

**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
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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.

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**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 be 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.

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(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 through 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

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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.

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(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.

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(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 by 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.

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(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 identify the victim or the victim's family.

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(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 Clermont County Family Support Center, 2400 Clermont Center Drive, 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.

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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.

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(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;

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- 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 Court appointment list shall consist of the following individuals: (1) Attorneys who will represent children in delinquency, traffic and unruly cases, and indigent adults in criminal matters and contempt actions other than those specified herein; (2) Attorneys who will serve as counsel for indigent parties in abuse, neglect, and dependency cases; and (3) 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 submit a written application provided by the Court along with a certificate of good standing directed to the Administrative Assistant to the Judge. All attorneys appointed by the Court in unruly, truancy, violation of court order, OVI, delinquency, bindover, serious youthful offender, and appellate cases related thereto and adult criminal cases, shall meet the minimum qualifications for training and experience established by the Ohio State Public Defender in order to qualify for State reimbursement. All CLE hours must be certified by the Ohio Supreme Court Commission on Continuing Legal Education. Proof of education and training shall be submitted with the application and shall be provided annually thereafter. Failure to submit proof of continuing education and training requirements will result in the removal of the attorney from the appointment list. An attorney may request removal from the appointment list by submitting a written request directed to the Administrative Assistant to the Judge.

(C) The Court shall maintain an individual file for each appointed counsel. Attorneys will be assigned on a rotating basis from the graduated list that pairs the seriousness, complexity and type of case with the qualifications and experience of the person to be appointed. Appointments shall take into account all of the following:

- (1) The anticipated complexity of the case in which appointment will be made;
- (2) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;

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- (3) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
- (4) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
- (5) Intangible factors, including the court or judicial officers view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

(D) The Administrative Assistant to the Judge will review the number of appointments for each counsel twice per year. The equitable appointment of counsel shall be determined by type of case and shall not be aggregated from all types of cases. The appointment of counsel for children in abuse, neglect and dependency cases shall be counted as only one appointment for all children of a family for purposes of determining the equal distribution of appointments.

(E) Rates of compensation for appointed counsel shall be as determined from time to time by the Clermont County Board of County Commissioners. In addition, 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 Court is obtained. The Court will not allow for any fixed office overhead expenses, Court transcripts or depositions, except as provided by law. 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.

(F) Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents. 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.

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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.

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(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.

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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.

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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.

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(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 28.1. ABUSE, NEGLECT AND DEPENDENCY CASES

(A) **Applicability.** This Rule applies to all complaints and cases filed on or after July 1, 2015, in which a child is alleged to be abused, neglected and/or dependent.

(B) **Separate Complaints.** A separate complaint shall be filed with respect to each child alleged to be abused, neglected and/or dependent.

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(C) Birth Record. A copy of the child’s birth certificate shall be filed with the complaint, or within 60 days, if unavailable at the time of filing.

(D) Related Cases. Upon filing a complaint, the complainant shall have determined if there are any Related Cases and shall identify any Related Cases to the Clerk. “Related Cases” are:

1. Cases filed at the same time regarding children who have a common biological or adoptive mother;
2. Cases which meet both of the following criteria:
 - a) children who have a common biological or adoptive mother; and
 - b) with respect to any of such mother’s children in a previously filed abuse, neglect or dependency case, the Court has not made disposition under R.C. 2151.353 (A)(3-5) of legal custody, permanent custody or planned permanent living arrangement; or
3. Cases concerning children who have the same legal custodian.

(E) Case Numbers and Case Files. The Clerk shall:

1. Assign consecutive case numbers to Related Cases which are filed simultaneously;
2. Ensure that identification of any one Related Case in the Court’s computerized docketing system also identifies all other cases related thereto.
3. On the outside of each case file of Related Cases, note the case number(s) of any other Related Cases.

(F) Consolidation. Related Cases are hereby consolidated for purposes of hearings and trials. Such consolidation need not occur if the Court determines that the interests of justice or efficiency warrant otherwise. Separate Decisions, Orders, Entries, Summonses and other notices shall issue under each Related Case number, unless otherwise determined by the Court. Motions and other filings by parties or other interested persons shall be filed separately under each Related Case number unless otherwise directed by the Court.

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.

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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-five years 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.

RULE 31. Electronic Signatures

(A) Electronic signatures of the judge, magistrates and clerks of this court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and orders issued by this court. The judge and magistrates may affix their electronic signature or direct a clerk of the court to affix their electronic signature. Electronic signatures issued in accordance with this rule shall have the same force and effect as a manual signature by the signatory.

(B) Attorneys for the Clermont County Child Support Enforcement Agency may submit complaints, entries, and all other court filings to the Clerk of Courts with their electronic

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signatures. The electronic signature shall comply with a format and processes of authentication as outlined in Paragraph D of this Local Rule.

- (C) “Electronic Record” means a record created, generated, sent, communicated, received, or stored by electronic means.
- (D) “Electronic signature” means an electronic sound, symbol, image, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Electronic signatures utilized by this court shall be subject to the following procedure:
- (1) The electronic signature creation data shall at all times be under the control of the signatory.
 - (2) The electronic signature created by the electronic signature creation data shall be capable of verification as authentic by the court. The case management system will receive the electronic record. The electronic record will be created within the case management system or from an application outside of the court. The login will involve a user name and password which are unique to the sender. A secure register of the user name and password for each authorized user shall be kept. The user name and/or password shall be approved by the administrator of the court application. Secure password procedures shall be utilized.
 - (3) The electronic signature shall be linked to the data in the electronic document to which it pertains in such a manner so as to assure that, if the data are changed after the electronic signature is entered, the electronic signature shall be invalidated. Such invalidation shall be readily detectable in both the electronically stored signed document and in any paper copy of that document generated from the electronically stored data.
 - (4) An electronic signature in an electronic record filed with the court in accordance with this Local Rule shall be presumed to be authentic. If established upon motion of the signor or the signor’s personal representative that an electronic signature was transmitted without authority or modified from the signor adopted, the court may order the filing stricken.
 - (5) The electronic record shall demonstrate that the electronic signature is associated with the electronic record. Any electronic or paper output from the case management system shall indicate that the record was signed electronically and identified by name the person who electronically signed the electronic record.

RULE 32. Use of Child Restraints

Physical restraint of a child in court proceedings shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because the child represents a current and significant threat to the safety of the child’s self or other persons in the courtroom, or there is a significant risk the child will flee the courtroom.

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The child who is the subject of a juvenile court proceeding, the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of that parent, in appropriate cases, the child's custodian, guardian or guardian ad litem, the child's counsel, the state, court security staff, detention personnel, probation officers, and any other person specifically designated by the court shall have the right upon written or verbal request to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding. The juvenile may attend the restraint hearing or may be excused from the hearing on the child's request.

If the judge or magistrate determines that physical restraint is necessary, the restraint shall be the least restrictive means necessary to meet the risk requiring the restraint as determined by the judge or magistrate. Such restraint should not unnecessarily restrict the movement of the child's hands.

This rule shall not prohibit the use of restraints during transportation to and from the court or in the court buildings either before or after hearings.

RULE 33.1. Application for Appointment

An individual or a legal organization, through an authorized agent, may apply to be appointed as a Special Process Server for Clermont County Juvenile Court.

RULE 33.2. General Requirements for all Applicants

- (i) The Applicant shall file an Application for an Appointment as a Special Process Server which substantially complies with Form 1.
- (ii) With each Application, the Applicant shall file an Affidavit which shall aver all of the following:
 - a. The Applicant is 18 years of age or older;
 - b. The Applicant will not serve any process in which he or she may be a party in the action;
 - c. The Applicant has no familial relationship to any party in any action for which he or she may serve process;
 - d. The Applicant has no felony criminal record in Ohio, in any other state, or the United States;
 - e. The Applicant will carry out his or her duties in accordance with all applicable Court Rules and the laws of Ohio.
 - f. If the Applicant is an authorized agency of any legal organization and more than one employee of the organization may serve process for the organization, each additional employee shall be identified and shall satisfy the requirements set forth at 33.2(ii)(a-e) as fully as if that person had submitted his or her own signed Affidavit.
- (iii) All Applicants shall submit the required Affidavit in substantial compliance with Form 2.
- (iv) With each Application and Affidavit, all Applicants shall present an order which shall be reviewed and signed by the Judge. This order shall substantially comply with Form 3.

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- (v) The Clerk shall record the Application and Affidavit when submitted by an Applicant as a miscellaneous civil case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.

RULE 33.3. Term for a Special Process Server

- (i) An Applicant may request to be appointed as a one-time Special Process Server for a particular matter. In this instance, the Applicant's term shall terminate when the case is terminated by a final entry or as otherwise ordered by the Judge.
- (ii) An Applicant may request to be appointed as a Standing Process Server. The term for a Standing Process Server is one year from the date the signed order granting the Application is journalized. A Standing Process Server may serve process in any action pending in this Court during this term.
- (iii) No duly appointed Special Process Server may represent or advertise to the public, in any manner, that he or she is the official Process Server for the Court.
- (iv) After the Applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time-stamped copy of the signed order to the Clerk to verify his or her appointment.
- (v) If any Standing Process Server seeks to continue any term, he or she shall, not later than 30 days prior to the expiration of the current term, file an Application, Affidavit, and proposed order as herein required seeking to be reappointed for another term.

RULE 34. Parenting Coordination

34.1 Definitions

As used in this rule:

(A) Domestic Abuse

"Domestic abuse" means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

(B) Domestic Violence

"Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).

(C) Parenting Coordination

"Parenting coordination" means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup. R. 16, nor arbitration subject to R.C. Chapter 2711 or Sup. R. 15.

(D) Parenting Coordinator

"Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.

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34.2 Purpose

The purpose of this rule is to facilitate the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

34.3 Scope

Parent coordination may be ordered at any time after a parental rights and responsibilities or companionship time order is filed, but not to determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

34.4 Appointment

(A) Reasons for Ordering Parenting Coordination

The Court may order parenting coordination sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

- (1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- (2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- (3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- (6) Any other factor as determined by the Court.

(B) Parenting Coordinator Qualifications

The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:

- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
- (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;

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(3) Completion of the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:

- (a) At least twelve hours of basic mediation training;
- (b) At least forty hours of specialized family or divorce mediation training;
- (c) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
- (d) At least twelve hours of specialized training in parenting coordination.

Community parenting coordinators shall complete and submit the application for the parenting coordinator appointment list. The application shall include a resume stating the applicants training, experience and expertise and the applicant's ability to successfully perform the duties and responsibilities of the parenting coordinator. The applicant's background disclosure statement and proof of malpractice insurance should be included with the application.

(C) Parenting Coordinator Qualifications in Abuse, Neglect and Dependency Cases

In addition to the qualifications under 34.4(B) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect, or dependency case, provided the parenting coordinator meets both of the following qualifications:

- (1) Significant experience working with family disputes;
- (2) At least thirty-two hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.

(D) Parenting Coordinator Continuing Education

To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.

(E) Parenting Coordinator Appointment Order

The appointment order shall set forth all of the following:

- (1) The name of the parenting coordinator and any contact information the Court may choose to include;
- (2) The specific powers and duties of the parenting coordinator;
- (3) The term of the appointment;
- (4) The scope of confidentiality;
- (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
- (6) Parenting coordination terms and conditions;

(F) Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in division 34.4(B) of this rule and, if applicable division (C), shall be selected using one of the following:

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- (1) Random selection by the Court from the Court's roster of parenting coordinators;
- (2) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
- (3) Parties select a parenting coordinator from the Court's roster of parenting coordinators;

If a party objects to the appointment of a particular parenting coordinator, the party shall file a motion supported with an affidavit that states the objections with specificity. The Court will conduct a hearing.

(G) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a parenting coordinator who does not possess the qualifications in division 34.4(B) of this rule and, if applicable division 34.4(C), or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.

(H) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.

(I) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

34.5 Parenting Coordinator Responsibilities

(A) Ability to Perform Duties

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(B) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

(C) Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(D) Conflicts of Interest

- (1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship 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 parenting coordinator shall avoid self-dealing or

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associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

(E) Ex parte Communications

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal Advice

A parenting coordinator shall not offer legal advice.

(G) Reporting

(1) A parenting coordinator shall submit a resume to the Court documenting compliance with division 34.4(B) and, if applicable, division 34.4(C); provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume.

(2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to Rule 34.4(D), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

(3) On or before January 1st of each year, the parenting coordinator shall provide a list of the parenting coordinator's active parenting coordination cases to the Clermont County Juvenile Court.

34.6 Parenting Coordination Procedures

(A) Screening for and Disclosure of Domestic Abuse and Domestic Violence

(1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.

(2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

(3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:

(a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;

(b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;

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(c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

(B) Disclosure of Abuse, Neglect, and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(C) Attendance and Participation

(1) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties. A party shall notify the parenting coordinator at least one week before the session should a party want his/her attorney or other designated individual to attend.

(3) Parties shall notify parenting coordinator and the court of any changes of address, telephone number and electronic mail address.

(4) The parenting coordinator may notify the court of noncompliance and request that sanctions be levied against the offending party.

(D) Referrals to Support Services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

(E) Parenting Coordination Agreements, Reports, and Decisions

(1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(2) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:

(a) Dates of parenting coordination session(s);

(b) Whether the parenting coordination session(s) occurred or was terminated;

(c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and the whether the request was approved;

(d) Whether an agreement was reached on some, all, or none of the issues;

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- (e) Who was in attendance at each session(s);
 - (f) The date and time of a future parenting coordination session(s);
 - (g) Whether any decisions were written and if so, the date(s);
- (3) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
- (a) Case caption, including the case number;
 - (b) Date of the decision;
 - (c) The decision of the parenting coordinator;
 - (d) Facts of the dispute and facts upon which the decision is based;
 - (e) Reasons supporting the decision;
 - (f) The manner in which the decision was provided to the parties;
 - (g) Any other necessary information.
- (4) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections based upon a De Novo Standard of review.

(F) Parenting Coordinator Evaluations and Complaints

- (1) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (2) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (3) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court Administrator, and include all of the following:
- (a) The case caption and case number;
 - (b) The name of the parenting coordinator;
 - (c) The name and contact information for the person making the complaint;
 - (d) The nature of any alleged misconduct or violation;
 - (e) The date the alleged misconduct or violation occurred;
- (4) The Court Administrator shall provide a copy of the complaint to the parenting coordinator;
- (5) The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to the Court Administrator.
- (6) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.

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(G) Fees

All fees shall be determined by the Court and included in the appointment order. Fees shall be waived for indigent parties.

(H) Stay of Proceedings

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

- (1) An objection to a parenting coordinator's decision;
- (2) A motion to lift the stay;
- (3) A response to a motion to lift the stay;
- (4) An application to dismiss the case;
- (5) A notice related to counsel;
- (6) A motion for changes in the designation of the primary residential parent or legal guardian;
- (7) A motion for changes in the primary placement of a child;

34.7 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential or privileged except as provided by law.

34.8 Release of Records

The parties shall allow the parenting coordinator access to any records that the parenting coordinator deems necessary to adequately perform his/her role. Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator.

34.9 Public Access

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

34.10 Model Standards

The Court and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the "Guidelines for Parenting Coordination" and this rule, this rule shall control.

34.11 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court's current roster of parenting coordinators;

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- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A list of continuing education training received from each parenting coordinator.

34.12 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, forfeiture of paid fees, additional fees, contempt, or other appropriate sanctions at the discretion of the Court.