency Cases... 	31
Local Rule 22.07: Adult Cases.....	31
Local Rule 22.08: Warrants.....	32
Local Rule 23: Juvenile Civil Protection Orders.....	32
Local Rule 23.01: Purpose.....	32
Local Rule 23.02: Exclusive Jurisdiction.....	32
Local Rule 23.03: Prevailing Rules.....	32
Local Rule 23.04: Standard Forms.....	32
Local Rule 23.05: Costs.....	32
Local Rule 23.06: Mutual Orders.....	32
Local Rule 23.07: Victim Advocate.....	33
Local Rule 23.08: Timely Procedures.....	33
Local Rule 23.09: <i>Ex Parte</i> Orders.....	33
Local Rule 23.10: Service.....	34
Local Rule 23.11: Full Hearing Continuance.....	34
Local Rule 23.12: Additional Forms of Relief.....	34
Local Rule 23.13: Electronic Monitoring.....	34
Local Rule 23.14: Full Faith and Credit.....	34
Local Rule 23.15: Consent Agreements.....	35
Local Rule 23.16: Weapons.....	35

Local Rule 23.17: Intervention Programs and Other Requirements.....	35
Local Rule 23.18: Renewals.....	35
Local Rule 23.19: Modifications.....	35
Local Rule 23.20: Terminations.....	35
Local Rule 23.21: Waiver Not Permitted.....	35
Local Rule 23.22: Sealing and Expunging Juvenile CPO.....	36
Local Rule 23.23: Conflicting or Existing Orders.....	36
Local Rule 23.24: Companion Animals.....	36
Local Rule 24: Judicial Bypass.....	36
Local Rule 25: Consent to Wed.....	37
Local Rule 26: Guardians ad Litem.....	37
Local Rule 26.01: General.....	37
Local Rule 26.02: Appointment of Guardian ad Litem.....	37
Local Rule 26.03: Responsibilities of Guardian ad Litem.....	38
Local Rule 26.04: Guardian ad Litem Conflicts.....	40
Local Rule 26.05: Qualifications of Guardian ad Litem.....	40
Local Rule 26.06: Guardian ad Litem Reports.....	41
Local Rule 26.07: Guardian ad Litem Complaint Procedure.....	42
Local Rule 26.08: Compensation.....	42
Local Rule 26.09: Failure to Comply.....	43
Local Rule 27: Appointment of Counsel.....	44
Local Rule 27.01: Abuse, Neglect, and Dependency/Contempt.....	44
Local Rule 27.02: Delinquency/Unruly/Traffic Offenses.....	44
Local Rule 28: Third Party Motions.....	44
Local Rule 29: <i>In Camera</i> Interviews.....	44
Local Rule 30: Emergency or <i>Ex Parte</i> Orders.....	45
Local Rule 31: Sealing and/or Expungement of Records.....	46
Local Rule 32: Subpoenas.....	46

Local Rule 33: Courtroom Restraints.....	46
Local Rule 34: Assigned Counsel Requirements.....	47
Local Rule 34.01: General.....	47
Local Rule 34.02: Requirements.....	48
Local Rule 34.03: Records.....	48
Local Rule 34.04: Selection.....	49
Local Rule 34.05: Compensation.....	49
Local Rule 34.06: Exemption.....	50
Local Rule 35: Procurement for Recoupment of Assigned Counsel Fees.....	50
Local Rule 36: Change of Address.....	50
Local Rule 37: Use of Experts.....	50
Local Rule 38: Confirmation of Witness Availability.....	51
Local Rule 39: Access to Juvenile Proceedings.....	51
Local Rule 40: Mediation.....	54
Local Rule 40.01: Uniform Mediation Act and Definitions.....	54
Local Rule 40.02: Frequently Asked Questions.....	54
Local Rule 40.03: Cases Eligible for Mediation.....	55
Local Rule 40.04: Exemptions.....	55
Local Rule 40.05: Confidentiality.....	55
Local Rule 40.06: Referral to Resources.....	56
Local Rule 40.07: Referrals to Mediation.....	56
Local Rule 40.08: Notification of Mediation.....	56
Local Rule 40.09: Mediators.....	57
Local Rule 40.10: Mediation Agreements.....	57
Local Rule 41: Court Ordered Reports.....	58
Local Rule 42: Juvenile Drug Court.....	58
Local Rule 42.01: General.....	58
Local Rule 42.02: Eligibility.....	58

Local Rule 41.03: Completion of Program..... 58

APPENDICES

APPENDIX A: SCHEDULE OF FILING FEES

APPENDIX B: STANDARD IN-STATE PARENTING TIME SCHEDULE

APPENDIX C: STANDARD OUT-OF-STATE PARENTING TIME

APPENDIX D: SCHEDULE CONFIDENTIAL CHILD PLACEMENT

APPENDIX E: PLEADING FORM CONSENT TO MARRY FORM

APPENDIX F: GUARDIAN AD LITEM REPORT FORMAT

APPENDIX G: SEALING/EXPUNGING ADMINISTRATIVE ORDER

LOCAL RULE 1: CONSTRUCTION OF RULES

These Rules are adopted by the Court and are intended to provide for the management of proceedings and other functions of the Juvenile Court and to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Rules of Superintendence for the Courts of Ohio, and any controlling statutes.

LOCAL RULE 2: GENERAL INFORMATION

2.01 HOURS OF THE COURT

- (A) The Portage County Juvenile Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m., Monday through Friday, with legal holidays as observed by law.
- (B) The Juvenile Court Judge, in their discretion, may vary hours and days for matters of extraordinary nature or importance by Order of the Court.
- (C) The Court shall sit in session between the hours of 8:00 a.m. to 4:00 p.m. At their discretion, the Judge or Magistrates may schedule hearings at other specified times.

2.02 COURTROOM DECORUM

- (A) All parties and witnesses shall wear appropriate and proper business casual attire when attending any hearing before the Court. The following attire is not considered to be appropriate: bare feet, flip flops, cutoffs, tank tops, visible undergarments, excessively revealing clothing/attire, attire that contains offensive language or pictures (including drugs, alcohol, tobacco, or sexually related), hats, etc.
- (B) Attorneys for the parties shall appear dressed in professional attire when attending any hearing before the Court.
- (C) Failure of a party, witness, or attorney to dress appropriately and in conformance with the Court's requirements may result in the individual being sent home and the pending matter being cancelled and rescheduled.
- (D) Chewing gum, food, and beverages are prohibited in the Courtroom at all times.
- (E) Except for those who are witnesses, victims, or subjects of a proceeding, children may not be permitted in the Courtroom unless by consent of the Court. Children who are permitted in the Courtroom shall be accompanied by an adult who will be solely responsible for their safety, care, and behavior.
- (F) Unless otherwise allowed, prior to entering any Courtroom, all cellular phones, pagers, and other electronic devices that are capable of emitting sound shall be turned off or placed in the vibrate position. Failure to do so may result in the confiscation of the device until completion of the hearing and imposition of a fine of up to \$50.00.

- (G) No radio or television transmission, photographs, videotaping, or electronic imaging of any persons, especially children under the age of eighteen (18) years of age, shall be permitted in the Courtroom. Failure to follow this Rule may result in the cameras, recording devices, and electronic imaging devices being confiscated pending further hearing.
- (H) All parties, attorneys, and witnesses shall be present, prepared, and ready to appear before the Court at the assigned hearing time. Arriving at the Court at the assigned hearing time does not constitute compliance with this Rule. If counsel or a party is unavoidably delayed, notice must be given to the Judge or Magistrate as early as practicable. Counsel shall make all reasonable efforts to engage substitute counsel in the event of an unexpected delay or absence.
- (I) All parties, attorneys, and witnesses shall act in a professional and respectful manner including, but not limited to, standing at counsel table when the jurist enters and exits the Courtroom, addressing parties by their appropriate titles, standing when addressing the Court, and directing all arguments to the Court, rather than opposing counsel or a party.

2.03 COURTROOM SECURITY

- (A) All persons entering the Portage County Juvenile Court shall be subject to the provisions of the Court's Security Policy and Procedure Plan, which is available upon request.
- (B) All persons entering the Portage County Juvenile Court shall be subject to search. No person carrying a bag, case, or parcel shall be permitted to enter or remain in any Courtroom without first, if requested by the Court, subjecting such bag, case, or parcel to security personnel for inspection.

2.04 SANCTIONS

- (A) Any person committing any violation of these Rules shall be removed from the Courtroom, hallway, entryway, or Courthouse by security personnel charged with the enforcement of this Rule.
- (B) Any person unnecessarily causing undue delay or conflict, or failing to abide by these Rules, the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Superintendence, or any other applicable Ohio Rule of Court, may be subject to sanctions or any other appropriate measures necessary.

2.05 EX PARTE COMMUNICATIONS

No attorney, party, or witness shall discuss the merits, either orally or in writing, of any case with the Judge or Magistrate presiding over the case, without the presence of opposing counsel or the opposing party, if the party is not represented by counsel.

2.06 ATTORNEY OR PRO HAC VICE REGISTRATION NUMBER

All documents filed by an attorney shall include the attorney or pro hac vice registration number issued by the Ohio Supreme Court.

LOCAL RULE 3: FILING BY FACSIMILE TRANSMISSION

3.01 APPLICABILITY

- (A) The provisions of this Rule are adopted pursuant to Rule 8 of the Ohio Rules of Juvenile Procedure.
- (B) Pleadings and other papers may be filed with the Juvenile Court by facsimile transmission to the following number: (330) 297-2227.
- (C) Fax means the same as facsimile transmission.

3.02 DOCUMENTS NOT ACCEPTED BY FACSIMILE TRANSMISSION

- (A) Any pleading which requires an accompanying filing fee.
- (B) Any pleading that exceeds ten (10) pages in length including, but not limited to, attached exhibits and cover page.
- (C) Any complaint.
- (D) Any pleadings in special juvenile proceedings including, but not limited to, parental bypass proceedings and petitions for protection orders.

3.03 ORIGINAL FILING

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

3.04 COVER PAGE

- (A) The person filing a document by fax shall also provide therewith a cover page containing the following information:
 - 1. Name of the Court;
 - 2. Title of the Case;

3. The Case Number;
4. The assigned Judge or Magistrate, if known;
5. Title of the document being filed (e.g. Defendant's Request for Discovery; Defendant's Motion to Suppress);
6. Date of the transmission;
7. Transmitting fax number;
8. Number of pages in the transmission, including the cover page;
9. Name, address, telephone number, and Supreme Court Registration number, if applicable, of the person filing the fax document, if available.

3.05 NO COVER PAGE

If a document is sent by fax to the Court, without the cover page listed above, the document will not be filed. The clerk shall notify the sender that no cover page was received by faxing to the fax number of the sender such notation and that this Rule was violated.

3.06 SIGNATURE

- (A) A party who wishes to file a signed source document by fax shall fax a copy of the signed source document, or if the document is sent directly from the person's computer the notation "/S/" followed by the name of the person signing the document.
- (B) A party who files a signed document by fax represents that the physically signed source document is in his/her possession.

3.07 EXHIBITS

- (A) Each exhibit to a fax-filed document that cannot be accurately transmitted via fax transmission for any reason must be replaced by an insert page describing the exhibit(s) and why it is missing. Unless the Court otherwise orders, the missing exhibit(s) shall be filed with the Court, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibit(s) as required by this paragraph may result in the Court striking the document and/or exhibit.
- (B) Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge/Magistrate, and the title of the exhibit being filed and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

3.08 TIME OF FILING

- (A) Subject to the provisions of this Rule, all documents sent by fax and accepted by the Clerk shall be considered filed with the Court as of the date the Clerk timestamps the document received, as opposed to the date and time of the fax transmission.
- (B) The risks of transmitting a document by fax to the Clerk's Office shall be borne entirely by the sending party. Burden of confirming receipt of a fax filing is on the sending party. Anyone using fax filing is urged to verify receipt of such filing by the Clerk through whatever technological means are available.
- (C) The Court is not required to send, nor will it, any form of notice to the sending party of a failed fax filing, except as provided in Loc.R. 3.05.

3.09 FEES AND COSTS

Pursuant to R.C. 2303.20(Y), an additional fee will be assessed for each electronic transmission, plus an additional fee for each page of that document. **(See Appendix A).**

3.10 LENGTH OF DOCUMENT

Fax filings shall not exceed ten (10) pages in length including, but not limited to, attached exhibits and cover page. The sending party shall not transmit service copies by fax.

LOCAL RULE 4: SERVICE

4.01 GENERAL REQUIREMENTS

- (A) A request for service by the Clerk of Court must be accompanied by an Instruction to Clerk for Service form identifying the type of service and a time-stamped copy of the document to be served. The Court Bailiff will not provide service in Delinquent or Unruly cases. This applies to all pleadings and documents, including complaints, motions, and subpoenas.
- (B) Unless otherwise requested and approved, or otherwise referenced in these Local Rules, and/or Rules of Civil/Juvenile Procedure, all service shall be by certified mail. It remains the responsibility of the party seeking the action or relief to secure service of process in accordance with the Ohio Rules of Civil Procedure. (See Loc.R. 14.03 – Contempt Motions).

4.02 SPECIAL PROCESS SERVER

- (A) One-Time Appointment: If a party desires personal service to be made by a special process server pursuant to Civ.R. 4.1, the party or counsel must file with the Court a Motion and Order seeking appointment of a special process server. The following must be stated in the Order of Appointment:

1. The name of the person to be appointed as a Special Process Server;
2. That the person being appointed as Special Process Server is eighteen (18) years of age or older;
3. That the person to be appointed as Special Process Server is not a party or counsel for a party in the action.

(B) Continuing Appointment: A person may apply to be designated as a “Standing Special Process Server” for cases filed in this Court by filing an application supported by affidavit setting forth the following information:

1. The name of the person to be appointed as a Special Process Server;
2. That the person being appointed as Special Process Server is eighteen (18) years of age or older;
3. That the person to be appointed as Special Process Server is not a party or counsel for a party in the action;
4. That the person agrees to follow the requirements of Civ.R. 4 through 4.6, and any applicable local rules, and specific instructions for service of process as ordered by the Court;
5. That the person has submitted an order captioned “In re the Appointment of (Name of Applicant) as Standing Special Process Server,” that states as follows:
 - a. “It appearing to the Court that the following applicant has complied with the provisions of the Portage County Juvenile Court Local Rules, (Name of Applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.”

(C) The Court shall record such appointment on the Court’s General Docket and shall retain the original applications and entries. In any case thereafter, the Court shall accept a time-stamped copy of such order as satisfying the requirements of Civ.R. 4.1 for designation by the Court of a person to make service of process.

4.03 WHO MUST BE SERVED

- (A) All persons who are parties in the case, as defined in Juv.R.2(Y), must be served, except the child who is the subject of a dependency, neglect, abuse claim, unless the Court otherwise directs.
- (B) In all proceedings, except permanent custody, if a party is represented by counsel, service on the party may be achieved by serving the attorney of record.

(C) In all permanent custody cases, initial service of a motion for permanent custody and all subsequent pleadings must be served on the parent(s), and their attorney of record, if applicable.

4.04 SERVICE BY PUBLICATION

(A) Pursuant to Juv.R. 16(A), service by publication shall only be available when the residence of a defendant or party is unknown and reasonable diligence is demonstrated by proper affidavit that the address cannot be discovered. Service by publication can be made by newspaper publication or by posting and mail. Service by publication of a Motion for Permanent Custody may be accomplished by newspaper only if the address of the party is unknown.

(B) A request for service by publication must be accompanied by an affidavit executed by the party or the party's attorney. The affidavit shall aver that service of summons cannot be made because the residence of the person is unknown to the affiant, all of the efforts made on behalf of the party to ascertain the residence of that person, and that the residence of that person cannot be ascertained with reasonable due diligence. The affidavit must also state the last known address of the person to be served.

(C) Publication by Newspaper

1. The Clerk shall serve notice by publication in a newspaper in general circulation in Portage County;
2. A request for service by publication in a newspaper shall contain the following information to be included in the notice:
 - a. The Case Number;
 - b. The name of the first party on each side;
 - c. The name and last known address of the person who is to be served;
 - d. A summary statement of the allegation(s) made in the complaint;
 - e. The Clerk will fill in the date and time of the hearing.
3. A request for service by publication by newspaper shall be submitted at least fifteen (15) days before the date and time of the hearing stated in the notice, and the date of the hearing shall not be less than seven (7) days after the date of publication;
4. The publication shall be published one time and service is considered complete on the date of publication;

5. The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service and shall be remitted to the Court prior to the date of the hearing stated in the notice.

(D) Publication by Posting and Mail

1. The Clerk shall serve notice by publication by posting and mail as set forth below;
2. A request for service by publication by posting and mail shall include:
 - a. The Case Number;
 - b. The name of the first party on each side;
 - c. The name and last known address of the person who is to be served;
 - d. A summary statement of the allegations made in the complaint;
 - e. The Clerk will fill in the date and time of the hearing.
3. A request for service by publication by posting and mail shall be submitted at least fifteen (15) days before the date and time of the hearing stated in the notice;
4. Upon request, the Clerk may post service in a conspicuous place in the Juvenile Courthouse, and in the following public places within the county: Portage County Common Pleas Courthouse, 203 West Main Street, Ravenna, Ohio 44266 and Portage County Administration Building, 449 South Meridian Street, First (1st) Floor, Ravenna, Ohio 44266;
5. In addition to posting notice, the Clerk shall mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing obtained from the U.S. Postal Service, address correction requested, to the last known address of the party to be served, if known;
6. If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven (7) day period that the notice is posted pursuant to this Rule, the Clerk shall mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address;
7. Upon completion of service by posting and mail, the Clerk shall docket where and when the posting was completed and a copy of all certificates of mailing;
8. Service is complete when the notation of posting and mail is docketed by the Clerk.

(E) In all cases where service by publication is utilized, it shall be the responsibility of the moving party to verify and ensure that publication has been accomplished.

LOCAL RULE 5: COURT COSTS, WITNESS FEES, AND SUBPOENAS

- (A) The Clerk shall maintain a schedule of all court costs, including the sums that are to be deposited as security for costs at the same time as the pleadings, and those costs that are to be assessed during the pendency of a case. Said costs are set forth in the attached Schedule of Filing Fees. **(See Appendix A)**. The Clerk's Office shall not accept any action or filing without the requisite filing fee.
- (B) No cost deposit shall be required by the Portage County Department of Job and Family Services for those cases filed in the ordinary course of their official business.
- (C) All costs in delinquency, unruly, traffic, and adult cases may be assessed at the sole discretion of the Court.
- (D) All alleged juvenile or adult offenders seeking to issue a subpoena must do so in a timely manner. No witness fee is required at the time of filing the subpoena for service on an address located within the county. Any costs associated with the issuance of a subpoena shall be assessed at the conclusion of the case.
- (E) All subpoenas required for service on an address located outside of the county shall be accompanied by a check made payable to the witness in the amount of one-half or one-full day's witness fee and round-trip mileage. Any indigent party requesting the issuance of a witness fee check by the Clerk must have first filed an affidavit of indigency approved by the Court.
- (F) All subpoenas served by counsel or a party shall be filed and served in conformity with the applicable requirements of the Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure, and Ohio Rules of Criminal Procedure. Counsel or a party shall file a complete return on all subpoenas served by them or their designated agent. The Clerk shall not attempt service of a subpoena on behalf of any party.
- (G) If counsel or a party fails to provide enough copies for service, processing, filing, etc. they will be charged for the cost of copying these documents as set forth in **Appendix A**.

LOCAL RULE 6: RECORD OF THE PROCEEDINGS

6.01 RECORDING SYSTEM

All matters heard by the Judge or Magistrate will be recorded via the Court's digital recording system. This electronic recording is the Court's official record.

6.02 RECORDING DEVICES

No parties, witnesses or other participants in a court hearing may use a recording device of any type in the courtroom without express permission granted by the Court. Any requests to independently record the proceedings of the Court shall be made in writing and filed with the Court at least five (5) days before the hearing.

6.03 TRANSCRIPTS

- (A) Upon written request with the Clerk, a party may request a transcript of the proceedings. A praecipe indicating a transcript has been ordered shall be filed with the Court. Within ten (10) days of the request, a Court Reporter shall prepare a written estimate of the cost of the transcript and notify the requesting party of same. A deposit of one-half (1/2) the estimated cost of the transcript must be paid by the requesting party to the Court Reporter within fourteen (14) days of the issuance of the written cost estimate or the request will be considered withdrawn. Upon payment of a required deposit, an official transcript shall be prepared from the digital recording. Transcripts shall be completed within a reasonable time. The balance of the transcript cost must be paid to the Court Reporter within ten (10) days of the completion of the transcript. The transcript shall not be released by the Court Reporter or filed with the Court unless the balance is paid. If the balance to the Court Reporter is not paid within twenty-one (21) days, the Court Reporter shall file a pleading indicating a transcript will not be filed. Any Objections to factual issues may be dismissed if a transcript is not timely filed.
- (B) If a transcript is requested, it must be ordered at the time the Objection to a Magistrate's Decision, Motion to Set Aside a Magistrate's Order, or an appeal is filed.
- (C) When a request for transcript is filed for any reason other than to file an Objection to a Magistrate's Decision, Motion to Set Aside a Magistrate's Order, or an appeal, the person shall file a motion stating the purpose for which the transcript is requested, with a proposed order for the Court. Any such transcript requested under this section shall be provided only upon an Order of the Court and upon deposit of all applicable costs for the preparation of the transcript.

LOCAL RULE 7: COURT RECORDS

7.01 NON-PUBLIC RECORDS

- (A) Without express authorization of the Court, the following records shall not be made available to the public, including any party to the case:
1. Child Abuse, Neglect and Dependency investigative records, pursuant to R.C. 5153.17 and R.C. 2151.421(H)(1);
 2. Confidential law enforcement investigatory records, pursuant to R.C. 2151.141(B)(2)(b) and R.C. 149.43(A)(1)(h);
 3. Victim Impact Statements, pursuant to R.C. 2152.19(D)(3);
 4. Records relating to parental notification of abortion proceedings, pursuant to R.C. 2151.85(F) and R.C. 149.43(A)(1)(c);
 5. Fingerprints or photographs of a child arrested or taken into custody, pursuant to R.C. 2151.313;

6. Sealed or expunged juvenile adjudications or arrests, pursuant to R.C. 2151.356 and R.C. 2151.328;
7. Names, documentation, or other identifying information regarding foster caregivers, pursuant to R.C. 5101.29(D)(1).

(B) Any confidential records maintained by the Court in the Court's unofficial files. (See Loc.R. 7.02)

7.02 CONFIDENTIAL RECORDS

(A) All confidential records are kept in the Court's confidential file and include, but are not limited to, the following:

1. Records and reports of the Intake and Probation Department;
2. Court-ordered diagnostic assessments, mental and physical examinations;
3. Guardian ad Litem reports;
4. Drug/Alcohol assessments;
5. School records and reports;
6. Traffic records; and
7. Reports from community agencies serving the Court.

(B) Inspection of confidential records by attorneys or interested parties may be permitted only by leave of Court.

7.03 OFFICIAL RECORDS

(A) Pursuant to R.C. 2151.18 and R.C. 2152.71, the Court maintains an Official file that may be inspected by the parties or their attorney(s).

(B) Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Bailiff.

7.04 REVIEW OF RECORDS

(A) The inspection of records by attorneys and interested parties is governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and R.C. 2151.18 and R.C. 2152.71.

(B) Any person authorized by the Judge or Magistrate to inspect any confidential records must comply with the following procedure:

1. The authorized person must sign in and out with the Clerk's Office;
2. The records must be reviewed under the supervision of a Deputy Clerk in the Clerk's work area, during regular business hours;
3. Only written notes may be taken regarding the records;
4. No copies may be made absent a Court Order;
5. No information contained in any record shall be recorded by tape recording or other electronic device absent a Court Order.

(C) The release of confidential records is governed by R.C. 2151.14 and Rule 32(C) of the Ohio Rules of Juvenile Procedure.

7.05 CASE DOCUMENTS

Rule 44(C)(1) and (C)(2) of the Ohio Rules of Superintendence defines what is and is not a "case document." If a party wishes to file a document which is not a "case document," said document shall be filed separate from the Official file. To ensure that the submission of any document which is not a "case document" is reflected in the Official file, a Notice of Filing, identifying the specific document(s), shall be filed with the document(s), and shall be maintained in the Official file.

LOCAL RULE 8: JURY DEMAND

(A) The Court shall hear and determine all cases involving Juveniles without a jury, except for the Adjudication of a Serious Youthful Offender (SYO) complaint, indictment, or information in which a trial by jury has not been waived.

(B) In cases where an adult has been charged with a criminal offense in the Juvenile Court, the Defendant is entitled to a jury trial pursuant to Crim.R. 23(A). An adult charged with a misdemeanor offense may demand a jury in writing, and this demand shall be filed no later than thirty (30) days prior to the date set for trial or before the third (3rd) day following the receipt of notice of the date for trial, whichever is later. A Defendant's failure to demand a jury trial as stated in this Rule shall be deemed a complete waiver of the rights thereto. Costs of the jury may be assessed as court costs.

LOCAL RULE 9: JURY MANAGEMENT

9.01 OPPORTUNITY FOR SERVICE

The opportunity for service shall not be denied or limited based on race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in this jurisdiction.

9.02 JURY SOURCE LIST

- (A) The jury source list shall be obtained from the Board of Elections' list of registered voters.
- (B) The Portage County Jury Commissioner appointed by the Portage County Court of Common Pleas shall select the electors in accordance with the rules of practice of the court. The jury source list shall be representative and inclusive of the adult population of Portage County. The Court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate corrective action.

9.03 RANDOM SELECTION PROCEDURES

- (A) Upon receipt of an updated computerized elector list from the Portage County Board of Elections and after entry of the list into the Court's Automated Data Processing Equipment and creation of an annual or supplemental jury source list, appropriate directions will be entered for purposes of randomly creating an annual jury list or supplemental jury list as contemplated by R.C. 2313.09.
- (B) The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the Jury Commissioner and shall be documented.

9.04 ELIGIBILITY FOR SERVICE

- (A) All persons are eligible for jury service except those who:
 - 1. Are less than eighteen (18) years of age;
 - 2. Are not citizens of the United States;
 - 3. Are not residents of Portage County;
 - 4. Are not able to communicate in the English language;
 - 5. Have been convicted of a felony and not had their civil rights restored.
- (B) The Portage County Jury Commissioner or Deputy Jury Commissioner is responsible for notification of prospective jurors as set forth in the Jury Management Plan of the Portage County Common Pleas Court, General Division.

9.05 TERMS AND AVAILABILITY OF JURY SERVICE

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

(B) Jurors for Juvenile Court cases are to report to the offices of the Portage County Juvenile Court unless otherwise specified.

(C) The Juvenile Court Judge's staff or the Juvenile Court Administrator shall communicate with the Jury Commissioner to determine the availability of jurors as needed on a case-by-case basis.

9.06 EXEMPTION, EXCUSE, AND DEFERRAL

(A) There shall be no automatic excuses or exemptions, with the exception of statutory exemptions set forth pursuant to the Ohio Revised Code.

(B) Persons who no longer reside in Portage County and persons convicted of a felony who have not had their rights restored are disqualified from serving as jurors.

(C) The term of juror service is to be determined by the Portage County Jury Commissioner.

(D) The term of service shall be, at a minimum, sufficient to complete the applicable trial in Juvenile Court for which the jurors were impaneled.

(E) The Juvenile Court judge presiding over the trial has the discretion to grant excuses or postponements for good cause shown. Requests for excuses or deferrals shall be made in writing or otherwise made on the record.

9.07 VOIR DIRE

(A) Any voir dire examination shall be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.

(B) To reduce the time required for voir dire, basic background information shall be made available to counsel in writing for each party on the day on which jury selection is to begin unless otherwise permitted by the Court.

(C) The Juvenile Court Judge presiding over the trial shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time, unless otherwise specified by the Court.

(D) The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

(E) In all cases, the voir dire process shall be held on the record.

9.08 REMOVAL OF A JUROR FOR CAUSE

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.

9.09 PEREMPTORY CHALLENGES

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

9.10 ADMINISTRATION OF THE JURY SYSTEM

(A) The responsibility of administering the jury system is vested in the Court and the Jury Commissioner.

(B) All procedures concerning jury selection and service shall be governed by the applicable Ohio rules as promulgated by the various courts.

(C) Management of the jury system is to be by the Juvenile Court Judge, the Judge's staff, and the Juvenile Court Administrator.

9.11 NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the jury management plan of the Portage County Common Pleas Court.

9.12 MONITORING THE JURY SYSTEM

The Chief Deputy Jury Commissioner shall collect and analyze information regarding the performance of the jury system as set forth in the Jury Management Plan of the Portage County Common Pleas Court.

9.13 JUROR USE

(A) Courts should employ the services of prospective jurors so as to achieve the optimum use with minimum inconvenience to the jurors.

(B) The Chief Deputy Jury Commissioner is responsible for management and assignment of jurors and the effective use of jurors.

9.14 JURY FACILITIES

(A) The Court shall provide an adequate and suitable environment for jurors.

(B) A jury deliberation room should include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the Court.

(C) To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel, witnesses, and the public.

9.15 JUROR COMPENSATION

- (A) Persons called for jury service shall receive a reasonable fee for their jury service, as determined by Resolution of the Portage County Board of Commissioners.
- (B) Prospective jurors will receive \$15.00 for each day they report to the Portage County Juvenile Court, unless otherwise specified, for jury service. Jury fees shall be paid within sixty (60) days of the actual jury service.
- (C) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

9.16 JUROR ORIENTATION AND INSTRUCTION

- (A) The Court shall provide some form of orientation or instructions to persons called for service upon first appearance in the Court and upon reporting to the courtroom for voir dire to increase prospective jurors' understanding of the judicial system and help prepare them to serve competently as jurors.
- (B) The Juvenile Court Judge presiding over the trial should:
 1. Give preliminary instructions to all prospective jurors;
 2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
 3. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on appropriate methods for reporting the results of its deliberations. These instructions shall also be made available to jurors during their deliberations.
 4. Prepare and deliver jury instructions that are readily understood by individuals unfamiliar with the legal system.
 5. Use written instructions when feasible.
 6. Assure that all communications between the Judge and the members of the jury panel from the time of reporting to the courtroom for voir dire until the panel's dismissal from the case shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
 7. Before dismissing a jury at the conclusion of a case, the Juvenile Court Judge should:

- a. Release the jurors from their duty of confidentiality;
- b. Explain their rights regarding inquiries from counsel or the press;
- c. Either advise them that they are discharged from service or specify where they must report; and,
- d. Express appreciation to the jurors for their service, but not comment on the result, or express approval or disapproval for the result of the deliberation.

9.17 JURY SIZE AND UNANIMITY OF VERDICT

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

9.18 JURY DELIBERATION

- (A) Jury deliberations shall take place under conditions that are designed to ensure impartiality and enhance rational decision-making.
- (B) The Juvenile Court Judge shall instruct the jury concerning appropriate procedures during deliberations.
- (C) A jury shall not be required to deliberate after hours unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and such deliberations are required.
- (D) Training shall be provided to personnel who escort and assist jurors during deliberations.

9.19 SEQUESTRATION OF JURORS

- (A) A jury shall not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.
- (B) The Juvenile Court Judge shall have discretion to sequester a jury on the motion of counsel or on the Judge's own initiative.
- (C) The Judge's courtroom staff and Juvenile Court Administrator shall have the responsibility to provide for the safety and comfort of the jurors.
- (D) The Juvenile Court Administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.
- (E) Training shall be provided to court personnel who escort and assist sequestered jurors.

LOCAL RULE 10: TRAFFIC CASES

10.01 GENERAL

The Portage County Common Pleas Court, Juvenile Division, has established a Juvenile Traffic Violations Bureau, pursuant to Ohio Traffic Rule 13.1.

10.02 ELECTRONICALLY PRODUCED TICKETS

The use and filing of a ticket that is produced by computer or other electronic means is authorized. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the alleged juvenile traffic offender with a paper copy of the ticket as required by Ohio Traffic Rule 3(E).

10.03 WAIVER

All juvenile traffic violations that meet the criteria for waiver and written plea of admission shall receive a notice which explains the Juvenile's options to waive appearance; describes how to properly execute the waiver of appearance and enter a written plea of admission; outlines the fines and costs required to waive; and states the date and time to appear for hearing if the Juvenile elects not to waive.

10.04 DIVERSION - CARTEENS

(A) In conjunction with the Ohio State University Extension Office of Portage County and the Ohio State Highway Patrol, the Court has created a traffic diversion option in which waivable offenses will qualify and non-waivable offenses may qualify:

1. To qualify for this traffic diversion program, the Juvenile, and at least one parent or legal guardian, shall attend the CARTEENS program when scheduled;
2. Upon completion of the program, the imposition of a fine shall be waived. However, court costs will be imposed;
3. So long as the Court receives a grant for costs associated with the program, participants will not be charged for attending the program;
4. After six (6) months from the date of completion of the program, if the Juvenile has not received a new moving traffic citation, and any outstanding court costs are paid in full, the traffic offense shall be dismissed with prejudice. No points will be assessed on the Juvenile's traffic record;
5. If the Juvenile receives a new moving traffic citation within six (6) months of the diverted citation, the diverted citation can be reinstated and scheduled for hearing.

10.05 NON-WAIVERABLE OFFENSES

(A) The following offenses cannot be waived by a Juvenile and require personal appearance before the Court:

1. Any offense that involved an accident;
2. A second or subsequent moving violation;
3. Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
4. Leaving the scene of an accident;
5. Driving while under suspension or revocation of a driver's or commercial driver's license;
6. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for less than six (6) months;
7. Speeding in a school zone;
8. Passing a school bus;
9. Willfully eluding or fleeing a police officer;
10. Drag racing;
11. Speeding in excess of 20 m.p.h. over the posted speed limit;
12. Reckless operation;
13. Cell phone/electronic device use (full-time attention);
14. Indictable offenses;
15. Any offense otherwise eligible to be disposed of by the Juvenile Traffic Violations Bureau that the Court, in its discretion, determines should not be disposed of by the Juvenile Traffic Violations Bureau.

10.06 TRAFFIC ARRAIGNMENTS, PRETRIALS AND TRIALS

(A) Unless an offense is eligible for waiver and a Juvenile waives, an alleged juvenile traffic offender shall appear for an arraignment. All Juveniles must appear with a parent, guardian, or custodian on the date and time designated in the Court's notice.

(B) Except when a Juvenile is charged with an offense set forth in Loc.R. 10.05, an Attorney may enter a written Denial to the traffic offense on behalf of their client, in which event, the appearance of the Juvenile and their parent, guardian, or custodian will not be required

for an arraignment. Upon receipt of the written Denial, the matter will be scheduled for a Rule 21 Conference hearing.

- (C) If the traffic complaint/citation fails to indicate insurance or financial proof of responsibility was shown at the time the citation was issued, proof of automobile insurance shall be provided by the alleged juvenile traffic offender to the Court at their initial appearance.
- (D) A Rule 21 Conference hearing and trial may be set at the Juvenile or Attorney's request or at the Court's discretion.

LOCAL RULE 11: JUDGMENT ENTRIES

- (A) In cases where complaints, counterclaims and motions have been settled and an attorney has been required to submit a judgment entry, the judgment entry shall be submitted to the Court within fourteen (14) days of the hearing, unless otherwise ordered. Failure to comply with this rule may result in the automatic dismissal of the complaint, counterclaim, or motion, or the matter may be set for further hearing.
- (B) The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be provided to opposing counsel, or party if *pro se*, prior to the submission to the Court. If counsel and/or *pro se* litigant are unable to agree upon the judgment entry, opposing counsel or *pro se* litigant shall notify, within five (5) days of receipt of the entry, the attorney who prepared the entry. Thereafter, counsel for opposing parties or *pro se* litigant may submit a proposed entry to the Court for review. The Court will then direct which entry is to be filed. A judgment entry sent for signature which is not returned within ten (10) days may be submitted to the Court without signature of the opposing counsel or party if the agreement was read into the record. A copy of the transmittal letter indicating the date sent to opposing counsel or party shall accompany all judgment entries not signed by the parties or legal counsel.
- (C) If an agreement is not read into the record and a consent entry cannot be agreed upon, counsel should seek a new hearing date within the time period for filing the agreed entry.
- (D) Should a judgment entry not be timely filed in accordance with this Rule, the Court may dismiss the pending complaint, counterclaim, or motion without further hearing. Should a matter be so dismissed, and the parties wish to submit an entry thereafter, counsel shall, within fourteen (14) days, submit the judgment entry with a Motion to Vacate the Dismissal and a proposed entry granting the same.

LOCAL RULE 12: MOTION TO SET ASIDE A MAGISTRATE'S ORDER

- (A) Magistrates may issue orders and any party may file a motion with the Court to set aside a Magistrate's Order, as provided by Juv.R. 40, which shall be heard by the Judge. The Motion shall be filed no later than ten (10) days after the Magistrate's Order is entered.

- (B) The Motion shall be accompanied by a supporting memorandum stating the party's position with particularity, including citations of law relied on in support of their position. If the Motion to Set Aside a Magistrate's Order is not based on an issue of fact, the party filing the Motion shall notify the Court, in writing, at the time of the filing of the Motion, that the party is requesting that the Court rule on the Motion without a transcript of the proceedings.
- (C) If a finding of fact or weight of the evidence argument is partly or entirely the basis for the Motion to Set Aside a Magistrate's Order, a transcript of the proceeding before the Magistrate must be filed with the Court. Partial transcripts may be permitted upon leave of Court. The moving party must ensure the Court Reporter has filed the transcript within thirty (30) days after the filing of the Motion, unless the Judge, in writing, extends the timeframe. The party moving to set aside the Magistrate's Order may file a memorandum supplementing their position no later than ten (10) days after the filing of a transcript with the Court.
- (D) Failure to file a transcript when one is required by this Rule is a basis for dismissal of the Motion.
- (E) A request for a transcript shall be made pursuant to Loc.R. 6.03.
- (F) A party may request an oral hearing on the Motion to Set Aside a Magistrate's Order, and such requests must be made at the time of filing the Motion. Failure to request an oral hearing at the time of filing will be deemed a waiver and the matter will be decided by the Judge without oral argument.
- (G) The filing of a Motion to Set Aside does not automatically stay the Magistrate's Order.
- (H) A separate Motion for Stay may be filed and may be approved, denied, or modified by the Judge.
- (I) Any person wishing to respond to a Motion to Set Aside a Magistrate's Order shall do so no later than ten (10) days after the Motion is filed, unless a request for a transcript has been filed. If a request for a transcript has been filed, a person wishing to respond may do so no later than ten (10) days after the filing of the transcript or the filing of a movant's supplemental memorandum, whichever occurs later.

LOCAL RULE 13: OBJECTIONS TO A MAGISTRATE'S DECISION

- (A) A party may file a written Objection to a Magistrate's Decision as provided in Juv.R. 40, which shall be heard by the Judge. The Objection shall be filed no later than fourteen (14) days after the Magistrate's Decision is entered.
- (B) The Objection shall be accompanied by a supporting memorandum stating the party's position with particularity, including citations of law relied on in support of their position. The Court may dismiss an overly broad Objection that lacks the required particularity.

- (C) If the Objection is not based on an issue of fact, the party filing the objection shall notify the Court, in writing, at the time of the filing of the Objection, that the party is requesting that the Court rule on the Objection without a transcript of the proceedings.
- (D) If an issue of fact is partially or wholly the basis for the Objection, a transcript of the testimony shall be filed in support of the objection to the Magistrate's Decision. It is the moving party's responsibility to ensure the Court Reporter has filed the transcript within thirty (30) days after the filing of the Objections, unless the Judge, in writing, extends the timeframe. The party objecting to the Magistrate's Decision may file a memorandum supplementing their Objection no later than ten (10) days after the filing of a transcript with the Court.
- (E) A request for a transcript shall be made pursuant to Loc.R. 6.03.
- (F) A party may request an oral hearing on an Objection to a Magistrate's Decision, and such request must be made at the time of filing the Objection. Failure to request an oral hearing at the time of filing will be deemed a waiver and the matter shall be decided by the Judge without oral argument.
- (G) Any person wishing to respond to an Objection to a Magistrate's Decision shall do so no later than fourteen (14) days after the Objection to the Magistrate's Decision is filed, unless a request for a transcript has been filed. If a request for a transcript has been filed, a person wishing to respond may do so no later than fourteen (14) days after the filing of the transcript or the filing of a movant's supplemental memorandum, which occurs later.
- (H) If the Objection is to a Magistrate's Decision adjudicating a child to be abused, neglected, or dependent, or dismissing a complaint alleging same, the Court Reporter shall prepare and provide copies of the transcript to the party requesting the transcript within fourteen (14) days of the filing of a praecipe. For good cause shown, the Court Reporter may request an extension of time to complete the transcript. In these cases:
1. The party objecting to the Magistrate's Decision shall file a memorandum within ten (10) days of the filing of a transcript with the Court;
 2. Any responsive memorandum shall be filed within ten (10) days of the filing of the memorandum in support of the Objection;
 3. For good cause shown, a party may file for an extension of time to file a memorandum.
- (I) The timely filing of an Objection to a Magistrate's Decision operates as an automatic stay of execution of the Decision until the Court disposes of the Objection.

LOCAL RULE 14: MOTIONS

14.01 MOTION PRACTICE

- (A) 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.
- (B) Motions are to be printed on one side of the paper only. Double-sided motions will be rejected for filing.
- (C) All motions shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. All motions shall be heard upon submission without oral hearing unless such hearing is required by law, requested by the movant in writing, or ordered by the Court. Notice shall be served by the Court on all parties, including the Guardian ad Litem or CASA, as applicable.

14.02 MOTIONS FOR CONTINUANCE

- (A) A motion for continuance shall be made in accordance with Rules 19 and 23 of the Ohio Rules of Juvenile Procedure.
- (B) All motions for continuance shall be made as far in advance of hearing dates as practicable. All requests shall be in writing and must be accompanied by a proposed journal entry granting or denying the motion.
- (C) Any motion for continuance based upon a conflict with another scheduled court hearing shall be accompanied by a copy of the notice of that hearing.
- (D) Counsel requesting the continuance shall notify all other counsel and parties involved, in writing, prior to filing the motion for continuance. The motion for continuance shall indicate what efforts were made to notify all other counsel and/or parties, and whether those individuals consent to the continuance.
- (E) No case will be continued on the day of the hearing, unless for good cause shown, which cause was not known to the attorney or party prior to the day of the hearing, notwithstanding all other counsel and parties' consent to same.
- (F) If a moving party is represented by counsel, it is the responsibility of the attorney requesting the continuance to notify all other counsel and parties when a continuance is granted.

14.03 CONTEMPT MOTIONS

- (A) Any party seeking a finding of contempt shall be designated the Movant and the party charged with contempt shall be designated the Respondent.

- (B) The initial pleading for contempt shall be supported by an affidavit with sufficient operative facts of the alleged contempt so as to provide the Respondent with notice of the facts of the contempt charge alleged.
- (C) The Court (Judge or Magistrate), if it finds the affidavit sufficient, shall issue an Order to Show Cause, which shall contain the information and warnings contained in Loc. R. 14.03(D), (E), (F), and (G).
- (D) The initial pleading shall indicate whether the Movant is seeking a Civil Contempt Order and/or a Criminal Contempt Order.
- (E) The party seeking to compel the Respondent's appearance at a Hearing to Show Cause must provide the Court with a proposed order at the time of the initial pleading and the proposed order shall include the following information:
1. The Respondent has the right to be represented by an attorney;
 2. Because the Court may impose a sentence of indefinite confinement for civil contempt and/or definite confinement for criminal contempt and/or a monetary sanction for either, the Respondent has the right to court appointed counsel if indigent;
 3. The Respondent has a right to public trial before a judicial officer on the alleged contempt;
 4. The Respondent may compel the Movant to prove the case by clear and convincing evidence as to a civil contempt charge and by proof beyond a reasonable doubt as to a criminal contempt charge;
 5. The Respondent may obtain the presence of witnesses on Respondent's own behalf by compulsory process (subpoena) if necessary;
 6. The Respondent has the right to cross-examine the witnesses called against Respondent;
 7. The Respondent has a right to bail.
- (F) In addition to the requirements of subsection (B) of this Rule, in any action for contempt based upon an order for child support and/or parenting time (visitation), the Respondent's notice or summons shall comply with R.C. 2705.031(C)(1), (2), (3), (4) and (5).
- (G) All pleadings seeking contempt must comply with R.C. Section 2705.01 et seq., inclusive of notice of potential penalties.
- (H) The initial motion for contempt and the Show Cause Order for an act or omission on Respondent's part in violation of Court Order shall require personal service of the Show Cause Order and affidavit upon the Respondent, if incarceration or a monetary sanction is sought by the Movant.

- (I) Subsequent pleadings in the same contempt action shall be served pursuant to Civ.R. 4 through 4.6 and Loc.R. 4.

14.04 WITHDRAWAL OF COUNSEL

- (A) In any matter pending before the Court, counsel may be permitted to withdraw only upon application to the Court, demonstrating good cause shown.
- (B) Counsel seeking to withdraw as attorney of record shall timely file a written motion stating the grounds for the withdrawal from the case; that counsel has notified or made every possible attempt to notify the client of the intended action; any subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that counsel has notified opposing counsel of the intended action.
- (C) Failure to document the required notifications shall be cause for denial of the motion.
- (D) Counsel shall remain the counsel of record unless and until permitted to withdraw by the Court.
- (E) The Court may deny said request but reconsider same upon the entry of appearance of new counsel or upon the written consent of the party affected.

LOCAL RULE 15: DISCOVERY

15.01 GENERAL

- (A) Rule 24 of the Ohio Rules of Juvenile Procedure shall apply to any action filed in the Portage County Juvenile Court.
- (B) Parties shall engage in informal discovery to promote the efficient administration of justice as provided in Rule 15.02.
 - 1. However, this Rule is not intended to discourage the use of formal discovery to discover and record evidence as necessary by the applicable Ohio Juvenile Rules of Procedure.
 - 2. Counsel and/or parties shall make every effort to comply with this Rule.

15.02 INFORMAL DISCOVERY PROCEDURE

- (A) Upon the filing of a complaint, *pro se* parties or counsel shall make the initial disclosures required by Juv.R. 24(A) no later than the first pre-trial or Rule 21 Conference unless a different time is set by agreement or Court order.
- (B) *Pro se* parties or counsel shall employ informal discovery requests for necessary information or documents.

(C) If a party or counsel fails to respond to an informal discovery request or objects to the request within fourteen (14) days, the parties or counsel shall discuss the issue and attempt to resolve the issue informally.

(D) If the issue concerning the informal discovery request cannot be resolved informally, a motion may be filed with the Court for a written order regarding discovery.

15.03 DISCOVERY DEADLINE

(A) Unless otherwise ordered by the Court, all discovery, including exhibits and witness lists, shall be exchanged no later than seven (7) days prior to trial/adjudication.

(B) If a party or counsel fails to comply with either the discovery deadline or any other order issued pursuant to this Rule, the Court may grant a continuance, prohibit the person from introducing into evidence the material not disclosed, or enter any other such order the Court deems appropriate under the circumstances.

LOCAL RULE 16: DIVERSION CASES

(A) Pursuant to Juvenile Rule 9(A), if the best interests of the child and the public require, a matter may be referred to unofficial status and the child subject to the complaint referred to Diversion, in lieu of formal court action. The Director of Judicial Services, a Judge or Magistrate may refer a matter for Diversion.

(B) Following the initiation of formal court action, the Court may dismiss the charge(s) and refer the matter for Diversion.

(C) Cases that might otherwise qualify for Diversion may remain in an official status where there are multiple offenders, not all of whom are eligible for Diversion, or where family or other circumstances indicate that the best interests of the child and/or the public are not served by a referral to Diversion and unofficial status.

(D) No persons, except for Court staff, shall have access to records of unofficial matters, without the consent of the Court.

(E) Unofficial cases considered by the Court shall not be subject to the other provisions of these Rules.

LOCAL RULE 17: COMPETENCY PROCEEDINGS

17.01 EXPEDITED HEARINGS

Juvenile competency hearings pursuant to R.C. 2152.51 through R.C. 2152.59 shall be scheduled and heard on an expedited basis.

17.02 NOTICE

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

17.03 STAY OF PROCEEDINGS

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

LOCAL RULE 18: STANDARD SCHEDULE OF PARENTING TIME

No specific schedule will satisfy the changing needs of both children and parents over the years. Critical to any schedule is that each parent be flexible, based upon the changing needs of a child as the child grows older and becomes involved in different activities. It is the Court's view that a specific parenting time order is in the best interest of children, in most cases. The Court has adopted a "Standard In-State Parenting Time Schedule" (**Appendix B**) and a "Standard Out-of-State Parenting Time Schedule" (**Appendix C**), which provide for the minimum amount of parenting time which the Court considers reasonable, in most cases. It is recognized that each situation and each child is different, and it is preferred that parents attempt to tailor the parenting time schedule to meet the specific needs of their children. Parties may agree to, and the Court may approve, more or less parenting time than provided for in the Standard Schedule. Any agreement regarding parenting time must contain specific times and days for parenting time, and if the Standard Schedule for Parenting Time is adopted, a copy of the Schedule shall be included in the Entry.

LOCAL RULE 19: CONVEYANCE OF PRISONER

- (A) It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a party who is incarcerated, to file a Motion to Convey with a Proposed Order to Convey to transport the person to the hearing.
- (B) A Motion to Convey must be filed at least fifteen (15) days prior to the hearing date if the party or witness is incarcerated outside of Portage County, and at least seven (7) days prior to the hearing date if the party or witness is incarcerated in Portage County.
- (C) The above time frames may not apply if the party becomes incarcerated after the designated time periods.

LOCAL RULE 20: PRO SE PLEADINGS

Any person who wishes to file a Complaint or Motion, who is not represented by counsel, shall comply with the Ohio Revised Code, the Ohio Juvenile Rules of Procedure, the Ohio Civil Rules of Procedure, and these Local Rules.

LOCAL RULE 21: INACTIVE CASES

- (A) Any party or attorney for a party who initiates any action in the Court shall attempt to obtain service on all parties as soon as possible.
- (B) In cases involving delinquency, unruliness, juvenile traffic offenders or adults charged with criminal acts, the matter may be scheduled for a probable cause hearing upon written request from the State or as ordered by the Court. The Prosecutor shall be responsible for presenting evidence at the probable cause hearing for the Court to determine whether there is probable cause to believe the accused juvenile/adult has committed the alleged offense(s) and whether a warrant should be issued for the accused juvenile/adult's arrest.

LOCAL RULE 22: CASE MANAGEMENT

22.01 PURPOSE

This Rule is adopted to facilitate case management and enable the Court to expeditiously process the cases brought before it, as well as to provide consistent procedures which may be followed by the Court, the public and members of the bar. This Rule shall be for guidance purposes only and shall not affect the Court's jurisdiction or outcome of the case.

22.02 UNRULY OFFENSES

- (A) Any person having knowledge of a child who appears to be an unruly child as defined in R.C. 2151.022 may file a complaint with respect to the child.
- (B) A detention hearing shall be conducted the next business day after a Juvenile is placed into the Detention Center following his or her arrest on an unruly charge.
- (C) Unless a Juvenile is held in the Detention Center, all unruly arraignments shall be set within twenty-eight (28) days after the filing of the complaint.
- (D) A Rule 21 Conference hearing shall be set within twenty-one (21) days of the arraignment.
- (E) All unruly complaints shall be set for adjudication within sixty (60) days from the date of arraignment.
- (F) All dispositional hearings shall be set within thirty (30) days from the date of the adjudicatory hearing.

(G) All unruly offenses shall be concluded within ninety (90) days from the date the complaint is filed.

(H) A Juvenile held in the Detention Center for an unruly/status offense shall be released within twenty-four (24) hours from placement into the Detention Center. This time may be extended until the next court day if the child is taken into custody on a Saturday, Sunday, or legal holiday, pursuant to R.C. 2151.312(C)(3). If a parent, guardian, or custodian is not available to pick up the Juvenile within this time period, the Court shall place the child into the custody of the Portage County Department of Job and Family Services.

22.03 DELINQUENT OFFENSES

(A) A detention hearing shall be conducted the next business day after a Juvenile is placed into the Detention Center following his/her arrest on a delinquent charge.

(B) Unless a Juvenile is held in the Detention Center, all delinquency arraignments shall be set within twenty-eight (28) days after the filing of the complaint.

(C) A Rule 21 Conference hearing shall be set within twenty-one (21) days of the arraignment.

(D) All delinquency complaints shall be set for adjudication within ninety (90) days from the date of the arraignment.

(E) All dispositional hearings, absent an order by the Court, shall be set within thirty (30) days from the date of the adjudicatory hearing.

(F) All delinquency offenses shall be concluded within six (6) months from the date the complaint is filed.

(G) A Juvenile held in the Detention Center for a delinquency offense shall have the case for which he or she is being held set for adjudicatory hearing within fifteen (15) days of the placement in the Detention Center. For good cause shown, the adjudicatory hearing may be extended upon proper request.

22.04 TRAFFIC OFFENSES

(A) All juvenile traffic citations shall be set for arraignment within twenty-eight (28) days from the date of the filing of the traffic citation.

(B) A Rule 21 Conference hearing shall be set within twenty-one (21) days of the arraignment.

(C) All juvenile traffic citations shall be set for adjudication within ninety (90) days from the date the citation is filed.

22.05 ABUSE, NEGLECT, AND DEPENDENCY CASES

- (A) Absent a voluntary agreement for care, when a child has been removed and placed in shelter care, a hearing shall be held the next business day, but not later than seventy-two (72) hours after the removal of the child.
- (B) An adjudicatory hearing shall be held within thirty (30) days of the date on which the complaint is filed. An extension of time for the adjudicatory hearing may be made pursuant to R.C. 2151.28.
- (C) A dispositional hearing shall be held no later than ninety (90) days from the date the complaint is filed. An extension of time for the dispositional hearing may be made pursuant to R.C. 2151.35(B)(1).
- (D) A status/review hearing shall be held every ninety (90) days after the initial dispositional hearing.
- (E) Upon the filing of a complaint in an abuse, neglect, or dependency case, and at any time thereafter, Portage County Job and Family Services shall provide notice to the Clerk of the child's placement, pursuant to R.C. 2151.424, by submitting a confidential pleading that contains the name, address, and telephone number of the certified foster caregiver, kinship caregiver, or prospective adoptive parent with whom the child is currently placed.
- (F) Portage County Job and Family Services shall notify the Court of any change in placement of a child by the next business day, but no later than seven (7) days from the date of placement, pursuant to R.C. 2151.424, by submitting a new confidential pleading that contains the name, address, and telephone number of the certified foster caregiver, kinship caregiver, or prospective adoptive parent with whom a child has been subsequently placed. **(See Appendix D).**
- (G) Failure to provide proper notification to the Court of any change of placement of a child in accordance with this Rule may warrant the matter being set for further hearing.
- (H) Any confidential pleading notifying the Clerk of a certified foster caregiver, kinship caregiver, or prospective adoptive parents' name, address, and telephone number shall be kept in a confidential file.
- (I) Notice of and to a certified foster caregiver, kinship caregiver, or prospective adoptive parent shall be filed separately from the parties' notices and kept in the confidential file, accessible only to the Court or clerks unless or until the matter is transferred to the Portage County Court of Common Pleas, Domestic Relations Division.
- (J) Any information provided pursuant to R.C. 2151.424 regarding certified foster caregivers, kinship caregivers, or prospective adoptive parents to assist the Court in fulfilling its duties under this Rule is non-public and will not be available to the public.

22.06 CHILD’S ATTENDANCE IN ABUSE, NEGLECT, AND DEPENDENCY CASES

- (A) A youth who is the subject of an abuse, neglect, or dependency case shall be considered a party to his/her case and has the right to attend all hearings related to his/her case.
- (B) Youth who are the subject of an abuse, neglect, or dependency case shall be encouraged to attend or otherwise participate in any and all hearings unless the youth, or the youth’s attorney, Guardian ad Litem (“GAL”) or Court Appointed Special Advocate (“CASA”) acting on his/her behalf, informs the Court that the youth does not wish to participate.
- (C) At the Court’s discretion, a youth may participate in such hearings by: attending all or part of the hearing; speaking with the Court in the presence of the parties; speaking to the Court *in camera*; observing the hearing; or submitting a letter, drawing and/or photograph to the Court and all parties through a Guardian ad Litem or CASA, kinship caregiver, or the child’s attorney.
- (D) The Court has the sole discretion to excuse a youth from any hearing or any portion of a hearing in the case if the Court finds that it is in the youth’s best interest, based on factors such as the age of the child, the child’s capacity for understanding and participating in the hearing, the nature of the proceedings, and any other relevant factors aligned with the child’s best interest in the case.

22.07 ADULT CASES

- (A) All adults charged with a criminal offense for which the Juvenile Court has jurisdiction shall be arraigned within twenty-one (21) days from the date of service of the complaint.
- (B) All adult pre-trials shall be held within thirty (30) days from the date of the arraignment.
- (C) All adult trials shall be held within ninety (90) days from the date the complaint is filed.
- (D) All sentencing hearings shall be held within thirty (30) days after the trial has concluded.
- (E) Adults held in jail in lieu of bond shall be arraigned within twenty-four (24) hours of the date of their arrest or the morning of the next business day of the Court.
- (F) Pursuant to Crim.R. 46, the Court establishes the following bail schedule for those adult criminal cases for which the Court has either original or exclusive jurisdiction.
 - 1. For any misdemeanor offense:
 - a. Portage County resident: Personal Recognizance (PR bond);
 - b. Adjacent county resident: Personal Recognizance (PR bond);
 - c. Non-adjacent county resident: \$4,000.00 – 10% cash or surety.

22.08 WARRANTS

A warrant for the arrest of a juvenile or adult will be issued only upon prior authorization of a Judge or Magistrate.

LOCAL RULE 23: JUVENILE CIVIL PROTECTION ORDERS

23.01 PURPOSE

Juvenile Civil Protection Order cases before this Court shall be administered in accordance with R.C. 2151.34, and Juvenile Domestic Violence Civil Protection Order cases before this Court shall be administered in accordance with R.C. 3113.31, for the statutory purpose of bringing about a cessation of violence.

23.02 EXCLUSIVE JURISDICTION

The Juvenile Division of the Court of Common Pleas, in any county in which the person to be protected resides, has exclusive original jurisdiction with respect to any proceedings brought under R.C. 2151.34 and R.C. 3113.31 when the Respondent is under eighteen (18) years of age at the time the Petition is filed. All Orders will terminate when the Respondent reaches the age of nineteen (19).

23.03 PREVAILING RULES

All proceedings pursuant to R.C. 2151.34 and R.C. 3113.31 shall be conducted in accordance with the Ohio Rules of Civil Procedure.

23.04 STANDARD FORMS

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

23.05 COSTS

There are no costs or fees for filing or obtaining a protection order under these provisions and this Rule.

23.06 MUTUAL ORDERS

No Petitioner, in a protection order which the Petitioner originally requested, shall be ordered to perform any act, refrain from any act, or assume any legal duty unless Respondent has filed a separate petition for a protection order, the Petitioner has received or waived written notice of Respondent's petition at least forty-eight (48) hours in advance of any hearing, and the Petitioner's other due process rights have been protected by the Court.

23.07 VICTIM ADVOCATE

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

23.08 TIMELY PROCEDURES

(A) Juvenile Civil Protection Orders

1. A petition for a Juvenile Civil Protection Order shall be promptly filed when it is presented to the Clerk of Courts.
2. An *ex parte* hearing, if requested, shall be held no later than the next working day after the petition is filed, and shall be supported by sufficient testimony in support of the petition.
3. If the Court issues an *ex parte* order, a full hearing must be scheduled within ten (10) days of the *ex parte* order being granted.
4. If the Court overrules an *ex parte* petition, or if the Petitioner does not request an *ex parte* hearing, the Court shall proceed as in a normal civil action and set a hearing on the Court's active docket no later than thirty (30) days after the petition is filed.
5. To grant an *ex parte* order, the Court must determine that there is an immediate and present danger to the Petitioner. The Court shall consider the following:
 - a. Threats of bodily harm against the Petitioner;
 - b. Prior convictions or pleas of the Respondent to menacing by stalking, a sexually oriented offense, or any of the offenses listed in R.C. 2151.34(D)(1) against the Petitioner;
 - c. A dating relationship between Petitioner and Respondent, pursuant to R.C. 2903.214.

(B) Domestic Violence Civil Protection Orders

1. A petition for a Juvenile Domestic Violence Civil Protection Order shall be promptly filed when it is presented to the Clerk of Courts.
2. The *ex parte* hearing shall be held the same day the petition is filed and shall be supported by sufficient testimony in support of the petition.

23.09 EX PARTE ORDERS

(A) Granted

1. If this Court issues an *ex parte* Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order, the Court shall immediately notify the required law enforcement authorities and set the matter for full hearing.

(B) Denied

1. If this Court overrules an *ex parte* Petition or if the Petitioner does not request an *ex parte* hearing, the Court shall proceed as in a normal civil action and set for hearing on the Court's active docket no later than thirty (30) days after the petition is filed.

23.10 SERVICE

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

23.11 FULL HEARING CONTINUANCE

Prior to, or at the first full hearing in any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order case, the Court may provide an opportunity for either party to receive a continuance in order to perfect service upon the Respondent, in situations where the parties consent to a continuance, where a continuance is necessary to allow a party time to obtain counsel, and for other good cause shown, under the condition that an *ex parte* order then in effect shall remain in effect until the reset full hearing date. No continuances will be granted to permit the Respondent to file against the Petitioner.

23.12 ADDITIONAL FORMS OF RELIEF

The remedies and procedures provided in R.C. 2151.34 and R.C. 3113.31 are in addition to, and not in lieu of, any available civil or criminal remedies or any other remedies available under Ohio law.

23.13 ELECTRONIC MONITORING

Electronic Monitoring may be granted as an additional remedy if Petitioner can demonstrate by clear and convincing evidence that he or she reasonably believed their health, safety or welfare was at risk by Respondent, and that the risk continues.

23.14 FULL FAITH AND CREDIT

The Court shall afford every Juvenile Civil Protection Order or Juvenile Domestic Violence

Civil Protection Order issued by another county or state full faith and credit within the Court's jurisdiction.

23.15 CONSENT AGREEMENTS

The Judge or Magistrate shall review all agreed Orders and Consent Agreements in Juvenile Civil Protection Order cases and Juvenile Domestic Violence Civil Protection Order cases to assure compliance with the law and the rules governing such cases. The Judge or Magistrate shall further assure that any waivers including, but not limited to, waivers of notice, hearing rights, right to request findings of fact and conclusions of law, and right to file Objections are waived knowingly, voluntarily, and intelligently.

23.16 WEAPONS

The Court shall consider orders designed to protect victims of violence and their child(ren) from harm from weapons. The Court shall issue no order which purports to contravene federal firearms laws or grants a Respondent permission to violate those laws, including 18 U.S.C. § 922(g)(8).

23.17 INTERVENTION PROGRAMS AND OTHER REQUIREMENTS

The Court may order a Respondent to participate in Anger Management and other programs and may order the program coordinator or the Court's Case Manager to report on Respondent's attendance, participation, progress, and completion.

23.18 RENEWALS

Any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order may be renewed in the same manner as the original order was issued.

23.19 MODIFICATIONS

The Court shall hear all requests for modification of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order by evidentiary hearing.

23.20 TERMINATIONS

The Court shall hear all requests for termination of a Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order by evidentiary hearing.

23.21 WAIVER NOT PERMITTED

Under no circumstances may a Petitioner waive, excuse, or change any requirement set forth in a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order

issued by this Court.

23.22 SEALING AND EXPUNGING JUVENILE CIVIL PROTECTION ORDERS

- (A) All Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders shall be sealed when Respondent turns nineteen (19) years of age, unless the Petitioner provides the Court with evidence that the Respondent did not comply with the Order.
- (B) Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders may be sealed two (2) years from their expiration, even if Respondent did not completely comply with the Order.
- (C) Whenever the Court overrules a petition for a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order, the record shall be sealed immediately.

23.23 CONFLICTING OR EXISTING ORDERS

This Court shall make reasonable efforts to avoid issuing conflicting orders. The Court shall develop procedures to communicate and share information with other courts regarding the existence and terms of all Juvenile Civil Protection Orders, Juvenile Domestic Violence Protection Orders, and other relevant orders. If a court issues a Juvenile Civil Protection Order or a Juvenile Domestic Violence Order (entered after a full hearing or approval of a consent agreement), and the Court has knowledge of the existence of a Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order arising out of the same activities involving the same named Complainant/Petitioner and alleged Respondent, the Court shall immediately notify the Court issuing the Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order.

23.24 COMPANION ANIMALS

The Court may include protections for a companion animal within the scope of any Juvenile Civil Protection Orders and Juvenile Domestic Violence Protection Orders. Such orders may include, but are not limited to, requiring that the Respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a provision authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the Respondent.

LOCAL RULE 24: JUDICIAL BYPASS

- (A) A hearing shall be conducted, if possible, within twenty-four (24) hours after the filing of the petition, but not later than five (5) days after the filing of the petition.
- (B) A Guardian ad Litem (“GAL”) shall be appointed for the Petitioner. If the Petitioner is not represented by an attorney, the GAL shall also serve as the Petitioner’s attorney.

LOCAL RULE 25: CONSENT TO WED

- (A) An application shall be filed with the Court in the county in which the seventeen (17) year old applicant resides. (See **Appendix E**).
- (B) The Court shall comply with R.C. 3101.01-.05 and Juv.R. 42.
- (C) A certified copy of the judgment entry shall be transmitted to the Probate Court of the county where the application for marriage license was filed or will be filed.

LOCAL RULE 26: GUARDIANS AD LITEM

26.01 GENERAL

- (A) In order for an individual to be considered to serve as a Guardian ad Litem (“GAL”), each person is required to submit an application, in letter form, on official/office letterhead, that sets forth their request, along with proof of successful completion of the training requirements as set forth in this Rule and Rule 48 of the Ohio Rules of Superintendence.
- (B) Upon receipt of any application, the Judge and/or Court Administrator shall determine whether the applicant meets the necessary qualifications for appointment.

26.02 APPOINTMENT OF GUARDIAN AD LITEM

- (A) All requests to appoint a GAL shall be made to the Court at the earliest opportunity. For appropriate cases, subject to availability, the Court reserves the right to appoint a Court Appointed Special Advocate (“CASA”) in certain instances, including appropriate cases of abuse, neglect, and dependency; delinquency; unruly; or any other case. The provisions of this rule apply equally to a CASA.
- (B) A GAL shall be appointed in all abuse, neglect, and dependency cases and, if required, a GAL may be appointed in a delinquency, unruly or contempt matter.
 - 1. Every GAL shall receive an Order of Appointment which shall include:
 - a. A statement regarding whether a person is being appointed as a GAL only or as a GAL and attorney for the child.
 - b. A statement that the appointment shall remain in effect until discharged by the Court or the Court files a Final Order terminating and closing the case.
 - c. A statement that the GAL shall be given notice of all hearings and proceedings and shall be provided with a copy of all pleadings, motions, notices, and other documents filed in the case.

2. Whenever feasible and appropriate, the same GAL shall be reappointed for a specific child in any subsequent case in the Court relating to the best interest of the child.

26.03 RESPONSIBILITIES OF GUARDIAN AD LITEM

- (A) A GAL shall provide the Court with all relevant information and an informed recommendation regarding the child's best interest. A GAL shall perform, at a minimum, the responsibilities stated in this Rule, unless impracticable, impossible, or inadvisable to do so.
- (B) A GAL shall represent the best interest of the child for whom the GAL is appointed. If the GAL's recommendation as to the best interest of the child becomes inconsistent with the wishes of the child whose interest the GAL represents, the GAL shall notify the Court immediately about the conflict in writing so the Court can assess the conflict and appoint separate counsel for the child if appropriate.
- (C) A GAL shall maintain independence, objectivity, and fairness, as well as the appearance of fairness, in dealings with parties and professionals, both in and out of the courtroom and shall have no *ex parte* communications with the Court regarding the merits of the case.
- (D) A GAL is an Officer of the Court and shall act with respect and courtesy to the parties at all times.
- (E) A GAL shall appear and participate in any hearing for which the duties of the GAL or any issues within a GAL's duties and scope of appointment are to be addressed, unless expressly excused by the Court.
- (F) A non-attorney GAL must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing their duties, and may be represented or otherwise employ the services of an attorney to undertake appropriate legal actions on behalf of the non-attorney GAL in the case.
- (G) A GAL, who is an attorney, may file pleadings, motions and other documents, as appropriate, under the applicable rules of procedure.
- (H) When the Court appoints an attorney to serve as both a GAL and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accordance with the applicable Rules of Ohio Professional Conduct. Attorneys who serve as both GAL and attorney shall be aware of Prof.Cond.R. 3.7 and act in conformity therewith.
- (I) A GAL shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the Court with relevant information and an informed recommendation as to the child's best interest, a GAL shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

1. Meet with and interview the child and observe the child with each parent, foster parent, guardian or physical custodian, and conduct at least one (1) interview with the child where none of these individuals are present;
2. Visit the child at his or her residence in accordance with any standards established by the Court in which the GAL is appointed;
3. Ascertain the wishes of the child;
4. Meet with and interview the parties, foster parents and other significant individuals who may have relevant knowledge regarding the issues of the case;
5. Review criminal, civil, educational, and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
6. Interview school personnel, medical and mental health providers, child protective services workers, and relevant Court personnel, and obtain copies of relevant records;
7. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the GAL deems necessary or helpful to the Court;
8. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child;
9. Immediately identify himself or herself as GAL when contacting individuals in the course of a particular case and inform those individuals about the GAL's role and that documents and information obtained may become part of Court proceedings;
10. Make no disclosures about the case or the investigation, except in reports to the Court or as necessary to perform the duties of GAL;
11. Maintain the confidential nature of personal identifiers, as provided in Sup.R. 44, or addresses, where there are allegations of domestic violence or risk to a party's or child's safety. A GAL may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the GAL was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source;
12. Perform their responsibilities promptly and timely; and
13. Keep accurate records of the time spent, services rendered, and expenses incurred in each case, and file an itemized statement and accounting with the Court, including providing a copy to each party or other entity responsible for payment.

26.04 GUARDIAN AD LITEM CONFLICTS

- (A) When a GAL determines that a conflict exists between the child's best interest and the child's wishes, the GAL shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict by entering appropriate orders.
- (B) A GAL shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business from professional or personal contact with parties or others involved in the case. A GAL shall avoid self-dealing or associations from which the GAL might benefit, directly or indirectly, except from compensation for services as a GAL.
- (C) Upon becoming aware of any actual or apparent conflict of interest, a GAL shall immediately take action to resolve the potential conflict, shall advise the Court and the parties in writing of the action taken, and may resign from the matter with leave of the Court, or seek other direction from the Court as necessary. Because a conflict of interest may arise at any time, a GAL has an ongoing duty to comply with this Rule.

26.05 QUALIFICATIONS OF GUARDIANS AD LITEM

- (A) Unless excepted by statute, by Court Rule consistent with this Rule, or by Order of Court pursuant to this Rule, a GAL shall meet the qualifications of and satisfy all training and continuing education requirements under this Rule and under any local Court Rules governing GALs. A GAL shall meet the qualifications for GALs for each county where the GAL serves and shall promptly advise each Court of any grounds for disqualification or unavailability to serve.
- (B) A GAL shall be responsible for providing the Court, or its designee, with a statement indicating compliance with all initial and continuing educational and training requirements, so the Court may maintain a record of such compliance, as required by these Rules. The compliance statement shall include information detailing the date, location, contents, and credit hours received for any relevant training courses.
- (C) In order to serve as a GAL, an applicant shall complete pre-service education provided by the Ohio Supreme Court, Ohio CASA/GAL Association's pre-service training program, or another provider, as approved by the Court.
- (D) At a minimum, an applicant to serve as GAL shall have the following training:
 - 1. Successful completion of twelve (12) hours of pre-service education. Of this twelve (12) hours, six (6) hours shall be obtained via a live education program. The remaining six (6) hours may be satisfied via online or live education, training, writing, mentoring, or field training activities with approval of the Court.
 - 2. At least six (6) hours of pre-service education shall also include training on all of the following topics:

- a. Human needs and child development;
 - b. Communication skills and diversity;
 - c. Preventing child abuse and neglect;
 - d. Family and child issues;
 - e. Legal processes or framework.
3. Once approved by the Court, each GAL shall successfully complete six (6) hours of continuing education annually, provided by the Ohio Supreme Court, Ohio CASA/GAL Association, or another provider as approved by the Court, which shall consist of advanced education related to topics identified in this Rule and Sup.R. 48.04.
 4. All attorneys approved by the Court to serve as a GAL shall provide the Court with proof of compliance of this Rule by January 31st of each year.
 5. Any individual who was serving as a GAL as of January 1, 2021, shall be deemed compliant with the pre-service education requirement and shall not be required to complete the twelve (12) hours of pre-service education.

26.06 GUARDIAN AD LITEM REPORTS

- (A) A GAL shall prepare a written report, including recommendations to the Court, within the time set forth in this Rule. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the GAL in reaching the GAL's recommendations and in accomplishing the duties required by statute, by Court Rule, and in the Court's Order of Appointment.
- (B) All reports, written or oral, shall be used by the Court to ensure that the GAL has performed those responsibilities required by R.C. 2151.281.
- (C) Oral and written reports may address the substantive allegations before the Court but shall not be considered as conclusive on the issues.
- (D) Unless waived by all parties, or unless the due date is extended by the Court, the report shall be filed with the Court no less than seven (7) days before the hearing.
- (E) A GAL shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
- (F) A GAL may also provide an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights.

(G) Any written interim report shall be filed with the Court and distributed pursuant to Sup.R. 48.

(H) A GAL report shall comply with the format set forth in **Appendix F**.

26.07 GUARDIAN AD LITEM COMPLAINT PROCEDURE

(A) If a person has a complaint about a GAL and the person is not able to first resolve the issue with the GAL, this Rule sets forth the procedure that shall be used to address the complaint.

(B) The Court Administrator shall be the person appointed by this Court for accepting written complaints regarding the GAL practicing before this Court, as required by Sup.R. 48.

(C) The complaint shall be in writing and signed by the complainant.

(D) The complaint shall identify the GAL with whom there is a concern and the full details of the issue(s) or concern(s), along with any efforts made to resolve the issue(s) or concern(s).

(E) The written complaint shall be delivered to the Court Administrator at the Portage County Juvenile Court, 8000 Infirmery Road, Ravenna, Ohio, 44266.

(F) The Court Administrator shall provide a copy of the complaint to the Judge and send a copy to the GAL with written instruction that the GAL shall have fourteen (14) days to respond to the complaint and provide said response to the Court Administrator. The Judge may grant an extension of the response time to the GAL upon request.

(G) The Court Administrator shall provide the response received by the GAL to the Judge, along with all other documents provided by the complainant.

(H) The Judge shall issue a decision in the matter and the complainant and GAL shall be notified of the resolution of the complaint.

(I) A written record of the complaint and disposition shall be maintained in the GAL's permanent file.

26.08 COMPENSATION

(A) Non-CASA Guardians ad Litem shall be entitled to receive compensation for their services. In such cases and upon completion of service, it shall be the duty of the GAL to submit a fee application on such form as required by the Court, itemizing time and services rendered. Requests for payment for services rendered shall be submitted to the Court within thirty (30) days of the last court appearance. Abuse, neglect, and dependency case requests for payments shall be filed in accordance with subsection (F) of this Rule.

Failure to submit fee petitions within the required time periods may be cause for denial of the petition by the Court.

- (B) Reimbursement for representation in juvenile proceedings shall be made based on the current county maximum rate for out-of-court services and in-court services.
- (C) The prescribed maximum fees per case permitted in juvenile proceedings are as stated in Portage County Resolution 21-0829 or any subsequently adopted county resolution. Fees in excess of this amount shall only be considered upon completion of the requirements outlined in subsection D of this Rule. Abuse, neglect, and dependency cases are not eligible for extraordinary fees, pursuant to the Resolution.
- (D) All requests for extraordinary fees must be made by motion with a supporting memorandum and proposed order. Such request must state with particularity the time spent, services rendered, the need for the extraordinary services, itemized expenses, and substantiation for such expenses. Some expenses may be reimbursable, however, postage, copying costs, in-county mileage, and parking shall not be reimbursable.
- (E) Any decision to grant or deny extraordinary fees and expenses is soundly within the discretion of the Court, in accordance with the standards set forth by the Portage County Commissioners and the Ohio Public Defender's Office.
- (F) Any request for payment for services rendered in an abuse, neglect, or dependency case shall be submitted within thirty (30) days of the following events:
 - 1. The dispositional hearing;
 - 2. The sunset/annual review hearing;
 - 3. When the case extends more than one (1) year, following each annual review hearing;
 - 4. At the conclusion of the case; or
 - 5. At other times in extenuating circumstances and for good cause shown.

26.09 FAILURE TO COMPLY

If a GAL fails to complete the required six (6) hours of continuing education within any calendar year, the individual shall not be eligible to serve as a GAL on any new appointments until this continuing education requirement is satisfied and proof of completion is provided to the Court. The Court shall have the discretion to continue any of the current GAL appointments.

LOCAL RULE 27: APPOINTMENT OF COUNSEL

27.01 ABUSE, NEGLECT, AND DEPENDENCY/CONTEMPT

Any adult party in an abuse, neglect, and dependency case, or a contempt matter that desires court appointed counsel, shall execute an affidavit regarding his or her financial status and general background on a form supplied by the Court. Applications for appointed counsel shall be reviewed for compliance with guidelines adopted by the Ohio Public Defender Commission. Each person applying for counsel shall pay a nonrefundable application fee to the Clerk upon application or within seven (7) days thereafter. In the event the applicant fails to pay the application fee, the amount of the fee shall be taxed as costs against the applicant at the close of the case.

27.02 DELINQUENCY/UNRULY/TRAFFIC OFFENSES

A Juvenile shall be appointed counsel, upon request. The Juvenile's parent(s), legal guardian(s), or legal custodian(s) shall complete the Financial Disclosure form for recoupment purposes only. The Juvenile's parent(s), legal guardian(s), or legal custodian(s) shall pay a nonrefundable application fee to the Clerk upon application or within seven (7) days thereafter. In the event the application fee is not paid, and the fee is not waived by the Court, the amount of the fee shall be taxed as costs at the close of the case.

LOCAL RULE 28: THIRD PARTY MOTIONS

(A) Motions filed by a third party shall be disposed of as follows:

1. The third party must file a motion setting forth the reasons for the request and an order permitting joinder to the action, if an action has previously been filed.
2. All motions must comply with these Rules and shall be served pursuant to Civ.R. 4 and 4.6.

LOCAL RULE 29: IN CAMERA INTERVIEWS

(A) Any requests for an *in camera* interview shall be filed at least ten (10) days before the pretrial hearing.

(B) An *in camera* interview shall be conducted in compliance with R.C. 3109.04(B) and R.C. 3109.051(C).

(C) An audio recording shall be made of the *in camera* interview.

(D) The sole purpose of the *in camera* interview is for the Judge/Magistrate to make a determination, if appropriate, regarding the child's wishes and concerns regarding the allocation of parental rights and responsibilities, parenting time, or visitation. If a party wishes to rely upon the underlying facts supporting the child's wishes and concerns, those underlying facts shall be introduced through evidence in the evidentiary hearing.

LOCAL RULE 30: EMERGENCY OR *EX PARTE* ORDERS

- (A) All complaints and other pleadings wherein an *ex parte* hearing or order and/or emergency hearing or order is requested, shall be accompanied by an affidavit and otherwise supported by documentation attested to under oath, or supported by sworn testimony which specifically sets forth the facts upon which the alleged emergency is based. Complaints or motions that reactivate dormant cases wherein *ex parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- (B) No *ex parte* or emergency order will be issued without a specific showing that, if immediate relief is not granted, serious and/or irreparable harm would result prior to an evidentiary (ORAL) hearing.
- (C) Within one (1) business day of the filing of complaints and other pleadings wherein an *ex parte* hearing or order and/or emergency hearing or order is requested, the Judge or a Magistrate shall review the filings and supporting affidavit(s) and document(s) and determine whether to issue the *ex parte* or emergency order, whether to schedule the matter for hearing immediately or within two (2) business days to allow the Petitioner to present sworn testimony, or to deny the request.
- (D) When an *ex parte* or emergency order is issued, the Court shall schedule a review hearing within fourteen (14) days, if requested or if deemed appropriate by the Court. In the event no request for a hearing is received, the Court shall schedule a hearing within twenty-one (21) days from the date of service.
- (E) A proposed order shall be submitted with all complaints or other pleadings seeking the issuance of an *ex parte* hearing or order and/or emergency hearing or order. The proposed order may be altered by the Judge or Magistrate. The proposed order shall include space for the Court to set the date and time of the review hearing.
- (F) The following language shall be included in all *ex parte* orders:

THE COURT HAS ISSUED AN *EX PARTE* TEMPORARY ORDER BASED SOLELY UPON THE EVIDENCE PROVIDED BY AN OPPOSING PARTY. YOU MAY REQUEST A HEARING ON THIS MATTER. YOU HAVE THE RIGHT TO RETAIN COUNSEL AND SHOULD HAVE RETAINED COUNSEL PRESENT WITH YOU AT ANY HEARING. THIS IS A TEMPORARY ORDER AND THE COURT WILL REVIEW ALL EVIDENCE OF THE PARTIES AT ANY REQUESTED HEARING.

- (G) The party obtaining the *ex parte* or emergency order shall be responsible for perfecting service of the order on the Respondent and filing proof of same, within three (3) business days of the issuance of the order.

LOCAL RULE 31: SEALING AND/OR EXPUNGEMENT OF RECORDS; NOTICE AND DESTRUCTION OF JUVENILE DELINQUENCY RECORDS AND FILES

- (A) Upon the conclusion of a delinquency, unruly, or traffic case, the Juvenile shall be provided with a Notice to Apply to have Juvenile Court Records Sealed and Expunged (also available on this Court's website), along with a copy of the dispositional order.
- (B) Upon the termination of a Juvenile's probation, the Probation Department shall provide the Juvenile with the Notice to Apply to have Juvenile Court Records Sealed and Expunged.
- (C) After an individual has attained twenty-three (23) years of age, the Juvenile Court shall expunge all previously sealed juvenile delinquency, unruly, or traffic files and records of the individual, following written notice to all necessary parties and agencies. Except that the Juvenile Court shall not expunge any records subject to a sealing order, if notified by any party in a civil action that such action has been filed based on a case the records of which are the subject of a sealing order.
- (D) The Court, in its discretion, may also initiate the sealing and/or expungement of a Juvenile Court record in accordance with R.C. 2151.356 and R.C. 2151.358. **(See Appendix G).**
- (E) Upon notice of sealing and/or expungement of records by an out-of-county court, of a case originating in Portage County, Ohio, this Court shall automatically expunge and/or seal any records in the Court's possession without further notice.

LOCAL RULE 32: SUBPOENAS

Without leave of Court, the Court will not issue subpoenas for any pretrial conferences, Rule 21 hearings, and/or status conferences.

LOCAL RULE 33: COURTROOM RESTRAINTS

- (A) Restraints shall be utilized to transfer a child to and from the courtroom, medical facility, or other facilities.
- (B) During a courtroom proceeding, there is a presumption that courtroom restraints shall not be utilized by the Court unless:
 - 1. The Judge or Magistrate before whom the child is appearing determines, on the record, that there is no less restrictive alternative to the use of physical restraints; and
 - 2. A physical restraint is necessary because of either of the following:
 - a. The child represents a current and significant threat to their own safety or the safety of other persons in the courtroom; or

- b. There is a significant risk the child will flee the courtroom.
- (C) If a child is known to be pregnant or has stated to the Court or any court or Detention Center personnel that she is pregnant or is known to be post-partum within six (6) weeks of delivery, the Court shall follow all provisions of Ohio Revised Code section 2152.75 as it applies to restraint of the child.
- (D) The Judge or Magistrate may permit any party (as defined by Juv.R. 2) to be heard on the issue of whether the use of physical restraints is necessary for the child in question.
- (E) Any order of physical restraint shall be the least restrictive necessary to meet the risk and shall be implemented in a manner which does not unnecessarily restrict the movement of the child's hands.
- (F) Any party, including the Prosecutor, Probation Officer, Department of Youth Services personnel, or Detention Center personnel, may request a child be restrained in the courtroom by means of a notarized affidavit or affidavit affirmed before a Clerk of the Portage County Juvenile Court detailing facts sufficient to meet the burdens of this Rule.
- (G) The Bailiff or Clerk shall serve all known parties, inclusive of the child, with a copy of the affidavit/motion and ask the party if they wish to be heard on the issue. The Bailiff or Clerk, as soon as possible, shall advise the Judicial Officer reviewing the affidavit/motion. The Judicial Officer shall hold a brief hearing and rule upon the issue on the record.
- (H) Prior to the hearing, the Judge or Magistrate shall review the affidavit, make the affidavit part of the record, review any affidavit provided by any other party, and/or listen to testimony of any other party before issuing an order allowing or disallowing the use of restraints.
- (I) If the Judicial Officer determines physical restraints are appropriate in the courtroom, that Order shall remain in effect as long as the child is in detention. Any party may file an opposition to physical restraints for a subsequent hearing of a child in detention at any time prior to 48 hours before the hearing.
- (J) For the purposes of this Rule, the term "physical restraints" shall mean shackles.

LOCAL RULE 34: ASSIGNED COUNSEL REQUIREMENTS

34.01 GENERAL

In order for an individual to be considered to serve as assigned counsel in the Court, each attorney is required to comply with all applicable appointment requirements and qualifications as set forth in this Rule.

34.02 REQUIREMENTS

- (A) Each individual requesting to serve as assigned counsel shall submit an application in letter form, on official/office letterhead, that sets forth the level of appointment they are seeking, i.e. appointment for unruly offenses; delinquency offenses (misdemeanor and/or felony); dependent, neglect, abuse cases; adult cases; appeals; and/or judicial by-pass cases.
- (B) In relation to delinquency and unruly cases, counsel shall describe the type of legal experience they have and how the experience complies with the requirements set forth in Ohio Administrative Code Section 120-1-10.
- (C) Upon receipt of any application from counsel, the Judge and/or Court Administrator shall determine whether the applicant meets the necessary qualifications for appointment and, if so, the level of any appointment.
- (D) Attorneys placed on the assigned counsel list who handle delinquency or unruly cases shall complete six (6) hours of continuing legal education in juvenile delinquency or unruly law within their biannual reporting period.
 - 1. All attorneys placed on the assigned counsel list for delinquency and unruly cases as counsel shall provide the Court Administrator with proof of compliance of this Rule by January 31st of each year.
- (E) Attorneys placed on the court appointed list who handle dependent, neglect, and/or abuse cases shall complete six (6) hours of continuing legal education in juvenile dependency, neglect, and/or abuse law within their biannual reporting period.
 - 1. All attorneys placed on the assigned counsel list for dependent, neglect, and/or abuse cases as counsel shall provide the Court Administrator with proof of compliance of this Rule by January 31st of each year.

34.03 RECORDS

- (A) The Court shall maintain a list of appointments and attempts to appoint counsel on a rotating basis, dependent on each attorney's qualifications and caseload. Further, the Court shall maintain a list of attorneys' refusal to accept appointments.
- (B) The Court shall maintain a file of all applications and, when necessary or appropriate, or upon request, determine whether counsel shall be allowed to handle higher level matters and/or should be disqualified from handling court appointed matters.
- (C) On an annual basis, the Court will review all appointments made to ensure the equitable distribution of appointments.

34.04 SELECTION

If an attorney and/or Guardian ad Litem is needed less than five (5) days before a scheduled hearing or event, or there have been at least three (3) unsuccessful attempts to obtain counsel, the Court may select an attorney and/or GAL without following the rotation requirement.

34.05 COMPENSATION

- (A) Assigned counsel shall be entitled to receive compensation for their services. Upon completion of service, it shall be the duty of assigned counsel to submit a fee application on such form as required by the Court, itemizing time and services rendered. Requests for payment for services rendered shall be submitted to the Court within thirty (30) days of the last court appearance. Abuse, neglect, and dependency case requests shall be filed in accordance with subsection (F) of this Rule. Failure to submit fee petitions within the required time periods may be cause for denial of the petition by the Court.
- (B) Reimbursement for representation in juvenile proceedings shall be made based on the current county maximum rate for out-of-court services and in-court services.
- (C) The prescribed maximum fee per case permitted in juvenile proceedings are as stated in Portage County Resolution 21-0829 or any subsequently adopted county resolution. Fees in excess of this amount shall only be considered upon completion of the requirements outlined in subsection (D) of this Rule.
- (D) All requests for extraordinary fees must be made by motion with a supporting memorandum and proposed order. Such request must state with particularity the time spent, services rendered, the need for the extraordinary services, itemized expenses, and substantiation for such expenses. Some expenses may be reimbursable, however, postage, copying costs, in-county mileage, and parking shall not be reimbursable.
- (E) Any decision to grant or deny extraordinary fees and expenses is soundly within the discretion of the Court, in accordance with the standards set forth by the Portage County Commissioners and the Ohio Public Defender's Office.
- (F) Any payment for services rendered in any abuse, neglect, or dependency case shall be submitted within thirty (30) days of the following events:
1. The dispositional hearing;
 2. The sunset/annual review hearing;
 3. When the case extends more than one (1) year, following each annual review hearing;
 4. At the conclusion of the case; or
 5. At other times in extenuating circumstances and for good cause shown.

34.06 EXEMPTION

This Rule does not apply to attorneys employed by the Portage County Public Defender's Office.

LOCAL RULE 35: PROCUREMENT FOR RECOUPMENT OF ASSIGNED COUNSEL FEES

- (A) Within thirty (30) days of the assignment of counsel or a public defender to a party, the legal representative for the State of Ohio and/or Portage County Auditor shall be responsible for reviewing the Financial Disclosure Form (OPD-206R) upon which the appointment is based.
- (B) If the legal representative for the State of Ohio and/or Portage County Auditor initially determines the recovery of assigned counsel fees or public defender costs may be appropriate pursuant to the Portage County Indigent Assigned Counsel Recoupment Policy, said counsel shall be responsible for filing a motion requesting the Court determine whether recovery of assigned counsel fees or public defender costs is appropriate.
- (C) Absent a showing of substantial good cause, any motion seeking recoupment pursuant to the Portage County Indigent Assigned Counsel Recoupment Policy shall be filed within ninety (90) days following the appointment of assigned counsel or the public defender.

LOCAL RULE 36: CHANGE OF ADDRESS

Any party or Attorney whose address changes once the party or Attorney enters an appearance or is served, shall notify, in writing, the Court and all other parties and counsel of the new address within seven (7) days of the change. The written notification shall be docketed in the case by the clerk and all parties shall serve that party or Attorney at the new address docketed.

LOCAL RULE 37: USE OF EXPERTS

- (A) Upon service of a complaint in any abuse, neglect, and/or dependency case, or any delinquency case, counsel for a party or the State shall use due diligence to determine whether expert evaluations, reports, or witnesses are anticipated or necessary for an adjudicatory, dispositional, or other evidentiary hearing.
- (B) If counsel believes expert evaluations, reports or witnesses may be necessary, counsel shall notify the Court within seven (7) days to set a pretrial conference in the matter.
- (C) At any pretrial conference set pursuant to this Rule, counsel shall:
 - 1. Reveal the name, expertise, address and telephone number of the expert to all parties and their counsel.

2. All expert reports or evaluations must be produced and served upon the opposing parties or their counsel twenty-one (21) days prior to the evidentiary hearing or any other date set by the Court at the pretrial conference.
3. A status hearing shall be scheduled seven (7) days after the filing of the report or seven (7) days prior to the scheduled hearing, whichever is earlier. This status hearing may be conducted telephonically, or via video conference, at the discretion of the Court. The purpose of the hearing shall be to determine whether the parties will stipulate to the report or require the expert to testify.

LOCAL RULE 38: CONFIRMATION OF WITNESS AVAILABILITY

- (A) Upon the filing or response to any pleading requiring an evidentiary hearing, the attorney representing a party or a *pro se* party shall immediately exercise due diligence to determine whether an expert evaluation, expert witnesses or material witnesses are necessary or anticipated for the adjudication of the evidentiary hearing.
- (B) The attorney or *pro se* party shall contact their expert witness or material witness within five (5) days to determine the availability of the expert witness or material witness for the evidentiary hearing date.
- (C) No continuance shall be granted for an evidentiary hearing due to the unavailability of an expert witness or material witness unless a motion for continuance is filed within ten (10) days of the party receiving the notice of hearing or the occurrence of an extraordinary circumstance, previously unknown to the parties, corroborated by a detailed affidavit explaining the extraordinary circumstances.

LOCAL RULE 39: ACCESS TO JUVENILE PROCEEDINGS: MEDIA AND PUBLIC

- (A) Unless otherwise ordered by the Court, access to Juvenile Court proceedings is open to the public. However, due to limited space and seating within the courtrooms, access may be limited to only those people who have a direct interest in the proceedings. The Court recognizes alleged victims and/or the victim's representative may also have a direct interest in the proceedings. Alleged victims and/or the victim's representative shall coordinate their presence or participation with the Portage County Victim/Witness Program, which may be contacted at (330)-297-3850.
- (B) The Court, on its own motion, or a party to the proceeding, may file a motion requesting certain restrictions regarding the use of a party or victim's name, address, or likeness while on Portage County Juvenile Court property by the media or the public. Further, the Court or a party to the proceeding may also file a motion requesting that a proceeding be closed or partially closed to the public. Any party requesting a closure of a proceeding shall have the burden of establishing why closure and/or restriction is necessary and in the best interest of the child.
 1. Notice of the evidentiary hearing on such motion shall be made, as soon as possible, by the Chief Deputy Clerk of the Portage County Juvenile Court on the Court's

website, by posting at the Portage County Juvenile Court entrance, and/or posting on the first floor of the Portage County Courthouse located at 203 W. Main Street, Ravenna, Ohio.

2. The Chief Deputy Clerk, or their designee, shall contact any media outlet or person who has telephoned the Portage County Juvenile Court's Clerk's Office, if:
 - a. The person identifies him/herself;
 - b. The person provides a telephone number; and
 - c. The person indicates they have an interest in attending an evidentiary hearing on closure, partial closure, or restriction.
- (C) The evidentiary hearing on closure, partial closure, and/or restriction upon the use of a party or victim's name, address, or likeness of the person on the campus of the Portage County Juvenile Court shall occur no later than seventy-two (72) hours after the filing of the motion.
- (D) The evidentiary motion shall be decided pursuant to applicable guidelines and current caselaw, including but not limited to, *State ex rel. Plain Dealer Publishing Co. v. Floyd*, 111 Ohio St.3d 56, 2006-Ohio-4437. "In the absence of a qualified constitutional right of access to juvenile delinquency proceedings, these proceedings are neither presumed open nor presumed closed...a juvenile court may restrict public access to delinquency proceedings if, after hearing evidence and argument on the issue, the court finds that (1) there exists a reasonable and substantial basis for believing public access could harm the child or endanger the fairness of the adjudication, (2) the potential for harm outweighs the benefits of public access, and (3) there are no reasonable alternatives to closure. The burden establishing these factors is on the party seeking closure of the delinquency proceeding."
- (E) Pursuant to Juv.R. 27(A)(1), all serious youthful offender proceedings shall be open to the public.
1. The Court may exclude the general public from all other hearings, however, the Court shall not exclude any person with a direct interest in the case or any person, who at a hearing, demonstrates a countervailing right to be present, unless sufficient space is not available.
 2. Pursuant to R.C. 2152.13(C)(1), once a child is indicted or charged by information, or the Court at a preliminary hearing determines a child is eligible for a serious youthful offender dispositional sentence, the child is entitled to an open and speedy trial.
- (F) If access is permitted, the Judge or Magistrate presiding at the trial or hearing shall permit broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public, as provided in Sup.R. 12. The Judge or Magistrate, after

consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and written permission of the Judge or Magistrate, as required by Sup.R. 12(A), shall be made a part of the record of the proceedings. Such requests shall be made within a reasonable time before any scheduled proceedings.

(G) Permissible Equipment and Operators

1. Use of more than one portable camera (television videotape or movie) with one operator shall be allowed only with the permission of the jurist;
2. Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the jurist. Still photographers shall be limited to two cameras with two lenses for each camera;
3. For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible;
4. Visible audio recording equipment may be used by news media reporters with prior permission from the jurist;
5. Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the jurist or court personnel. In the event disputes arise over the arrangements between or among media representatives, the jurist shall exclude all contesting representatives from the proceedings;
6. The use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial lighting other than that normally used in the courtroom shall be employed;
7. Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about in the courtroom during proceedings from places where they have been positioned by the jurist, except to leave or enter the courtroom;
8. The changing of film or record tape in the courtroom during proceedings is prohibited.

(H) Limitations

1. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the jurist;
2. The jurist shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed and objections, if any, shall be honored by the media;
3. There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors;
4. This rule shall not be construed to grant media representatives any greater right than permitted by law wherein public or media access or publication is prohibited, restricted or limited;
5. The media shall not be permitted to transmit or record anything from the courtroom, other than court proceedings, while the Court is in session.

(I) Revocation of Permission

1. Upon the failure of any media representative to comply with the conditions prescribed by the jurist or the Superintendence Rules of the Supreme Court, the jurist may revoke the permission to broadcast or photograph the trial or hearing.

(J) Amendments

1. Any future amendments to Sup.R. 12 are incorporated herein and, to the extent that such amendments conflict with this Rule, they shall take precedence.

LOCAL RULE 40: MEDIATION

40.01 UNIFORM MEDIATION ACT AND DEFINITIONS

The “Uniform Mediation Act” (UMA), codified in Revised Code Chapter 2710, including all definitions found in R.C. 2710.01, is incorporated by reference and adopted by this Court through this Local Rule.

40.02 FREQUENTLY USED DEFINITIONS

(A) “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

(B) “Mediator” means an individual who conducts a mediation.

(C) “Mediation Communication” means a statement, whether oral or written, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or training a mediator.

(D) “Non-party participant” means a person other than a Party or Mediator that participates in a mediation.

(E) “Proceeding” means either of the following:

1. A judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
2. A legislative hearing or similar process.

40.03 CASES ELIGIBLE FOR MEDIATION

Unless otherwise noted, the Court has discretion to encourage parties to use mediation. A case may be submitted to mediation as provided in this Rule. The Court may issue an Order on its own motion, upon recommendation of a Case Manager, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

40.04 EXCEPTIONS

(A) Mediation is prohibited in the following circumstances:

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

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

40.05 CONFIDENTIALITY

(A) Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the Mediator as soon as practical, and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

(B) By participating in mediation, a non-party participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this Rule. Any non-party participant shall have the rights and duties under this Rule as are attributed to parties, except that no evidence privilege shall be expanded.

(C) All files maintained by a Mediator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access.

40.06 REFERRALS TO RESOURCES

The Court staff shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Job and Family Services, domestic violence prevention, counseling, substance abuse, and mental health services.

40.07 REFERRALS TO MEDIATION

(A) The Court or a Case Manager may refer a case for mediation at any point after a case is filed. Any party may request to participate in mediation by filing a motion or joint motion with the Court, or by making an oral request for referral to mediation on the record.

(B) If an abuse, neglect, and/or dependency case is referred to mediation, parties not represented by counsel may attend mediation only if they have waived their right to counsel in open court or through a filing. Likewise, parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived in open court or through a filing. Waivers submitted pursuant to this Rule may be rescinded at any time.

(C) Any matter being considered for mediation shall be screened by a Case Manager to determine if domestic violence is alleged, suspected, or present. A Case Manager shall address the concerns and considerations set forth in Sup.R. 16.24(A)(1)(e)(i)-(v).

(D) If a Case Manager determines the case involves domestic violence, this determination shall be provided to the Court. If the Court determines it is in the best interest of the parties to participate in mediation, the Court shall make specific findings of fact to support its determination pursuant to R.C. 3109.052. These findings of fact shall be made part of the Court file.

40.08 NOTIFICATION OF MEDIATION

The Mediator shall file a notice with the Court that a mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and non-party participants of the mediation.

40.09 MEDIATORS

- (A) Each prospective mediator shall submit proof to the Court of compliance with Sup.R. 16.20-16.25 no later than January 31st of each year.
- (B) Upon appointment as a mediator, the Mediator shall inquire into and disclose any possible conflict(s) which may affect the Mediator's impartiality, pursuant to R.C. 2710.08(A) and (B).
- (C) If a person has a complaint about a Mediator and the person is not able to first resolve the issue with the Mediator, this Rule sets forth the procedure that shall be used to address the complaint.
- (D) The Court Administrator shall be the person appointed by this Court for accepting written complaints regarding a Mediator practicing before this Court.
- (E) The complaint shall be in writing and signed by the complainant.
- (F) The complaint shall identify the Mediator with whom there is a concern and the full details of the issue(s) or concern(s), along with any efforts made to resolve the issue(s) or concern(s).
- (G) The written complaint shall be delivered to the Court Administrator at the Portage County Juvenile Court, 8000 Infirmery Road, Ravenna, Ohio, 44266.
- (H) The Court Administrator shall provide a copy of the complaint to the Judge and send a copy to the Mediator with written instruction that the Mediator shall have fourteen (14) days to respond to the complaint and provide said response to the Court Administrator. The Judge may grant an extension of the response time to the Mediator upon request.
- (I) The Court Administrator shall provide the response received by the Mediator to the Judge, along with all other documents provided by the complainant.
- (J) The Judge shall issue a decision in the matter and the complainant and Mediator shall be notified of the resolution of the complaint.
- (K) A written record of the complaint and disposition shall be maintained in the Mediator's permanent file.

40.10 MEDIATION AGREEMENTS

Mediation Agreements may be reviewed by an attorney and will not be approved and adopted by the Court until a hearing on the matter pursuant to Loc.R. 11, unless both parents are represented by counsel and both parties and their counsel have signed a proposed agreement.

LOCAL RULE 41: COURT ORDERED REPORTS

Any court-ordered reports, including but not limited to, a psychological evaluation, dispositional recommendation/screen, pre-dispositional recommendation, substance abuse assessment, Department of Youth Services recommendation, and detention evaluation shall be filed with the Court at least fourteen (14) days prior to the scheduled hearing for which the report was ordered. The Court may modify this time frame at its discretion.

LOCAL RULE 42: JUVENILE DRUG COURT

42.01 GENERAL

The Portage County Juvenile Court has received final certification from the Ohio Supreme Court to implement a program to address juvenile substance abuse, including drugs and alcohol. The program provides an alternative to traditional delinquent/unruly case processing. The Drug Court Program will provide an intensive service delivery plan for its participants through a variety of community resources. This will be accomplished through medical treatment, behavioral therapy, and court intervention.

42.02 ELIGIBILITY

Youth eligible for the program are delinquent children that exhibit chemical dependency issues. The program consists of three (3) phases, including an aftercare component. The program will generally last twelve (12) months, depending on the youth's needs and progress in the program. The program requirements will be explained to the youth and his/her parent(s), legal guardian(s), or legal custodian(s).

42.03 COMPLETION OF PROGRAM

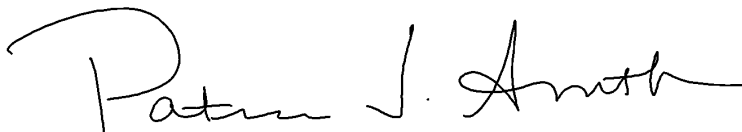
Upon successful completion of the Juvenile Drug Court Program, the original delinquent or unruly charge shall be dismissed by the Court.

**PORTAGE COUNTY JUVENILE COURT
SCHEDULE OF COURT COSTS & PROGRAM FEES**

ORC Code	STANDARD COURT COST (Fund Designation)	TRAFFIC MOVING VIOLATIONS	TRAFFIC NON- MOVING VIOLATIONS	WAIVER OUT OF STATE	MISDEMEANOR CRIMINAL VIOLATIONS	FELONY CRIMINAL VIOLATIONS	ADULT CRIMINAL CASES
2303.20	County General Fund	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
2303.201	Juvenile Court IT Fund	\$10.00	\$10.00	\$10.00	\$10.00	\$15.00	\$15.00
2303.201(A)(1)	Legal Research Fund	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00
2303.201(B)(1)	Computer Fund	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
2303.201(E)(1)	Special Projects Fund	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
2743.70	State - Victims of Crime Reparations Fund	\$9.00	\$0.00	\$9.00	\$9.00	\$30.00	\$9.00
2949.091(A)(2)(a)	State - Indigent Defense Fund	\$20.00	\$10.00	\$20.00	\$20.00	\$30.00	\$20.00
2949.094(B)	County Juvenile Indigent Driver Alcohol	\$1.50	\$0.00	\$1.50	\$1.50	\$0.00	\$0.00
2949.094(B)	State - Drug Law Enforcement Fund	\$3.39	\$0.00	\$3.39	\$3.39	\$0.00	\$0.00
2949.094(B)	State - Indigent Defense Fund	\$5.00	\$0.00	\$5.00	\$5.00	\$0.00	\$0.00
2949.094(B)	State - Justice Program Service Fund	\$0.11	\$0.00	\$0.11	\$0.11	\$0.00	\$0.00
	TOTALS	\$125.00	\$96.00	\$125.00	\$125.00	\$151.00	\$120.00

DESCRIPTION FEE		DESCRIPTION FEE		DESCRIPTION FEE	
SHERIFF FEES	Varies	Witness fee (½ day)	\$ 6.00	Motion for Expungement	\$50.00
Assigned Counsel Fee	\$25.00	Witness fee (all day)	\$12.00	Court Cost - Additional charge	\$15.00
Copies	\$0.25/page	Mileage (per mile of service)	Varies	Appeals (deposit)	\$150.00
Certification of copies	\$1.00/ document			Seat Belt Driver	\$30.00
Certified mail	Actual Cost			Seat Belt Passenger	\$20.00
Publication	\$50.00/ notice			Seat Belt Violation Court Costs	\$25.00
Fax Transmission	\$2.00 + \$1.00/page			Motion for Driving Privileges	\$10.00

The foregoing schedule of fees and costs are hereby established by Order of this Court and made a part of the local rules of the Portage County Juvenile Court, effective as of February 28, 2022.



JUDGE PATRICIA J. SMITH

LOCAL RULES Schedule of Court Costs & Program Fees
3-24-2023

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO
STANDARD IN-STATE PARENTING TIME SCHEDULE**

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has/have frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than thirty (30) minutes of the designated exchange time. If the non-residential parent is more than thirty (30) minutes late, the parenting time is forfeited.

Parents shall share the responsibility for transportation. Unless otherwise agreed, the parent receiving the child shall provide the transportation for the child for weekend and holiday companionship time. Unless otherwise agreed or provided by court order, the exchanges shall take place at each parent's residence. Unless otherwise agreed, for any weeknight companionship time, the non-residential parent shall be responsible for all the transportation.

I. WEEKEND AND MIDWEEK COMPANIONSHIP SCHEDULE

1. For children from birth to twelve (12) months, one (1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating Saturdays and Sundays, of the same weekend, from 10:00 a.m. until 6:00 p.m. each day. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
2. For children over twelve (12) months old, one(1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
3. Regardless of the age of the child, the Holiday Companionship Schedule shall have priority over the Weekend and Midweek Companionship Schedule.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	9:00 a.m. - 6:00 p.m.
President's Day	Mother	Father	9:00 a.m. - 6:00 p.m.
Easter Sunday	Father	Mother	12:00 p.m. - 6:00 p.m.
Memorial Day	Mother	Father	Sunday at 6:00 p.m. - Monday at 6:00 p.m.
Fourth of July	Father	Mother	July 4 at 9:00 a.m. - July 5 at 9:00 a.m.
Labor Day	Mother	Father	Sunday at 6:00 p.m. - Monday at 6:00 p.m.
Thanksgiving	Father	Mother	Wednesday at 6:00 p.m. - Friday at 6:00 p.m.
	Mother	Father	Friday at 6:00 p.m. - Sunday at 6:00 p.m.
Christmas Eve	Father	Mother	12/23 at 9:00 p.m. - 12/24 at 9:00 p.m.
Christmas Day	Mother	Father	12/24 at 9:00 p.m. - 12/25 at 9:00 p.m.
New Years Day	Mother	Father	12/31 at 6:00 p.m. - 1/1 at 6:00 p.m.
Winter Break [does not alter holiday schedule] Shared equally by parties			6:00 p.m. day school ends - 6:00 p.m. day before school reconvenes
Spring Break Shared equally by parties			6:00 p.m. day school ends - 6:00 p.m. day before school reconvenes

(if the child is not of school age, the summer school recess for the school district of the residential parent shall be used)

Mother's and Father's Day, and Mother's and Father's Birthday, with appropriate parent from 9:00 a.m. until 7:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even-numbered years. All siblings shall be included in the birthday visitation

III. SUMMER BREAK (if the child is not of school age, the summer school recess for the school district of the residential parent shall be used)

1. Six weeks parenting time each summer.
2. The parents shall give written notice of the vacation schedule at least 30 days in advance or no later than May 1st of each year.
3. The non-residential parent shall have priority over the residential parent's schedule.
4. Each parent is entitled to two (2) weeks in a row each summer without interruption.
5. Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
6. During the Summer Break, child support shall abate by one half.

IV. EXTRACURRICULAR ACTIVITIES

The parent with physical custody of the child is responsible for making arrangements to allow the child to attend their extracurricular activities.

V. SCHOOL INFORMATION

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

VI. CHANGE OF RESIDENCE - O.R.C. 3109.051(G)(1)

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty (30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

VII. ACCESS TO RECORDS, DAY CARE AND ACTIVITIES- ORC 3109.051 (H), (I), (J)

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

1. any school, health or agency records or reports that are related to the child(ren);
2. any child day care center that the child(ren) attend;
3. any student activity in which the child(ren) participate.

EFFECTIVE MARCH 14, 2016

AMENDED JULY 31, 2023

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO
STANDARD OUT-OF-STATE PARENTING TIME
SCHEDULE**

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has/have frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than sixty (60) minutes of the designated exchange time. If the non-residential parent is more than sixty (60) minutes late, the parenting time is forfeited. The sixty (60) minute time-period can be extended upon the delayed parent contacting the other parent with an explanation for the delay.

Any transportation costs associated with the out-of-state parenting schedule shall be paid by the parent who moved out of the state of Ohio.

I. WEEKEND COMPANIONSHIP SCHEDULE

1. One weekend every month. If the parties are unable to agree on the weekend, it will be the third (3rd) weekend of each month.
2. The weekend companionship will be from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
President's Day	Mother	Father	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
Easter Sunday	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.

Spring Break	Father	Mother	6:00 p.m. day school ends until 6:00 p.m. day before school begins.
Memorial Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Fourth of July	Father	Mother	July 3 rd at 6:00 p.m. to July 5 th at 10:00 a.m.
Labor Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Thanksgiving	Father	Mother	Wednesday preceding at 6:00 p.m. to Sunday at 6:00 p.m.
Christmas Eve/ Christmas Day/ Winter Break	Mother	Father	Divide Winter break equally with designated parent to have Christmas Eve and Christmas Day until 12/26 at noon.

Mother's and Father's Day, with appropriate parent, from Friday preceding at 6:00 p.m. until Sunday at 6:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even-numbered years.

III. SUMMER COMPANIONSHIP SCHEDULE (if the child is not of school age, the school recess schedule for the school district in which the residential parent resides shall be used).

The non-residential parent shall have four (4) consecutive weeks of parenting time each summer break week. It shall be arranged at least thirty (30) days before the start of the summer vacation. During that four (4) week period, child support shall abate by one-half (1/2).

IV. SCHOOL INFORMATION

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

V. CHANGE OF RESIDENCE - O.R.C. 3109.051(G)(1)

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty (30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot, by written agreement, agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the

companionship schedule prior to relocating.

VI. ACCESSTO RECORDS. DAYCARE AND ACTIVITIES- ORC 3109.051 (H),(I),(J)

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

1. any school, health, or agency records or reports that are related to the child(ren);
2. any child day care center that the child(ren) attend(s);
3. any student activity in which the child(ren) participate.

EFFECTIVE JULY 31, 2023

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE: First, Last Name

CASE NO:

(DOB:)

JUDGE PATRICIA J. SMITH

MAGISTRATE

NOW COMES, _____, Complainant, and provides the Clerk of the Portage County Juvenile Court with the following CONFIDENTIAL information concerning the certified foster caregiver, kinship caregiver, or the prospective adoptive parent(s):

1.) Name: _____

2.) Address: _____

3.) Telephone #: _____

4.) Person(s) Status:

Certified foster caregiver(s);

Kinship caregiver(s) or;

Prospective adoptive parents(s)

Date

Complainant

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE:

CASE NO. _____

A Minor

JUDGE PATRICIA J. SMITH

APPLICATION - CONSENT TO MARRY

[R.C. §§3101.04, 3101.041 and 3101.042; Juv. R. 42]

1. I, _____, born on _____, 20____, and currently age____, desire to marry _____, who is age _____.
2. I reside at _____.
3. I am a resident of Portage County.
4. Parental consent is not required under R.C. §§3101.04, 3101.041, and 3101.042.
5. [Select one or more of the following]:
 - I am employed and self-subsisting.
 - I have become independent from the care and control of my parent(s), guardian, or other legal custodian.
 - I have entered the armed forces of the United States.
6. I am not married and have never been married OR have been married.
7. I have the capacity of an 18-year old person as described in R.C. §3109.011.
8. I request that the Court appoint a guardian ad litem as required under §3101.041(B).

I file this application, free of force or coercion, and request that the Judge of this Juvenile Court give consent and approbation to the proposed marriage as provided for in R.C. §3101.04.

Type Name of Applicant

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

Deputy Clerk, Notary Public

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION PORTAGE
COUNTY, OHIO**

IN RE: _____
A Minor

CASE NO. _____

JUDGE PATRICIA J. SMTIH

**JUDGMENT ENTRY CONSENT TO
MARRY**

[R.C. §§3101.04 and 3101.041]

The Court having reviewed this Application – Consent to Marry; having consulted with _____ as required under R.C. 3101.041(A) regarding the proposed marriage; having appointed _____ as guardian ad litem for the applicant and having reviewed the recommendation of that guardian ad litem; having determined that the applicant is 17 years of age, and having found the following to be true [select one or more]:

- Applicant is employed and self-subsisting.
- Applicant has become independent from the care and control of Applicant’s parent(s), guardian, or other legal custodian.
- Applicant has entered the armed forces of the United States.

The Court finds that: (i) the Applicant has the capacity of an 18-year old person as described in R.C. §3109.011; (ii) the Applicant is free from force or coercion; (iii) the intended marriage and the emancipation under R.C. §3101.042 is in the best interest of the Applicant; and (iv) the Application, filed by _____, is well taken, and this Court orders and gives consent to the marriage of _____ to _____ under R.C. 3101.04.

Dated: _____

JUDGE PATRICIA J. SMITH

CONSENT TO MARRY INFORMATION SHEET

Applicant:

Full Name: _____ Birth Date: _____ Age: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

School or Employment Status: _____

Parent(s)/Guardian(s)/or Legal Custodian(s)

Full Name: _____ Relationship: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

Full Name: _____ Relationship: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

Date: _____

Applicant's Signature

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE: First, Last Name

CASE NO:

(DOB:)

HEARING DATE:

JUDGE PATRICIA J. SMITH

HEARING TYPE:

MAGISTRATE

CASE CONTACTS

Date	Person's Name	Relationship to Child(ren)
xx/xx/xx	Person's Name	Relationship to Child(ren)

This section is a log of all successful contacts you have made throughout the entire case.

These need to be in chronological order with your first contact ever made, including phone calls, emails, or where you communicated with the individual.

Use full names except with respect to foster parent(s).

Always refer to individuals as how they relate to the child(ren).

For example: maternal aunt or paternal grandfather.

ATTEMPTED UNSUCCESSFUL CONTACTS

This section is a log of all unsuccessful contacts made throughout the entire case.

These need to be in chronological order following your first unsuccessful contact.

READING OF RECORDS

Date:	Type of Records (Entries, Motions, SAR'S, Case Plans, Medical Records, etc.)
xx/xx/xx	

This section is a log of all the records you have reviewed through the entire case and when you reviewed them. This is not the place to list information you discovered in your review of the records.

VISITS

Date	Person's Name	Relationship to Child(ren)
xx/xx/xx	Person's Name	Relationship to Child(ren)

This section is a log of all the visits you have attended throughout the entire case.

These visits may take place in the child(ren)'s placement, parent's home, PCJFS, foster placement, school, etc.

SITUATION OF CASE HISTORY

As GAL, I was appointed to the case on mm/dd/yy. On mm/dd/yy, PCJFS received a report regarding . . .

This is a very brief description of what originally brought the case to Court.

Begin by listing your date of appointment.

Use only main points of the original complaint to write this section.

This is the only part of the report that will remain the same throughout the entire case.

SUMMARY OF ACTIVITIES

First Name, Last Name of Child, DOB: xx/xx/xx

For each child, summarize the following in this order:

- 1st paragraph: discuss the custody of the child from the beginning of the case to the current custody orders.
- 2nd paragraph: discuss the child's placement from the beginning of the case to the current placement and the child's adjustment to the placements throughout the case.
- 3rd paragraph: discuss what services the child has been receiving from the beginning of the case to the current services the child is receiving and/or what services the GAL recommends.
- 4th paragraph: discuss the child's school, behavior in school, grades, and improvement or changes regarding school from the beginning to the current situation.
- 5th paragraph: discuss any medical or developmental issues or concerns, medication requirements and compliance, and current health status.
- 6th paragraph: discuss the child's visits with parents and siblings. How often, where, supervised/unsupervised. Describe the interaction and relationship between the child and siblings, child and parents, child and stepparent, and child and other relatives.

First Name, Last Name of Parent (designate parent of which child)

For each parent, summarize the following in this order:

1. Explain all case plan objectives and any compliance.

For example: Mother's first case plan objective is to complete a drug and alcohol assessment and follow any recommendations made. Mother has completed the assessment and was required to submit random drug screens, engage in individual counseling, etc. Mother's second case plan objective was . . .

2. Discuss the parent's visits with their child(ren). How often, where, supervised/unsupervised. Describe the interaction and relationship between the child and siblings, child and parent, child and stepparent, and child and other relatives.

The purpose of this section is to provide a fact-based overview of the condition, well-being, progress, strengths, weaknesses, and needs primarily of the child(ren).

WISHES OF EACH CHILD

First Name, Last Name of Child, DOB: xx/xx/xx

State the wishes of the child(ren) in terms of placement or indicate if the child(ren) is/are not mature enough to make a statement.

ASSESSMENTS

At this time, it is in the best interest of (Child's Name) to be placed/remain in the custody of . . .

This section is a summary that puts it all together for the Court.

Develop your reasoning to support your recommendations.

Provide the Court with your independent view of what is in the best interest of the child(ren).

RECOMMENDATIONS


Make recommendations about custody, placement, any pending motions, family time, services for the child(ren), services for the parents, services for any third-party care providers.

PORTAGE COUNTY JUVENILE COURT
SCHEDULE OF COURT COST & PROGRAM FEES

ORC Code	STANDARD COURT COST (Fund Designation)	TRAFFIC MOVING VIOLATIONS	TRAFFIC NON- MOVING VIOLATIONS	WAIVER OUT OF STATE	MISDEMEANOR CRIMINAL VIOLATIONS	FELONY CRIMINAL VIOLATIONS	ADULT CRIMINAL CASES
2303.20	Co. General Fund	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
2303.201	Juvenile Court IT Fund	\$10.00	\$10.00	\$10.00	\$10.00	\$15.00	\$15.00
2303.201(C)	Legal Aid Surcharge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2303.201(A)(1)	Legal Research Fund	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00
2303.201(B)(1)	Computer Fund	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
2303.201(E)(1)	Special Projects Fund	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
2743.70	State - Victims of Crime Reparations Fund	\$9.00	\$0.00	\$9.00	\$9.00	\$30.00	\$9.00
2949.091(A)(2)(a)	State - Indigent Defense Fund	\$20.00	\$10.00	\$20.00	\$20.00	\$30.00	\$20.00
2949.094(B)	Co. Juvenile Indigent Driver Alcohol	\$1.50	\$0.00	\$1.50	\$1.50	\$0.00	\$0.00
2949.094(B)	State - Drug Law Enforcement Fund	\$3.39	\$0.00	\$3.39	\$3.39	\$0.00	\$0.00
2949.094(B)	State - Indigent Defense Fund	\$5.00	\$0.00	\$5.00	\$5.00	\$0.00	\$0.00
2949.094(B)	State - Justice Program Service Fund	\$0.11	\$0.00	\$0.11	\$0.11	\$0.00	\$0.00
	TOTALS	\$125.00	\$96.00	\$125.00	\$125.00	\$151.00	\$120.00

DESCRIPTION FEE		DESCRIPTION FEE		DESCRIPTION FEE	
SHERIFF FEES	Varies	Witness fee (½ day)	\$ 6.00	Fax Transmission	\$2.00 + \$1.00/page
Assigned Counsel Fee	\$25.00	Witness fee (all day)	\$12.00	Motion for Driving Privileges	\$10.00
Copies	\$0.25/page	Mileage (per mile of service)	Varies	Seat Belt Driver	\$30.00
Certification of copies	\$1.00/ document	Motion for Expungement	\$50.00	Seat Belt Passenger	\$20.00
Certified mail	Actual Cost	Court Cost - Additional charge	\$15.00	Seat Belt Violation Court Costs	\$25.00
Publication	\$50.00/ notice	Appeals (deposit)	\$150.00		

The foregoing schedule of fees and costs are hereby established by Order of this Court and made a part of the local rules of the Portage County Juvenile Court, effective as of February 28, 2022.



JUDGE PATRICIA J. SMITH

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO
STANDARD IN-STATE PARENTING TIME SCHEDULE**

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has/have frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than thirty (30) minutes of the designated exchange time. If the non-residential parent is more than thirty (30) minutes late, the parenting time is forfeited.

Parents shall share the responsibility for transportation. Unless otherwise agreed, the parent receiving the child shall provide the transportation for the child for weekend and holiday companionship time. Unless otherwise agreed or provided by court order, the exchanges shall take place at each parent's residence. Unless otherwise agreed, for any weeknight companionship time, the non-residential parent shall be responsible for all the transportation.

I. WEEKEND AND MIDWEEK COMPANIONSHIP SCHEDULE

1. For children from birth to twelve (12) months, one (1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating Saturdays and Sundays, of the same weekend, from 10:00 a.m. until 6:00 p.m. each day. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
2. For children over twelve (12) months old, one(1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
3. Regardless of the age of the child, the Holiday Companionship Schedule shall have priority over the Weekend and Midweek Companionship Schedule.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	9:00 a.m. - 6:00 p.m.
President's Day	Mother	Father	9:00 a.m. - 6:00 p.m.
Easter Sunday	Father	Mother	12:00 p.m. - 6:00 p.m.
Memorial Day	Mother	Father	Sunday at 6:00 p.m. - Monday at 6:00 p.m.
Fourth of July	Father	Mother	July 4 at 9:00 a.m. - July 5 at 9:00 a.m.
Labor Day	Mother	Father	Sunday at 6:00 p.m. - Monday at 6:00 p.m.
Thanksgiving	Father	Mother	Wednesday at 6:00 p.m. - Friday at 6:00 p.m.
	Mother	Father	Friday at 6:00 p.m. - Sunday at 6:00 p.m.
Christmas Eve	Father	Mother	12/23 at 9:00 p.m. - 12/24 at 9:00 p.m.
Christmas Day	Mother	Father	12/24 at 9:00 p.m. - 12/25 at 9:00 p.m.
New Years Day	Mother	Father	12/31 at 6:00 p.m. - 1/1 at 6:00 p.m.
Winter Break [does not alter holiday schedule] Shared equally by parties			6:00 p.m. day school ends - 6:00 p.m. day before school reconvenes
Spring Break Shared equally by parties			6:00 p.m. day school ends - 6:00 p.m. day before school reconvenes

(if the child is not of school age, the summer school recess for the school district of the residential parent shall be used)

Mother's and Father's Day, and Mother's and Father's Birthday, with appropriate parent from 9:00 a.m. until 7:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even-numbered years. All siblings shall be included in the birthday visitation

III. SUMMER BREAK (if the child is not of school age, the summer school recess for the school district of the residential parent shall be used)

1. Six weeks parenting time each summer.
2. The parents shall give written notice of the vacation schedule at least 30 days in advance or no later than May 1st of each year.
3. The non-residential parent shall have priority over the residential parent's schedule.
4. Each parent is entitled to two (2) weeks in a row each summer without interruption.
5. Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
6. During the Summer Break, child support shall abate by one half.

IV. EXTRACURRICULAR ACTIVITIES

The parent with physical custody of the child is responsible for making arrangements to allow the child to attend their extracurricular activities.

V. SCHOOL INFORMATION

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

VI. CHANGE OF RESIDENCE - O.R.C. 3109.051(G)(1)

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty (30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

VII. ACCESS TO RECORDS, DAY CARE AND ACTIVITIES- ORC 3109.051 (H), (I), (J)

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

1. any school, health or agency records or reports that are related to the child(ren);
2. any child day care center that the child(ren) attend;
3. any student activity in which the child(ren) participate.

EFFECTIVE MARCH 14, 2016

AMENDED JULY 31, 2023

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO
STANDARD OUT-OF-STATE PARENTING TIME
SCHEDULE**

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has/have frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than sixty (60) minutes of the designated exchange time. If the non-residential parent is more than sixty (60) minutes late, the parenting time is forfeited. The sixty (60) minute time-period can be extended upon the delayed parent contacting the other parent with an explanation for the delay.

Any transportation costs associated with the out-of-state parenting schedule shall be paid by the parent who moved out of the state of Ohio.

I. WEEKEND COMPANIONSHIP SCHEDULE

1. One weekend every month. If the parties are unable to agree on the weekend, it will be the third (3rd) weekend of each month.
2. The weekend companionship will be from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
President's Day	Mother	Father	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
Easter Sunday	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.

Spring Break	Father	Mother	6:00 p.m. day school ends until 6:00 p.m. day before school begins.
Memorial Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Fourth of July	Father	Mother	July 3 rd at 6:00 p.m. to July 5 th at 10:00 a.m.
Labor Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Thanksgiving	Father	Mother	Wednesday preceding at 6:00 p.m. to Sunday at 6:00 p.m.
Christmas Eve/ Christmas Day/ Winter Break	Mother	Father	Divide Winter break equally with designated parent to have Christmas Eve and Christmas Day until 12/26 at noon.

Mother's and Father's Day, with appropriate parent, from Friday preceding at 6:00 p.m. until Sunday at 6:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even-numbered years.

III. SUMMER COMPANIONSHIP SCHEDULE (if the child is not of school age, the school recess schedule for the school district in which the residential parent resides shall be used).

The non-residential parent shall have four (4) consecutive weeks of parenting time each summer break week. It shall be arranged at least thirty (30) days before the start of the summer vacation. During that four (4) week period, child support shall abate by one-half (1/2).

IV. SCHOOL INFORMATION

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

V. CHANGE OF RESIDENCE - O.R.C. 3109.051(G)(1)

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty (30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot, by written agreement, agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the

companionship schedule prior to relocating.

VI. ACCESSTO RECORDS. DAYCARE AND ACTIVITIES- ORC 3109.051 (H),(I),(J)

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

1. any school, health, or agency records or reports that are related to the child(ren);
2. any child day care center that the child(ren) attend(s);
3. any student activity in which the child(ren) participate.

EFFECTIVE JULY 31, 2023

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE: First, Last Name

CASE NO:

(DOB:)

JUDGE PATRICIA J. SMITH

MAGISTRATE

NOW COMES, _____, Complainant, and provides the Clerk of the Portage County Juvenile Court with the following CONFIDENTIAL information concerning the certified foster caregiver, kinship caregiver, or the prospective adoptive parent(s):

1.) Name: _____

2.) Address: _____

3.) Telephone #: _____

4.) Person(s) Status:

Certified foster caregiver(s);

Kinship caregiver(s) or;

Prospective adoptive parents(s)

Date

Complainant

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE:

CASE NO. _____

A Minor

JUDGE PATRICIA J. SMITH

APPLICATION - CONSENT TO MARRY

[R.C. §§3101.04, 3101.041 and 3101.042; Juv. R. 42]

1. I, _____, born on _____, 20____, and currently age____, desire to marry _____, who is age _____.
2. I reside at _____.
3. I am a resident of Portage County.
4. Parental consent is not required under R.C. §§3101.04, 3101.041, and 3101.042.
5. [Select one or more of the following]:
 - I am employed and self-subsisting.
 - I have become independent from the care and control of my parent(s), guardian, or other legal custodian.
 - I have entered the armed forces of the United States.
6. I am not married and have never been married OR have been married.
7. I have the capacity of an 18-year old person as described in R.C. §3109.011.
8. I request that the Court appoint a guardian ad litem as required under §3101.041(B).

I file this application, free of force or coercion, and request that the Judge of this Juvenile Court give consent and approbation to the proposed marriage as provided for in R.C. §3101.04.

Type Name of Applicant

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

Deputy Clerk, Notary Public

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION PORTAGE
COUNTY, OHIO**

IN RE: _____
A Minor

CASE NO. _____

JUDGE PATRICIA J. SMTIH

**JUDGMENT ENTRY CONSENT TO
MARRY**

[R.C. §§3101.04 and 3101.041]

The Court having reviewed this Application – Consent to Marry; having consulted with _____ as required under R.C. 3101.041(A) regarding the proposed marriage; having appointed _____ as guardian ad litem for the applicant and having reviewed the recommendation of that guardian ad litem; having determined that the applicant is 17 years of age, and having found the following to be true [select one or more]:

- Applicant is employed and self-subsisting.
- Applicant has become independent from the care and control of Applicant’s parent(s), guardian, or other legal custodian.
- Applicant has entered the armed forces of the United States.

The Court finds that: (i) the Applicant has the capacity of an 18-year old person as described in R.C. §3109.011; (ii) the Applicant is free from force or coercion; (iii) the intended marriage and the emancipation under R.C. §3101.042 is in the best interest of the Applicant; and (iv) the Application, filed by _____, is well taken, and this Court orders and gives consent to the marriage of _____ to _____ under R.C. 3101.04.

Dated: _____

JUDGE PATRICIA J. SMITH

CONSENT TO MARRY INFORMATION SHEET

Applicant:

Full Name: _____ Birth Date: _____ Age: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

School or Employment Status: _____

Parent(s)/Guardian(s)/or Legal Custodian(s)

Full Name: _____ Relationship: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

Full Name: _____ Relationship: _____

Current Address: _____

Street State County Zip Code

Telephone Number: _____

Date: _____

Applicant's Signature

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE: First, Last Name

CASE NO:

(DOB:)

HEARING DATE:

JUDGE PATRICIA J. SMITH

HEARING TYPE:

MAGISTRATE

CASE CONTACTS

Date	Person's Name	Relationship to Child(ren)
xx/xx/xx	Person's Name	Relationship to Child(ren)

This section is a log of all successful contacts you have made throughout the entire case.

These need to be in chronological order with your first contact ever made, including phone calls, emails, or where you communicated with the individual.

Use full names except with respect to foster parent(s).

Always refer to individuals as how they relate to the child(ren).

For example: maternal aunt or paternal grandfather.

ATTEMPTED UNSUCCESSFUL CONTACTS

This section is a log of all unsuccessful contacts made throughout the entire case.

These need to be in chronological order following your first unsuccessful contact.

READING OF RECORDS

Date:	Type of Records (Entries, Motions, SAR'S, Case Plans, Medical Records, etc.)
xx/xx/xx	

This section is a log of all the records you have reviewed through the entire case and when you reviewed them. This is not the place to list information you discovered in your review of the records.

VISITS

Date	Person's Name	Relationship to Child(ren)
xx/xx/xx	Person's Name	Relationship to Child(ren)

This section is a log of all the visits you have attended throughout the entire case.

These visits may take place in the child(ren)'s placement, parent's home, PCJFS, foster placement, school, etc.

SITUATION OF CASE HISTORY

As GAL, I was appointed to the case on mm/dd/yy. On mm/dd/yy, PCJFS received a report regarding . . .

This is a very brief description of what originally brought the case to Court.

Begin by listing your date of appointment.

Use only main points of the original complaint to write this section.

This is the only part of the report that will remain the same throughout the entire case.

SUMMARY OF ACTIVITIES

First Name, Last Name of Child, DOB: xx/xx/xx

For each child, summarize the following in this order:

- 1st paragraph: discuss the custody of the child from the beginning of the case to the current custody orders.
- 2nd paragraph: discuss the child's placement from the beginning of the case to the current placement and the child's adjustment to the placements throughout the case.
- 3rd paragraph: discuss what services the child has been receiving from the beginning of the case to the current services the child is receiving and/or what services the GAL recommends.
- 4th paragraph: discuss the child's school, behavior in school, grades, and improvement or changes regarding school from the beginning to the current situation.
- 5th paragraph: discuss any medical or developmental issues or concerns, medication requirements and compliance, and current health status.
- 6th paragraph: discuss the child's visits with parents and siblings. How often, where, supervised/unsupervised. Describe the interaction and relationship between the child and siblings, child and parents, child and stepparent, and child and other relatives.

First Name, Last Name of Parent (designate parent of which child)

For each parent, summarize the following in this order:

1. Explain all case plan objectives and any compliance.

For example: Mother's first case plan objective is to complete a drug and alcohol assessment and follow any recommendations made. Mother has completed the assessment and was required to submit random drug screens, engage in individual counseling, etc. Mother's second case plan objective was . . .

2. Discuss the parent's visits with their child(ren). How often, where, supervised/unsupervised. Describe the interaction and relationship between the child and siblings, child and parent, child and stepparent, and child and other relatives.

The purpose of this section is to provide a fact-based overview of the condition, well-being, progress, strengths, weaknesses, and needs primarily of the child(ren).

WISHES OF EACH CHILD

First Name, Last Name of Child, DOB: xx/xx/xx

State the wishes of the child(ren) in terms of placement or indicate if the child(ren) is/are not mature enough to make a statement.

ASSESSMENTS

At this time, it is in the best interest of (Child's Name) to be placed/remain in the custody of . . .

This section is a summary that puts it all together for the Court.

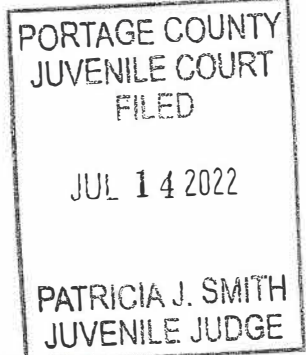
Develop your reasoning to support your recommendations.

Provide the Court with your independent view of what is in the best interest of the child(ren).

RECOMMENDATIONS

Make recommendations about custody, placement, any pending motions, family time, services for the child(ren), services for the parents, services for any third-party care providers.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO



IN RE: SEALING OF JUVENILE DELINQUENCY, UNRULY, AND TRAFFIC RECORDS, CASE NO. 2022 JMX 25

JUDGE PATRICIA J. SMITH

JOURNAL ENTRY

This Court, pursuant to R.C. 2151.356(A), orders those records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code shall not be sealed under this section.

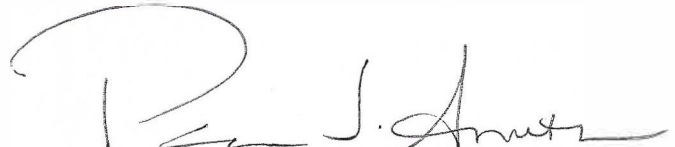
This Court, pursuant to R.C. 2151.356(A), orders that it will seal juvenile records subject to automatic sealing and, in its discretion, will consider the sealing of juvenile records in accordance with R.C. 2151.356.

This Court, pursuant to R.C. 2151.356(C)(1), orders that with respect to the discretionary sealing of juvenile records, in consideration of the goals and objectives of juvenile proceedings may, *sua sponte*, cause the following Delinquency, Unruly, and Traffic records to be sealed once all statutory criteria have been met under current Ohio law, upon the Court's own motion:

1. Upon a Juvenile attaining twenty-three (23) years of age, records pertaining to Juvenile adjudications in Unruly, Delinquency, and Juvenile Traffic misdemeanor and felony offenses, if the offense is not an offense of violence as defined by R.C. 2901.01(A)(9), or related thereto, or a sexually oriented offense as defined by R.C. 2950.01(A), or related thereto, or a Juvenile traffic offense containing or including a charge of operating a vehicle under the influence of drugs or alcohol ("OVI"), and there are no outstanding costs or restitution due or owing in the case.

IT IS SO ORDERED.

07.14.2022
DATE


JUDGE PATRICIA J. SMITH