COURT OF COMMON PLEAS

JUVENILE DIVISION

CLERMONT COUNTY, OHIO

JAMES A. SHRIVER, JUDGE

2340 CLERMONT CENTER DRIVE, SUITE 100

BATAVIA, OHIO 45103

LOCAL RULES

Effective October 12, 2009
Revised August 1, 2011
Revised July 8, 2014

Conduct and operations in the Court of Common Pleas, Clermont County, Ohio, Juvenile Division are governed by the Ohio Revised Code, the Rules of Superintendence of the Supreme Court of Ohio, the Ohio Rules of Juvenile Procedure, and by these Local Rules.

All persons before this Court should familiarize themselves with all applicable law.

Rules of Practice
Clermont County Juvenile Court

RULE 1. Adoption and Amendment of Rules
The Clermont County Juvenile Court hereby promulgates and adopts the following rules of practice pursuant to authority under Article IV, Section 5(B) of the Ohio Constitution Rule 5 of the Rules of Superintendence for the Courts of Ohio. These rules are effective **October 12, 2009** and may be amended from time to time as necessary. These rules shall be known as the Rules of Practice of the Clermont County Juvenile Court and may be cited as "Cle. Juv. R. __."

RULE 2. Scope and Construction of Rules
These rules are intended to provide for the management of proceedings and other functions of the Court and to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Rules of Evidence, the Rules of Superintendence for the Courts of Ohio and controlling statutes. These rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules and statutes. They shall be interpreted so as to promote just and expeditious determinations. The Judge or Magistrate presiding over a hearing may permit exception from a rule upon specific request and for good cause shown.

RULE 3. Sanctions
Failure to abide by the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, or the Rules of Practice of the Clermont County Juvenile Court may result in the imposition of sanctions. Sanctions that may be imposed include but are not limited to the following:

1. A case may commence without counsel, be continued, or be dismissed, as the Court deems appropriate.
2. The Court may order security personnel to remove persons from the courtroom, hallway, or building.
3. The Court may impose fines and/or incarceration pursuant to a finding of contempt.
4. The Court may remove a person's name from the list of those eligible for appointment as counsel or Guardian Ad Litem.

RULE 4. Court Hours and Facilities
The Court facility at 2340 Clermont Center Drive shall be open for the general transaction of business Monday through Friday from 8:00 a.m. to 4:00 p.m., excepting legal holidays and exigent circumstances.

The Court may be in session at such other times and hours as the presiding Judge or Magistrate shall prescribe to meet the special conditions of a case. Official and unofficial sessions of Court may also conducted for selected cases in various community facilities and schools as the Court may from time to time deem appropriate.

RULE 5. Courthouse Decorum
(A) All counsel shall wear business attire when appearing before the Court. All parties and witnesses shall wear appropriate attire. Food, beverages and smoking are prohibited in the courtroom during all hearings. Smoking is prohibited throughout the Courthouse facility at all times.

(B) Cellular telephones, pagers, radios, compact disc or cassette players, headphones and any other electronic devices shall be turned off prior to entering the courtroom and not be utilized except by consent of the Court.

(C) Children are not permitted in the courtroom unless by consent of the Judge/Magistrate. Children must be supervised by an adult who is solely responsible for the child's safety, care and behavior at all times.

(D) Hearings shall commence promptly at the designated time on the assigned date. Counsel and parties shall be present and before the Court at the assigned hearing time. If counsel is going to be late for a hearing, counsel must make a reasonable effort to notify the assigned Judge or Magistrate as soon as is practical to explain the reason for his/her tardiness.

If counsel or a party is not present in Court at the assigned time, the case may commence in the absence of counsel or a party, the case may be continued, or the case may be dismissed, as determined by the assigned Judge or Magistrate.

RULE 6. Courthouse Security
(A) Except as determined by the Judge, all persons entering court facilities at 2340 Clermont Center Drive shall pass through the metal detector or other such device. All persons entering the Court are subject to search. All packages, parcels, briefcases, bags, purses, wallets or any other containers are subject to search by security personnel.

(B) No person, with the exception of Court security personnel who are on duty and performing their assigned responsibilities, may enter or remain in the Courthouse while in the possession of a firearm or other deadly weapon. This rule is in accordance with the Ohio Supreme Court Security Standards. Pursuant to Ohio Revised Code Section 2923.123(C)(6) this rule prohibits persons from carrying a handgun into the Courthouse even if they have a valid concealed carry permit under O.R.C. Sections 2923.125 and 2923.1213.

(C) Persons in possession of a firearm or other deadly weapon shall leave such weapons in the care and custody of the Court security personnel before proceeding beyond the security checkpoint. This order shall apply whether or not the Court is in session.

RULE 7. Court Appearance of Juveniles
Any juvenile required to appear before the Court shall appear in person and be accompanied by a parent or legal guardian. If a juvenile appears at Court without a parent or legal guardian, the Court may reschedule such hearing for the presence of the parent or legal guardian.

RULE 8. Court Records
Access to Court records shall be governed by Rules 44 though 47 of the Rules of Superintendence for the Courts of Ohio.

RULE 9. Record of Hearing
(A) Official Record. A complete record of all testimony or other oral proceeding shall be made in all official cases by means of a court reporter or an audio or audiovisual recording device

provided by the Court. This record shall be the official record of the case unless a transcript is filed pursuant to division (C) of this rule.

(B) Inspection of the Audio or Audiovisual Record. Any person who is a party to a case as defined by the Juvenile Rules or that person's attorney or Guardian Ad Litem may listen to or view the record made in a case after a request is submitted in writing and authorized. The Judge, Magistrate, Court Administrator, or Chief Deputy Clerk, may authorize such requests.

(C) Official transcripts.
Any party requesting a full or partial transcript of the record shall file a written request with the clerk. All written requests for a transcript shall contain the case number, presiding Judge or Magistrate, date of hearing, reason for the request, number of copies in addition to the original, payor of the transcript, and any other pertinent information. The Judge or Magistrate who is assigned the case may schedule a hearing or may rule on the request upon the pleadings.

No transcript will be begun or provided until satisfactory arrangements for payment have been concluded.

RULE 10. Court Costs
Cost deposits in the amount set forth in the Court's schedule of costs, as may be periodically amended, shall be required upon the filing of any action and proceeding listed therein. The schedule of costs is available from the clerk's office upon request.

RULE 11. Filing by Facsimile
Pleadings and other papers may be filed with the clerk of the Clermont County Juvenile Court by facsimile transmission to (513) 732-7695 as provided in this rule.

(A) Applicability
1. This rule applies to proceedings in the Clermont County Juvenile Court.
2. The following documents will not be accepted for fax filing: Original Delinquent, Unruly, Traffic, Abuse, Neglect, Dependency, Paternity, Contempt filings or any filing that requires a filing fee.

(B) Original Filing:
1. A document filed by fax shall be accepted as the effective original filing. The person filing a document by fax is not required to file any source document with the clerk. The person filing the document shall maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, and the source copy of the facsimile cover sheet used for the subject filing.
2. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

(C) Definitions As used in these rules:

1. "Facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end. "Facsimile transmission" does not include transmission by email.
2. "Facsimile machine" means a machine that can send and receive a facsimile transmission.
3. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(D) Cover Page:

The person filing a document by fax shall also include a cover page containing all of the following information:

1. Name of the court;
2. Title of the case;
3. Case number;
4. Name of the judge to whom the case is assigned , if any;
5. Title and or description of the document being filed
6. Date of transmission;
7. Transmitting fax number;
8. Indication of the number of pages included in the transmission, including the cover page;
9. If a judge or case number has not been assigned, state that fact on the cover page;
10. Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available;

If a document is sent by fax to the clerk without the cover page information listed above, the clerk may do either of the following:

1. Enter the document in the case docket and file the document;
2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure.
3. If the clerk acts pursuant to division (2) of this section, the document shall not be considered filed with the clerk.

(E) Signature

A party who wishes to file a signed source document by fax shall do either of the following:

1. Fax a copy of the signed source document;
2. Fax a copy of the document without the signature but with the notation "/s/"followed by the name of the signing person where the signature appears in the signed source document.

A party who files a signed document by fax represents that the physically signed source document is in his or her possession or control. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.

(F) Exhibits

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason shall be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five court days following the filing of the facsimile document. The Court may strike any document or exhibit, or both, if missing exhibits are not filed as required by this section.
2. Any exhibit filed pursuant to Section 6.01 shall include a cover sheet containing the caption of the case that sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss). The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

(G) Subject to the provisions of these rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Court as of the date and time automatically imprinted by the fax machine of the Clerk of Court. The fax machine will be available to receive facsimile filings on the basis of 24 hours per day seven days per week including holidays.

(H) Fax filings may not be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court.

(I) The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.

(J) The risks of transmitting a document by fax to the Clerk of Court shall be borne entirely be the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

RULE 11.1. Hearing Notice via Electronic Mail

Upon the written consent of a party or counsel if represented, the Court may send all hearing notices via electronic mail. Written consent shall be in a format provided by the Court.

RULE 12. Counsel of Record

(A) An attorney licensed to practice in Ohio shall file a notice of appearance of counsel within seven days of being retained. Said notice shall contain the attorney's Ohio Supreme Court registration number. An entry appointing counsel shall serve as a notice of appearance of counsel.

(B) Appointment of Counsel.

Parties who are unable to retain private counsel and who wish to be represented by counsel may request counsel to be appointed. The party shall provide any and all necessary information and complete such forms as are necessary to determine eligibility. Counsel will not be appointed in matters dealing with paternity, custody or visitation.

(C) Withdrawal/Substitution of Counsel
An attorney seeking to withdraw or substitute as counsel of record shall timely file a written motion stating the grounds for withdrawing from the case; that the attorney has notified or made every possible attempt to notify the client of the intended action, the subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that the attorney has notified opposing counsel of the intended action. An attorney shall not be considered withdrawn as counsel of record unless approved by the Court in a written order. Said motion to withdraw shall be filed no later than seven days prior to the next scheduled hearing. A proposed entry substituting counsel or allowing the withdrawal of counsel shall be submitted at the time the underlying motion is filed.

RULE 13. Media Access to Hearings
(A) Photographing, broadcasting, televising, and recording by news media during courtroom sessions, including recesses between sessions shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 11 and 12, Juv. R. 37 and Ohio Revised Code Section 2151.35.

(B) Requests for permission to photograph, broadcast, televise, or record in the courtroom shall be in writing to the Judge as far in advance as is reasonably practicable. Request forms may be obtained from the clerk of the Court. The Court shall attempt to immediately inform the attorneys for all parties in the case of the media request. If time does not permit notification by mail, then telephonic means, facsimile, or notification in person must be attempted. The intent of this Rule is to allow attorneys for all parties an opportunity to be heard prior to the Judge ruling on the media request.

(C) In the event that the Judge approves the media request, he/she shall prepare and sign an Entry setting forth the conditions of media photographing, broadcasting, televising, or recording. This Entry shall be docketed as part of the case.

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

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

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

(G) No media representative shall report the name of an accused child or otherwise identify the child or the child's family.

(H) No media representative shall report the name of any victim if such victim is under the age of eighteen years, nor shall they otherwise indentify the victim or the victim's family.

(I) 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 consent by the Court.

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

RULE 14. Hearing closure
A party to a proceeding may request that a hearing or hearings be closed to members of the public, the media, or other specified persons through a written motion. Such requests shall be made as far in advance as is reasonably possible to allow the Court to conduct a hearing and rule on the request without unnecessarily delaying the proceedings.

RULE 15. Continuances
(A) Requests for continuances shall be filed in written form with the clerk, at least seven days in advance of the hearing. Parties requesting a continuance are responsible for notifying opposing parties of their request prior to filing the request. A proposed entry granting the requested continuance shall be submitted for the Court's consideration at the time the underlying motion is filed.

(B) All continuances are granted at the Court's discretion, regardless of when and in what form the request for a continuance is made to the Court.

RULE 16. Service by Publication
In accordance with Rule 16(A) of the Ohio Rules of Juvenile Procedure, service by publication shall be made in all cases by posting and mail.

Posting shall be in a conspicuous place in the Clermont County Juvenile Court, 2340 Clermont Center Drive, Batavia, Ohio 45103, as well as the following two additional public places: the Clermont County Municipal Court, 4430 State Route 222, Batavia, Ohio 45103; and the Batavia Post Office, 575 West Main Street, Batavia, Ohio 45103. Requests for service by publication shall be made as soon as is reasonably practicable.

RULE 17. Financial Disclosure Affidavit
In all cases except abuse, neglect and dependency matters, the parties shall file a financial disclosure affidavit in the form provided by the Court at the time their Complaint or Motion is filed. The responding party shall file his/her financial disclosure affidavit at least seven days prior to the trial. Failure of any party to comply with this rule may result in dismissal of the Motion/Complaint, continuance of the hearing until the affidavit is filed, or imputation of income to the non-compliant party. The Court may utilize the filed affidavit(s) to render a decision if a party fails to appear for the scheduled trial.

RULE 18. Findings of Fact
A party who requests findings of fact and conclusions of law pursuant to Rule 52 of the Ohio Rules of Civil Procedure shall also file, within fourteen days after filing said request with the Court, proposed findings of fact and conclusions of law and submit a copy thereof to the

opposing party or opposing counsel if represented. The opposing party or opposing counsel if represented then has fourteen days to submit his/her proposed findings of fact and conclusions of law.

Failure of any party to request or submit findings of fact and conclusions of law within said time frame shall constitute a waiver of the same.

RULE 19. Objections to Decision of Magistrate; Motion to Set Aside Magistrate=s Interim Order

(A) Objections to Magistrate=s Decision

A Decision of a Magistrate shall be reviewed by the Judge upon objections filed in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure.

1. The objections shall be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence is part or wholly the basis for the objections, a transcript of the Magistrate=s hearing is necessary and must be filed by the objecting party. The objections shall state that a transcript has been ordered. In lieu of a transcript, the parties may file an agreed statement of facts.
2. The objecting party shall contemporaneously file a praecipe with the Clerk of Court for a transcript. The praecipe shall be served on the Court Reporter on the same day as the filing of objections: failure to do so will cause the Court to rule on the objections as if no transcript has been ordered. Transcripts not received within thirty days from the filing of objections will not be considered, unless an extension of time to file the transcript has been requested and granted by the Court. Partial transcripts may be permitted with leave of Court. Failure to file a transcript when one is required by this Rule shall result in a dismissal of the objections.
3. Unless otherwise ordered by the Court, the party ordering the transcript shall be responsible for the fees associated with the filing of the transcript and shall pay said fees directly to the Court Reporter.
4. If a transcript of the proceeding is required or desired, a party may request an extension of time in which to file supplemental objections. The motion for extension of time must be filed within the original fourteen day objection period, and shall, if granted, extend until fourteen days after the transcript is filed.
5. Memoranda contra to objections may be filed by any party or counsel within ten days of the filing of the objections.
6. Objections shall be decided upon the written memoranda, submitted transcripts and any oral hearing that may be scheduled at the discretion of the Judge. Notice of the date and time of any oral hearing will be made by the Court on all parties or their counsel and any appointed Guardian Ad Litem. Scheduled oral hearings may be waived by agreement of all parties and the Judge.

(B) Motion to Set Aside Magistrate=s Interim Order

1. Magistrates may issue Interim Orders and other Orders as provided by Rule 40 of the Ohio Rules of Juvenile Procedure. Parties may file a motion to set aside the Interim Order, which shall be heard by the Judge. The motion shall be filed no later than ten days after the Magistrate=s Interim Order is filed.

2. The motion shall be accompanied by a memorandum stating the party=s position with specificity. If a finding of fact or weight of the evidence is part or wholly the basis of the motion, a transcript of the hearing before the Magistrate must be filed by the moving party within thirty days after the filing of the motion, unless the judge extends the time in writing. Partial transcripts may be permitted with leave of Court. In lieu of a transcript, the parties may file an agreed statement of fact.
3. Failure to file a transcript when one is required by this Rule shall result in a dismissal of the motion.
4. Motions to set aside shall be decided upon the written memoranda, submitted transcripts and any oral hearing that may be scheduled at the discretion of the Judge. Notice of the date and time of any oral hearing will be made by the Court on all parties or their counsel and any appointed Guardian Ad Litem. Scheduled oral hearings may be waived by agreement of all parties and the Judge.
5. Memoranda contra to a motion to set aside may be filed by any party or counsel within ten days of the filing of the motion.

RULE 20. Attorney Fees
(A) Procedure
A motion for attorney fees shall be included in the body of the motion or other pleading that gives rise to the request for fees, or by separate motion served on the opposing party/counsel at least seven days prior to the hearing on the motion. No oral motion for fees shall be considered, unless good cause is shown why this rule cannot be observed.

(B) Reasonable Fee
Absent formal evidence, as set forth in Section (C) herein, $500.00 shall be considered a reasonable attorney fee in contempt of court proceedings, unless otherwise determined by the Court. In determining the necessity for and the reasonableness of attorney fees, the Court may rely on its own knowledge and observations of the time and effort expended, tactics used, results obtained, discovery cooperation shown, settlement efforts made and compliance with Court orders demonstrated. The Court may also consider the amount of attorney fees the opposing party has incurred in the same matter.

(C) Evidence in Support of Motion
1. At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney shall present:
   a) an itemized statement describing the services rendered, the time expended for such services, the requested hourly rate and the necessary expenses and costs for litigation;
   b) testimony as to whether the case was complicated by any factor that necessitated extra time being spent on the case;
   c) testimony regarding the attorney's years in practice and experience in juvenile court cases; and
   d) evidence of the defending party's ability to pay, and of the moving party's need for an award of attorney fees, if not otherwise disclosed during the hearing.
2. Failure to comply with the provisions of this rule shall result in the denial of a request for attorney fees in excess of $500.00 in contempt of court proceedings, unless jurisdiction to

determine the issue of fees is expressly reserved in any order resulting from the hearing. The Court reserves the right to award attorney fees as sanctions upon a finding that a motion was spurious; that there was undue delay in proceeding with the case, i.e. caused by a counsel's or party's dilatory behavior; that there was unexcused absence; or for good cause shown.

(D) Award to Party Only
Any award of attorney fees made by the Court must be entered in favor of a party litigant and not directly in favor of a party's attorney.

RULE 21. Appointed Counsel
(A) The Court shall maintain a list of attorneys willing to accept appointments for Juvenile Court cases. The following lists shall comprise the Court appointment list: (1) Attorneys who will represent children in delinquency and unruly cases, and adults in criminal matters and contempt actions other than those specified herein; (2) Attorneys who will serve as counsel for parties in abuse, neglect, and dependency cases; (3) Attorneys who will represent parties in parentage, custody, visitation and child support hearings, as well as any contempt actions related thereto; (4) Attorneys who will represent children charged with a Category One or Category Two delinquency offense and in cases where relinquishment of jurisdiction for the purpose of criminal prosecution is requested.

(B) Attorneys desiring to be placed on any or all appointment lists shall apply in writing to the Chief Deputy Clerk, specifying the list(s) from which he/she is willing to accept appointments.

(C) The Court shall maintain an individual file for each appointed counsel for the purpose of providing appointments, notices and other matters as may be necessary. It will be the responsibility of that appointed counsel to inspect the file on a regular basis.

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

1. Expenses shall be submitted within 10 days of the final disposition in the case and shall be submitted on the approved forms so that the Court and County can file a claim for state reimbursement. Failure to file the expense report within 30 days will result in no payment.

(E) Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents, to the Director of Court Service. An award for extraordinary fees will be made only with the approval of the Court.

RULE 22. Guardian Ad Litem

(A) The appointment, training, responsibilities and issuing of reports of Guardians Ad Litem and the responsibilities of the Court pertaining to Guardians Ad Litem shall be governed by Rule 48 of the Rules of Superintendence for the Courts of Ohio.

(B) Pursuant to Rule 48(F) of the Rules of Superintendence for the Courts of Ohio, inspection of the report of the guardian ad litem shall constitute a party's attorney or an unrepresented party being permitted to read the report and make handwritten notations on separate paper, however, the report shall not be copied whatsoever, except by Court personnel, or be removed from the Courthouse. Any copies of the report provided by the Court for the purpose of inspection shall be collected and destroyed at the conclusion of the inspection process.

(C) Rates of compensation for Guardians Ad Litem shall be as determined from time to time by the Clermont County Board of County Commissioners. In addition thereto, necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph exams, long distance telephone calls, photocopying, and certain travel expenses, so long as prior approval of the Judge is obtained. The Court may not allow for any fixed office overhead expenses, Court transcripts or depositions, except as provided by law.

1. Expenses shall be submitted within 10 days of the final disposition in the case and shall be submitted on the approved forms so that the Court and County can file a claim for state reimbursement. Failure to file the expense report within 30 days will result in no payment.

(D) Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents, to the Director of Court Service. An award for extraordinary fees will be made only with the approval of the Judge.

(E) The Court may appoint a Guardian Ad Litem to represent the best interest of minor children in any action over which this Court has jurisdiction, on the Court=s own motion or on the motion of any party. The appointment shall be made by Court order and duly docketed in the case. The Guardian Ad Litem shall represent the best interest of the child until discharged by the Court. At the conclusion of the action, the Guardian Ad Litem shall be discharged by order of the Court.

(F) All filing fees and court costs are waived as to Guardians Ad Litem.

(G) Attorneys accepting appointments to serve as Guardian Ad Litem shall personally represent the child for which he/she was appointed and shall not, absent an emergency, allow substitute counsel to represent the child. Repeated failure to personally represent the child shall result in removal from the lists set forth above.

RULE 23. Allocation of Parental Rights and Responsibilities

(A) All actions concerning the allocation of parental rights and responsibilities for a child shall be initiated by sworn complaint, or in preexisting cases by motion, and pursuant to Ohio Revised Code Section 3127.23, shall be accompanied by a Child Custody Affidavit provided by the Court, or in a format consistent therewith. At any time after filing, the Court may order the parties to mediation.

(B) Pursuant to Rule 32(D) of the Ohio Rules of Juvenile Procedure, the Court may order an investigation following the filing of a complaint requesting the allocation of parental rights and

responsibilities or a writ of habeas corpus, or the filing of a motion to modify the allocation of parental rights and responsibilities. Costs of the investigation will be taxed as costs to the case and are the sole responsibility of the parties. The report of the investigation shall be confidential,

but shall be made available to the parties or their counsel upon written request not less than three days before hearing: the party's attorney or an unrepresented party shall be permitted to read the report and make handwritten notations on separate paper, however, the report shall not be copied whatsoever, except by Court personnel, or be removed from the Courthouse. Any copies of the report provided by the Court for the purpose of inspection shall be collected and destroyed at the conclusion of the inspection process.

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

(**D)** Any individual seeking custody of a child will be required to sign a waiver for a criminal background check and the central registry of abuse, neglect and dependency. Any costs associated with the aforementioned checks shall be the responsibility of the individual requesting a custody order.

(E) The party initiating the action shall submit the filing fee at the time of filing. If the party is indigent and unable to pay the fee, the clerk may accept the filing if accompanied by an affidavit of indigence.

RULE 23.1. Standard Parenting Time Guidelines
Unless agreed otherwise by the parties, or the facts of a case warrant a deviation pursuant to Ohio Revised Code §3109.051(D), the Court shall adopt its Standard Parenting Time Guidelines as the Order of the Court (See Appendix A and Appendix B or visit the Court's website at www.probatejuvenile.clermontcountyohio.gov for the Standard Parenting Time Guidelines).

RULE 24. Parentage Actions
(A) Civil Rules Apply The Ohio Rules of Civil Procedure apply to all matters regarding the establishment of parentage and orders for and modification of child support.

(B) Commencement by Administrative Action

1. Except as provided by Ohio Revised Code Section 3111.381, a person filing an action to establish parentage or child support must first request an administrative determination through a Child Support Enforcement Agency. A copy of the request for an administrative determination must be attached to the complaint or motion.
2. The Child Support Enforcement Agency or a party may file with the clerk any administrative paternity determination or order for child support to which the parties do not object.
3. The Court may adopt the determination or order after review without hearing. Requests for judicial review of an administrative determination or child support order will be set for hearing before a Magistrate.

(C) Actions Involving Minors

Actions for parentage, child support, and contempt for failure to pay child support in which a parent or an alleged parent is a minor require the attendance of the minor parent's parent or legal guardian or custodian at all hearings.

(D) Genetic Testing

Advance payment for genetic testing is the responsibility of the requesting party. Repeat genetic testing may be ordered in the Court's discretion. At the conclusion of the case, the Court may assess the costs of genetic testing against the non-prevailing party. When the Child Support Enforcement Agency has advanced the costs of genetic testing, the Court may order reimbursement by the non-prevailing party.

(E) Modification of Child Support Order

Motions for modification of a child support order shall state the specific reason for the request and attach a copy of the most recent order that the party seeks to modify.

(F) Motions to Set Aside

Motions to set aside a finding of parentage and/or an order for child support filed pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure shall set forth the specific reasons for the requested relief and contain a copy of the order being sought to set aside.

RULE 25. Traffic Cases

(A) Except as otherwise provided by division (B) of this section, a juvenile cited for a traffic violation is mandated to personally appear in Court on the assigned date and time with a parent or legal guardian.

(B) A formal court appearance is not mandatory for the following offenses: Failure to wear a seatbelt; failure to display tags or expired tags; muffler violations; no headlights or taillights; window tint violations; bumper height violations; vehicle lighting violations, loud amplifier violations; other equipment violations (ORC 4513) as approved by the Court; and other violations as may be added by the Court.

(C) In cases where a mandatory court appearance is not required, the case may disposed of as follows: the juvenile and his/her parent or legal guardian must appear at Juvenile Court during regular business hours prior to the Court date listed on the traffic citation; the juvenile and his/her parent or legal guardian will enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form supplied by the Court; a fine and/or court costs will be imposed by the Court in accordance with cost schedules adopted by the Court and applicable traffic laws; the Court will not accept the admission and a Court appearance shall be required if the imposed fine and/or court costs are not paid at the time of the entry of admission.

RULE 26. Diversion

(A) Pursuant to Juvenile Rule 9(A), if the best interests of the child and of the public require, a matter may be referred to unofficial status and the child subject to the complaint referred to diversion, in lieu of formal Court action.

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

(C) Unofficial cases shall not be part of the permanent record of the child and shall be removed from the child's file when he/she is no longer subject to the jurisdiction of the Juvenile Court.

No person, except for Court staff, shall have access to records of unofficial matters, without the consent of the Court.

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

RULE 27. Custody for Unmarried Mothers

Pursuant to Ohio Revised Code Section 3109.042, an unmarried female who gives birth to a child is the residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian.

Upon proper application with the Court, an unmarried mother may be issued a custody order from the Court without a hearing.

RULE 28. Case Management Plan

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. Deviation from the established time frames is permissible to assure a just result.

Delinquency, Unruly, and Traffic Cases

(A) Complaint Filed and Youth Held in Detention

1. 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. Either a determination to set the matter for possible relinquishment of jurisdiction or a plea to the charges will be taken at this hearing [Juv. R. 7(F)(1)].

2. If the charge was filed at the same time the child entered detention and the child denies the allegations, a trial will be held no later than 15 days after placement in detention. If the child is detained after the charge is filed, the trial will be held no later than 15 days after placement in detention. If a charge is filed and the child is already detained on other charges, the trial will be held within 15 days of the filing of the charge.
   The prosecuting attorney's filing of either a notice of intent to pursue or a statement of an interest in pursuing a serious youthful offender sentence shall constitute good cause for continuing the adjudicatory hearing date and extending detention or shelter care.

3. Final disposition for any child in detention will be completed within 90 days of the child entering into custody.

(B) Complaint Filed and Child Not in Detention

1. A plea hearing will be held within 30 days of a complaint being filed, and if possible, within 15 days.
2. If the child admits to the charge, the Court will proceed to immediate disposition; or if appropriate, a dispositional hearing will be held within 21 days.
3. If the child denies the allegations, a trial will be held within 30 days of the plea hearing, and if possible, within 15 days.
4. Final disposition will be completed within 6 months of the adjudication [Juv. R. 29 (F)(2)].
5. Continuances of any of the above stages may be granted upon a showing of good cause, but continuances should be for no longer than the period necessary to resolve the good cause.

Parentage and Child Support Cases

(A) Service of process will be sent as expeditiously as possible after the filing of the complaint.

(B) A hearing will be scheduled in a timely fashion to allow completion of service of process on the parties following the filing of the complaint.

(C) If a defendant admits the allegations in the complaint, the Court may proceed immediately to determination of a support order.

(D) If a defendant denies the allegations, the Court, at the pretrial hearing, may set the date for genetic testing. The date of the testing will be scheduled as soon as practicable following the pretrial hearing. The next pretrial will be scheduled as soon as practicable to allow for completion of the genetic testing.

(E) If genetic tests show exclusion, the Court may entertain a motion to dismiss.

(F) If genetic tests show inclusion:

1. If a defendant changes his/her plea to admit, the Court may proceed immediately to determination of a support order;
2. If a defendant continues to deny, a trial will be scheduled as soon as practicable.

(G) Continuances may be granted upon a showing of good cause, but the continuances should be for no longer than is necessary to resolve the good cause.

Custody and Parenting Time Cases

(A) Service of process will be sent as expeditiously as possible after the filing of the complaint along with notice of the initial hearing. The hearing shall be scheduled as soon as practicable.

(B) Pretrial matters, including completion of discovery, should be resolved at preliminary hearings. Trials will be scheduled as soon as practicable following the last preliminary hearing.

(C) Continuances may be granted upon a showing of good cause, but the continuance should not be longer than necessary to resolve the good cause.

(D) All custody/parenting time complaints will be resolved within the time guidelines set forth in the Rules of Superintendence.

Abuse, Neglect, and Dependency Cases

(A) Absent a voluntary agreement for care, when a child is removed from the home, 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 hearing will be held no later than 21 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, unless the parties waive such period.

(F) Continuances may be granted upon a showing of good cause, but the continuances should be no longer than is necessary to resolve the good cause.

RULE 29. Records Retention Schedule

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

(B) Delinquency and adult records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the juvenile division.

(C) Juvenile by-pass records shall be maintained in two separate and secure files. The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant.

Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought, for two years after the filing of the appeal.

(D) Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency and URESA/UIFSA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or for two years after the child who is the subject of the motion obtains the age of majority, whichever is later.

(E) Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.

(F) Unruly and marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State,

whichever is later. Minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-fiveyears after the final order of the juvenile division. All other traffic records shall be retained for fifty years after the final order of the juvenile division.

RULE 30. Electronic Traffic Ticket

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Clermont County Juvenile Court pursuant to Traffic Rule 3(F). The electronically produced traffic ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by division (E) of Traffic Rule 3. The court record of the ticket shall be filed with the Clermont County Juvenile Court on paper of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by the Rules of Superintendence for the Courts of Ohio. The court record of the ticket may also be filed electronically with the court in lieu of the paper court record. A law enforcement officer who files a ticket with the court and electronically affixes the officer's signature thereto shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other traffic tickets issued pursuant to the authority granted by the Rules of Superintendence for the Courts of Ohio.