

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

SCOTT ALTENBURGER, JUDGE

HILLARY JACQUA, MAGISTRATE
KATHERINE KEMP SEVERT, CHIEF MAGISTRATE
ANDREW VENTERS, MAGISTRATE

HANNAH PARSHALL, COURT ADMINISTRATOR

NICOLE RODRIGUEZ, CHIEF DEPUTY CLERK
ELIZABETH HARSHBARGER, CHIEF PROBATION OFFICER

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LOCAL RULE 1 GENERAL

1.01 ADOPTION, SCOPE AND CONSTRUCTION OF RULES

The Rules hereinafter set forth apply to the Juvenile Division of the Miami County Court of Common Pleas. Additional local rules have been adopted by the General Division, Domestic Relations Division, and the Probate Division, and may be adopted by such other divisions of the Court as may be created, governing practice and procedures in those divisions. The Common Pleas Court of Miami County, Ohio has four divisions: the General Division, the Domestic Relations Division, the Probate Division, and the Juvenile Division.

1.02 INTERPRETATION

These Local Rules are to supplement the Ohio Rules of Juvenile Procedure, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Traffic Rules, and the Rules of Superintendence. These Local Rules shall be interpreted to achieve prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule shall be interpreted as follows:

- A. To be consistent with the Ohio and United States Constitutions, the Ohio Rules of Civil Rules of Procedure, the Ohio Rules of Criminal Procedure and the Ohio Rules of Juvenile Procedure.
- B. To be practical and efficient in their operation.
- C. To be taken in context with the other portions of these rules.

1.03 CITATION

These rules shall be known as the “Local Rules of Practice of the Miami County Common Pleas Court, Juvenile Division.” These rules may be cited as “Loc. Juv. R. _____”.

1.04 EFFECTIVE DATE

These rules are effective as of the date adopted by the Court.

1.05 FORMS

All Miami County Juvenile Court forms referenced herein are available on the Court’s website at www.miamicountyohio.gov. Many are also available on the Ohio Supreme Court website at www.supremecourt.ohio.gov. All may be requested at the Miami County Juvenile Court Clerk’s office.

1.06 FILE STAMPING

The top three (3) inches of the initial sheet of every pleading, motion or brief, or other papers filed for record shall be left blank for the Clerk of this Court to file stamp the date and time of filing. The Clerk is authorized to refuse to accept any such document not conforming to such requirement.

LOCAL RULE 2 PLEADINGS/FILINGS

2.01 PLEADINGS & MOTIONS

Every pleading, motion, and memorandum shall be legibly typewritten or printed on 8.5 x 11 in paper. The name, address, telephone number, email address, and Ohio Supreme Court attorney registration number shall appear on all filings. All pro se filings shall contain the name, address, telephone number, and email address of the person filing the document.

All motions, when appropriate, shall be accompanied by a memorandum in support, which shall set forth the specific grounds for the relief sought, along with citations to controlling authorities relied upon in requesting the relief.

Each pleading shall contain a certificate of service which shall state the date and manner of service designating whether it was sent by certified mail, ordinary mail, facsimile transmission (fax), or hand delivery. In addition, the certificate shall state the name, business address, and fax number (if used) for service to each attorney or party to whom the filing is directed and shall be signed in accordance with Ohio Civil Rule 11.

2.02 EMAIL FILING

- A. The Clerk maintains an email address to accept documents for filing in the Juvenile Court, as limited by this rule at juvenilefile@miamicountyohio.gov.
- B. Pleadings or other documents that are filed after the original complaint or other initiating pleading, are less than 26 pages long, and do not require a security deposit under Juv. Rule 8 may be sent to the Clerk for filing by email.
- C. An emailed filing will be printed by the clerk and that copy will be accepted for filing as the original, and the signature on it will be accepted as the original, in conformity with Ohio Rule of Civil Procedure 5(E). Following the acceptance of and filing of a document by means of email transmission, no further copies of the filing need to be provided to the Court.
- D. The Clerk will notify the filer if the transmitted document cannot be filed for any reason.
- E. The date/time of filing is NOT determined by the time of email transmission but is instead determined by the Court's time-stamp clock. Although emails may be transmitted 24 hours per day, seven days per week, any email received by the Clerk after 4:00 p.m. on a weekday or at any time on a weekend or holiday will be filed on the next day the Court is open. For purposes of any filing deadline imposed by these rules, any applicable Ohio rules, or court order, a pleading will be deemed filed on the date and time when the Clerk time stamps the document.

- F. All email filings must comply with the Ohio Rules of Juvenile Procedure and all other applicable Ohio Rules.
- G. The filer bears the risk of email transmission, and the Court assumes no responsibility for any technological problems.

2.03 FACSIMILE FILING

- A. The Clerk maintains a facsimile machine to accept documents for filing in the Juvenile Court, as limited by this rule.
- B. Pleadings or other documents that are filed after the original complaint or other initiating pleading, are less than 26 pages long, and do not require a security deposit under Juv. Rule 8 may be sent to the Clerk for filing by facsimile transmission.
- C. A facsimile transmission will be accepted for filing as the original, and the signature on it will be accepted as the original, in conformity with Rule 5(E) of the Ohio Rules of Civil Procedure. Following the acceptance of and filing of a document by means of facsimile transmission, no further copies of the filing need to be provided to the Court.
- D. The Clerk will notify the filer if the transmitted document cannot be filed for any reason.
- E. Although facsimiles may be transmitted 24 hours per day, seven days per week, any email received by the Clerk after 4:00 p.m. on a weekday or at any time on a weekend or holiday will be filed on the next day the Court is open. For purposes of any filing deadline imposed by these rules, any applicable Ohio rules, or court order, a pleading will be deemed filed on the date and time when the Clerk time stamps the document.
- F. All facsimile transmissions must comply with the Ohio Rules of Juvenile Procedure and all other applicable Ohio Rules.
- G. The filer bears the risk of facsimile transmission, and the Court assumes no responsibility for any technological problems.

LOCAL RULE 3 SERVICE

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

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

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

All motions for Emergency Custody shall be served by Sheriff or Process Server.

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

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

3.04 Service by publication may be accomplished through posting and perfection of service in this manner shall be as set forth in Juv. R. 16. The party seeking service by publication through posting shall file with the Court 1) a Motion requesting service by publication through posting; 2) an affidavit which avers that the residence of the person to be served is unknown and cannot be ascertained with due diligence, the efforts which evidence due diligence in finding a current address or why such efforts are impossible and a last known address, if available; 3) an Entry authorizing service by publication through posting; 4) the summary statement required by Juv. R. 16 to be posted.

3.05 The notice shall be posted on the Miami County Juvenile Court website, in a section designated “Public Notices,” in accordance with Ohio Juv. R. 16 and Civ. R. 4.4

LOCAL RULE 4 COURT COSTS and WITNESS FEES

- 4.01** The Clerk's Office shall not accept any action or proceeding for filing without the requisite filing fee set forth in the attached Schedule of Filing Fees.
- 4.02** If a party seeking to file a pleading believes he/she is indigent, he/she may file an application for the waiver of the filing fee. The application must contain income information for each member of the household. Upon reviewing the application, the magistrate will determine if the application is complete and would support a finding of indigency. The party will then be notified if they qualify for the waiver of the filing fee or not. If not, the filing will not be accepted until the filing fee is paid.
- The submission of the application for the waiver of filing fees does NOT relieve a party from the filing fee requirement.
- 4.03** If the application is approved, the Court retains the authority to assess the filing fees against any party at the conclusion of the case. If the application is not approved, the party moving for waiver will have fourteen days after the denial to remit the filing fee to the Court. If the party fails to do so, the substantive pleading submitted with the Application to Waive Filing Fee will be returned to the party without further action.
- 4.04** Witness fees and subpoena fees shall be paid as set forth in Ohio Revised Code Section 2335.06.
- 4.05** The party shall also pay an issuance fee of Two Dollars (\$2.00) per subpoena. The issuance fee must be made by check, money order or cash and is due prior to the issuance of the subpoena. A check or money order shall be made payable to the Miami County Juvenile Court.
- 4.06** No witness fees or issuance fees shall be required of the Miami County Child Support Enforcement Agency or the Miami County Children's Services Board for the subpoena of witnesses in any original action or subsequent motion to seek modification, enforcement, extension or termination of existing orders.
- 4.07** An alleged juvenile or adult offender seeking to issue a subpoena must file a praecipe for the subpoena. No witness or issuance fee is required at the time of filing the praecipe. Any costs associated with the issuance of a subpoena shall be assessed at the conclusion of the case.

LOCAL RULE 5 RECORD OF THE PROCEEDINGS

- 5.01** All matters heard by the Judge or a Magistrate will be recorded via digital technology. This electronic recording is the court's official record.
- 5.02** Upon written request filed with the Clerk, a party to the case may request a typewritten transcript of the proceedings. Within five days of the request, a court reporter shall prepare a written estimate of the cost of the deposit for the transcript and notify the requesting party of the same. Upon payment of a required deposit an official typewritten transcript of the proceedings shall be prepared from the digital recording. The deposit must be made within fourteen days of the issuance of the written cost estimate, or the request will be considered withdrawn. Transcripts shall be completed within a reasonable time, which shall be 14 days from the date the deposit is made, unless otherwise ordered.
- 5.03** A request for preparation of a transcript does not extend or stay the time for the filing of objections to a Magistrate's Decision and Journal Entry in accordance with Juvenile Rule 40. Any supplementation of objections after the filing of the transcript shall be only at the Court's discretion for good cause shown.
- 5.04** Parties may obtain a copy of the recording on compact disc by filing a written request with the Clerk. A \$1.00 fee to cover cost of the compact disc/case is required. If the request is for the compact disc to be mailed, an additional \$3.00 is required to cover postage costs. Compact discs will be made available within 7 days of the request.
- 5.05** The compact disc version of the hearing is not a substitute for the official typewritten transcript of the hearing. All appeals submitted to the Second District Court of Appeals require an accompanying typewritten transcript; compact discs will not be accepted for the appeals process.

LOCAL RULE 6

**VISITATION ORDERS, CHILD SUPPORT
ORDERS, AND DEPENDENT HEALTH
CARE ORDERS**

- 6.01** The court adopts the Model Parenting Time Schedules contained in the Appendix. The Court promotes, whenever possible, parenting by both parents.
- 6.02** All child support orders/modifications shall include a Juv. Form 16, and a child support calculation worksheet.
- 6.03** All allocation, reallocation of parental rights and responsibilities and legal custody orders or modifications shall include Juv. 16, a child support calculation and Model Parenting Time Schedule.

LOCAL RULE 7 ATTORNEY FEES AND EXPENSES

- 7.01** Each party is responsible for the payment of his/her own attorney fees. In some extraordinary circumstances, established by statute, a party may seek an order requiring the other party to pay for his/her attorney fees. A party seeking payment of attorney fees from the opposing party must do so by a written motion and accompanying memorandum in support setting forth the legal basis for the request.
- 7.02** The Court shall advise unrepresented parties of their rights and responsibilities provided in this rule at their initial appearance before the Court.
- 7.03** In certain civil matters and criminal matters, a party may be entitled to court-appointed counsel. Court-appointed counsel shall be as provided by law.
- 7.04** Applications for court-appointed counsel shall be accompanied by affidavit of indigency with income/asset verification as may be necessary to determine that applicant qualifies for court-appointed counsel. An application fee may be charged.
- 7.05** Applications for court-appointed counsel shall be completed and submitted with all supporting documentation within seven (7) calendar days after the party was advised by the Court of his/her right to court-appointed counsel unless the seventh day is a day upon which the Court is not open for business, in which case the completed application shall be submitted the next day the Court is open for business. Should an adult fail to submit the application for court-appointed counsel in accordance with this rule, absent good cause, such failure may be considered a waiver of the right to court-appointed counsel and/or may not serve as a basis for continuance of trial or hearing. A party may assert a right to court-appointed counsel at any stage of the proceedings. A prior waiver of the right to court-appointed counsel shall not prevent a party from subsequently asserting such right.
- 7.06** A juvenile's right to be represented by counsel may NOT be waived in a delinquency proceeding in which a juvenile is charged with an offense that would be a felony level offense if committed by an adult.
- 7.07** A juvenile may waive the right to counsel in a delinquency matter if he/she is charged with an offense that would be a misdemeanor level offense if committed by an adult. Any waiver of counsel will be made in open court, recorded, and in writing.
- 7.08** In the event of a conflict with the public defender's office, the court may appoint counsel from the approved list and under the guidance of Rule 8 of the Rules of Superintendence for the Courts of Ohio. Attorneys who are appointed by the Court shall submit a Court-Appointed Counsel Fee Application. All fee

applications must be filed within 30 days after the last day of the month in which the most recent services indicated on the fee application were rendered.

LOCAL RULE 8 JUDGMENT ENTRIES

- 8.01** In cases where complaints, counterclaims and motions have been settled and an attorney has been required to submit a judgment entry, the judgment entry shall be submitted to the Court within twenty (20) days of the hearing date, unless an extension of time is granted. Failure to comply with this rule may result in the automatic dismissal of the complaint, counterclaim or motion by the Court.
- 8.02** If an agreement is read onto the record, the Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be submitted to opposing counsel or party if pro se prior to the submission to the Court. If counsel and/or pro se litigant are unable to agree upon the judgment entry, opposing counsel or pro se litigant shall notify, within five days of receipt of the entry, the attorney who prepared the entry. Thereafter, counsel for opposing parties or pro se litigant may submit a proposed entry to the Court for review. The Court will then direct which entry is to be filed. A judgment entry sent for signature which is not returned within five (5) days may be submitted to the Court without signature of the opposing counsel or party, if the agreement was read into the record. A copy of the transmittal letter indicating the date sent to opposing counsel or party shall accompany all judgment entries not signed by the parties or legal counsel.
- 8.03** If the agreement was not read into the record and a consent entry cannot be agreed upon; counsel should seek a new hearing date within the time period for filing the agreed entry.
- 8.04** Should a judgment entry not be timely filed in accordance with 8.01 above, the Court may dismiss the pending complaint, counterclaim or motion without further hearing. Should a matter be so dismissed and the parties wish to submit an entry thereafter, counsel shall, within thirty (30) days, submit accompany the judgment entry on the substantive issues with a Motion to Vacate the Dismissal and an entry granting the same.
- 8.05** In cases where an agreement is submitted to the Court upon the filing of a Complaint or other Motion, and not all parties are represented by counsel, the matter will be set for hearing to advise the unrepresented party of their right to counsel and to ascertain the knowing and voluntary consent to the agreement.

LOCAL RULE 9 GUARDIANS AD LITEM

9.01 The Court shall appoint a Guardian Ad Litem (GAL) in abuse, neglect, dependency, unruly and delinquent cases as required by rule or statutes or when it finds it necessary and appropriate to protect the interests of a child.

A. Each court appointing a GAL under this rule shall enter an order of appointment. The order of appointment shall include statements regarding all of the following:

1. Whether it is a sole GAL appointment or a dual GAL and attorney appointment.
2. That unless otherwise specified by court rule, the appointment shall remain in effect until discharged by order of the court.
3. That the GAL shall be given notice of all hearings and proceedings and be provided a copy of all pleadings, motions, notices, and other documents filed in the case.
4. That the GAL report shall include the following language: “The GAL report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.”
5. The rate or amount of compensation for the GAL in allocation of parental rights and responsibilities cases;
6. The terms and amount of any installment payments and deposits in allocation of parental rights and responsibilities cases.

B. If a court appoints a GAL in an allocation of parental rights and responsibilities case, the GAL shall be appointed only to represent the best interest of the child and shall also not be appointed as the attorney for the child.

C. A court shall appoint a separate attorney to represent a child in abuse, neglect, dependency, unruly, and delinquency cases in which the wishes of the child differ from the recommendations of the GAL.

D. If an attorney who has been appointed to serve as both GAL and attorney for the child or any other party believes that a conflict exists in the dual appointment, the attorney or party shall immediately notify the court in writing with notice to the parties or affected agencies and request a separate

appointment of a GAL and attorney for the child. The court shall make such additional appointment or appointments or order or orders to remedy the conflict. The court may also make such appointment or appointments on its own motion.

- E. The court will consider reappointment of the same GAL for a specific child in any subsequent case determining the best interest of the child.

F. GAL DEPOSIT & FEES

1. The court when appointing a GAL in a case involving allocation of parental rights and responsibilities shall make a determination of the ability of any party to pay a deposit for the fees and expenses to the GAL and may reconsider that determination at any time prior to conclusion of the case. In making this determination, the court shall consider all of the following:
 - a. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance.
 - b. The complexity of the issues.
 - c. The anticipated expenses, including the travel of the GAL.
2. At any time prior to the conclusion of a case, a GAL may submit a motion for payment. A GAL shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended, and costs and expenses incurred pursuant to Sup.R. 48.03(H)(1).
3. In determining the allocation of GAL fees and expenses, a court shall consider any relevant factor, including any of the following:
 - a. The rate or amount of compensation of the GAL.
 - b. The sources of compensation of the GAL, including the parties, any specialized funds allocated for payment of the GAL, or pro bono contribution of services by the GAL.
 - c. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated using an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance.

- d. The conduct of any party resulting in the increase of the GAL fees and expenses without just cause.
 - e. The terms and amount of any installment payments.
4. Unless a hearing is requested by a party or the court within fourteen days after a motion for payment is filed, a court shall issue an order regarding payment of GAL fees and expenses approving or denying any portion of the requested fees and expenses and allocating payment to one or more of the parties as appropriate.

G. ENFORCEMENT OF PAYMENT

1. If the fees and expenses of a GAL exceed the deposits or installment payments ordered and made, a court may do any of the following:
 - a. Issue a lump-sum judgment against any party owing GAL fees and expenses at the time of the determination of fees or at any further proceedings regarding payment of fees.
 - b. Enforce the payment of fees and expenses of the GAL through contempt of court proceedings.
 - c. Enforce any order regarding the payment of GAL fees and expenses in any other manner authorized by law.
2. The court shall not delay or dismiss proceedings solely because of the failure of a party to pay GAL fees and expenses required to be paid by the court.
3. The inability of a party to pay GAL fees and expenses ordered by a court shall not delay any final entry.

9.02 RESPONSIBILITIES AND DUTIES OF GAL

A. General responsibilities

The responsibilities of a GAL shall include, but are not limited to, the following:

1. Provide the court's recommendations of the best interest of the child. Recommendations of the best interest of the child may be inconsistent with the wishes of the child or other parties.
2. 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 have no ex parte communications with the court regarding the merits of the case.

3. Act with respect and courtesy in the performance of the responsibilities of the GAL.
4. Attend any hearing relevant to the responsibilities of the GAL.
5. Upon becoming aware that the recommendations of the GAL differ from the wishes of the child, immediately notify the court in writing with notice to the parties or affected agencies. The court shall take action as it deems necessary.
6. If necessary, request timely court reviews and judicial intervention in writing with notice to the parties or affected agencies.
7. If the GAL is an attorney, file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure.
8. Be available to testify at any relevant hearing. Attorneys who are to serve as both GAL and attorney in any dual appointments shall comply with Rule 3.7 of the Rules of Professional Conduct.
9. If the GAL is not an attorney, avoid engaging in conduct that constitutes the unauthorized practice of law and be vigilant in performing the duties of the GAL.
10. If the GAL is not an attorney, request the court to appoint an attorney for the GAL to file pleadings, motions, and other appropriate documents and call, examine, and cross-examine witnesses pursuant to the applicable rules of procedure. The court shall take action as it deems necessary.

B. Conflicts of interest

1. 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 or from professional or personal contacts with parties or others involved in the case. A GAL shall avoid self-dealing or associations that might directly or indirectly benefit except from compensation for services as a GAL.
2. Upon becoming aware of any actual or apparent conflict of interest, a GAL shall immediately notify the court in writing. The court shall take action as it deems necessary.

C. Satisfaction of training requirements

A GAL shall meet the qualifications and satisfy all pre-service and continuing education requirements of Sup.R. 48.04 and 48.05 and any local court rules governing Guardian ad Litem. A GAL shall do both of the following:

1. Meet the qualifications for Guardian ad Litem for each court and promptly advise the court of any grounds for disqualification or any issues affecting the ability to serve.
2. Provide the court documentation indicating compliance with pre-service and continuing educational requirements so the court may maintain the files required pursuant to Sup.R. 48.07. The documentation shall include information detailing the date, location, contents, and credit hours received for any relevant education.

D. Duties of the Guardian ad Litem

Unless specifically relieved by the court, the duties of a GAL shall include, but are not limited to, the following:

1. Become informed about the facts of the case and contact all relevant persons.
2. Observe the child with each parent, foster parent, guardian or physical custodian.
3. Interview the child, if age and developmentally appropriate, where no parent, foster parent, guardian, or physical custodian is present.
4. Visit the child at the residence or proposed residence of the child in accordance with any standards established by the court.
5. Ascertain the wishes and concerns of the child.
6. Interview the parties, foster parents, guardians, physical custodians, and other significant individuals who may have relevant knowledge regarding the issues of the case. The GAL may require each individual to be interviewed without the presence of others. Upon request of the individual, the attorney for the individual may be present.
7. Interview relevant school personnel, medical and mental health providers, child protective services workers, and court personnel and obtain copies of relevant records.
8. Review pleadings and other relevant court documents in the case.

9. Obtain and review relevant criminal, civil, educational, mental health, medical, and administrative records pertaining to the child and, if appropriate, the family of the child or other parties in the case.
10. Request that the court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the GAL deems necessary or helpful to the court.
11. Review any necessary information and interview other persons as necessary to make an informed recommendation regarding the best interest of the child.

E. Identification as GAL

A GAL shall immediately identify himself or herself as a GAL when contacting individuals and inform the individuals about the role of the GAL, including as an attorney if a dual appointment, the scope of appointment, and that documents and information obtained by the GAL may become part of court proceedings.

F. Confidentiality

A GAL shall make no disclosures about a case or investigation, except to the parties and their legal counsel, in reports to the court, or as necessary to perform the duties of a GAL, including as a mandated reporter. The GAL shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, and address where there are allegations of domestic violence or risk to the safety of a party or child. Upon application, the court may order disclosure of or access to the information necessary to challenge the truth of the information received from a confidential source. The court may impose conditions necessary to protect witnesses from potential harm.

G. Timeliness

A GAL shall perform responsibilities in a prompt and timely manner.

H. Record-keeping

1. A GAL shall keep accurate records of the time spent, services rendered, and expenses incurred in each case while performing the responsibilities of a GAL.
2. In allocation of parental rights and responsibilities cases, a GAL shall provide a monthly statement of fees and expenses to all parties.

3. A GAL shall file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment upon order of the court or upon the conclusion of those responsibilities.

I. GAL Reports

1. General report requirements:
 - a. A GAL shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall affirmatively state that responsibilities have been met and 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 recommendations and in accomplishing the duties required by statute, by court rule, and in the order of appointment from the court.
 - b. All reports shall include the following warning: “The GAL report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.”
 - c. Oral and written reports shall address relevant issues but shall not be considered determinative.
 - d. A GAL shall be available to testify at any relevant hearing and may orally supplement the report at the conclusion of the hearing.
 - e. A GAL may provide an interim written or oral report at any time.
2. GAL reports in abuse, neglect, dependency, unruly, and delinquency reports:
 - a. A GAL in abuse, neglect, and dependency cases and actions to terminate parental rights shall provide a written report to the court, unrepresented parties, and legal counsel not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. The court may alter the seven-day period as may be necessary for the administration of justice.

- b. A GAL in an unruly or delinquency case shall present an oral/verbal report at the disposition hearing, unless specifically requested to provide a written report.

- 9.03** The Court shall maintain a list of approved Guardians ad litem who are not volunteers through CASA/GAL of Miami County, Inc.
- 9.04** Prior to being placed on the approved list, the individual requesting approval shall submit a resume or information sheet stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of a GAL, submit to a civil background check and criminal background check through the Miami County Sheriff's Department and provide documentation that they have completed a pre-service training course as described below.
- 9.05** To remain on the approved GAL list, an individual must certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with continuing training requirement set forth below.
- 9.06** The Court Administrator or Chief Magistrate shall maintain files for all applicants and for individuals approved for appointment as GAL with the Court who are not volunteers through CASA/GAL of Miami County, Inc. The Executive Director of CASA/GAL of Miami County, Inc. shall maintain the files for all applicants and individuals appointed to serve as CASA/GALs with the Court. The Executive Director shall certify on an annual basis that records in conformance with this Local Rule and Superintendence Rule 48 are properly maintained.
- 9.07** In order to serve as a GAL, an applicant shall complete the training required by the Ohio Supreme Court set forth in Rule 48 of the Rules of Superintendence, including:
 - A. Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.
 - B. The length and type of pre-service training course is set forth by the Supreme Court of Ohio in Rule 48 of the Rules of Superintendence.
 - C. The length and type of the annual continuing education course is set forth by the Supreme Court of Ohio in Rule 48 of the Rules of Superintendence.
 - D. If a GAL fails to complete the continuing education course within any calendar year, that person shall not be eligible to serve as a GAL until this continuing education requirement is satisfied. If the person's gap in

continuing education is three calendar years or less, the person shall qualify to serve after completing a three-hour continuing education course offered under this rule. If the gap in continuing education is more than three calendar years that person must complete a six-hour pre-service education course to qualify to serve.

- E. The Court will conduct, at least annually, a review of its list to determine that all Guardian ad Litem are in compliance with the training and education requirements of Sup.R. 48 through 48.07 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve.

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

- A. If a motion for GAL is filed, it will be set for hearing before a magistrate.
- B. If the parties request a GAL for the first time during a pretrial conference, the Court will appoint the GAL agreed upon by the parties. One of the attorneys will prepare a Motion for GAL requesting the agreed upon GAL and a Magistrate's Order appointing the GAL.
- C. If the parties cannot agree on a GAL, a motion for GAL must be filed and the matter set for hearing. If it finds that appointment of a GAL is appropriate, the Court will appoint a GAL from the approved list with the appointment being on a rotating basis.
- D. For good cause shown, a GAL may be removed from their services. To remove a GAL, a party must file a motion which will be set for hearing.
- E. The Court may remove a GAL from the approved list for failure to abide by this rule or other just cause as deemed appropriate by the Court.
- F. Whenever feasible, the same GAL shall be reappointed for a specific child in any subsequent case in any court relating to the best interest of the child.

9.09 The Court Administrator or Chief Magistrate is designated as the contact person to accept and consider written comments and complaints regarding the performance of a GAL on the Court's approved list. The Executive Director of CASA/GAL of Miami County, Inc. is the contact person to accept and consider written comments and complaints regarding the performance of a CASA/GAL. All written comments and complaints shall be forwarded to the Court Administrator or Chief Magistrate for investigation. A copy of comments and complaints submitted to the court shall be provided to the GAL who is the subject of the complaint or comment. The Court Administrator or Chief Magistrate shall complete an investigation and forward a report to the Judge for consideration and appropriate action. Dispositions by the court shall be made promptly. The court

shall maintain a written record in the GAL's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject GAL of the disposition.

9.10 A GAL shall prepare a written final report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the GAL in reaching the guardian's ad litem recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

A. In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

1. All reports, written or oral, shall be used by the court to ensure that the GAL has performed those responsibilities required by section 2151.281 of the Revised Code.
2. Oral and written reports may address the substantive allegations before the court but shall not be considered as conclusive on the issues.
3. Unless waived by all parties or unless the due date is extended by the court, the final report shall be provided to the court, unrepresented parties and legal counsel no less than seven days before the dispositional hearing. Any other disclosure of this report must be approved by the Court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.
4. A GAL shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
5. A GAL also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.

B. In proceedings involving the allocation of parental rights and responsibilities or a grant of custody to a non-parent, the final report shall be provided to the court, unrepresented parties and legal counsel no less than seven days before the final hearing unless the due date is extended by the court. The court shall consider the recommendation of the GAL in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

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

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

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

10.01 When a complaint, counterclaim or a motion to determine paternity, establish or modify custody or any aspect of the allocation of parental rights and responsibilities is filed, the Petitioner or Movant shall file the original pleading, a memorandum or affidavit in support and the child custody affidavit with sufficient copies for all parties. The original pleading and supporting documents shall be attached by paperclip with copies stapled. Any complaint or motion that initiates or reactivates a case, but for visitation only matters, shall be accompanied by a completed, signed Title IV-D application. Pleadings shall be signed in accordance with Ohio Civil Rule 11. The matter will be set for a pretrial/uncontested hearing before a hearing officer at which time further hearings, referrals, investigations, assessments, etc. shall be discussed and scheduled. If service is complete on the opposing party and the opposing party fails to appear, personally or through counsel, an uncontested hearing shall take place.

10.02 Counsel filing a complaint, counterclaim or a motion to establish or modify custody or allocation of parental rights and responsibilities shall also file a notice of hearing that contains the following language:

"This matter has been scheduled for a pretrial hearing and uncontested hearing on _____, _____ at _____ .m. The parties, with or without counsel, shall be present on the above date on the Second Floor of the Safety Building, Troy, Ohio. Failure to appear may result in the dismissal of the matter or an uncontested hearing on the matter."

10.03 The Court shall not grant legal custody to any person who is not a parent unless the court is presented with a home-study regarding the proposed placement. This home-study must be performed by a licensed psychiatrist, psychologist, licensed independent social worker, public child placement agency, private child placement agency, or other professional as designated by this court. The party filing for third-party custody bears the expense of the home-study. The home study shall be provided to the court, unrepresented parties and legal counsel. no less than seven days before the dispositional hearing. Any other disclosure of this report must be approved by the Court. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration.

10.04 The Court may furnish and require the completion and filing of such forms as it deems necessary. Unless waived by the Court, no pleading shall be accepted for filing until the information requested in required forms is provided.

10.05 A proposed Judgment Entry or Entry Setting Hearing shall be submitted with all Motions. All Entries setting hearings shall specifically state all motions/matters to be heard at said hearing.

10.06 MOTIONS FOR EX PARTE EMERGENCY CUSTODY (NON-CPS)

- A. Temporary orders allocating parental rights and responsibilities, changing legal custody or establishing parenting time shall not be granted ex parte, or without hearing, except in the case of an emergency and only upon a showing from specific facts that such emergency exists.
- B. “Emergency” as used in this rule, for purposes of seeking ex parte orders allocating parental rights and responsibilities, changing legal custody, or establishing parenting time, means that there is an imminent or immediate risk of injury or damage to the health, safety, or welfare of the child who is the subject of the pleading which necessitates some action be taken to address the risk before the adverse party can be heard in opposition or a hearing may be conducted.
- C. Upon the filing of a motion for Ex Parte orders, the court will review the filing to determine if it is clear from the filing that the child is at immediate or imminent risk of irreparable harm unless immediate action is taken, and the moving party has also filed requesting a reallocation of parental rights and responsibilities or Motion for Third-Party Custody. Such motions for ex parte orders shall have supporting affidavits that clearly delineate the immediate or imminent risk or irreparable harm.
- D. Movant shall prepare and present to the Court a proposed order for the specific relief requested. The proposed Order may be altered by interlineations at the direction of the court and shall also indicate that the absent party may request a hearing on the continuing effects of the Ex Parte Order in writing within 10 days of the order.
- E. Testimony and evidence presented at the continuing effects hearing shall be limited to whether the Ex Parte Order was providently granted, whether there was basis for the extraordinary relief granted, whether the relief granted was consistent with the nature of the emergency which existed and which was presented as the basis for the Ex Parte Order, and whether the Ex Parte Order shall be continued in its entirety, in part, or vacated.

10.07 CHANGE OF RESIDENCE OF THE CHILD/NOTICE OF INTENT TO RELOCATE

If a custodial parent, non-parent legal custodian, or non-residential parent who has an existing child support and/or parenting time order intends to relocate, the relocating party must file a “Notice of Intent to Relocate” (Appendix 8) with the

Miami County Juvenile Clerk of Courts and mail a copy to the other parties and the child support enforcement agency.

LOCAL RULE 11 MANDATORY APPEARANCE

11.01 An entry of denial of felony delinquency charge(s) may be filed by the defendant's attorney on behalf of the child, but an appearance at an arraignment on said charge(s) is mandatory for the child and parent. In addition to accepting the child's plea of denial on the record at the arraignment, the Court will use the opportunity to also determine the necessity of placing the defendant in detention, on electronic home monitoring or on house arrest pending further hearing.

LOCAL RULE 12 CRIMINAL CHARGES AGAINST ADULTS

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

LOCAL RULE 13 BONDS AND RECOGNIZANCE

- 13.01** Appearance bonds for adults shall be fixed by the Judge or assigned Magistrate in each individual case upon arraignment, or at such other time as may be determined; the deputy clerks shall endorse on all warrants for the arrest of adults the amount of bond as may be provided by the Judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the Judge or assigned Magistrate.
- 13.02** Other bonds or recognizance to appear as may be provided by the Judge or assigned Magistrate shall be in the form as provided by the law, order of this Court, or other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.
- 13.03** The sufficiency of sureties shall be determined by the Judge or assigned Magistrate in each case; and when real property is offered as security by a surety, the Court shall require twice the value of said property that appears upon the county tax list maintained by the office of the County Auditor.

LOCAL RULE 14 CASE MANAGEMENT

Pursuant to Sup. R. 5, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Wherever possible, cases will be resolved in the shortest amount of time. The deadlines set forth by the Ohio Rules of Superintendence shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules. Case management conferences and pretrial conferences will be set if the judge or magistrate deems the same to be appropriate. Deviation from the established time frames is permissible to assure a just result.

14.01 DELINQUENCY, UNRULY, AND TRAFFIC CASES

- A. A detention hearing will be held not later than 72 hours, or the next court day, whichever is earlier, after a child is placed in detention.
- B. If the youth was not placed in detention, a summons will issue within three days of filing and an initial hearing will be set within 14 days of filing.
- C. Adjudication hearing shall be conducted within 60 days of filing of the complaint. Disposition shall be scheduled within 90 days of the filing of the complaint.

14.02 ABUSE, NEGLECT, DEPENDENCY PROCEEDINGS

- A. When a child is removed from the home on an ex parte basis, a hearing will be held the next court date or within 72 hours, whichever is earlier.
- B. When a private agency files a request for permanent commitment based on a permanent surrender, a hearing will be held within 30 days from the filing.
- C. In all other cases, a summons will issue within three days of filing and a hearing will be held no later than 14 days after the complaint is filed.
- D. An adjudicatory hearing will be held within 60 days of the complaint being filed.
- E. Disposition will occur no later than 90 days from the date a complaint was filed.
- F. Review hearings shall be scheduled as deemed necessary by the Court.
- G. An annual review hearing will be set at the time of disposition and shall be set for no more than thirty days prior to the expiration of the dispositional order

- H. A hearing on a motion for permanent custody shall be set within 120 days of the filing of the motion for permanent custody.

14.03 PARENTAGE, CUSTODY, VISITATION AND CHILD SUPPORT CASES

- A. If an ex parte emergency order was signed, a hearing will be set within 10 days.
- B. If a motion requesting emergency orders is filed but is not signed on an ex parte basis, a hearing will be set within 30 days.
- C. If temporary orders are not requested, a pretrial shall be set within 45 days of the filing of the complaint.
- D. Service of process will be sent within 3 days of the filing of the complaint and shall include a temporary orders hearing or a pretrial date, whichever is applicable, as well as a final hearing date.

14.04 TRAFFIC CASES (NON-WAIVERABLE)

- A. A summons shall issue within 5 days of filing.
- B. Arraignment shall be scheduled within 30 days of filing.
- C. Adjudicatory hearings shall be held within 60 days of filing.
- D. Dispositional hearings shall be held within 90 days of filing.

14.05 PRETRIAL CONFERENCES

The purpose of a pretrial conference shall be to identify those issues that are disputed and those which may be stipulated. Further hearings will be scheduled and discovery matters shall be scheduled.

A pretrial conference shall not be utilized as an alternative to motion hearings. The court will not issue substantive orders unless those orders are agreed to by all parties present. The court will not make findings of fact, however, may accept agreed findings of fact resulting from the pretrial.

Parties have the right to attend any conferences or hearings. All conferences or hearings with anyone acting pro se will be held on the record, unless held by telephone as set forth below.

Individuals entering the courtroom shall turn off all electronic devices such as cell phones, and tablets. An individual whose electronic device goes off during a hearing or conference may be subject to a \$50.00 fine.

Attorneys, parties, and all persons entering the courtroom shall conduct themselves in a courteous manner in the courtroom. Failure to do so may result in continuance of the hearing or removal from the courtroom. Pro se parties are required to familiarize themselves with the legal requirements for their case.

14.06 TELEPHONE APPEARANCE

The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in cases where such an appearance is permitted by these rules or Court order. To improve access to the courts and reduce litigation costs, the court may permit parties, to the extent feasible to appear by telephone at appropriate conferences, hearings, and proceedings.

A party may appear by telephone as indicated on the scheduling order or upon request made through the Juvenile Court Clerk's office.

14.07 VIDEO CONFERENCING

A proceeding conducted by video conferencing shall be conducted in the same manner as if the parties had appeared in person, and the jurist presiding over the matter may exercise all powers consistent with the proceeding.

If a matter is set for video conference hearing, it will be indicated on the hearing notice. If a party/attorney is scheduled for a different type of hearing but desires to appear by video conferencing, he/she may file an application with the clerk's office.

Anyone appearing via video conferencing shall ensure that he/she has the appropriate equipment and a quiet, private area in which to participate in the hearing.

In any proceeding conducted by video conference, the remote location(s) shall be considered an extension of the courtroom. The hearing officer's pronouncements, instructions, and rulings shall have the same force and binding effect as if all participants had been physically present in the courtroom.

An oath administered by the hearing officer to a witness, interpreter, or a party in a proceeding conducted by video conference shall have the same force and binding effect as if the oath had been administered to a person physically present in the courtroom.

The court will, to the extent it can, ensure the statements of participants are audible to all other participants and that the technology is working appropriately. If technology problems cannot be remedied, the court may continue the video conference.

In any proceeding conducted by video conference, an interpreter, who can see and hear the witness and other participants, may provide interpreter services without being physically present in the same locale as either the hearing officer or remote participants, provided such interpretative services can be done in a manner that will not interfere with the broadcast of the hearing. If simultaneous interpretation is to be provided, it may interfere with the broadcast. The court may determine other means to provide interpretation are more appropriate given the technological limitations.

14.08 In any matter set for telephone or video conference, if the court determines that a personal appearance is necessary, the court may continue the matter and require personal appearance of all or select individuals.

LOCAL RULE 15 DISCOVERY

- 15.01** "Open discovery" facilitates settlement and timely preparation of the issues in controversy. Information, documents and material in the custody, control or possession of one party that are discoverable under Rule 24 of the Ohio Rules of Juvenile Procedure or Rule 34 of the Ohio Rules of Civil Procedure where applicable, are considered an "open file" for the purpose of discovery by another party, subject to the limitations/protections of Juvenile Rule 24(B) or Civil Rule 26(C). Discoverable items include, but are not limited to, police reports, supplemental police reports, and a children's services agency case file (excluding the referral sources, third party investigation reports, foster parent records, adoption records, attorney-client privileged information and attorney work product). This broad discovery assists in arriving at the truth, expedites the hearing process, and may reduce the adversarial nature of the proceedings.
- 15.02** Discovery authorized by Juvenile Rule 24 or Civil Rule 34 shall proceed upon the written request of one party to another without a prior court order. The party from whom discovery is requested shall produce for inspection, copying, or photographing, the discoverable items to the requesting party as follows or as otherwise agreed by the parties or instructed by the Court:
- A. If the requested party is nongovernmental and represented by counsel, at the office of the attorney for the requesting attorney.
 - B. In parentage/URSEA/child support proceedings where the requested party is the Miami County Child Support Enforcement Agency, at the MCCSEA offices.
 - C. In delinquency/unruly/traffic cases where the prosecutor is the requested party, at the office of the Miami County Prosecuting Attorney.
 - D. In dependency, neglect, abuse cases where Miami County Children Services is the requested party, at the office of the Miami County Prosecuting Attorney.
- 15.03** When the discoverable materials are documents, any party may comply with a request for discovery by mailing accurate legible copies to the attorney of the requesting party or if unrepresented, to the party.
- 15.04** If discoverable items are physical evidence or other evidence that is not readily copied, then the items shall be made available to the requesting party for inspection, photographing or other copying.
- 15.05** Counsel is ultimately responsible for the production of the discoverable material.

15.06 Parties shall have a continuing duty to disclose additional discoverable information or material subsequent to compliance with the original request for discovery without the necessity of filing a new request for more current information.

LOCAL RULE 16 CONTINUANCES

- 16.01** The Court will not grant a continuance of any hearing without a timely written motion stating the reason for the request, and an attempt to gain approval of opposing counsel or *pro se* parties, along with their response.
- 16.02** A motion shall be considered timely if filed at least seven (7) days prior to the scheduled hearing date.
- 16.03** Continuances shall not be granted unless the party requesting the same can demonstrate an emergency or unanticipated circumstance, and only when imperative to secure fair treatment for the parties.
- 16.04** When a continuance is requested because a witness is unavailable at the time set for hearing, the Court may consider the filing of a deposition pursuant to Ohio Rule of Civil Procedure 30.
- 16.05** When a continuance is requested because counsel is scheduled to appear in another case on the same date and time, the case that was first set for hearing shall have priority. The Court will not consider any motion for continuance on this basis unless a copy of the conflicting assignment or an affidavit of counsel is attached.
- 16.06** The Court may waive these requirements for good cause.
- 16.07** All motions to continue shall be accompanied by a proposed Judgment Entry or Magistrate's Order granting/denying the same. If granted, counsel is requested to notify their client and opposing counsel immediately.

**LOCAL RULE 17 JURY DEMAND/JURY MANAGEMENT
PLAN**

- 17.01** The Court shall hear and determine all cases of children without a jury, except for the adjudication of a serious youthful offender complaint, indictment, or information in which trial by jury has not been waived.
- 17.02** Adults cited into juvenile court on misdemeanor charges will be tried by a hearing officer unless a jury demand is made pursuant to Ohio Crim. R. 23.
- 17.03** The “Jury Management Plan” of the Miami County Common Pleas Court, General Division, Local Rules is hereby adopted and incorporated herein by reference as if fully written.

LOCAL RULE 18 HOURS OF THE COURT

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

LOCAL RULE 19 COURT RECORDS/FILES

- 19.01** The inspection of Court records shall be governed by Juv. R. 32, Sup. R. 44 through 47, and ORC 2151.14.
- 19.02** All records not excluded from the term “case document” in Sup. R. 44(C)(2), and not otherwise deemed confidential by statute or rule, shall be contained in the Court’s official file and are presumed open to public access.
- 19.03** All records excluded from the definition of “case document” by Sup. R. 44(C)(2), or otherwise deemed confidential by statute or rule, and which are retained for use by the Court, shall be kept in the Court’s unofficial file. These records are not subject to public disclosure.
- 19.04** Counsel of record, and parties with leave of Court, may review select unofficial file reports in the Clerk’s office, for reasonable amounts of time. Absent specific permission from the Court, granted for good cause shown and under conditions set by the Court, copies or photos shall not be made, other than limited handwritten notes.
- 19.05** Attorneys wishing to investigate a matter prior to accepting the case may, upon notice of limited appearance filed on a pre-printed form provided by and filed with the Clerk, and with Court permission, review Court records as provided herein.
- 19.06** Reports, assessments and other documents maintained in the unofficial file may be admitted into evidence as a Court Exhibit and become part of the Court’s official file. Any party may call the individual who prepared the report, assessment or other document as on cross examination.

LOCAL RULE 20 MAGISTRATES

20.01 GENERAL PROVISION

Magistrates shall be appointed to hear all matters not otherwise acted upon by a judge of the Juvenile Division, including without limitation, delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, URESA, UIFSA, and determination of parentage matters and any other matters as referred by a judge of the Juvenile Division. A magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure.

20.02 MOTIONS TO SET ASIDE MAGISTRATE'S ORDER

- A. Motions to set aside a magistrate's order must state with particularity the reasons for the motion and be filed no later than 10 days after the magistrate's order was filed.
- B. The filing of a motion to set aside a magistrate's order does not operate as an automatic stay of that order.

20.03 OBJECTIONS

- A. Any party may file an objection to the magistrate's decision, stating the reasons for the objection with particularity, no later than fourteen days after the magistrate's decision is filed.
- B. Any party wishing to respond to the objection shall do so no later than ten days after the objection to the magistrate's decision is filed.
- C. Objections to a magistrate's decision **shall** be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is not available. Failure to request the transcript at the time of objections shall be considered a waiver of the request for a transcript. When an affidavit is submitted in lieu of a transcript the affidavit shall state the reason why a transcript is not available.
- D. A request for a transcript must be made concurrent [at the same time] with the filing of the objections and be made by filing a praecipe or request for the transcript with the clerk. Deposit of funds equal to the estimated costs of the transcript shall be made with the court reporter within five (5) days of the court reporter notifying the party of the estimated cost.

- E. Upon completion of all transcripts, the court reporter shall notify counsel for all parties in writing and file the transcript with the clerk. If either counsel wishes to review or copy the transcript it may be obtained from the clerk for that purpose.
- F. If the basis for the objection is not an issue of fact, the party filing the objection may 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.
- G. Objections shall be made with specificity or particularity per Juv. R. 40.
- H. The timely filing of an objection to the magistrate's decision operates as an automatic stay of execution of the decision until the Court disposes of the objection.
- I. For good cause shown, the Court may extend or modify the timetable set forth herein upon written request of either party.
- J. Objections shall in all other manners conform with all of the provisions of Ohio Rules of Juvenile Procedure 40.
- K. Unless the Court otherwise orders, objections will be ruled upon without oral hearing or argument.

LOCAL RULE 21 TRIALS/HEARINGS

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

LOCAL RULE 22 CONTEMPT MOTIONS

- 22.01** Specificity: All motions for a party to appear and show cause why he or she should not be held in contempt of a prior court order shall contain the specific facts or must be accompanied by an affidavit setting forth the specific facts forming the basis for the motion. Upon filing the Motion for Contempt/Show Cause, the clerks shall issue a Notice and Summons to Appear based on Instructions for Service (Praecipe).
- 22.02** Service: Motions for contempt shall be served pursuant to Ohio Rule of Civil Procedure 4 through 4.6; provided that, when imprisonment is sought as a sanction, the responding party shall be served by personal service.
- 22.03** Pursuant to Ohio Revised Code, attorney fees in contempt actions shall be awarded if the defendant is found in contempt, and in the absence of particular testimony at hearing set for that purpose, attorney fees are deemed reasonable, nominal, in the amount of \$500.00, or otherwise determined at hearing if requested.
- 22.04** If the moving party requests fees in excess of \$500.00, there must be testimony from a properly qualified expert witness as to the reasonableness of the request.

LOCAL RULE 23 MEDIATION

23.01 Uniform Mediation Act and Definitions - The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently-used definitions include:

- A. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- B. “Mediator” means an individual who conducts a mediation.
- C. “Mediation Communication” means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- D. “Nonparty participant” means a person other than a party or mediator that participates in a mediation.

23.02 Cases Eligible for Mediation

- A. General: The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
- B. Exceptions: Mediation is prohibited in the following:
 - 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 protection order; and,
 - 4. In determining the penalty for violation of a protection order.

Nothing in this division shall prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the

provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

23.03 Confidentiality- Except as provided in R.C. 121.22 and 149.43, 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.

By participating in mediation, a nonparty 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 nonparty participant shall have the same rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

23.04 Referral to Resources- The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, and substance abuse and mental health services.

23.05 Counsel shall be present at Mediation unless Waived by the Party -Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a "waiver of counsel at mediation" form prior to participation in mediation. Waivers may be rescinded at any time.

23.06 Referrals to Mediation- The judge or magistrate may refer or order a case to mediation at any point in a case. 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 a referral to mediation on the record.

23.07 Notification of Mediation- The mediator shall file notice to the court that mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.

23.08 Mediator Training and Education - A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

23.09 Mediator Selection and Assignment - The following methods may be used to select a mediator for the case:

- A. The court may assign a court mediator to mediate;
- B. The court may randomly assign a mediator to the case from the court's roster of approved mediators;
- C. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case;
- D. Parties may select a mediator from the court roster, if any; and
- E. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in section five above.

23.10 Procedures - In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.

A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

23.11 Party/Nonparty Participation - Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.

Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their

counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

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

23.13 Stay of Proceedings - Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order.

Only the following documents may be filed while a mediation stay is in effect:

- A. Motion to lift the mediation stay;
- B. Response to a motion to lift mediation stay;
- C. Motion or stipulation to dismiss the case; and
- D. Notice related to counsel.

23.14 Continuances - It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, then the request shall be made to the mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

23.15 Fees and Costs - The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive fees and costs for an indigent party. Mediation shall not be ordered when a party is indigent, unless the mediation is available at no cost to the party.

23.16 Attendance; Sanctions - If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions, which may include, but are not limited to, the award of attorney's fees

and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

23.17 Evaluation, Comments, and Complaints - It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely, flexible, and maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints or feedback regarding the performance of mediators receiving referrals from the court.

LOCAL RULE 24 COURTROOM DECORUM

- 24.01** Any person entering the Juvenile Court, or any other facility controlled, operated, or occupied by the Juvenile Court, is subject to search. No person carrying a bag, backpack, or parcel shall be permitted to enter or remain in any such location or facility without first, if requested by Juvenile Court and/or Security Personnel, submitting such item for inspection.
- 24.02** Proper decorum and conduct in Court is necessary for the administration of the Court's business. Proper conduct includes adhering to common principles of civility and respect.
- 24.03** Parties are advised to refrain from bringing minor children who are not a part of the proceedings to Court, as they may not be allowed into the courtroom and cannot be left unsupervised in the hallway.
- 24.04** All persons entering the Court shall dress in appropriate clothing. The following are not appropriate: revealing attire, clothing with obscene or derogatory language or pictures, bare feet. Anyone not properly attired may be excluded from the hearing, or the Court may order that the hearing not go forward.
- 24.05** Food, beverages and the use of cell phones and other electronic devices is prohibited in the courtrooms unless authorized by the Court.
- 24.06** Persons committing any violation of proper conduct may be removed from the Juvenile Court by security personnel and may be subject to a finding of contempt.
- 24.07** Attorneys practicing in Juvenile Court shall appear in professional attire and conduct themselves in accordance with the Supreme Court of Ohio's Statement on Professionalism, A Lawyer's Creed, and A Lawyer's Aspirational Ideals. All Attorneys must be in good standing according to the Rules of the Supreme Court of Ohio.

LOCAL RULE 25 SANCTIONS

- 25.01** The Court may order sanctions or take other appropriate measures when an attorney or party unnecessarily causes undue delay or conflict or fails to abide by these Rules or the Ohio Rules of Civil, Criminal and Juvenile Procedure. Sanctions that may be imposed include, but are not limited to, the following:
- A. A case may commence without counsel or a party, be continued, or be dismissed, as the Court deems appropriate.
 - B. The Court may order security personnel to remove persons in violation from the courtroom, hallway, or building.
 - C. The Court may impose fines and/or incarceration pursuant to a finding of contempt.
 - D. The Court may order the non-complying attorney or party to reimburse court costs or attorney fees to the aggrieved party.
 - E. The Court may remove an individual from the list of those eligible for appointment as counsel or GAL.

**LOCAL RULE 26 APPEARANCE, WITHDRAWAL OR
SUBSTITUTION OF COUNSEL**

- 26.01** The right of all parties to be represented and retain counsel of their own choosing is implicit in the law and fully recognized by the Court. Indigent parties may be appointed counsel as provided in the Ohio Revised Code and Ohio Rules of Juvenile Procedure. Court employees shall maintain a neutral and impartial position and shall not function as advocates or adversaries. Court personnel shall not indicate that counsel is or is not necessary in any particular case, and shall not recommend any specific attorneys.
- 26.02** Any attorney who is retained by a party in any proceeding pending in this Court shall enter an appearance as counsel of record within forty-eight (48) hours of being retained, or as soon as possible prior to the next scheduled hearing. Said appearance of counsel shall be filed with the Court and served upon all parties or attorneys of record.
- 26.03** It is contemplated that counsel who have entered an appearance in the case will remain in the case until it is concluded.
- 26.04** Counsel for any party may be permitted to withdraw from an action:
- A. Upon written motion with the written consent of the client and the entry and appearance of substitute counsel, if any; or
 - B. Upon written motion showing good cause, as defined in Ohio R. Prof'l. Cond. 1.16, with a proper certification that counsel has notified the client of all subsequent hearing dates and the necessity for attendance at those hearings, and has notified both the client and opposing counsel or *pro se* party of the withdrawal; and
 - C. The Court grants said motion, summarily or after hearing.
- 26.05** Except for extraordinary circumstances, no attorney shall be permitted to withdraw from a case later than twenty (20) days prior to trial or any dispositive hearing.
- 26.06** Substitution of counsel shall be by written notice filed with the Clerk and proper certification to all parties and attorneys of record.

LOCAL RULE 27 INACTIVE CASES

- 27.01** It is the responsibility of the party seeking action or relief in Juvenile Court to secure service of process upon the respondent or defendant in accordance with the Ohio Rules of Civil Procedure and Ohio Rules of Juvenile Procedure, in a timely manner.
- 27.02** The Prosecutor is responsible for service of process in all cases involving delinquency, unruliness, traffic offenses, and adults charged with criminal acts. If there is an initial failure of service, notice will be provided to the Prosecutor, who will be expected to attempt to perfect service within time guidelines set by the Juvenile Court in accordance with the Ohio Supreme Court.
- 27.03** If the Prosecutor is unable to perfect service within the allotted time, or further proceedings are not possible, the case will be placed on inactive status and considered closed for statistical purposes. Cases to which this rule is applicable shall include those in which the defendant or juvenile is not presently competent to stand trial, is confined in an institution and unable to be transported to Court, has not been served, or cannot be found. A case shall be removed from inactive status when the defendant or juvenile is available and proceedings resume or when the case is dismissed.
- Diversion cases shall also be placed on inactive status. When Diversion is terminated due to non-compliance, the case will be removed from inactive status and the case will proceed through formal prosecution.
- 27.04** A list of inactive cases shall be periodically prepared and presented to the Prosecutor, who shall file a report with the Judge on the status of the inactive cases or shall dismiss those cases.
- 27.05** If the movant in civil cases is unable to perfect service within six months of filing, the case will be dismissed without prejudice, without further hearing.

LOCAL RULE 28 EX PARTE COMMUNICATION

- 28.01** No individual shall discuss the merits, either orally or in writing, of any litigation with any Judge or Magistrate presiding over the matter without the presence of opposing counsel or the party, if not represented.
- 28.02** All unsolicited written communication received by the court shall be returned with notice to parties or their attorney.

LOCAL RULE 29 ACCESS TO JUVENILE COURT PROCEEDINGS

29.01 The policy of this rule is to provide a just, fair, equitable and impartial adjudication of the rights of litigants, allow an opportunity for media coverage of Court proceedings to facilitate the free flow of information to the public concerning the judicial system and to foster better public understanding of the administration of justice. This rule is to be construed as requiring the court to balance all interests involved to maintain the confidentiality, dignity, decorum and impartiality of the court proceeding, while at the same time providing public access allowed by law.

29.02 The policy's aim is to ensure that: (1) the media and public are accommodated to the best of the court's abilities, (2) an appropriately dignified atmosphere prevails at Court so that other trials and proceedings are not adversely impacted, (3) all security measures have been taken to ensure the safety and well being of court staff, parties, attorneys, media representatives, and public, and (4) all activities associated with these cases be in conformance with all applicable laws.

29.03 Definitions:

For purposes of this rule:

A. "Media" or "Media Agency" means any person or organization actively engaging in professional news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

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

29.04 Hearings governed by the Ohio Rules of Juvenile Procedure are neither presumptively open nor presumptively closed to the public or the media.

29.05 Any party to a juvenile court proceeding who wishes to have a hearing closed to the media and/or the public shall file a Motion requesting closure. *State ex rel. Plain Dealer Publishing Company v. Floyd*, 2006-Ohio-4437. Motions requesting closure of the proceeding to the media and/or public must be filed at least seven (7) days prior to any hearing for which closure is sought. The seven (7) day requirement may be waived at the discretion of the Judge or Magistrate for good cause shown. The Motion will be set for hearing no earlier than forty-eight (48) hours after filing, unless the immediacy of the proceeding requires variance from this standard. The public and the media have a right to present evidence of a countervailing right to attend the proceeding at issue.

- 29.06** The Juvenile Court may restrict media and/or public access to its proceedings if the Court finds all of the following:
- A. There exists a reasonable and substantial basis for believing that public/media access could harm or endanger the fairness of the adjudication;
 - B. The potential for harm outweighs the benefits of public access; and
 - C. There are no reasonable alternatives to closure.
- 29.07** All Motions for Closure, Notice of Hearing on said Motions and written Decisions on said Motions shall be available for public inspection upon request at the Juvenile Clerk's office during court hours.
- 29.08** In all cases, media/public access shall be limited in accordance with Local Rule 30 and Rule 12(A) of the Rules of Superintendence for the Courts of Ohio.

**LOCAL RULE 30 AUDIO AND/OR VIDEO RECORDING OR
BROADCAST OF JUVENILE
COURTPROCEEDINGS**

30.01 In accordance with Rule 12(A) of the Rules of Superintendence for the Courts of Ohio, motions for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the ruling shall be made part of the proceedings. Motions shall be filed within a reasonable time before any scheduled proceeding. A hearing shall be held on said Motion.

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

30.03 Permissible Equipment and Operators

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

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

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

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

30.04 Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside of the court and must be made without imposing on the hearing officer or court personnel. If disputes arise over such arrangements, the hearing officer shall exclude all contesting representatives from the proceedings.

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

- 30.06** Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about the room during the proceedings from the places they have been positioned by the hearing officer, except to enter and leave the courtroom.
- 30.07** The changing of film or recording tape in the courtroom during the proceedings is prohibited.
- 30.08** The hearing officer may impose limitations on media actions as deemed appropriate for a given case. The following are limitations that are in force in all situations:
- A. There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and client or co-counsel or conferences conducted at the bench between the hearing officer and counsel.
 - B. The hearing officer shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed. Any objections shall be honored by the media.
 - C. There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors.
 - D. No media representative or agency shall report the name of the accused child or otherwise identify the child or the child's family.
 - E. No media representative or agency shall report the name of any victim if the victim is under the age of eighteen (18) years, nor shall they otherwise identify the victim or the victim's family.
 - F. No information shall be published relative to the child's social history, personal or educational background, or mental or physical condition, or that of the child's family, without prior authorization by the Court.
 - G. If any audio or visual recording is to be made, the voices and faces of anyone under age eighteen (18) will be distorted, or blacked out, so that identification is impossible.
- 30.09** All media representatives and agencies must arrive at the hearing room prior to commencement of the hearing and present proper identification and sign in. A media representative's signature indicates agreement to abide by the above provisions and any others determined on a case by case basis by the Judge or hearing officer.
- 30.10** Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order imposing appropriate sanctions, including, without limitation, terminating media

coverage, barring the particular person or agency from access to future electronic media coverage of proceedings in that courtroom for a defined period of time, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

- 30.11** This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.
- 30.12** Any future amendments to Rule 12(A) of the Rules of Superintendence for the Court of Ohio are incorporated herein and, to the extent that such amendments conflict with this rule, they shall take precedence.

LOCAL RULE 31 RESTRAINTS

- 31.01** A child will only appear at a court hearing in physical restraints if the Court has made the individualized determination that there is no less restrictive alternative to the use of physical restraint and that the physical restraint is necessary because of either of the following:
- A. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
 - B. There is a significant risk the child will flee the courtroom.
- 31.02** If the Court finds that physical restraints are necessary, they shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
Any party to the case may be heard on the issue of restraints.

LOCAL RULE 32

SECURITY POLICY AND EMERGENCY PREPAREDNESS MANUAL

32.01 The Court finds that the Rules of the Superintendence of Ohio require all courts to have a Security Policy and an Emergency Preparedness Manual. That the Miami County Common Pleas Court General Division and Juvenile/Probate Courts Security Committee adopted the Miami County Common Pleas Courts General & Juvenile/Probate Security Policy and Procedure Manual and Emergency Preparedness Manual.

LOCAL RULE 33 ELECTRONIC TICKETS

33.01 The Court permits the use of a traffic ticket that is produced by computer or other electronic means, provided that the ticket conforms to, in all substantive respects, including layout and content, to the “Ohio Uniform Traffic Ticket.” The provisions to this rule relative to the color and weight of paper and method of binding shall not be applicable to any ticket that is produced by a computer or other electronic means.

33.02 Any ticket produced by computer or electronic means may be filed by electronic means. If any electronic or computer generated ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket. A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued.

LOCAL RULE 34 TECHNOLOGY PLAN

- 34.01** In accordance with Superintendence Rule 5 (E), the Court shall adopt and maintain a court technology plan which will include:
- A. A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
 - B. Identifies how the public is to get information on how to use the technology solutions implemented by the court or division.
- 34.02** This plan will be available from the office of the Clerk of Court and posted on the Court's website at [Local Rules of Procedure/Appendices/Parenting Schedules](#)

**LOCAL RULE 35 JUVENILE TRAFFIC VIOLATIONS
BUREAU**

35.01 There is hereby established a Juvenile Traffic Violations Bureau to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as presented herein. A person charged with being a Juvenile Traffic Offender by reason of a violation which does not require a mandatory appearance pursuant to this Rule may elect to proceed without a court appearance under the following procedures.

35.02 The Judge of the Juvenile Division of the Miami County Court of Common Pleas shall serve as violations clerk and shall appoint deputy clerks to conduct the business of the Juvenile Traffic Violations Bureau as needed.

35.03 Pursuant to Ohio Traffic Rules 13, 13.1 and Rules 1, 2, 9(a), 22 and 29(F)(2)(a) of the Rules of Juvenile Procedure, the Court will accept a waiver of appearance and entry of plea of admission in writing, and acceptance of predetermined disposition for certain juvenile traffic offenders who meet the following criteria:

- A. The alleged juvenile traffic offender is a juvenile aged fifteen, sixteen or seventeen at the time of offense; and
- B. The offense is a first traffic offense for the juvenile; and
- C. The offense is minor, i.e., a violation involving the assessment of two or fewer points by the Bureau of Motor Vehicles, per O.R.C. §4510.036.
- D. If the offense is for speeding, the speed alleged is not greater than twenty miles per hour above the posted speed limit, nor an offense of speeding in a school zone;
- E. The offense does not allege operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- F. The offense does not allege operating a motor vehicle without an operator's license or under a suspended license;
- G. The offense does not allege failure to stop for a school bus;
- H. The offense does not involve a traffic accident or leaving the scene of an accident;

- I. The offense does not involve willfully eluding or fleeing a police officer;
- J. The offense does not involve the use of an electronic wireless communication device while driving.

35.04 The Court may, in its discretion and upon a case-by-case basis, determine that a juvenile traffic offense otherwise eligible should not be disposed of by said Violations Bureau, or may schedule all juvenile traffic cases for hearing.

35.05 If the citation alleges an offense which falls within the above criteria, the deputy clerk will enclose with the mailed notice of hearing, a waiver of appearance and plea of admission form which includes the possible disposition of the proceedings if held without hearing. Upon receiving said forms, and at any time prior to the scheduled hearing, the juvenile may elect to proceed without a court appearance, but must do one of the following.

A. Appear in person with a parent, guardian or custodian at the Traffic Violations Bureau, Miami County Juvenile Court Clerk's Office, 2nd Floor, 201 W. Main St., Troy, Ohio, during normal business hours, sign a waiver of hearing and plea of admission to the allegations set forth in the complaint, and pay the total amount of the fine and costs. PLEASE NOTE: ACCESS TO APPEAR IN PERSON MAY BE RESTRICTED BY COURT ORDER ISSUED IN RESPONSE TO AN EMERGENCY.

OR:

B. Sign and return the waiver of and admission form to the Violations Bureau by regular mail at the address above or by email at: juvenilefile@miamicountyohio.gov and pay the total amount of the fine and costs by check, money order or credit/debit card. The waiver and admission form MUST also be signed as approved by the parent, guardian, or custodian.

35.06 If not indicated on the citation, proof of insurance must be shown at the time of signing the waiver and admission in person, or a copy of the insurance card must be included with the returned forms.

35.07 The juvenile and parent, guardian or custodian MUST appear for the scheduled court hearing if 35.04 (A) or (B) (above) is not completed prior thereto. Failure to do so could result in additional costs for service by sheriff, or the filing of contempt charges against the juvenile and/or parent, guardian or custodian.

35.08 Fines and court costs for all cases processed by the Violations Bureau shall be paid in accordance with the Traffic Schedule of Fines and Costs on file with the Clerk of the Juvenile Court and posted on the Court's website.

35.09 All admissions and dispositions processed through the Violations Bureau shall be promptly reported to the Bureau of Motor Vehicles and will become part of the juvenile's driving record. AS a result, points may be assessed by the Court per O.R.C. §4510.36.

LOCAL RULE 36 LANGUAGE INTERPRETER

- 36.01** Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with the Ohio Rules of Superintendence 80-88.
- 36.02** Any person serving as counsel for any party, as GAL, or in any other official capacity on any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no instance shall the need for interpretive services be communicated to the court less than seven (7) days prior to the hearing or trial at which the interpreter is needed.

LOCAL RULE 37 TRUANCY

37.01 All complaints regarding school attendance against a juvenile and/or parent/guardian filed with the Miami County Juvenile Court shall comply with O.R.C. 3321.16.

37.02 Prior to filing, the Miami County Juvenile Prosecutor shall review all potential filings to ensure that all of the required paperwork is attached to the complaint and to ensure that each of the requirements of O.R.C. 3321.16 have been met.

37.03 All truancy complaints must include the following:

- A. A completed Miami County Truancy Complaint Checklist, which includes all of the following:
1. The names, titles/position, address and telephone number of all members of the Absence Intervention Team.
 2. A brief description of the relationship each of these team members have with the student, specifically the team member who has personal knowledge of the child. O.R.C. 3321.191(2)(d)
 3. The name, title/position, address, and telephone number of the person who made three (3) or more **meaningful, good faith attempts** to secure the participation of the parent/guardian/custodian or designee in the Absence Intervention Team, and a description of the attempts made.
 4. Whether or not Miami County Children's Services was contacted upon failure of the parent/guardian/custodian and/or designee to respond to the meaningful, good faith attempts to secure participation in the Absence Intervention Team.
 5. How, when, and by whom the Absence Intervention Plan was delivered to the parent/guardian/custodian.
 6. The attendance officer who is a member of the Absence Intervention Team and any other individual(s) to be notified and present for all court appearances.
- B. An accurate and legible notarized and signed, sworn complaint.

- C. Supporting documentation of how the prerequisite requirements were met (or documentation demonstrating the school is exempt from such requirements) including:
1. A copy of the absence warning letter issued to the parent/guardian/custodian when the student met the threshold of excessive absenteeism;
 2. An accurate and legible copy of the juvenile's present year-to-date attendance record showing the date and number of hours of absences without legitimate excuse;
 3. A full, dated copy of the Absence Intervention Plan, including any updates;
 4. A narrative detailing any participation and/or progress that was made by the student prior to the filing of the complaint.
- D. If the student is a virtual student, a copy of his/her log in history, including times and duration, and percentage of course completion shall be attached to the complaint.

37.04 Filing an incomplete Complaint and/or failing to provide the required documentation as set forth above shall result in the rejection of the complaint by the Miami County Juvenile Prosecuting Attorney.

37.05 DEFINITIONS

- A. **Absence Intervention Plan:** pursuant to O.R.C. §3321.191(C)(2)(a), a plan created by the Absence Intervention Team in an effort to reduce or eliminate further absences. Each plan shall vary based upon the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication. **The purpose of the absence intervention plan is to identify and address a student's unique barriers to attendance. Collaboration with community resources is encouraged and should be a part of the plan. Any agency referrals should be noted on the plan to ensure that the court does not duplicate those services already in place.**

- B. **Absence Intervention Team:** pursuant to O.R.C. 3321.191(C)(2)(a)-(c), a group assembled to develop an absence intervention plan for a particular student in an effort to reduce or eliminate further absences. The team shall be composed of members based upon the needs of each individual student, but must include:
1. A representative from the child's school district or school;
 2. Another representative from the child's school district or school **who knows the student;**
 3. Child's parent/guardian/custodian or designee, GAL, or temporary custodian;
 4. May also include school psychologist, counselor, or social worker, or a representative from a public or nonprofit agency designed to assist students and families in reducing absences.
- C. **Attendance record:** a list that delineates the date and hours of attendance and absences each day, and whether each absence was with or without legitimate excuse.
- D. **Complaint:** an accurate, legible, notarized and signed filing alleging that a juvenile and/or a parent/guardian/custodian has violated Ohio's school attendance laws; to be submitted with Miami County Juvenile Court Truancy Checklist packet, completed in full.
- E. **Meaningful, good faith attempts:** more than one method designed to effectuate actual notice to parent/guardian/custodian. Examples include, but are not limited to, personal delivery, leaving notice at residence in a conspicuous place, certified mail, regular mail, email, and telephone call.
- F. **Narrative:** a written account of events, in sequence, detailing all action taken.

LOCAL RULE 38 DIVERSION

- 38.01** Pursuant to Ohio Juvenile Rule 9, informal intake conferences may be conducted in lieu of formal actions for certain delinquency and status offense cases.
- 38.02** In a delinquency or unruly matter, if the best interests of a child and of the public require, the matter may be referred to diversion, in lieu of formal court proceedings. The charge will be filed with the Juvenile Clerk and upon acceptance into the Diversion program, the formal case will be placed on inactive status.
- 38.03** In order to participate in the Diversion program, the youth must meet the program requirements. This includes but is not limited to consideration of the nature of the referred charge, the individual's previous involvement with the court, and the willingness of the youth and his/her parent or legal guardian to meet the program requirements. Additionally, although no formal finding or recording shall result, to be eligible for diversion, the juvenile must admit to the operative facts supporting the complaint.
- 38.04** Successful completion of the Diversion program requirements will result in the closure of the underlying charge without a formal finding of unruly or delinquency.
- 38.05** Upon unsuccessful termination from the Diversion program the underlying charge shall be removed from inactive status and formal Court proceedings shall be scheduled.

**LOCAL RULE 39 COMMUNITY CONTROL, SUPERVISION &
TEMPORARY ORDERS**

- 39.01** The Court may place any child who has been adjudicated a juvenile delinquent, an unruly child, or a juvenile traffic offender on community control (probation supervision) to the probation department. The child shall be placed on community control/probation supervision at a dispositional hearing pursuant to Ohio Juvenile Rule 34.
- 39.02** In most cases prior to disposition, the juvenile will undergo a risk assessment with the probation department to determine the level of probation supervision that is in best interest of the child and the community. There are instances in which a juvenile may be placed on probation supervision/community control first, however, all youth will undergo a risk assessment as soon as practical.
- 39.03** The terms of community control/probation supervision will be in writing and the youth and parent/legal guardian shall review and sign the rules which indicates they understand and agree to adhere to them.
- 39.04** Temporary orders pursuant to Ohio Juvenile Rule 13 regarding community control may be imposed after adjudication but before disposition. These orders may include Electronically Monitored House Arrest, Trust House Arrest, drug screens, compliance with counseling recommendations, drug and alcohol assessments, etc. The probation department shall monitor these cases and ensure compliance before official disposition of the case. These temporary orders may be imposed to protect the welfare, interest, and safety of the juvenile and the community.

LOCAL RULE 40 REPORTING TO LAW ENFORCEMENT & COMPLIANCE PLAN

40.01 PURPOSE

This rule establishes the Miami County Court of Common Pleas, Juvenile Division’s plan for the complete, accurate, and timely submission of required information, including fingerprints, case dispositions, protection orders, and specified traffic violations—into law enforcement databases, as mandated by Sup.R. 5(F).

40.02 DEVELOPMENT AND REVIEW

This plan was developed in collaboration with the Clerk of Court and relevant justice partners. The plan shall be reviewed and updated at least once every three years or as otherwise required by law.

40.03 PROCEDURES AND TIMELINES

1. Fingerprints

- The court shall inquire at both the initial appearance and at juvenile disposition whether fingerprints have been obtained, as required by law.
- If fingerprints have not been obtained, the court shall order the individual to appear before the appropriate law enforcement agency within 24 hours for fingerprinting, or shall collect fingerprints at sentencing as necessary.
- Fingerprints shall be submitted to the Bureau of Criminal Investigation (BCI) and promptly entered into the state’s computerized criminal history repository within five (5) business days.
- Compliance is required with Revised Code sections 109.57(A)(2), 109.60(A), 2151.311, 2151.313, 2152.71(A)(2), 2929.44(B), 2945.402(E)(1), and 5122.311(A); Superintendence Rule 95(C); and Criminal Rule 9(A).
- When fingerprints are ordered the judicial officer will use the pink order form developed by the Miami County Sheriff which identifies the location and address where the fingerprints will be taken.
- The court shall implement checks and procedures to ensure that all records submitted are complete and accurate to facilitate reliable background checks and audits.
- The court designates Assistant Chief Deputy Clerk and, in their absence, the Chief Deputy Clerk as the party responsible to oversee compliance, coordinate with justice partners, conduct periodic reviews, and facilitate necessary training for court staff. A spreadsheet shall be developed and placed on the central drive [T:drive] indicating names, case numbers, and dates of compliance with each step.

2. Reporting Protection Orders

- Procedures shall be implemented to guarantee that all required protection orders are accurately reported to law enforcement as mandated by R.C. 2151.34, 2903.213, 2903.214, 2919.26, 3113.31, and Superintendence Rule 10(A) within 24 hours from the time of filing.

3. Reporting to Bureau of Motor Vehicles

- The court shall ensure that required information, as specified in R.C. 4510.03 and R.C. 4513.37, is reported to the BMV/Ohio Department of Public Safety weekly in a timely and accurate manner.

4. Completeness and Accuracy

- All procedures shall ensure the completeness and accuracy of records for auditing and background check purposes, including compliance with any state or federal audits.

40.04 AUDITING AND OVERSIGHT

The court will cooperate fully with audits by the Federal Bureau of Investigation, Bureau of Criminal Investigation, and state or local auditors as required.

40.05 EFFECTIVE DATE AND UPDATING

This Compliance Plan is adopted effective September 1, 2025. Updated versions shall be adopted as required but at least every three years or sooner if necessary.

40.06 TRAINING

Court staff shall receive appropriate training on these procedures to ensure consistent and accurate compliance with the requirements of this rule.

RULE 41 USE OF ARTIFICIAL INTELLIGENCE IN COURT SUBMISSIONS

41.01 PURPOSE AND SCOPE

This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the Miami County Court of Common Pleas Juvenile Division. It aims to ensure the ethical use of AI and maintain the integrity of evidence.

41.02 DEFINITIONS

Artificial intelligence (AI): Any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research.

AI-Assisted Material: Any document or evidence prepared with the assistance of AI technologies.

41.03 RESPONSIBILITY AND REVIEW

Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the court. Attorneys and/or parties must thoroughly review all AI-assisted materials to ensure they meet all legal and ethical standards. Use of AI does not absolve attorneys from their duty of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct. Any citation generated by AI must be verified by the attorney or party by actually reviewing the cited material and verifying its accuracy and that it is current authority.

APPENDIX 1

COURT COSTS - assessed at final disposition

Delinquency (Misdemeanor).....	\$110.00
Delinquency (Felony).....	\$141.00
Unruly.....	\$ 81.00
Traffic (Moving Violation).....	\$120.00
Traffic (Nonmoving Violation).....	\$ 91.00
Adult (Misdemeanor).....	\$110.00

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

FILING FEES - due at time of filing

Initial or original petition or complaint for paternity, allocation of parental rights and responsibilities or any issue related to paternity, custody, support of or visitation with a minor child..... \$135.00 PER CHILD

All subsequent filings in established civil cases, unless exempt (as explained in next paragraph) including, but not limited to, motions and petitions not of a procedural nature..... \$135.00 PER CHILD

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

APPENDIX 2
MIAMI COUNTY JUVENILE COURT
MODEL PARENTING TIME OPTIONS

PARENT 1: _____

PARENT 2: _____

FOR PARENTS TRAVELING UNDER 90 MILES ONE WAY:

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown.

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

PARENTING TIME BETWEEN THE CHILDREN AND THE PARENTS SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT IN ABSENCE OF AGREEMENT SHALL BE **(CHOOSE ONE OPTION)**

OPTION - STANDARD WEEKEND:

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)
2. **Weekdays:** Parent 1/Parent 2 (circle one) shall have one weekday evening per week from 5:00 p.m. to 8:00 p.m. which shall be Wednesday unless otherwise agreed. The parent exercising weekday evening parenting time shall be responsible for picking up AND returning the children for this parenting time. The other parent shall have the remaining weekday parenting time.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Parent 1	Parent 1	Parent 1	Parent 1 Parent 2 5 p.m. to 8 p.m.	Parent 1	Parent 1 Parent 2 6 p.m.	Parent 2
Week 2	Parent 2 Parent 1 6 p.m.	Parent 1	Parent 1	Parent 1 Parent 2 5 p.m. to 8 p.m.	Parent 1	Parent 1	Parent 1

OPTION - WEEKEND AND MIDWEEK OVERNIGHT:

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Monday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)

2. **Weekdays:** Parent 1/Parent 2 (circle one) shall have one weekday overnight per week from 6:00 p.m. until the next morning to school/day care or 8:00 a.m., whichever is applicable. This overnight shall be Wednesday unless otherwise agreed. The parent exercising weekday overnight parenting time shall be responsible for all transportation during this parenting time. The other parent shall have the remaining weekday parenting time.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Parent 1	Parent 1	Parent 1	Parent 1 Parent 2 5 p.m.	Parent 2 to school or 8 a.m. Parent 1	Parent 1 Parent 2 6 p.m.	Parent 2
Week2	Parent 2	Parent 2 Parent 1 6 p.m.	Parent 1	Parent 1 Parent 2 5 p.m.	Parent 2 to school or 8 a.m. Parent 1	Parent 1	Parent 1

OPTION - SPLIT WEEK & ALTERNATE WEEKENDS:

1. **Weekends:** Alternate weekends from Friday at 6:00 p.m. until Monday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)

2. **Weekdays:** Parent 1/Parent 2 (circle one) shall have parenting time with the children each Monday beginning at 6:00 p.m. until drop-off to school/daycare on Wednesday (or 6:00 p.m. if no school), Parent 1/Parent 2 (circle the other parent) shall have parenting time with the children from Wednesday after school (or 6:00 p.m. if no school) until drop-off to school/daycare on Friday (or 6:00 p.m. if no school).

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Parent 1	Parent 1	Parent 1	Parent 1 Parent 2 after school or 6 p.m.	Parent 2	Parent 2	Parent 2
Week2	Parent 2	Parent 2 Parent 1 6 p.m.	Parent 1	Parent 1 Parent 2 after school or 6 p.m.	Parent 2	Parent 2 Parent 1 after school or 6 p.m.	Parent 1

OPTION - WEEK ON/WEEK OFF:

1. The children shall reside equally with both parents on an alternating weekly basis. The children shall transition from one parent's residence to the other every Sunday at 6:00 p.m. unless the parties agree upon a different day and time.
2. The parent who is not exercising weekly parenting time shall be entitled to spend one weekday evening with the children from 5:00 p.m. until 8:00 p.m., which shall be Wednesday unless otherwise agreed. The parent exercising weekday evening parenting time shall be responsible for picking up AND returning the children for this parenting time.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Parent 2 Parent 1 6 p.m.	Parent 1	Parent 1	Parent 1 Parent 2 5 p.m. to 8 p.m.	Parent 1	Parent 1	Parent 1
Week 2	Parent 1 Parent 2 6 p.m.	Parent 2	Parent 2	Parent 2 Parent 1 5 p.m. to 8 p.m.	Parent 2	Parent 2	Parent 2

3. Extracurricular Activities: Regardless of where the children are living, their participation in agreed upon new, and existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.
4. Holidays: In odd-numbered years, Parent 1 has Martin Luther King, Jr. Day, Easter, Fourth of July, and Beggars' Night. In odd-numbered years, Parent 2 has President's Day, Memorial Day, Labor Day, Thanksgiving Day weekend, from Wednesday until Sunday. In the even-numbered years, the schedules are reversed.
 - a. If the parties cannot agree on times, the parent exercising holiday parenting time shall have from 10:00 a.m. the day of the holiday until 7:00p.m., except for Beggar's Night as observed in that parent's community. When the holiday falls on a Monday immediately following the parent who is exercising parenting time's regular weekend, that parent shall be entitled to keep the children continuously from 6:00 p.m. Friday to 7:00p.m. Monday. Weekend rotation remains the same after holidays.

- b. Mother's Day and Father's Day are to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 7:00 p.m. For same-sex parents, Parent 1 shall have the even-numbered designated day and Parent 2 shall have the odd-numbered designated day.
- c. The child's birthday shall always be spent with the Parent 1 in the even-numbered years and shall always be spent with the Parent 2 in the odd-numbered years. However, nothing herein should be construed to prevent a parent from delivering a gift or attending a party if it is otherwise appropriate, i.e., at a grandparent's after invitation. The parent exercising birthday parenting time must provide one week's notice of their intent to have visitation for a birthday.

If the parties cannot agree, the time is 10:00a.m. to 7:00p.m. for a child not in school on the birthday, and 4:00p.m. to 8:00p.m. for a child in school on their birthday. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to the weekend, holiday or vacation with the child. (Brothers and sisters shall be allowed to attend the birthday event.)

- d. For Winter Break, in all even- numbered years, Parent 1 shall have the child(ren) from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child(ren) are not in school), until 3:00 p.m. December 25 and Parent 2 shall have the child(ren) from 3:00p.m. December 25 through 6:00p.m. January 1. In all odd-numbered years, the reverse shall apply.
 - e. Other days of special meaning, such as Religious Holidays, parents' and children's birthdays, and other school days off shall be as determined by the parties. If the parties cannot agree, then the regular Weekday/Weekend parenting time schedule shall take precedence.
 - f. Parent 1/Parent 2 (circle one) shall have visitation for Spring Break from school, in alternate years, commencing in the calendar year after the decree or order is filed.
5. Summer: (Doesn't apply to Option: Week on/Week off) Commencing the first Sunday after the children are out of school, each parent shall exercise parenting time with the children in one week blocks of time with Parent 1/Parent 2(circle one) exercising the first one week block. The summer schedule commences the day after the children are out of school and continues until seven (7) days before school begins.
 6. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent shall schedule this vacation during his/her time during the summer (For parents with Option: Week on/Week off as their regular parenting time schedule, each parent may arrange either two one-week vacations to take place only during his/her time or they may arrange one two-week vacation using

one week of each parent's time, which shall only be permitted if a two-week vacation is scheduled). The vacationing parent shall notify the other parent and provide a general itinerary of the vacation to the other parent, including dates, locations, addresses, and telephone numbers, no later than thirty (30) days prior to the scheduled vacation. Holiday and birthday celebrations with either parent shall **not** be missed, requiring scheduling of the vacation around these events. If parenting time with the other parent is missed during vacation, there is no requirement that it be made up. Parents shall notify each other of their vacation plans by May 31 each year, and in the event of a conflict, Parent 1's schedule shall prevail in odd-numbered years; Parent 2's schedule shall prevail in even-numbered years.

7. Order of Priority: In the event of conflicting dates and times, the following order of priority shall take precedence: Holidays, Spring/Summer/Winter Breaks, Birthdays, Mother's/Father's Day, Vacations, Weekends, then Weekdays.

8. Communication:

- a. Children can communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means (e.g. text, Skype, FaceTime).
- b. In addition, the non-possessory parent shall be entitled to telephone or electronic (e.g. FaceTime, Skype) communication of reasonable duration with the children not fewer than three times per week.
- c. Neither parent shall excessively interfere with nor stop the telephone or electronic communication.

9. Transportation: With the exception of weekday overnight/evening parenting time, the parties shall divide the transportation equally. The parent who is exercising parenting time shall pick up the children. The parent exercising weekday evening parenting time shall be responsible for picking up AND returning the children for this parenting time. Unless otherwise ordered by the court or agreed by the parents, drop off/pick up shall be at the parents' respective homes, the children's school, or day care, whichever is applicable.

In Option for Split Week and Alternate Weekends, Parent 1/Parent 2 (circle one) is the parent responsible for picking up the children from school/day care on Monday afternoon and taking the children to school/day care on Wednesday morning, and Parent 1/Parent 2 (circle one) is responsible for picking the children up from school/day care on Wednesday afternoon and taking them to school/day care on Friday morning. The parent who has the weekend is responsible for picking up the children from school/day care on Friday afternoon and taking them to school/day care on Monday morning. The 6:00 p.m. time on exchange days only applies when a child is not attending school or day care on that day, and in that circumstance, the parent who is beginning their parenting time shall pick the children up from the other parent at 6:00 p.m. that day.

The parties may designate a licensed, insured driver known to the children to provide any of this transportation, if necessary.

10. Moving: Upon either parent learning that he/she will be moving, he/she shall immediately notify the other parent, but not less than sixty (60) days prior to the move except in those circumstances wherein notice is not required by R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.
11. Waiting: Neither parent shall be more than 30 minutes late picking up the children without notice to the other parent. If the non-possessory parent has not arrived to pick up the children within the 30 minute period and has failed to contact the possessory parent, parenting time may be forfeited in the possessory parent's discretion and shall not be required to be made up.
12. Cancellation: The non-possessory parent should give 24 hour notice to cancel. The time cancelled by the non- possessory parent is forfeited.
13. Illness: If a child is ill, the possessory parent should give 24 hour notice, if possible, so appropriate plans can be made to accommodate the child's illness. However, parenting time shall not be denied or forfeited based upon a child's illness unless it is pursuant to written orders by a licensed medical professional. If any parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or non-critical illness, then any missed parenting time shall be made up as provided in paragraph 14. All prescribed medication shall be exchanged between the parents.
14. Make-Up Parenting time: Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.
15. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address, home, cell and work telephone numbers, and a regularly accessible e-mail address at all times.
Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.
16. Car Seat: Every parent shall have and utilize a car seat and booster seat as required by law.
17. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

18. Pre-School Age: Unless otherwise agreed, pre-school age children follow the same schedule of school age children in the school district where they live regardless of whether or not other school age children live in the family. Frequent contact with both parents each week is recommended for very young children.

19. Infants (Birth to 12 Months): The court recognizes that parenting time with infants carries unique concerns because of the required skills of the parents and the needs of the child. It is important that both parents are able to observe, share, and participate in activities with the infant. When possible, it is encouraged that the non-residential or non-custodial parent have parenting time with the child that is shorter in duration but occurs more frequently. Unless otherwise ordered or agreed upon by the parents, the following schedule shall be utilized for children from birth through twelve months (except if the parties have an older child together, then the infant will follow the older child's parenting time schedule):
 - a. The non-residential or non-custodial parent shall have parenting time for a twenty-four hour period each weekend, from Friday at 6:00 p.m. to Saturday at 6:00 p.m. the first weekend; from Saturday at 6:00 p.m. until Sunday at 6:00 p.m. the second weekend, and alternating these time periods each weekend thereafter. Weekday parenting time shall be on Tuesday and Thursday from 5 p.m. until 8 p.m.
 - b. Holiday parenting time shall not be observed, except as follows: The non-residential or non-custodial parent shall have the child for Thanksgiving parenting time from Wednesday evening at 6 p.m. until Thursday evening at 8 p.m., Winter Break parenting time from 6 p.m. Christmas Eve to 6 p.m. Christmas Day in even-numbered years or 6 p.m. Christmas Day to 6 p.m. December 26 in odd-numbered years, Memorial Day and Labor Day weekends from 6 p.m. Sunday to 6 p.m. Monday, and Mother's Day or Father's Day (whichever is applicable) from 12 p.m. until 6 p.m.
 - c. The non-residential or non-custodial parent shall be responsible for all transportation to exercise the above parenting time.

The parties shall communicate regarding sleep schedules, feeding schedules, and any special dietary or other considerations for the child. The non-residential or non-custodial parents shall follow these schedules and considerations so as to make the transition between homes as seamless as possible for the infant child.

APPENDIX 3
ABSENT PARENT REUNIFICATION/GRADUATED SCHEDULE

In some juvenile court cases, the parents and child have not been living together as a family unit. The court, based on a number of factors, may conclude that it is in the child's best interest to give the reuniting parent the opportunity to develop or re-develop a relationship with the child before exercising overnights. This graduated parenting schedule will enhance the comfort level for the parents as well as the child.

Because the intent of the graduated visitation schedule is to allow the child to become familiar and comfortable with the reuniting parent, it is important that he/she exercise substantially all of the scheduled time in consecutive weeks. If the reuniting parent misses a visit, he/she will not move to the next level until all the visits in the current level are completed. Should the reuniting parent miss 2 or more visits after week 4, he/she shall return to week 3 and begin again from there.

This graduated parenting schedule may be ordered by the court under facts which indicate it will be in the child's best interests. Some factors the court will consider include, but are not limited to:

1. Whether the parents ever lived together as a family unit, before or after the birth of the child;
2. The length of time the parents resided together;
3. The age of the child;
4. The living arrangements of the absent parent;
5. The length of the relationship between the parents;
6. Any of the child's special needs or medical concerns.

The parents will discuss the pertinent schedules and work together to determine when the visits will occur. In the event the parents cannot agree, the visits shall occur on Sundays beginning at noon for weeks 1-8.

The guideline graduated parenting time/absent parent reunification schedule is as follows:

Weeks 1 and 2 the reuniting parent shall have two hours with the child. Depending on the situation, the visits may be at a relative's home or public place.

Weeks 3 and 4 the reuniting parent shall have four hours with the child within Miami County.

Weeks 5, 6, 7, and 8 the reuniting parent shall have six hours with the child without restriction to Miami County.

Weeks 9, 10, 11, and 12 the reuniting parent shall have one weekend overnight each week. The parties are to agree on the day. If they cannot agree, the overnight shall begin at 6:00p.m. on Saturday through 6:00p.m. on Sunday.

Once the child has had 4 overnights with the reuniting parent, the parties shall observe the Juvenile Court Model Parenting Time Standard Weekend option unless a different model parenting time option is agreed upon by the parties.

**APPENDIX 4
MIAMI COUNTY JUVENILE COURT
MODEL PARENTING TIME**

PARENT 1: _____

PARENT 2: _____

FOR PARENTS TRAVELING OVER 90 MILES ONE WAY

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

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

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

1. **Pre-School Age:** Unless otherwise agreed, pre-School age children shall follow the same schedule as school age children in the school district where they live, whether or not a school age child resides in the family. Frequent contact with both parents is recommended for very young children.

2. **Winter Break:** Winter Break will be divided in half and alternated annually between the parents. In even numbered years, Parent 1 shall have parenting time 9:00a.m. the day after school recesses until 12:00p.m. on December 26th. Parent 2 shall have parenting time from 12:00p.m. on December 26th until 12:00p.m. the day before school resumes. In odd numbered years, Parent 2 shall have parenting time 9:00a.m. the day after school recesses until 12:00p.m. on December 26th. Parent 1 shall have parenting time from 12:00p.m. on December 26th until 12:00p.m. the day before school resumes.

3. **Spring Break:** The non-residential parent shall be entitled to the entire school vacation (the day school is out to the day before school recommences) in odd-numbered years.

4. **Summer:** Each parent shall be entitled to one half of the school summer vacation. Summer school necessary for the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must

notify the residential parent as to their intentions by April 15.

- a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the home of the non-residential parent, and in the odd-numbered years, the second half.
- b. A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.

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

6. Additional Parenting time:

- a. Weekend: A once-a-month, weekend visit to the long-distance parent's home shall be permitted if the child's traveling time does not exceed THREE AND ONE HALF HOURS, one way. The residential parent must be notified at least one week in advance. THE NONRESIDENTIAL PARENT SHALL PROVIDE THE TRANSPORTATION FOR WEEKEND PARENTING TIME.
- b. Father's Day and Mother's Day should always be spent with the appropriate parent.
- c. The non-residential parent shall notify the residential parent as least two days in advance of any time the non-residential parent will be in the area and wants parenting time. Absent extraordinary circumstances, this parenting time shall occur.
- d. The residential parent shall notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and parenting time must be allowed.

7. Communication:

- a. Children can communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means (e.g. text, Skype, FaceTime).
- b. In addition, the non-possessory parent shall be entitled to telephone or electronic (e.g. FaceTime, Skype) communication of reasonable duration with the children not fewer than three times per week.
- c. Neither parent shall excessively interfere with nor stop the telephone or electronic communication.

8. Transportation:

- a. Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule. Parties shall also decide and provide in the plan where the child(ren) shall be

picked up and dropped off.

- b. In cases involving long distances between the parents, travel by methods other than motor vehicle may be necessary. Such travel may require the primary parent to transport the child in a timely manner to the appropriate transportation terminal for departure and must be there upon arrival.
 - c. Airline regulations govern the age at which children may fly unaccompanied by an adult. An older child may fly under such regulations as each airline may establish. Airline reservations should be made well in advance and preferably be non-stop flights. The parent who is responsible for the child's departure shall immediately notify the other parent upon the flight's departure. Likewise, the parent at the child's destination must immediately notify the other parent of the child's arrival. Despite airline regulations, parents should consider the maturity of the child(ren) in making the decision on this method of transportation whether or not the child may need an adult to chaperone the flight.
 - d. The parents should carefully consider in using any other means of transportation, the age of the child, the safety of the child traveling alone, and the experience in traveling alone, or whether an adult well-known to the child(ren) should accompany the child(ren). No means of transportation that puts the child(ren) at risk should be considered.
 - e. Costs of transportation are generally borne by the parent who has chosen to relocate outside the 90 mile radius. However, the court has the discretion to allocate those expenses between the parties.
9. Moving: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she will immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.
10. Current Address and Telephone Number: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.
11. Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.
12. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchanges occur.
13. Clothing: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

APPENDIX 5 – JUV 16

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

IN THE MATTER OF:

CASE NO. _____

SETS NO. _____

_____, Oblige

JUDGE SCOTT ALTENBURGER

MAGISTRATE

_____, Obligor

SUPPORT ORDER and Standard/Additional
Order of Health Care Needs

IT IS HEREBY ORDERED that:

CHILD SUPPORT AND CASH MEDICAL SUPPORT

A. The effective date of this order for child support and cash medical support is

_____.

B. _____ (and _____) shall be the
Child Support Obligor(s) and _____ shall be the **Child
Support Oblige**.

C. _____ (and _____) shall be the
Health Insurance Obligor(s).

D. The Child Support Obligor shall pay:

\$ _____ per child, per month, for ____ child(ren); \$ _____
total, for **current child support**;

\$ _____ per child, per month, for ____ child(ren); \$ _____
total, for **cash medical support**;

\$ _____ per month toward accumulated arrears.

A minimum support order of \$80.00 per month pursuant to Ohio Revised Code §3119.06.

See attached Child Support Worksheets. **In addition** to these support obligations, the Support Obligor shall pay a processing fee of 2% to the Support Enforcement Agency.

The child(ren) who are the subject of this child support order are:

Child's Name	Date of Birth

The above child support deviates by _____ percent (upward/downward) deviation from the amount of child support that would otherwise result from the use of the Basic Child Support Schedule and the applicable worksheet through the line establishing the actual annual obligation, because pursuant to Ohio Revised Code §3119.22 the amount would be unjust or inappropriate and would not be in the best interest of the minor child(ren) for the following reason(s) **[beyond any parenting time deviation shown on the attached worksheet]:**

The duty of support shall continue until further order of Court or until the child(ren) of this support order reach(es) the age of 18 or so long as the child(ren) continuously attend(s), on a full-time basis, any recognized and accredited high school, however, no later than age 19, or as otherwise provided in Ohio Revised Code §3119.86.

All support shall be paid through Ohio Child Support Payment Central (OCSPC), P.O. Box 182372, Columbus, Ohio 43218-2372. Checks or money orders shall be made payable to "OCSPC". All payments shall include the following: Obligor's name, Social Security Number, SETS case number, and Court case number. **Any payments not made through OCSPC shall not be considered as payment of support.**

All support under this order shall be withheld or deducted from the income or assets of the Child Support Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Ohio Revised Code Chapters 3119, 3121, 3123, and

3125 or a withdrawal directive issued pursuant to Ohio Revised Code §3123.24 to §3123.38 and shall be forwarded to the Child Support Oblige in accordance with Ohio Revised Code Chapters 3119, 3121, 3123, and 3125.

To secure the support obligations, the Court finds that **(check appropriate box and complete section):**

- The Child Support Obligor receives income from an **income source**. A **withholding notice** shall be issue in the amount(s) consistent with this support order.

INCOME SOURCE _____
ADDRESS _____

The income source shall be notified not to withhold a total amount, including all fees, in excess of the amount allowed under Section 303(b) of the “Consumer Credit Protection Act,” 15 U.S.C. 1673(B). Until the income source begins withholding in the appropriate amount, the Child Support Obligor shall make payments directly to OCSPC.

- The Child Support Obligor has nonexempt funds on deposit in an account at a **financial institution**. A **withholding notice** shall issue in the amount(s) consistent with this support order.

FINANCIAL INSTITUTION _____
ADDRESS _____

If not set forth above, the Child Support Obligor shall immediately notify the Miami County CSEA of the account number from which support shall be deducted, and the name and location of the financial institution.

- The Child Support Obligor has no attachable income source and has the ability to **post a cash bond**. An order to post bond in the amount of \$_____ shall issue.

- The Child Support Obligor is unemployed, has no income, and does not have any financial institution accounts. Further, the Child Support Obligor is an able-bodied person capable of gainful employment. Therefore, it is ordered that the Child Support Obligor is required to seek employment and participate in a work activity to which a recipient of assistance under the Title IV-A of the “Social Security Act,” 49 stat. 620(1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the “Social Security Act,” 42 U.S.C.A. 607(d), as amended.

1. The Child Support Obligor shall notify the CSEA on obtaining employment, obtaining an income, or obtaining ownership of any asset with a value of five hundred dollars (\$500.00) or more.
2. **The Child Support Obligor has fourteen (14) business days from the file stamp date of this order to register at the OHIOMEANSJOBS website at WWW.OHIOMEANSJOBS.COM as a Child Support Obligor who is ordered to seek work.**
3. Further, the Child Support Obligor has fourteen (14) business days from the file stamp date of this order to report to OHIOMEANSJOBS/Miami County Center or the OHIOMEANSJOBS Center of his/her home county to begin job search activities.

Until such time as the Child Support Obligor is gainfully employed, the Child Support Obligor shall report on a weekly basis to OHIOMEANSJOBS/Miami County Center located at 2040 North County Road 25-A, Troy, OH 45373. Should the Child Support Obligor not reside in Miami County or a contiguous county, the Child Support Obligor shall report weekly to the OHIOMEANSJOBS Center located in his/her county of residence. Additionally, the Child Support Obligor shall attend all open interviews sponsored by OHIOMEANSJOBS/ Miami County Center. Monthly calendars are available at OHIOMEANSJOBS/Miami County Center.

Additionally, the Child Support Obligor shall request the services of the OHIOMEANSJOBS/Miami County Center in obtaining assistance with job search activities; resume preparation and review; and assessment of any special needs and job classes as recommended by the staff of the OHIOMEANSJOBS /Miami County Center. The Child Support Obligor's attendance and cooperation shall be verified by the Miami County CSEA by viewing the State Monitoring System. Further, the Child Support Obligor's case manager may send a partner referral to the OHIOMEANSJOBS/Miami County Center at any time the Child Support Obligor states they are in need of assistance with obtaining employment.

THE CHILD SUPPORT OBLIGOR WILL IMMEDIATELY NOTIFY THE CSEA UPON FINDING GAINFUL EMPLOYMENT AND WILL PROVIDE THE CSEA WITH THE FULL NAME AND ADDRESS OF HIS/HER EMPLOYER, ANTICIPATED EARNINGS, AND THE NUMBER OF HOURS WORKED EACH WEEK. AN ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT WILL AUTOMATICALLY BE ISSUED BY THE CSEA. THE CHILD SUPPORT OBLIGOR SHALL MAKE THIS REPORT WITHIN THREE (3) BUSINESS DAYS OF OBTAINING ANY EMPLOYMENT.

DEPENDENCY EXEMPTIONS

IT IS FURTHER ORDERED that pursuant to Ohio Revised Code §3119.82 the following person(s) shall claim the child(ren) subject to this order as dependent(s) for federal and state income tax purposes:

Parent: _____

Parent: _____

Both parents according to the following terms:

IT IS FURTHER ORDERED that the parties shall take whatever action is necessary pursuant to 152 of the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who has been awarded the right to claim the exemption(s) to claim the child(ren) as (a) dependent(s) for federal income tax purposes in accordance with this order. Failure of a party to comply with the order may be considered contempt of court.

IT IS FURTHER ORDERED that the **Child Support Obligor and the Child Support Oblige** shall comply with the request of the Miami County CSEA in advance of an administrative review of a support order to provide the following: copy of federal income tax return from the previous year, copy of all pay stubs within the preceding six (6) months, copy of all other records evidencing the receipt of any other salary, wages or compensation within the preceding six (6) months, and, if the Child Support Obligor is a member of the uniformed services and on active military duty, a copy of the Child Support Obligor’s Internal Revenue Service Form W-2, “Wage and Tax Statement,” and a copy of a statement detailing the Child Support Obligor’s earnings and leave with the uniformed services. The **Child Support Obligor and the Child Support Oblige** shall also provide a list of available group health insurance and health care policies, contracts and plans, and their costs, the current health insurance or health care policy, contract, or plan under which the Child Support Obligor and/or Child Support Oblige is/are enrolled, and their costs, including any Tricare program offered by the United States Department of Defense available to the Child Support Oblige, and any other information necessary to properly review the child support order. **Failure to provide said information may result in the CSEA making reasonable assumptions regarding the income of the party failing to provide such information and proceed to review the support order using those assumptions.**

MEDICAL SUPPORT OF CHILDREN

Division of Extraordinary Health Care Expenses

Health Insurance

IT IS FURTHER ORDERED:

The **Child Support Oblige**e shall be the **Health Insurance Obligor** and shall secure and maintain health insurance at a reasonable cost for the child(ren) named above; or

The **Child Support Obligor** shall be the **Health Insurance Obligor** and shall secure and maintain health insurance for the child(ren) named above because the court finds or the parties stipulate one of the following:

The **Child Support Obligor** has health insurance coverage in place for the children that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor.

The **Child Support Obligor** already has health insurance coverage available for the child(ren) that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor.

The **Child Support Obligor** has health insurance coverage available for the child(ren) that is reasonable in cost;

The **Child Support Obligor** can obtain coverage for the child(ren) that is reasonable in cost through an employer or other source.

The **Child Support Oblige**e is a non-parent individual or agency that has no duty to provide medical support.

If private health insurance is not available to either parent at a reasonable cost at the time of the issuance of this order, and later becomes available to the Child Support Oblige e at a reasonable cost, the Child Support Oblige e shall obtain said coverage no later than thirty (30) days after it becomes available at a reasonable cost and shall inform the CSEA when coverage has been obtained.

If private health insurance becomes available to the Child Support Obligor at a reasonable cost, the Child Support Obligor shall inform the CSEA of the availability of said coverage and may seek a modification of health insurance coverage.

The **Health Insurance Obligor(s)** shall provide private health insurance through:

PARENT NAME	
Name of Employer/Group/Individual	
Address of Employer/Group/Individual	

Name of Health Plan	
Name of Insurance Company	
Claims Address of Insurance Company	
Customer Service Telephone Number	
Group Number	
Identification/Subscriber Number	

PARENT NAME	
Name of Employer/Group/Individual	
Address of Employer/Group/Individual	
Name of Health Plan	
Name of Insurance Company	
Claims Address of Insurance Company	
Customer Service Telephone Number	
Group Number	
Identification/Subscriber Number	

The following child(ren) shall be designated as covered dependents under the private health insurance policy, contract, or plan:

Child's Full Name Subject to Medical Support Order	Date of Birth

EXTRAORDINARY MEDICAL EXPENSES

IT IS FURTHER ORDERED that, in accordance with Ohio Revised Code §3219.30 or §3119.32, the **Child Support Obligor**, shall pay **50%** and the **Child Support Oblige**, shall pay **50%** of the uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount for that child owed by the parents during that year. [Uninsured medical expenses are those medical expenses that exceed the amount determined by the Department of Job and Family Services currently \$_____ per annum.]

NOTICE TO THE HEALTH INSURANCE OBLIGOR

1. Within thirty days after the issuance of this support order, the Health Insurance Obligor must designate the child(ren) named as covered dependents under any health insurance policy, contract, or plan for which the Health Insurance Obligor contracts.
2. The individual(s) who is(are) designated to be reimbursed for medical expenses for the child(ren) named above is(are):

Name: _____

Address: _____

Name: _____

Address: _____

3. Within thirty days after the issuance of this order, the Health Insurance Obligor shall provide to the CSEA documentation that verifies coverage is being provided as ordered.
4. The Health Insurance Obligor may be required to pay extraordinary medical expenses for the child(ren) named above.
5. The Health Insurance Obligor’s employer is required to release to the other parent, any person subject to an order issued under Ohio Revised Code §3109.19, or the CSEA on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with Ohio Revised Code §3119.32 and any order or notice issued under Ohio Revised Code §3119.32.
6. If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of Ohio Revised Code §3119.34, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child(ren) named above in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.
7. Within thirty days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

**NOTICE TO REPORT REASON WHY SUPPORT ORDER SHOULD TERMINATE
PURSUANT TO OHIO REVISED CODE §3119.87 AND §3119.88**

The **Child Support Oblige** shall immediately notify, and the Child Support Obligor may notify, the CSEA of any reason for which the child support order should terminate. Reasons for which a child support order should terminate include all of the following:

- A. The child attains the age of majority if the child no longer attends an accredited high school on a full-time basis;
- B. The child ceases to attend an accredited high school on a full-time basis after attaining the age of majority;
- C. A termination condition specified in the court child support order has been met for a child who reaches nineteen years of age;
- D. The child's death;
- E. The child's marriage;
- F. The child's emancipation;
- G. The child's enlistment in the armed services;
- H. The child's deportation;
- I. Change of legal custody of the child;
- J. The child's adoption;
- K. The obligor's death;
- L. The grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result of one of the events described in division (D) of section 3109.19 of the Ohio Revised Code; or
- M. Marriage of the Obligor under a child support order to the Oblige, if the Obligor and Oblige reside together with the child.

NOTICE TO CHILD SUPPORT OBLIGOR AND CHILD SUPPORT OBLIGEE

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

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF

THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

FAILURE TO COMPLY WITH THIS SUPPORT ORDER CAN RESULT IN A CONTEMPT ACTION; AND, AS PROVIDED IN OHIO REVISED CODE §2705.05, THE PENALTY FOR WHICH MAY BE IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS IN JAIL AND/OR FINE OF NOT MORE THAN \$250.00 FOR A FIRST OFFENSE, NOT MORE THAN SIXTY (60) DAYS IN JAIL AND/OR FINE OF NOT MORE THAN \$500.00 FOR A SECOND OFFENSE, AND NOT MORE THAN NINETY (90) DAYS IN JAIL AND/OR NOT MORE THAN \$1,000.00 FINE FOR A THIRD OR SUBSEQUENT OFFENSE.

Both the Child Support Obligor and Child Support Obligees have a right to request an administrative review of the support order for child support and medical support thirty-six months from the establishment of the order or from the date of the most recent support order or sooner, if certain circumstances are present. Contact the Miami County CSEA for further details.

Information is provided for the use of the Miami County CSEA in accordance with Ohio Revised Code §3121.24 and §3121.30 and forwarded to Miami County Child Support Enforcement Agency. The parties affected by the support order shall inform the Miami County CSEA of any change of name or other change of conditions that may affect the administration of the order. Willful failure to inform the Miami County CSEA of the above information and any changes is contempt of court.

IT IS FURTHER ORDERED that the Juvenile Court clerk shall send a copy of this order to both parties.

The above decision is approved and is an order of the Court upon filing.

Scott Altenburger, Judge

Magistrate

APPROVED:

_____, **Obligee**

_____, **Attorney for Obligee**

_____, **Obligor**

_____, **Attorney for Obligor**

- cc: Miami County CSEA
 Obligor
 Obligee
 Attorney _____
 Attorney _____

2. Participation in custody proceeding(s): (check only one)

_____ I **HAVE NOT** participated as a party, witness, or in any capacity in any other litigation, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this proceeding.

_____ I **HAVE** participated as a party, witness, or in any capacity in any other litigation, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this proceeding.

Explain: (only if you marked "I HAVE")

- a. Name of each child _____
- b. Type of proceeding _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

3. Information about custody proceeding(s): (check only one)

_____ I **HAVE NO INFORMATION** of any proceedings that could affect the current proceeding, including any proceedings relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this proceeding .

_____ I **HAVE THE FOLLOWING INFORMATION** concerning proceedings that could affect the current proceeding, including any proceedings relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this proceeding, other than set out in item 3.

Explain: (only if you marked "I HAVE")

- a. Name of each child _____
- b. Type of proceeding _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

4. Persons not a party to this proceeding: (check only one)

_____ I **DO NOT KNOW OF ANY PERSON** not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child subject to this proceeding.

_____ I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this proceeding has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this proceeding:

a. Name and address of person _____

() has physical custody () claims custody rights () claims visitation rights

Name of each child _____

b. Name and address of person _____

() has physical custody () claims custody rights () claims visitation rights

Name of each child _____

5. Knowledge of prior child support proceedings: (check only one)

_____ The child described in this affidavit is **NOT** subject to existing child support order(s) in this or any state or territory.

_____ The child described in this affidavit **IS** subject to the following existing child support order(s):

a. Name of each child _____

b. Type of proceeding _____

c. Court and address _____

d. Date of court order or judgment (if any): _____

e. Amount of child support paid and by whom: _____

f. SETS number: _____

6. I acknowledge that I have a continuing duty to advise this Court of any custody, visitation, child support, or guardianship proceeding (including dissolution of marriage, child neglect, or dependency) concerning the child (ren) in this state or any other state, that could affect the current proceeding.

OATH OF AFFIANT

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

Dated: _____

(Signature of Party)

Printed name: _____ Address: _____

City, State, Zip: _____ Phone Number: _____

Fax Number: _____

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

Notary Public

*If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by the disclosure of identifying information, the information shall be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court take into consideration the health, safety, and liberty of the party or child and determines that the disclosure is in the best interests of justice.

APPENDIX 7

FEE SCHEDULE FOR COURT APPOINTED COUNSEL

Payment for assigned counsel shall be on the basis of Seventy-five Dollars \$75.00 per hour for time in court or out of court, up to the following maximum amounts

Per Resolution No. 25-03-414 of the Board of Commissioners for Miami County, effective May 1, 2025, the prescribed maximum fees permitted in juvenile level proceedings are:

Offense/Proceeding	Fee Maximum
Aggravated murder (w/capital specs) per <u>R.C.2929.04/A</u> and <u>2941.14/B</u>	As set by Capital Fee Council- see <u>R.C.120.33(D)</u> . The Council has currently set a rate of \$140 with no fee maximum.
Aggravated murder (w/o capital specs)	\$7,500 per attorney
Murder	\$6,000
Felony adjudication (degrees 1-2)	\$5,000
Felony adjudication (degrees 3-5)	\$3,500
Misdemeanor OVI/BAC	\$2,500
Misdemeanor	\$2,000
Traffic	\$300
Objections	\$750
Unruly	\$1,000
Bindover-Mandatory	\$750
Bindover- Discretionary	\$2,000
Reverse Bindover Amenability	\$1,500
SYO	Adult Degree
SYO Invocation	\$2,000
Adult in Juvenile Court	\$1,500
Violation (Probation/Community Control)	\$750
Violation (Parole/Supervised Release}	\$750
Violation of Court Order	\$750
Abuse, Dependency and Neglect Initial Custody	\$1,500
Abuse, Dependency and Neglect Annual Review After Initial Custody	\$1,500
Permanent Custody	\$2,500
Contempt of court	\$500
Purge Hearing	\$150

Sex Offender Classification/ Reclassification/Declassification	\$750
Expungement	\$300
Other	\$750

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

TO THE NON-RELOCATING PARENT:

OHIO REVISED CODE 3109.051 REQUIRES THE COURT TO PROVIDE YOU WITH THIS NOTICE. THE LAW DOES NOT REQUIRE THE COURT TO HOLD A HEARING REGARDING THIS NOTICE UNLESS YOU FILE AN APPROPRIATE MOTION. IF YOU BELIEVE THIS RELOCATION WILL AFFECT YOUR CURRENT PARENTING TIME OR VISITATION, YOU MUST FILE A MOTION TO MODIFY THE PARENTING TIME SCHEDULE.

CC: Movant
Non-relocating parent