

**COURT OF COMMON PLEAS
JUVENILE DIVISION
CLERMONT COUNTY, OHIO**

JAMES A. SHRIVER, JUDGE
2340 CLERMONT CENTER DRIVE, SUITE 100
BATAVIA, OHIO 45103

LOCAL RULES
Revised January 25, 2024

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

22.01 Definitions

As used in this rule:

1. "Guardian ad litem" means an individual appointed to assist a court in its determination of a child's best interest.
2. "Child" means either of the
 - a. A person under 18 years of age;
 - b. A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under R.C.2151.011(B)(6) or 2152.02(C);
 - c. A child under R.C. 3109.04 or a disabled child under R.C. 3119.86 who falls under the jurisdiction of a juvenile court.
3. "Attorney for the child" means an attorney appointed to act as legal counsel for a child and as an advocate for the wishes of the child.
4. "Allocation of parental rights and responsibilities" means those cases where legal custody, parenting time, companionship, or visitation rights are at issue under R.C. 3109.04 and 3109.051.

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5. “Abuse, neglect, and dependency” means those cases arising from a complaint filed under R.C. 2151.27 involving a child who is alleged to be abused (R.C. 2151.031), neglected (R.C. 2151.03), or dependent (R.C. 2151.04).
6. “Delinquency and unruly” means those cases arising from a complaint filed under R.C. 2151.27 and 2152.021 involving a child who is alleged to be delinquent (R.C. 2152.02) and unruly (R.C. 2151.022).

22.02 Applicability

This rule shall apply in all cases involving the allocation of parental rights and responsibilities; abuse, neglect, and dependency; and juvenile delinquency and unruly cases where the Court appoints a guardian ad litem to protect and to act in the best interest of a child.

22.03 Appointment of Guardian Ad Litem

- A. Mandatory appointments in abuse, neglect, dependency, unruly, and delinquent cases.
The Court shall appoint a guardian ad litem in abuse, neglect, dependency, unruly, and delinquency cases as required by rule or statute.

- B. **Separate appointments in abuse, neglect, dependency, unruly, and delinquency cases and cases of conflict**
 1. A court shall appoint a separate attorney to represent a child in abuse, neglect, dependency, unruly, and delinquency cases in which the wishes of the child differ from the recommendations of the guardian ad litem.
 2. If an attorney who has been appointed to serve as both guardian ad litem and attorney for the child or any other party believes that a conflict exists in the dual appointment, the attorney or party shall immediately notify the court in writing with notice to the parties or affected agencies and request a separate appointment of a guardian ad litem and attorney for the child. The court shall make such additional appointment or appointments, or order or orders to remedy the conflict. The court may also make such appointment or appointments on its own motion.

C. Discretionary appointments in allocation of parental rights and responsibilities, unruly, and delinquency cases

Unless a mandatory appointment is required by rule or statute, a court may make a discretionary appointment of a guardian ad litem in the allocation of parental rights and responsibilities, unruly, and delinquency cases. In making a discretionary appointment, a court should consider all of the circumstances of the case, including but not limited to all of the following factors:

1. Allegations of abuse and neglect of the child;
2. Consideration of extraordinary remedies, such as supervised visitation, terminating or suspending parenting time, or awarding custody or visitation to a non-parent;
3. Relocation that could substantially reduce the time of a child with a parent or sibling;
4. The wishes and concerns of the child;
5. Harm to the child from drug or alcohol abuse by the party;
6. Past or present child abduction or risk of future abduction;
7. Past or present family violence;
8. Past or present mental health issues of the child or a party;

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9. Special physical, educational, or mental health needs of the child that require investigation or advocacy;
10. A high level of conflict;
11. Inappropriate adult influence or manipulation;
12. Interference with custody or parenting time;
13. A need for more information relevant to the best interests of the child;
14. A need to minimize the harm to the child from family separation or litigation;
15. Any other relevant factor.

D. Qualifications

1. A guardian ad litem may be an attorney, a qualified volunteer, or a court appointed special advocate (CASA).
2. An applicant seeking to serve as a guardian ad litem shall successfully complete a minimum of 12 hours of pre-service education as prescribed in Sup.R. 48.04.
3. Upon completion of the required pre-service education, an applicant seeking to serve as a guardian ad litem shall submit to the Court the Application for the Guardian Ad Litem Appointment List and complete the background process of the Court.
4. The application shall provide the following documents in addition to the application:
 - a. A resume stating the applicant's education, foreign language proficiency, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a guardian ad litem;
 - b. A copy of the applicant's criminal background check;
 - c. The applicant's Background Disclosure Statement;
 - d. For an attorney guardian ad litem, a copy of the malpractice insurance declaration page indicating current malpractice coverage;
 - e. For CASA guardians ad litem, proof of completion of the required education to become a CASA.

E. Maintaining Appointment

1. To remain on the Court's appointment list, the guardian ad litem shall submit annually by January 1st both of the following:
 - a. The Annual Compliance Statement certifying qualifications and that the guardian ad litem is unaware of any circumstances that would disqualify the guardian ad litem from serving;
 - b. Certificates of completion that the required annual six hours of continuing education required by Sup.R. 48.05 has been satisfied.
2. The Court will review its list of guardians ad litem annually to determine if all persons on the list are in compliance with the education requirements of the Supreme Court of Ohio. The Court will also conduct an annual review of the performance of each guardian ad litem on assigned cases during the preceding calendar year.
3. If the Court determines an individual is no longer qualified to serve as a guardian ad litem, the individual will be removed from the list of approved guardians ad litem and shall not be eligible for any new appointments until the individual has cured the issue

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resulting in disqualification. The Court shall retain discretion to continue a current guardian ad litem appointment pursuant to Sup.R. 48.05(B).

22.04 Procedure for Appointment

A. Motion

Upon motion of the Court or either party, the Court may appoint a guardian ad litem to protect the best interest of the child and shall appoint a guardian ad litem when required under R.C. 2151.281 and 3109.04.

1. The Court shall appoint a guardian ad litem from the Court's public list of approved guardians ad litem so the workload is equitably distributed taking into consideration the complexity of the issues, the parties, the children involved in the case, and the experience, expertise, and demeanor of available guardians ad litem. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner.
2. If a party to the case objects to the appointment of a particular guardian ad litem, the party shall file a motion supported by an affidavit that states the objection with specificity. The Court shall make a ruling.
3. Whenever appropriate, the same guardian ad litem shall be reappointed for a specific child in any subsequent case.
4. In the allocation of parental rights and responsibilities cases, a guardian ad litem shall not be appointed in a dual role as a guardian ad litem and as an attorney for the child.
5. The guardian ad litem shall be considered a party to the proceeding and as such have full access to court records and shall have the right to obtain court records and any agency personnel or records, including physicians and mental health professionals, educational facilities, other professionals, or an individual who may be relevant to the best interest of the child.

22.05 Order of Appointment

When appointing a guardian ad litem under Sup.R. 48, the Court shall enter an Order of Appointment that includes the following statements:

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

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NOTICE

This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, the Court must approve any other disclosure of the report in advance. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

1. The Court's expectation for the guardian ad litem to address a specific issue or issues and that the guardian ad litem is relieved of the duties set forth in Sup.R. 48.03(D) that are not applicable to the specific issue or issues; and
2. That in an allocation of parental rights and responsibilities case, the guardian ad litem shall be appointed only to represent the best interest of the child and not also as the attorney for the child.

22.06 Responsibilities of a Guardian Ad Litem

- A. To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a guardian ad litem shall perform the responsibilities stated in this division, unless specifically relieved by the Court in the Order of Appointment.
 1. A guardian ad litem shall represent the best interest of the child for whom the guardian is appointed.
 2. A guardian ad litem shall maintain independence, objectivity, and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom, and shall have no ex parte communications with the Court regarding the merits of the case.
 3. A guardian ad litem is an officer of the Court and shall act with respect and courtesy to the parties at all times.
 4. A guardian ad litem shall appear and participate in any hearing for which the duties of a guardian ad litem or any issues substantially within a guardian ad litem's duties and scope of appointment are to be addressed.
 5. If the guardian ad litem is an attorney, they may file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure. The attorney guardian ad litem shall be entitled to participate in the hearing in the same manner as counsel.
 6. If the guardian ad litem is not an attorney, the guardian ad litem may request the appointment of counsel to file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure.
 7. When a guardian ad litem determines a conflict exists between the child's best interest and the child's wishes, the guardian ad litem shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.

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8. A guardian ad litem shall meet the qualifications for guardians ad litem for each county where the guardian ad litem serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.
9. A guardian ad litem shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing education requirements. The compliance statement shall include information detailing the date, location, and number of credit hours received for any relevant education.
10. A guardian ad litem shall immediately identify themselves as a guardian ad litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.
11. As an officer of the Court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, or addresses where there are allegations of domestic violence or risk to a party's or a child's safety. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.
12. A guardian ad litem shall perform responsibilities in a prompt and timely manner, and, if necessary, a guardian ad litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.
13. A guardian ad litem whom the Court or a party pays shall keep accurate records of the time spent, the services rendered, and the expenses incurred in each case; file an itemized statement and accounting with the Court, and provide a copy to each party or other entity responsible for payment. In the allocation of parental rights and responsibilities cases, a guardian ad litem shall provide a monthly statement of fees and expenses to all parties.

22.07 Specific Duties of a Guardian Ad Litem

A guardian ad litem shall become informed about the facts of the case and contact all parties and other relevant persons. A guardian ad litem shall immediately identify himself or herself as a guardian ad litem when contacting individuals and inform the individuals about the role of the guardian ad litem, including as an attorney if a dual appointment, the scope of appointment, and that documents and information obtained by the guardian ad litem may become part of the Court.

To provide the Court with relevant information and an informed recommendation as to the child's best interest, a guardian ad litem shall do all the following, at a minimum, unless specifically relieved by the Court:

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- A. Meet with and interview the child; observe the child with each parent, foster parent, guardian, or physical custodian; and conduct at least one interview with the child where none of these individuals are present;
- B. Visit the child at the child's residence or proposed residence in accordance with the standards established by this court;
- C. Ascertain the wishes and concerns of the child and determine the best interest of the child;
- D. Meet with and interview the parties, the foster parents, guardians, physical custodians, and other significant individuals who may have relevant knowledge regarding the issues of the case;
- E. Review pleadings and other relevant court documents in the case;
- F. Review criminal, civil, educational, mental health, substance abuse assessments and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- G. Interview school personnel, medical and mental health providers, child protective services workers, other relevant individuals who know the child, and relevant Court personnel and obtain copies of relevant records;
- H. Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the Court;
- I. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

22.08 Reports of a Guardian Ad Litem

- A. A guardian ad litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division or as otherwise ordered by the Court.
- B. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, Court rule, and in the Court's Order of Appointment.
- C. In proceedings involving the allocation of parental rights and responsibilities, a written report shall be submitted to the Court not less than seven days before the final hearing unless the Court extends the due date.
- D. In abuse, neglect, dependency, unruly, and delinquency cases, a written report shall be submitted to the Court not less than seven days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition. The court may alter the seven-day period as may be necessary for the administration of justice.
- E. The Court shall consider the recommendation of the guardian ad litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit in the allocation of parental rights and responsibilities, custody, and visitation cases.

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- F. Unless the Court and the parties agree, the report of the guardian ad litem shall not be entered into direct evidence absent the guardian ad litem's testimony. The parties may cross-examine the guardian ad litem concerning the contents of the report and the basis for the guardian ad litem's recommendations. The guardian ad litem's report shall not be filed with the Clerk of Courts.
- G. All reports submitted to the Court shall include the following notice:

NOTICE

This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

22.09 Guardian Ad Litem Fee Determinations in Allocation of Parental Rights and Responsibilities Cases

- A. The court shall make a determination of the ability of any party to pay a deposit for the fees and expenses to the guardian ad litem and may reconsider that determination at any time prior to conclusion of the case. In making this determination, the court shall consider all of the following:
 - a. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance;
 - b. The complexity of the issues;
 - c. The anticipated expenses, including the travel of the guardian ad litem;
- B. The Court shall inform the parties of the amount of the deposit and the compensation rate before the Order of Appointment issues.
- C. At any time prior to the conclusion of a case, a guardian ad litem may submit a motion for payment along with a proposed entry directing the clerk to release the funds. A guardian ad litem shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended, and costs and expenses incurred pursuant to Sup.R. 48.03(H)(1). In all cases, the guardian ad litem shall also provide a proposed entry directing the clerk to release the funds for payment of the bill.
- D. In determining the allocation of guardian ad litem fees and expenses, the court shall consider any relevant factor, including any of the following:
 - a. The rate or amount of compensation of the guardian ad litem;
 - b. The sources of compensation of the guardian ad litem, including the parties, any specialized funds allocated for payment of the guardian ad litem or pro bono contribution of services by the guardian ad litem;
 - c. The income, assets, liabilities, and financial circumstances of the parties, as demonstrated using an affidavit, testimony to the court, or evidence of qualification for any means-tested public assistance;

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- d. The conduct of any party resulting in the increase of the guardian ad litem fees and expenses without just cause;
- e. The terms and amount of any installment payment.
- E. Unless a party requests a hearing or the court within fourteen days after a motion for payment is filed, a court shall issue an order regarding payment of guardian ad litem fees and expenses approving or denying any portion of the requested fees and expenses and allocating payment to one or more of the parties as appropriate.
- F. The Court may require direct payments from the litigants to the guardian ad litem. The guardian ad litem shall submit monthly billing to counsel and self-represented litigants.
- G. Guardian ad litem services exceeding the initial deposit may require additional compensation. Any request for fees in excess of the amount authorized in the Order of Appointment or as authorized by the state shall include a motion for extraordinary fees and a proposed judgment entry. The Court, without an oral hearing, may order subsequent deposits or payments.

The Court shall not delay or dismiss a proceeding solely because of a party's failure to pay the Court-ordered guardian ad litem fees and expenses.

22.10 Conflicts of Interest

- A. A guardian ad litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian ad litem shall avoid self-dealing or associations from which the guardian ad litem might benefit, directly or indirectly, except for compensation for services as a guardian ad litem.
- B. Upon becoming aware of any actual or apparent conflict of interest, a guardian ad litem shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary.
- C. Because a conflict of interest may arise at any time, a guardian ad litem has an ongoing duty to comply with this division.

22.11 Guardian ad Litem Evaluations and Complaints

- A. A party or their counsel may file a complaint or written comments regarding the guardian ad litem within three months from the termination of the appointment. The complaint or written comments 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 guardian ad litem;
 - 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

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- B. The Court Administrator shall provide a copy of the complaint or written comments to the guardian ad litem;
- C. The guardian ad litem has fourteen days from the date of the receipt of the complaint or written comments to respond in writing to the Court Administrator.
- D. The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date of the receipt of the complaint or written comments.
- E. The Court Administrator shall submit the complaint or written comments, the response of the guardian ad litem, and a report of the investigation to the Judge for consideration and appropriate action.
- F. The Court will maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the guardian ad litem of the disposition.

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.

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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 Section 3109.051(D), the Court shall adopt the Standard Parenting Time Guideline identified below as the Order of the Court:

[Appendix A – Parenting Time Guideline-Holidays](#)

[Appendix B – Parenting Time Guideline-Ages Birth-6 months](#)

[Appendix C – Parenting Time Guideline-Ages 6 months to 12 months](#)

[Appendix D – Parenting Time Guideline-Ages 1 year to 3 years](#)

[Appendix E – Parenting Time Guideline-Ages 3 years to 6 years](#)

[Appendix F – Parenting Time Guideline-Ages 6 to 14 years](#)

[Appendix G – Parenting Time Guideline-Ages 14 years to 18 years](#)

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.

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(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) A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13.1 with authority to process and dispose of those traffic offenses for which no court appearance is required by law or Court.

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

(C) A formal court appearance is not mandatory for the following offenses: Parking violations, except handicap violations; 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; muffler violations; other equipment violations set forth in Chapter 4513 of the Ohio Revised Code and other violations as may be added by the Court.

(D) In cases where a mandatory court appearance is not required, the case may be disposed of as follows: the juvenile and a 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 a 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 admission.

(E) A mandatory court appearance shall be defined to mean attendance at a hearing either in person or through a video conference or telephone conference as determined by the Court.

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.

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(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.

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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.

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(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.

(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.

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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-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

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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 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

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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.

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 not less than 18 years of age;
 - b. The Applicant is not a party to the proceeding, related to a party to the proceeding, or has a financial interest in the outcome of the proceeding;
 - c. The Applicant is a United States citizen or legal resident of the United States;
 - d. The Applicant holds a valid government-issued identification card, passport or driver's license;
 - e. The Applicant has not been convicted in the last ten years of any felony, offense of violence, or offense involving dishonesty or false statement, and not currently under community control sanctions, probation, post-release control or parole;
 - f. The Applicant is not currently a respondent under any civil protection order;

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- g. The Applicant is familiar with the required procedure for service of process;
- h. The Applicant will conduct themselves in a professional manner.
- (iii) The Applicant will conduct themselves in a professional manner. 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.

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 aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. “Domestic Abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.

(B) Domestic Violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A).

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(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. 16.20 through 16.25.

(D) Parenting Coordinator

“Parenting Coordinator” means an individual who conducts parenting coordination.

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 Timing

Parenting coordination may be ordered at any time after a parental rights and responsibilities or companionship time order is filed in a case involving allocation of parental rights, shared parenting, parenting time, or companionship time.

34.4 Ordering of Parenting Coordination

(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, at any point after an interim or final parental rights and responsibilities or companionship time order is filed, when one or more of the following factors are present:

- (1) The parties have disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
- (2) There is a history of 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
- (4) contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (5) The parties have a child with a medical or psychological condition or disability who 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;
- (6) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements or to adjust their parenting time schedule without assistance, even when minor in nature;
- (7) Any other factor as determined by the Court.

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(B) Reasons Not to Order Parenting Coordination

The Court will not order parenting coordination to determine any of the following:

- (1) Changes in the designation of the residential parent or legal custodian;
- (2) Changes in the school placement of a child, in the case of shared parenting;
- (3) Substantive changes in parenting time;
- (4) The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.
- (5) The Court will not order parenting coordination in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.

34.5 Responsibilities of Parenting Coordinator

(A) General responsibilities

In order to provide a fair parenting coordination process for the parties, a parenting coordinator shall comply with the “2019 Revised 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 and Sup.R.16.60 through 16.66, the Rules shall control.

(B) Conflicts of interest (Relocated from existing Rule 34.5 (D))

- (1) A parenting coordinator shall avoid any actual or apparent 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 associations from which the parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.
- (2) Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify 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.
- (3) A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

(C) Legal advice

A parenting coordinator shall not offer legal advice.

(D) Satisfaction of Training Requirements

- (1) A parenting coordinator shall meet the qualifications and comply with all training requirements of Sup.R.16.64 and Local Court Rules governing parenting coordinators and parenting coordination adopted under Sup.R.16.61. No parenting coordination shall proceed unless the parenting coordinator meets the qualifications, education, and training requirements of Sup.R.16.64.
- (2) A parenting coordinator shall meet the qualifications for parenting coordinators for this Court and promptly notify the Court of any grounds for disqualification or any issues affecting the ability to serve.
- (3) Upon request, a parenting coordinator shall provide the Court documentation indicating compliance with all training and education requirements so that the court

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may meet the requirements of Sup.R.16.64(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant trainings.

(E) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with requirements of and act in accordance with the appointment order issued by a court or division under Sup.R.16.65(B).

(F) Competence or Ability to Perform

A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

- (1) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator;
- (2) Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

(G) Ex parte Communication

A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(H) Recordkeeping of Fees and Costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to the parties no less than once per month.

34.6 Parenting Coordinator Education and Training

(A) General (Replaces existing Rule 34.4(B) and (C))

- (1) Prior to accepting appointment to serve as a parenting coordinator, an individual shall meet all of the following qualifications:
 - a) Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the Court;
 - b) Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a guardian ad litem or mediator; or other equivalent experience satisfactory to the Court;
 - c) Complete “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(A)(1) or qualify for an exception as provided in Sup.R.16.23(A)(2);
 - d) Complete “Specialized Family or Divorce Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards

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established by the Commission on Dispute Resolution under Sup.R.16.23(B)(1)(c);

- e) Complete “Specialized Domestic Abuse Issues in Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(B)(1)(d);
 - f) Complete “Parenting Coordination Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.
- (2) Prior to accepting an appointment as a parenting coordinator in an abuse, neglect, or dependency case, an individual shall meet both of the following qualifications:
- a) Complete the requirements of division (A)(1) of this Rule;
 - b) Complete “Specialized Child Protection Mediation” that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(B)(2)(c).

(B) Continuing Education (Replaces existing Rule 34.4(D) and Rule 34.5(G))

- (1) A parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The diversity training may include awareness and responsiveness; cultural and racial diversity; and the effects of a parenting coordinator’s personal biases, values, and styles on the parenting coordination process. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are acceptable to the Court.
- (2) If a parenting coordinator fails to comply with the continuing education requirement of division (B)(1) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.

34.7 Appointment of Parenting Coordinator

(A) Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in division 34.6 of this Rule will be selected using one of the following:

- (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.

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(B) Prohibited Parenting Coordinator Appointments

The Court will not appoint a parenting coordinator who does not possess the qualifications in division 34.6 of this Rule, 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.

(C) 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.

34.8 Parenting Coordinator Appointment Order

The appointment order shall set forth all of the following:

- (1) The name and contact information of the parenting coordinator and the outline of the definition and purpose of the parenting coordinator;
- (2) The scope of authority of the parent coordinator;
- (3) The term of the appointment;
- (4) The allocation of responsibility for the fees and expenses related to the parenting coordination;
- (5) The procedures for decision-making of the parenting coordinator;
- (6) The procedures for objecting to parenting coordinator decisions;
- (7) The time that the parties must contact the parenting coordinator.

34.9 Parenting Coordination Procedures

(A) Screening for Party Capacity, Domestic Abuse and Domestic Violence

- (1) The parent coordinator shall screen for domestic abuse and domestic violence and the capacity of the parties to participate before the commencement of the parenting coordination process and 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; the right to decline participation in the parenting coordination process; and, at the discretion of the parent coordinator, the right to have any other individuals attend and participate in parenting coordination sessions;
 - b) Determine if the parties have the capacity to participate without fear of coercion or control;
 - c) Take any reasonable precautions to create a safe parenting coordination environment for the parties and all other persons involved in the process;

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- d) Have procedures in place to terminate the parenting coordination session if there is a 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. It is an order of the Court. 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 the 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;
 - 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).

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- (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.

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 or written comments regarding the parenting coordinator within one year from the termination of the appointment. The complaint or written comments 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 or written comments to the parenting coordinator;
- (5) The parenting coordinator has fourteen days from the date of the receipt of the complaint or written comments 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 or written comments were received.

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- (7) The Court Administrator shall submit the complaint or written comments, the response of the parenting coordinator, and a report of his investigation to the Judge for consideration and appropriate action.
- (8) The Court will maintain a written record in the parenting coordinator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the parenting coordinator of the disposition.

(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.

34.10 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.

34.11 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 all necessary authorizations to release records and information to the parenting coordinator.

34.12 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.

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RULE 35. Mediation

35.01 Ohio Uniform Mediation Act

The Court hereby adopts and incorporates by reference as if fully written herein the provisions of the Uniform Mediation Act set forth in Chapter 2710 of the Ohio Revised Code, including all definitions found in R.C §2710.01. Frequently used definitions include:

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

b. “Mediator” means an individual who conducts a mediation.

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

d. “Nonparty participant” means a person other than a party or mediator that participates in a mediation.

e. “Domestic abuse” means aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. “Domestic abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstances, and consequence.

f. “Domestic violence” has the same meaning as in R.C. §3113.31(A)(1).

35.02 Cases Eligible for Mediation

The Court has discretion to encourage parties to use mediation in any civil action filed in this court. Cases eligible for mediation shall include, but not be limited to those actions concerning the allocation of parental rights and responsibilities or the care of, or parenting time or companionship time with minor children or delinquency or status offenses, and abuse, neglect, and dependency cases.

A case may be submitted to mediation as provided in this rule. The Judge or Magistrate may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

35.03 Mediation Prohibited

Mediation is prohibited in the following circumstances:

- (a) As an alternative to the prosecution or adjudication of domestic violence;
- (b) In determining whether to grant, modify, or terminate a protection order;
- (c) In determining the terms and conditions of a protection order;
- (d) In determining the penalty for violation of a protection order;
- (e) When parties do not have the capacity to mediate upon screening.

Mediation shall not be prohibited in a subsequent custody case, even though the case may result in the termination of the provisions of a protection order issued

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pursuant to §2151.34 and §3113.31 of the Ohio Revised Code.; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

35.04 Referrals to Mediation

The Judge or Magistrate may refer a case to mediation at any time. A party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record. The assignment clerk may refer cases involving shared parenting, companionship time, and custody cases when it appears the parties are amenable to mediation.

35.05 Procedure for Mediation

(A) Notice of Mediation

The judge or magistrate shall include any referral to mediation in an entry with a copy to all parties and custodians. Notice of the mediation session shall, at a minimum, state the date, time, place, and contact information. Participants will receive notice by mail, email, phone or other medium when necessary.

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

(B) Mediator Selection and Assignment

The following methods may be used to select a mediator for the case:

1. The court may assign a court mediator to mediate;
 2. The court may randomly assign a mediator to the case from the court's roster of approved mediators;
 3. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity, and requirements of the case;
 4. Parties may select a mediator from the court roster, if any;
 5. Parties may request leave to select a mediator without guidance from the court.
- The court shall not be responsible for the quality of a mediator selected by the parties and who does not meet the qualifications, education, and training requirements set forth in section 35.08 of this Rule.

(C) Attendance, Participation, and Conduct of Proceedings

A mediator may meet with the parties individually prior to bringing the parties together for any reason, including but not limited to, further screening. The mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for resolution of the issues in part or in their entirety. The mediator should screen for domestic violence both before and during mediation. Parties to informal cases, such as pre-filing or diversion, may voluntarily attend mediation sessions.

Parties ordered into mediation in formal cases shall attend the mediation session via video conference unless otherwise directed by the mediator. Any party who

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does not have video conferencing must notify the mediator upon receiving notice of a mediation session. A Mediation session may be both in-person and video conferencing. Each party may have a support person accompany the party to mediation. The court may order parties to return to mediation at any time in formal cases.

If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet joined as a party in the pleadings, they shall promptly inform the mediator, as well as the assigned judge or magistrate. If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have a duty to participate in any screening required by the court.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2). Each party shall be prepared to negotiate an agreement as to any or all issues. The Court will notify the parties of their right to have counsel present for mediation and their right to waive presence of legal counsel, which a party may rescind at any time. The mediator shall inform each party of their right to continue the mediation to consult counsel or to terminate the mediation. To ensure prompt resolution of any issues in dispute, the mediator shall have the duty and authority to set the time for all mediation sessions, including private meetings between the mediator and each party, provided that a party may object to meeting with the mediator without counsel present. The mediator shall have the authority to establish a deadline for the parties to act upon a proposed settlement. The mediator shall control all procedural aspects of the mediation not otherwise set by the court.

If an agreement is reached, the mediator shall inform each party the agreement has no binding effect until the Court adopts it, and that either party may withdraw from the agreement prior to the court's approval of the agreement. The parties may request to place their agreement on the record immediately following the mediation. If the mediator determines at any time that further mediation would be of no benefit to the parties, the mediator may inform all interested parties and the court that the mediation is terminated using the procedure required by the court.

(D) Counsel

A party not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Open court shall include video conference.

A party is entitled to have their respective counsel present for the mediation sessions.

Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived.

Parties waiving counsel at mediation must fill out and sign a "Waiver of Counsel

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at Mediation” form prior to participation in mediation. Waivers may be rescinded at any time.

(E) Continuances

It is the policy of this court to determine matters in a timely manner. Scheduled mediations may be continued only for good cause after a mutually acceptable future date has been determined. The case may be continued by the Judge, Magistrate, and Mediator, or on motion of a party. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. All requests for continuances by a party shall be in writing and filed no later than 10 days prior to the scheduled mediation date.

Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case.

Where continuances and extensions are requested with excessive frequency or insubstantial grounds, the court may adopt one or all of the following procedures:

1. Cross-referencing all requests for continuances and extensions by the name of the lawyer requesting them;
2. Requiring that requests for continuances and stipulations for extensions be in writing and the parties notified; and/or
3. Summoning lawyers who persistently request continuances and extensions to warn them of the possibility of sanctions and to encourage them to make necessary adjustments in the management of their practice. Where such measures fail, restrictions may properly be imposed on the number of cases in which the lawyer may participate at one time.

(F) Sanctions

If any individual fails to attend a mediation session without good cause, the court may impose sanctions that may include, but are not limited to, the award of attorney fees and other costs, contempt, or other appropriate sanctions at the discretion of the judge or magistrate.

(G) Fees and Costs

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

(H) Stay of Proceedings

No court order is stayed or suspended during the mediation process except by written court order. Mediation will not stay discovery, which may continue through the mediation process unless agreed upon by the parties and approved by the judge or magistrate assigned to the case. All court orders continue in effect. Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept any documents for filing

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while a case is in mediation unless expressly permitted by these Rules or by court order. Only the following documents may be filed while a mediation stay is in effect:

1. Motion to lift the mediation stay;
2. Response to a motion to lift mediation stay;
3. Motion or stipulation to dismiss the case; and
4. Notice related to counsel.

(I) Mediator Conflict of Interest

A mediator shall avoid any actual or apparent conflicts of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the dispute. A mediator shall avoid self-dealing or association from which the mediator might directly or indirectly benefit, except from compensation for services as a mediator.

The mediator conducting a mediation session shall disclose to the mediation parties, counsel, if applicable, and any non-party participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflict(s) become known to the mediator. If counsel or a mediation party requests that the mediator withdraw because of the facts so disclosed, the mediator may withdraw in favor of another mediator. If the mediator determines that withdrawal is not warranted, the mediator may elect to continue. The objecting party may then request the judge to remove the mediator. The judge may remove the mediator and appoint another mediator. If the judge decides that the objection is unwarranted, the mediator shall proceed as scheduled, or, if the delay was necessary, as soon after the scheduled date as possible.

The requirements of this rule are in addition to and do not supersede the requirements of R.C. §2710.08. The statute shall control wherever a conflict exists between this rule and R.C. 2710.08..

(J) Domestic Violence and/or Fear of Violence

All parties, via the mediation referral sheet, and counsel shall advise the judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following the referral to mediation.

Mediation may proceed, when violence or fear of violence is alleged, suspected, or present, only if all the following conditions are satisfied:

- (a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, the right to decline participation in the mediation process, and the option to have a support person in addition to an attorney, present at mediation sessions.
- (b) The parties have the capacity to mediate without fear of coercion or control.
- (c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.

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(d) Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.

(e) Procedures are in place for issuing written Findings of Fact, as required by R.C. §3109.052, to refer certain cases involving domestic violence to mediation.

(K) Referral to Resources

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

(L) Confidentiality

All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to the disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator where possible.

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

All mediation communications are confidential with the following exceptions:

- (i) Parties may share all mediation communications with their attorneys;
- (ii) Certain threats of abuse or neglect of a child or an adult;
- (iii) Statements made during the mediation process to plan or hide an ongoing crime;
- (iv) Statements made during the mediation process that reveal a felony.

35.06 Abuse, Neglect and Dependency Mediation

Mediation in child abuse, neglect, or dependency cases shall comply with all provisions outlined above in Section 35.05 of this Rule.

Parties who wish to participate in mediation in an abuse, neglect, or dependency case prior to adjudication shall apprise the court at the emergency request for a custody hearing, initial hearing or pretrial. The judge or magistrate may refer the case to pre-adjudication mediation. The dispositional hearing shall not be delayed past 90 days for participation in mediation. Parties who wish to participate in mediation to resolve visitation, case plan, or custody issues at later points in the case may request an appointment by contacting a court clerk without prior court approval. The judge or magistrate may refer or order a case to mediation at any point in a case.

All unrepresented parties shall attend mediation only if a party has provided a written waiver of their right to counsel in open court. The written waiver must contain a notice in bold print that the waiver may be withdrawn at any time.

All parties represented by counsel shall attend with counsel unless their right to have counsel present has been specifically waived. A waiver may be rescinded at any time.

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35.07

Responsibility of Mediator

(A) General Responsibilities

In order to provide a fair mediation process for parties, a mediator shall remain impartial and neutral and shall comply with all of the following:

- (1) The “Core Values of Mediation,” as approved by the Supreme Court Dispute Resolution Section in accordance with recommendations established by the Commission on Dispute Resolution;
- (2) The “Model Standards of Conduct for Mediators” adopted by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution;
- (3) The “Model Standards of Practice for Family and Divorce Mediation” adopted by the Association for Family and Conciliation Courts;
- (4) The “Guidelines for Child Protection Mediation” adopted by the Association for Family and Conciliation Courts.

(B) Legal Advice A mediator shall not offer legal advice.

(C) Satisfaction of Training Requirements

- (1) A mediator shall meet the qualifications and comply with all training requirements of Sup.R. 16.23 and Clermont County Juvenile Court Local Rule 35.
- (2) A mediator shall meet the qualifications for mediators and promptly advise the court of any grounds for disqualification or any issues affecting the ability to serve.
- (3) Upon request, a mediator shall provide the court documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R. 16.24(A)(1)(d). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant training.

35.08

Mediator Training and Education

(A) Training

- (1) A mediator shall complete “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.
- (2) A mediator shall not be required to complete training pursuant to division (A)(1) of this rule if any of the following apply:
 - (a) Prior to January 1, 2020, the mediator has completed at least twelve hours of basic mediation training;
 - (b) Prior to January 1, 2020, the mediator has served as a fulltime mediator for a minimum of three years or mediated at least forty-five cases, in which case the mediator shall complete the “Advanced Mediation Workshop” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution;

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(c) The mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental mediation topics, and mediates under the supervision of faculty at the law school.

(B) Education

(1) Prior to accepting a referral from a court for disputes involving the termination of marriage; the allocation of parental rights and responsibilities; the care of or visitation with minor children; unruly and delinquency cases; or juvenile civil protection order cases pursuant to R.C. §2151.34 or R.C. §3113.31, a mediator shall meet all of the following qualifications.

(a) Possess a bachelor's degree, or equivalent educational experience as is satisfactory to the court, and at least two years of professional experience with families, including counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the court.

(b) Comply with the requirements of division (A) of this rule;

(c) Complete "Specialized Family or Divorce Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution, provided that a mediator who is mediating a delinquency or unruly case may do so even if the mediator has not taken this training;

(d) Complete "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution unless either of the following apply:

(i) The mediator is co-mediating with another mediator who has completed the training;

(ii) The mediator is a law student enrolled in a clinical mediation or dispute resolution program at an American Bar Association accredited law school, has completed mandatory coursework in fundamental and domestic abuse mediation topics, and mediates under the supervision of faculty at the law school who has completed the training;

(2) Prior to accepting a referral for disputes involving abuse, neglect, and dependency, a mediator shall meet all of the following qualifications:

(a) Possess significant experience mediating family disputes;

(b) Complete the requirements of division (B)(1) of this rule;

(c) Complete "Specialized Child Protection Mediation Training" approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

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- (3) Prior to accepting a referral for dispute involving school attendance mediation, a mediator shall meet either of the following qualifications:
- (a) Complete the requirements of division (A) of this rule;
 - (b) Complete “School Attendance Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.

35.09 Evaluation, Comments, and Complaints

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

35.10 Public Access

The files maintained by a mediator but not filed with a clerk or submitted to a court shall not be available for public access pursuant to Sup.R.44 through 47.

RULE 36. Clermont County Juvenile Family Dependency Treatment Court

(A) Establishment of the Clermont County Juvenile Family Dependency

Treatment Court Specialized Docket. The Court hereby establishes the “Clermont County Juvenile Family Dependency Treatment Court Specialized Docket” effective May 1, 2014. This docket is created pursuant to the authority and requirements under Sup.R.36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The goals and objectives of the program are:

- To reduce the number of days of out-of-home placements for the children of the participants in the program.
- To increase the number of Clermont County Juvenile Family Dependency Treatment Court participants that complete substance abuse treatment within one year of entering the program.
- To reduce future substantiations of abuse, neglect or dependency for Clermont County Juvenile Family Dependency Treatment Court graduates.
- To reduce the return of children to foster care for Clermont County Juvenile Family Dependency Treatment Court graduates.

(B) Placement in the Clermont County Juvenile Family Dependency Treatment Court Specialized Docket.

A Judge or magistrate may refer an individual to the Clermont County Juvenile Family Dependency Treatment Court Treatment Team for consideration to participate in the Specialized Docket Program. The prosecutor, defense attorney, party, Children’s Protective Services staff, Clermont Recovery Center staff, or Clermont County Mental Health and Recovery Board staff may recommend a referral to the Family Dependency Treatment Court to the magistrate or Judge. The party will complete a screening and assessment. The Family Dependency Treatment Court Team will then determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the

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Family Dependency Treatment Court Judge. The Family Dependency Treatment Court Judge will determine whether or not to accept the individual into the program. A program candidate who initially declines participation in the Family Dependency Treatment Court may again be referred for participation in the program. The prosecutor, defense attorney, treatment provider or party may ask the court to consider the referral. A program candidate who initially declines participation in the Family Dependency Treatment Court may again be referred to the program should they be found in contempt of court orders or if a filing of contempt has been made by the prosecutor due to failing to abide by case plan requirements (including not following substance abuse treatment requirements).

(C) The program will consider parties who meet the following legal eligibility criteria:

- Abuse/Neglect/Dependency Complaint filed in Juvenile court with underlying parental substance abuse which has contributed to an inability to effectively and adequately parent
- Adjudicated Abuse/Neglect/Dependency prior to starting Family Dependency Treatment Court
- Child or children have been removed from the parent's home
- Treatment is required in the Children's Protective Services case plan
- Clermont County Resident

Parties must meet the following clinical criteria:

- Assessed to have a diagnosis related to substance use by a licensed treatment professional with a moderate to severe substance use problem and qualify for a high level of intensive outpatient treatment services
- Can enroll in treatment at the Clermont Recovery Center which can be covered by health insurance, Medicaid, a third party or the Clermont County Mental Health and Recovery Board, or paid out of pocket by the participant
- Will benefit from case management services to improve their quality of life
- If mental health issues exist, these issues must be able to be managed through use of prescribed medication and/or therapeutic programming.
- They want their children to reunify with them
- They are willing to work a twelve (12) step sober support group such as Alcoholics Anonymous or Narcotics Anonymous

Parties may be disqualified from the program based upon the following factors:

- Prior permanent custody or permanent surrender through Children's Protective Services
- History of sexual abuse of minors
- History of serious physical abuse of minors

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- Mental health issues so significant that the client’s parenting abilities may be impaired despite achieving sobriety. The program is not equipped to handle participants with significant mental illnesses.
- History of violent criminal offenses
- Sex offense convictions
- Receiving developmental disability services or being eligible for such services
- Transient residency
- Prior termination from the Family Dependency Treatment Court
- Unwilling to apply for Medicaid or third party benefits when eligible for such services
- Participants who successfully complete the program and are again adjudicated of an abuse, neglect or dependency case after exiting the program

Individuals unsuccessfully terminated from the program are not eligible to re-enter the program.

Parties will not be eligible for the program unless they have a clinical diagnosis indicating substance use.

Meeting the legal and clinical eligibility criteria does not create a right to participate in the Family Dependency Treatment Court. Admission into the program is at the sole discretion of the Family Dependency Treatment Court Judge. The specialized docket Judge has discretion to decide the admission into the specialized docket in accordance with the specialized docket written eligibility criteria. The Clermont County Juvenile Family Dependency Treatment Court is a voluntary program.

(D) Case Assignment. A Family Dependency Treatment Court participant will appear on a regular basis for status review hearings before the Family Dependency Treatment Judge. The underlying abuse/neglect/dependency case will remain assigned to the original Judge or magistrate. All subsequent hearings on the underlying abuse/neglect/dependency case, such as reviews, will be heard by the original Judge or magistrate assigned to the case.

(E) Clermont County Juvenile Family Dependency Treatment Court

Specialized Docket Assessment and Case Management. All potential participants are pre-screened by the Family Dependency Treatment Court Program Coordinator to determine whether or not they meet the program legal eligibility criteria. At the initial pre-screening meeting, the Program Coordinator will review the participant handbook with the candidate and review elements of the program including possible incentives and sanctions for compliance or non-compliance as well as grounds for termination from the program. The participant will be tested for drugs and/or alcohol during the pre-screen appointment. Participants who meet program legal criteria and may be eligible to participate in the program are referred to the Clermont Recovery Center for

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a substance abuse assessment. If the party is accepted into the Family Dependency Treatment Court, they will sign a participation agreement with their defense counsel. Family Dependency Treatment Court participants are ordered to comply with program requirements and their compliance with the specialized docket requirements will be monitored by the court. Participants will be monitored by the Family Dependency Treatment Court Program Coordinator, the Family Dependency Treatment Court Judge, Children's Protective Services Staff and the Treatment Agency. The participant's performance and progress shall be monitored by regular treatment team meetings and ongoing judicial interaction, which shall occur weekly in the initial phase of the program, every other week in phase two (2) and once a month in phase three (3). Participants shall be placed in treatment with the Clermont Recovery Center and attend sober support meetings. Each participant's substance use shall be monitored by random, frequent and observed alcohol and drug tests. Requirements of the Family Dependency Treatment Court Specialized Docket are set forth in the Program Description, Participant Handbook and the Participation Agreement, all incorporated herein and adopted by reference.

(F) Termination from the Clermont County Juvenile Family Dependency Treatment Court Specialized Docket. A participant may be neutrally discharged if the participant experiences serious medical conditions, serious mental health conditions, death or other factors that prevent them from meeting all requirements for successful completion.

A participant will be unsuccessfully terminated from the program when found to be in non-compliance with the terms and conditions of the program.

Common behaviors that lead to unsuccessful terminations include:

- On-going non-compliance with treatment
- Resistance to treatment
- On-going positive alcohol or drug screens
- New serious criminal charges
- A series of program infractions or non-compliance with program requirements

Termination proceedings will occur before the Family Dependency Treatment Court Judge upon termination. Termination proceedings may result in a finding of contempt of court and incarceration. Individuals terminated unsuccessfully from the program are not eligible to participate in the future.

(G) Use of Information From the Clermont County Juvenile Family Dependency Treatment Court

(1) Statements made in Family Dependency Treatment Court will not be admissible in the underlying abuse, neglect or dependency case unless provable by independent, extrinsic evidence.

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RULE 37. MOTION FOR EMERGENCY ORDERS

- (A) This Rule applies to requests for custody, parenting time, or companionship time, and does not apply to Abuse, Neglect, or Dependency Cases.
- (B) As used in this Rule, the term "emergency" means: 1) there is an imminent or immediate risk of significant harm to the physical, emotional, or mental health of the child who is the subject of the Motion; and 2) the interest and welfare of the child requires that action be taken immediately before the adverse parties or their attorney(s) are notified.
- (C) A request for Emergency Orders shall be made by written Motion, and the Motion shall be in addition to and separate from the Complaint or other Motion that seeks an order regarding custody, parenting time, or companionship time.
- (D) A Motion for Emergency Orders must be accompanied by an affidavit signed by the Movant which sets forth the relevant facts in detail and explains why the situation is an emergency.
- (E) A Motion for Emergency Orders must include the name of any affected person. An "affected person" means someone who has custody, visitation or companionship time pursuant to a court order, or, someone who has physical custody of the child without a court order.
- (F) The Court will review the Motion for Emergency Orders and supporting affidavit, and at its discretion, determine whether an *ex parte* hearing on the Motion will be held. If the Court determines that an *ex parte* hearing is necessary, then Movant will be given a hearing time.
- (G) The Movant shall make reasonable efforts to contact the adverse party, their counsel, or other affected person and inform them of the intent to file a Motion for Emergency Orders and invite them to the Court so they can be present at the hearing. The Movant
- (H) should be prepared to testify at the hearing about what efforts were made to contact the adverse party, their counsel and any affected person and their response, if any, upon contact.
- (I) The Court, in its discretion, may proceed with the hearing *ex parte*, regardless of whether advance notice is given to the adverse party, their counsel, or other affected persons. After the *ex parte* hearing, the Court will issue an Order which either:
 - 1) denies the Motion; 2) grants the Motion in whole or in part; or 3) grants such other relief as may be appropriate.
- (J) If the Court grants the Motion *ex parte*, in whole or in part, or issues such other relief as may be appropriate, the Motion for Emergency Orders shall be set for a full further hearing, which shall occur within 15 court business days of the filing of the Motion or such longer time as the Court directs. The clerk shall issue a notice to the adverse

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party, their counsel, and other affected individuals of the action taken and their opportunity to appear and express their position on the continuance of the Orders.

- (K) A Motion to Set Aside a Magistrate's Order issued pursuant to this Local Rule may be filed and is subject to the 10-day deadline and other provisions of Juvenile Rule 40 (D)(2)(b).
- (L) Any Motion for Emergency Relief may be referred to the Magistrates for hearing as provided for in Juvenile Rule 40 (D) (1). This Order of Reference does not limit any other Orders of Reference applicable to Magistrates.

RULE 38. Remote Appearances

- (A) **Conferences, Hearings, and Other Proceedings.** Court conferences, hearings, and other proceedings will occur in person at the court facilities, or remotely through two-way video and audio conferencing technology, remotely by telephone, or a combination of these methods. Where there is no specifying court order, or notice, parties and counsel shall appear in person at the court facilities. Where the method of court appearance is not solely in person, the Court will issue a notice stating the method of appearance for all or each of the parties and counsel.
- (B) **Request for Method of Proceeding.** Parties and counsel may request a particular method for any given conference, hearing, or other proceeding. The requesting party shall indicate in the request whether any special accommodations are anticipated or required. The Court may sua sponte schedule a hearing to occur by a particular method. The Court retains discretion in determining the method or methods for any given hearing based on the specific factors in each case.
- (C) **Telephone Appearances.** The Court may conduct conferences, hearings, and proceedings via telephone with attorneys and unrepresented parties.
 - (1) All evidentiary proceedings involving a telephone appearance will be recorded.
 - (2) The Court may specify the time and the person who will initiate the conference and any other matter or requirement necessary to accomplish or facilitate the telephone appearance.
 - (3) Upon convening a conference, hearing, or proceeding involving a telephone appearance, the Court will recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.
 - (4) The Court may require a party to appear in person at a conference, hearing, or proceeding in lieu of a telephone appearance if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.
 - (5) If at any time during a conference, hearing, or proceeding conducted by telephone, the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.
- (D) **Video Conferencing.** The Court may conduct conferences, hearings, and proceedings via a live two-way video conferencing platform with attorneys, parties, and unrepresented parties.

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- (1) All evidentiary proceedings involving a video conference appearance will be recorded.
- (2) Upon convening a conference, hearing, or proceeding involving a video conference appearance, the Court will recite the date, time, case name, case number, names and locations of parties and counsel, and the type of conference, hearing, or proceeding.
- (3) The Court may require a party to appear in person at a hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the Court determines a personal appearance would materially assist in the determination or effective management or resolution of the particular case.
- (4) If at any time during a hearing, conference, or proceeding conducted by video conference, the Court determines a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(E) Confidential Attorney-Client Communication. To the extent possible, provisions will be made to preserve the confidentiality of attorney-client communications and privilege during any conference, hearing, or proceeding involving a telephone or video conference appearance.

(F) Remote Trial. If the matter is set for trial, the party shall request a remote trial no later than the deadline set in a scheduling order or thirty days before the scheduled trial. In determining what method to hold a hearing, the Court will consider:

- (1) The nature of the hearing;
- (2) The views of the parties;
- (3) The technical capabilities of each party;
- (4) The status of service on necessary parties;
- (5) The anticipated probative value of the evidence;
- (6) The difficulty and expense of presenting witnesses by physical presence versus remote appearance;
- (7) Convenience and efficiency for the parties to the case; and
- (8) The nature and complexities of the issues subject of the trial.

(G) Objection to Method of Hearing. Any party objecting to the Court's determination of hearing method shall file an objection with the Court within seven (7) calendar days of the determination or order, citation, or notice.

No trial will occur remotely over the objection of a party to the case unless one of the parties is restricted in physical appearance due to one of the following circumstances, or for other good cause shown:

- (a) Active duty in the United States military;
- (b) Incarceration;
- (c) Medical restrictions; or
- (d) Significant travel distance from the court.

(H) Remote Testimony. A request to present testimony remotely shall be discussed among counsel and unrepresented parties and filed with the court no later than the deadline set in the case scheduling order or thirty days before the trial or hearing, unless for good cause the court permits later notice. Remote testimony of a witness may only occur when based on important state interests, public policies, or necessities of the

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case. The party or counsel requesting remote witness testimony shall submit a written notice to the court setting forth the reason for the request. The notice shall state whether all parties and counsel agree. If a party or counsel objects to a witness testifying remotely by video conferencing, the objecting party or counsel shall file an objection with the court at least twenty-one days prior to the hearing. The Court will determine if there is good cause shown to permit the remote witness testimony.

- (I) Preparation for Telephone Conferencing.** When a conference, hearing, or other proceeding is to occur by telephone only, all parties and counsel shall submit a telephone number to the Court in advance of the date set forth for the matter. At the time of the scheduled event, the Court will call or request counsel for a party to call the telephone number(s) provided by each party and counsel. Parties and counsel shall ensure they have stable telephone capabilities in advance of the matter. The Court may also provide a conference call number with an access code in lieu of each party or counsel calling each other for the conference call.
- (J) Preparation for Video Conferencing.** When a conference, hearing or trial, or other proceeding is to occur via telephone and video conferencing, all parties and counsel shall submit to the Court an email address and telephone number in advance of the date set forth for the matter. The Court will email the web link for the video conference to the provided email for each party and counsel. The parties shall forward this link to any witnesses for the hearing. At the time of the scheduled matter, parties and counsel shall follow this link using a computer or mobile device with stable video, audio, and internet capabilities to participate. Witnesses will be admitted when appropriate and must have stable video, audio, and internet capabilities when called to participate.
- (K) Exhibits.** Parties and counsel shall pre-mark exhibits and share them electronically or by any other means with every party or their counsel at least five days prior to trial. Plaintiffs shall mark Exhibits with numbers. Defendants shall mark Exhibits with letters. Electronic transmission of all exhibits to the court shall occur no later than one day prior to the hearing or trial. Any party or their counsel may ask the court to mark a document as an exhibit during the hearing for good cause shown. When a party or counsel appears remotely, a recess can occur upon request to allow the scanning and emailing of the exhibit to the court. Exhibits should be relevant and probative of the matters before the court.
- (L) Technical Standards and Equipment.** Any video-conferencing system utilized under this rule must conform to the following minimum requirements:
- (1) All participants must be able to see, hear, and communicate with each other simultaneously.
 - (2) All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, whether by video, facsimile, or other method.
 - (3) Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications

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- (4) The technology must allow the Court to generate a verbatim record of the conference, hearing, or proceeding.
- (5) The telephone and audiovisual technology shall in no way abridge any right of the public.
- (6) The telephone and audiovisual technology must accommodate people with disabilities as required under the Americans with Disabilities Act.

(M) Oath or Affirmation of Witness – Verification of Identity. The oath or affirmation administered to a witness shall allow the person authorized to administer it to verify the identity of the witness at the time. Every witness testifying remotely, including those outside this state, in a trial or other proceeding in open court in Ohio must affirm on the record that the witness has submitted to the jurisdiction of the Ohio court for the purpose of enforcement of his or her oath or affirmation, including any consideration of perjury charges arising from such testimony.

(N) Recording of Proceedings. Regardless of hearing method, an audio-electronic record of the proceedings will occur in accordance with Local Rule 11.1.

(O) Dress Code. Every party, counsel, or witness participating in a hearing, trial or other proceeding remotely shall dress and conduct himself or herself as if they were present in the courtroom. Counsel may appear casually for pre-trials, but otherwise should wear professional attire for hearings and trials. A party and witness shall wear appropriate business attire for hearings and trials, not shorts, halter-tops, t-shirts sporting offensive language or pictures, or appear shirtless. Individuals cannot lay in a bed, smoke a cigarette, vape, eat, or operate a motor vehicle during a hearing or trial. An individual participating in a conference, hearing, trial or other proceeding remotely shall act as if the person was in court. An individual must sit and remain upright in a stationary position. All participants shall ensure that the surrounding environment remains quiet and free of distractions such as pets, children, televisions, radios, and ambient noise. Failure of a participant to comply may result, at the court's discretion, in removal of that person from the hearing. Removal of a party or a witness for failing to comply does not automatically continue the hearing. All individuals shall treat each other respectfully as if personally present in the courtroom.

RULE 39. Technology Plan

The Court shall maintain a technology plan, which includes:

- (1) A comprehensive strategy for implementing and maintaining technology solutions for conducting remote hearings, electronic service, the acceptance of electronic signatures, and any other technology-related solution utilized by the court or division; and
- (2) Procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the court or division and how the solutions will comply with any accessibility accommodation requirements, including any applicable requirements of the “Americans with Disabilities Act.”

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Rule 40: NEUTRAL EVALUATION

40.01 Introduction

Through Rule 40 the Clermont County Juvenile Court incorporates by reference Rules 16.50 – 16.55 of the Rules of Superintendence for the Courts of Ohio.

40.02 Definitions

- (A) “Neutral Evaluation” (“NE”) is a process in which the parties to a dispute present their claims or defenses and describe the principal evidence on which claims or defenses are based to a neutral third party who then shares impressions about the strengths and weaknesses and probable outcome of each matter.
- (B) “Neutral Evaluator” (“Evaluator”) means a court-appointed individual who conducts the NE session.
- (C) “NE Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a NE session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a NE session.

40.03 Purpose

It is the policy of this Court to utilize NE to promote greater public satisfaction through the facilitation of a fair and efficient resolution for Clermont County Juvenile Court.

40.04 Scope

NE may be chosen as an appropriate method of resolution for a case. A case may be referred to NE for the resolution of allocation of parental rights and responsibilities or companionship/parenting time issues.

40.05 Case Selection and Referral

- (A) The Court, upon its own motion or upon the motion of a party, may refer a case to Neutral Evaluation.
- (B) If a case is deemed appropriate for NE, a NE session may be scheduled and two Evaluators will be assigned by the Court.
- (C) Unless otherwise ordered by the Court:
 - (1) The Evaluators will consist of one magistrate and an individual.
 - (2) Specific appointments may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the Evaluators in addition to the type, complexity, requirements of the case, and other relevant factors.

40.06 Participation

The NE session requires the participation of each party, his or her respective attorney, if represented, and the guardian ad litem. No other person shall be permitted to participate without prior approval of the Court.

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40.07 Pre-Session Procedure

(A) Briefs

- (1) Unless otherwise ordered by the Court, at least 14 days prior to the NE session, each party is required to submit a Parenting Perspective Brief. The guardian ad litem, if appointed, is not required to submit a Brief
 - (a) One copy of the Brief shall be submitted to the Juvenile Court Clerk, and one copy shall be served upon the other party and the guardian ad litem, if appointed, in accordance with these rules.
 - (b) The Brief shall not be filed with the Clerk of Courts, nor shall the Brief be placed in the case file.
- (2) The Evaluators will review the Briefs to gain a preliminary understanding of the concerns, interests, and issues currently present between the parties.
- (3) If either party fails to timely submit the Brief, the NE session may be cancelled.
- (4) The Court's copies of the Briefs and supporting documents will be destroyed upon completion of the NE process.
- (5) The files maintained by an Evaluator, but not filed with the Clerk of Court or submitted to the Court shall not be available for public access under Sup.R. 44 through 47.

(B) Fees

- (1) The Court may establish a fee for Neutral Evaluation. Unless otherwise ordered by the Court, the NE fees shall be shared equally between the parties. Fees may be waived or reduced for those participants who are found to be indigent.
- (2) In the event the case requires more than one NE session, the Court may order the parties to pay an additional fee. The Court shall take into consideration the parties' financial circumstances when ordering additional fees.
- (3) Fees shall be paid a minimum of 14 days before the scheduled NE session. Failure to submit the fee 14 days in advance may result in cancellation of the NE session.
- (4) Should the parties resolve the contested issues prior to the NE session, the parties may submit a signed agreement to the judge or assigned magistrate. If the agreement is acceptable to the Court and if the agreement is submitted to the judge or assigned magistrate at least 14 days prior to the scheduled NE session, the NE fees may be refunded.

40.08 Neutral Evaluation Session Procedure

- (A) A team of two Evaluators shall be appointed to conduct the NE session. The magistrate assigned to the underlying case shall not be an Evaluator in the NE process.
- (B) At the NE session, the Evaluators will oversee the discussion to allow each party and/or attorney the opportunity to be heard in an atmosphere of cooperation and respect.

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- (C) Unless otherwise permitted by the Evaluators:
 - (1) When a party is represented by an attorney, the party shall have 15 minutes to present his or her case/issues to the Evaluators. The party's attorney is then allowed 5 minutes to present.
 - (2) A self-represented party and the guardian ad litem, if appointed, shall each be allotted the entire 20 minutes to present.
 - (3) The Evaluators may ask each party questions to clarify the issues, if necessary.
- (D) After the parties' presentations, the Evaluators will consult privately to discuss the strengths and weaknesses of each party's position and to discuss probable outcomes for the parties. The Evaluators will then present their feedback and recommendation to the parties and their attorneys, if represented.
- (E) The parties will be given an opportunity to consult privately with their attorneys to review and discuss the Evaluators' feedback. The parties will then reconvene to discuss the results and attempt resolution.
- (F) If the parties come to a full or partial agreement, the Evaluators may require the agreement to be reduced to written form and submitted to the judge or assigned magistrate. The matter may be referred to other dispute resolution programs if some issues still need to be resolved.
- (G) Evaluators are prohibited from offering legal advice. However, Evaluators may encourage referrals to legal counsel and other support services for all parties.

40.09 Domestic Abuse and Domestic Violence

- (A) All cases shall be screened for alleged, suspected or present domestic violence by the Evaluators before the commencement of the NE session and during the NE session.
- (B) When violence or fear of violence is alleged, suspected, or present, NE may proceed only if one of the Evaluators has specialized training as set forth in "Specialized Domestic Abuse Issues and Mediation Training" required by Rule 40.10(C)(3) and the Evaluators have done all of the following:
 - (1) Informed the person who is or may be the victim of domestic abuse or domestic violence about the NE process, the right to decline participation in the NE process, and the option to have a support person, in addition to an attorney, present at the NE session.
 - (2) Assessed and determined that the parties have the capacity to participate in the NE session without fear of coercion or control.

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- (3) Implemented procedures to provide for the safety of the person who is or may be the victim of domestic abuse or domestic violence and all other persons present at the NE session.
- (4) Implemented procedures for the Evaluators to terminate the NE session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.
- (C) Evaluators may encourage referrals to legal counsel and other support services for victims and suspected victims of domestic abuse or domestic violence.
- (D) NE shall not be used in any of the following:
 - (1) As an alternative to the prosecution or adjudication of domestic violence;
 - (2) In determining whether to grant, modify or terminate a protection order;
 - (3) In determining the terms and conditions of a protection order; and
 - (4) In determining the penalty for violation of a protection order.

40.10 Qualifications and Continuing Education

A team of Evaluators, whether employed by the Court, or with whom the Court is contracted, or to whom the Court makes referrals, shall have the following minimum qualifications.

- (A) At least one Evaluator shall be licensed to practice law in Ohio and have a minimum of five years of experience in domestic relations and/or juvenile law. “Experience in domestic relations law or juvenile law” includes mediation, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.
- (B) The second Evaluator may also be licensed to practice law in Ohio and have a minimum of five years of experience in domestic relations and/or juvenile law. Alternatively, the second Evaluator must possess a master’s degree in the fields of psychology, social work, sociology, counseling, finance, or a related field acceptable to the Court and have a minimum of five years of experience working with children and families. Experience “working with children and families” includes mediation, counseling, casework, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.
- (C) At least one Evaluator shall have completed the following courses approved by the Supreme Court Dispute Resolution Section in accordance with the standards established by the Commission on Dispute Resolution.
 - (1) Fundamentals of Mediation Training or be a qualified Mediator in accordance with Local Rule 35.08;
 - (2) Specialized Family or Divorce Mediation Training; and
 - (3) Specialized Domestic Abuse Issues and Mediation Training.

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- (D) Additionally, an Evaluator shall complete at least three hours per calendar year of continuing education relating to neutral evaluation, negotiation, mediation, or the area of law in which the Evaluator evaluates.
If an Evaluator fails to comply with the continuing education requirement, the Evaluator shall not be eligible to serve as an Evaluator until the continuing education requirement is met.
- (E) The Chief Deputy Clerk will maintain a list of qualified Evaluators. All individuals interested in being on the list of qualified Evaluators shall submit on or before January 1st of each year to the Chief Deputy Clerk an updated curriculum vitae (including a list of training related to the field of dispute resolution and profession or association memberships) and continuing education certificates. The Court will review applications of persons seeking to be added to the list of qualified Evaluators in accordance with the procedures adopted by the judge of the Juvenile Court.
- (F) At the request of a party to the NE, the Evaluator shall disclose his or her qualifications to evaluate the subject matter in dispute.

40.11 Neutrality of Evaluators

- (A) If at any time during the NE process an Evaluator or party becomes aware of a conflict of interest or an issue with respect to the neutrality of the Evaluator(s), the Evaluator, the party, or the party's counsel, when applicable, shall disclose the facts of the purported conflict. A party may agree to waive the conflict after a full disclosure of the facts. If a party requests that the Evaluator withdraw, or if the Evaluator believes it necessary that he or she withdraw from the case, the Court may appoint another Evaluator.
- (B) An Evaluator shall not serve as a witness, consultant, attorney, or expert in any pending or future action relating to a dispute for which the evaluator conducted a NE session.

40.12 Confidentiality

- (A) Neutral Evaluation communications are confidential.
- (B) Exceptions to confidentiality include, but are not limited to, the following:
 - (1) Parties may share NE communications with their attorneys;
 - (2) Allegations of abuse or neglect of a child;
 - (3) Certain threats of harm to other people or oneself;
 - (4) Statements made during the NE process to plan or to hide an ongoing crime; and
 - (5) Statements made during the NE process that reveal a felony.
- (C) The foregoing confidentiality requirements shall not preclude Evaluators and participants in a NE session from testifying as to a crime committed in their presence, nor shall they be construed to exempt any person from the statutory duty to report child abuse pursuant to R.C. 2151.421 or to limit any exceptions contained in R.C. 2710.05.
- (D) Neutral Evaluation sessions shall not be recorded.

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40.13 Privileged Communications

- (A) A NE communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. An Evaluator shall not be deposed or subpoenaed to testify about any NE communication unless an exception applies.

- (B) Exceptions to privilege include the following:
 - (1) The NE communication is otherwise discoverable;
 - (2) The NE communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence.
 - (3) The NE communication is intentionally used to plan, to attempt to commit or to commit a crime, or to conceal an ongoing crime or ongoing criminal activity; and
 - (4) The NE communication is required to be disclosed pursuant to R.C. 2921.22.

40.14 Neutral Evaluations and Complaints

- (A) A Neutral Evaluator shall provide participants with the Neutral Evaluation form prior to the first session and at the end of the term of the appointment for submission to the Court Administrator.
- (B) The Court shall complete a review of the Neutral Evaluator on the Court's roster in January of each year.
- (C) A party to a case may file a complaint or written comments regarding the Neutral Evaluator within one year from the termination of the appointment. The complaint or written comments shall be submitted to the Court Administrator, and include all of the following:
 - (1) The case caption and case number;
 - (2) The name of the Neutral Evaluator
 - (3) The name and contact information for the person making the complaint;
 - (4) The nature of any alleged misconduct or violation;
 - (5) The date the alleged misconduct or violation occurred
- (D) The Court Administrator shall provide a copy of the complaint or written comments to the Neutral Evaluator.
- (E) The Neutral Evaluator has fourteen days from the date of the receipt of the complaint or written comments to respond in writing to the Court Administrator.
- (F) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint or written comments were received.
- (G) The Court Administrator shall submit the complaint or written comments, the response of the Neutral Evaluator, and a report of his investigation to the Judge for consideration and appropriate action.
- (H) The Court will maintain a written record in the Neutral Evaluator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the Neutral Evaluator of the disposition.

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40.15 Sanctions

The Court may impose sanctions for any violations of this Rule which may include, but are not limited to, attorney fees and other costs, contempt, and any other appropriate sanctions at the discretion of the Court.

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**APPENDIX A
HOLIDAY PARENTING TIME**

<u>Holiday</u>	<u>Even # Years</u>	<u>Odd # Years</u>	<u>Schedule</u>
New Year's Day (1)	Mother	Father	12/31 6:00 P.M. to 1/1 6:00 P.M.
Martin Luther King Day	Father	Mother	Sunday 6:00 P.M. to Monday 6:00 P.M.
President's Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Easter	Father	Mother	Saturday Noon to Sunday 6:00 P.M.
Memorial Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Fourth of July	Father	Mother	9:00 A.M. to 9:00 P.M.
Labor Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Halloween (Beggar's Night) (2)	Father	Mother	5:00 P.M. to 9:00 P.M.
Thanksgiving	Mother	Father	Wednesday 6:00 P.M. to Friday 6:00 P.M.
Christmas Eve	Father	Mother	12/24 10:00 A.M. to 12/25 10:00 A.M.
Christmas Day	Mother	Father	12/25 10:00 A.M. to 12/26 10:00 A.M.
Kwanzaa (1 st night)	Father	Mother	5:00 P.M. to 9:00 P.M.
Rosh Hashanah Eve	Mother	Father	overnight 5:00 P.M. to 9:00 A.M. next day
Rosh Hashanah Day	Father	Mother	9:00 A.M. to 6:00 P.M.
Yom Kippur Eve	Mother	Father	overnight 5:00 P.M. to 9:00 A.M. next day
Yom Kippur Day	Father	Mother	9:00 A.M. to 6:00 P.M.
Passover (1 st night)	Mother	Father	overnight 5:00 P.M. to 9:00 A.M. next day
Hanukkah (1 st night)	Father	Mother	overnight 5:00 P.M. to 9:00 A.M. next day
Mother's Day	Mother	Mother	9:00 A.M. to 9:00 P.M.
Father's Day	Father	Father	9:00 A.M. to 9:00 P.M.
Child's Birthday (School) (3)(4)	Mother	Father	5:00 P.M. to 9:00 P.M.
Child's Birthday (No School) (5)	Mother	Father	9:00 A.M. to 9:00 P.M.
Parent's Birthday (School)	Celebrating parent every year		5:00 P.M. to 9:00 P.M.
Parent's Birthday (No School)	Celebrating parent every year		9:00 A.M. to 9:00 P.M.

Additional holidays/days of special meaning may be incorporated into the above schedule by agreement of the parents or by the Court for good cause.

- (1) The year in which New Year's Day falls determines whether the holiday is in an even or odd-numbered year.
- (2) If Beggar's Night occurs on different nights in each parent's neighborhood, then the child(ren) may participate in Beggar's night in each parent's neighborhood.
- (3) The parenting time for birthdays shall include all children of the parties, not just the child celebrating his/her birthday.
- (4) In the event that the child's birthday is February 29 (Leap Day), in all years without that date, the child's birthday shall be deemed to be March 1 for purposes of this schedule.
- (5) Either or both parents may celebrate additional days of special meaning in which the child(ren) should be permitted to participate. These days of meaning include, but are not limited to, extended family birthday celebrations, anniversaries, religious holidays, and cultural holidays. If a specific day of special meaning is not incorporated in the above chart, then the parent wishing to exercise such day of special meaning may use extended parenting time so that the child(ren) may participate.

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APPENDIX B
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(BIRTH TO AGE 6 MONTHS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

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A. STANDARD PARENTING TIME SCHEDULE:

- (1.) The non-residential parent shall be entitled to parenting time with the child(ren) for a maximum of three (3) days per week. Each visit shall take place at the home of the residential parent, under the supervision of the residential parent or a suitable adult of his/her choosing. The supervisor shall be the only person present during the parenting time between the non-residential parent and the child(ren). Each visit shall be no more than two (2) hours in duration.
- (2.) Unless otherwise agreed by the parties, the parenting time shall take place in accordance with the following schedule: every Sunday from 2:00 P.M. until 4:00 P.M.; and every Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.
- (3.) The non-residential parent shall bring no other person(s) to the parenting time unless otherwise agreed between the parties.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, there shall be no holiday parenting time provided in this schedule.

C. EXTENDED PARENTING TIME:

Unless otherwise agreed between the parties, there shall be no extended parenting time provided in this schedule.

D. RULES REGARDING PARENTING TIME:

- 1. Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be exposed to anyone outside the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
- 2. Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
- 3. Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.

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- 4. Grace Period:** The non-residential parent shall be entitled to a grace period of thirty (30) minutes at the commencement of his/her parenting time. In the event that the non-residential parent exceeds the grace period, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. An exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
- 5. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
- 6. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
- 7. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 8. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.
- 9. Day Care Center Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that

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10. the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.

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APPENDIX C
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 6 MONTHS TO 12 MONTHS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

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A. STANDARD PARENTING TIME SCHEDULE:

- (1.) The non-residential parent shall be entitled to parenting time with the child(ren) for a maximum of three (3) days per week, and for a maximum of twelve (12) cumulative hours. The non-residential parent shall be entitled to remove the child(ren) from the home of the residential parent for the duration of his/her parenting time, except as provided below at Paragraph (3)
- (2.) Unless otherwise agreed between the parties, the parenting time shall take place in accordance with the following schedule: every Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and every Saturday from 10:00 A.M. until 6:00 P.M.
- (3.) In the event that the non-residential parent has never lived in the same home as the child(ren) and has had no previous parenting time with the child(ren), either pursuant to court order or at the discretion of the residential parent, then he/she shall exercise six (6) visits with the child(ren) in the home of and under the supervision of the residential parent or a suitable adult of his/her choosing. The supervisor shall be the only person present during the parenting time between the non-residential parent and the child(ren).
- (4.) Said visits shall take place within a period of 45 days, and shall be no more than two (2) hours in duration. Unless otherwise agreed between the parties the parenting time shall take place in accordance with the following schedule: Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and Sunday from 2:00 P.M. until 4:00 P.M. The non-residential parent shall bring no other person(s) to the parenting time unless otherwise agreed between the parties.
- (5.) Upon the completion of said visits, he/she shall be entitled to parenting time in accordance with Paragraphs (1) and (2) set forth above.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, there shall be no holiday parenting time provided in this schedule.

C. EXTENDED PARENTING TIME:

Unless otherwise agreed between the parties, there shall be no extended parenting time provided in this schedule.

D. RULES REGARDING PARENTING TIME:

1. **Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that

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- is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
2. **Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
 3. **Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
 4. **Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
 5. **Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
 6. **Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
 7. **Supplies for Infants:** The residential parent shall send with the child(ren) sufficient bottles, formula, and diapers. The residential parent shall notify the non-residential parent of the child's sleep and feeding schedules. The non-residential parent shall return all unused and reusable items that are sent with the child(ren) at the end of his/her parenting time.
 8. **Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical

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emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.

- 9. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.
- 10. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.
- 11. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 12. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.
- 13. Day Care Center Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that

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the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.

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APPENDIX D
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 1 YEAR TO 3 YEARS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

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The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

A. STANDARD PARENTING TIME SCHEDULE:

- (1.) Unless otherwise agreed between the parties, the non-residential parent shall be entitled to parenting time in accordance with the following schedule: every Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and alternating weekends from Saturday at Noon until Sunday at Noon.
- (2.) In the event that the non-residential parent has never lived in the same home as the child(ren) and has had no previous parenting time with the child(ren), either pursuant to court order or at the discretion of the residential parent, then he/she shall exercise six (6) visits with the child(ren) in the home of and under the supervision of the residential parent or a suitable adult of his/her choosing. The supervisor shall be the only person present during the parenting time between the non-residential parent and the child(ren). Said visits shall take place within a period of 45 days, and shall be no more than two (2) hours in duration. Unless otherwise agreed between the parties the parenting time shall take place in accordance with the following schedule: Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and Sunday from 2:00 P.M. until 4:00 P.M. The non-residential parent shall bring no other person(s) to the parenting time unless otherwise agreed between the parties.
- (3.) Upon the completion of said visits, he/she shall be entitled to parenting time in accordance with Paragraph (1) set forth above.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, the parents shall exercise holiday parenting time in accordance with the attached Appendix "A".

C. EXTENDED PARENTING TIME:

Unless otherwise agreed between the parties, there shall be no extended parenting time provided in this schedule.

D. RULES REGARDING PARENTING TIME:

1. **Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:
 - a. Holidays
 - b. Weekends and weekdays

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- 2. Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
- 3. Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
- 4. Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
- 5. Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
- 6. Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
- 7. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
- 8. Clothing for Child(ren):** The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season as well as for any known, planned activities. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time.

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- 9. Supplies for Child(ren):** The residential parent shall send with the child(ren) sufficient bottles, formula, and diapers. The residential parent shall notify the non-residential parent of the child's sleep and feeding schedules. The non-residential parent shall return all unused and reusable items that are sent with the child(ren) at the end of his/her parenting time.
- 10. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
- 11. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.
- 12. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.
- 13. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 14. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including

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school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.

15. Day Care Center Access Notice: Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.

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APPENDIX E
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 3 YEARS TO 6 YEARS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

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However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

A. STANDARD PARENTING TIME SCHEDULE:

- (1.) Unless otherwise agreed between the parties, the non-residential parent shall be entitled to parenting time on alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M.
- (2.) The non-residential parent shall be entitled to two (2) hours of parenting time every week. Unless otherwise agreed between the parents, the non-residential parent shall be entitled to parenting time every Wednesday from 5:00 P.M. until 7:00 P.M.
- (3.) In the event that the non-residential parent has never lived in the same home as the child(ren) and has had no previous parenting time with the child(ren), either pursuant to court order or at the discretion of the residential parent, then he/she shall exercise six (6) visits with the child(ren) in the home of and under the supervision of the residential parent or a suitable adult of his/her choosing. The supervisor shall be the only person present during the parenting time. Said visits shall take place within a period of 45 days, and shall be no more than two (2) hours in duration. Unless otherwise agreed between the parties the parenting time shall take place in accordance with the following schedule: Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and Sunday from 2:00 P.M. until 4:00 P.M. The non-residential parent shall bring no other person(s) to the parenting time unless otherwise agreed between the parties.
- (4.) Upon the completion of said visits, he/she shall be entitled to parenting time in accordance with Paragraphs (1) and (2) set forth above.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, the parents shall exercise holiday parenting time in accordance with the attached Appendix "A".

C. EXTENDED PARENTING TIME:

Each parent shall be entitled to twenty-one (21) calendar days of extended parenting time each year, to be exercised in increments of a minimum of two (2) days and a maximum of seven (7) days. This time may be exercised during the summer, the child(ren)'s spring break from school (every other year per parent), or at any other appropriate time during the year. This time may also be exercised during the child(ren)'s Christmas school break (every other year per parent), but unless otherwise agreed between the parents, the extended time shall not commence prior to December 26 nor extend past December 31.

Each parent shall provide the other parent with his/her vacation destination, method of travel, time of arrival and departure, and the telephone number where the child(ren) can be reached if the extended time is to be exercised other than at the other parent's home.

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Said information shall be provided no later than fourteen (14) days prior to the commencement of the vacation.

A parent is not required to travel out of town or use vacation time from his/her employment in order to exercise extended parenting time pursuant to this provision.

The parent seeking to exercise extended time shall notify the other parent in writing or email of the dates desired for the extended time, and shall do so no later than thirty (30) days prior to the commencement of the time requested. In the event of a scheduling conflict between the parents, the parent who first gave written or email notice to the other parent shall prevail.

Extended parenting time shall not be exercised by either parent if it would interfere with the child(ren)'s attendance at school, unless otherwise agreed in writing by the parents.

D. RULES REGARDING PARENTING TIME:

- 1. Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:
 - c. Holidays
 - d. Extended parenting time
 - e. Weekends and weekdays
- 2. Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
- 3. Telephone/FaceTime/Skype contact:** Both parents are entitled to reasonable telephone/FaceTime/Skype contact with the child(ren), not to exceed once per day between the hours of 10:00 A.M. and 8:00 P.M. If the child(ren) is not available at the time of the call, the other parent shall make all reasonable efforts to have the child return the call. Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything, by way of act or omission, to impede or restrict reasonable communication between the child(ren) and the other parent, whether said communication is initiated by the child(ren) or the other parent.
- 4. Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
- 5. Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be

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- reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
- 6. Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
 - 7. Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
 - 8. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
 - 9. Clothing and Supplies for Child(ren):** The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season as well as for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two (2) extra sets of play clothes, one dress outfit, three (3) sets of underwear, in addition to the clothes the child(ren) is wearing at the commencement of the weekend parenting time. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time, including clothing, shoes, toys, books, and electronic devices and accessories..
 - 10. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
 - 11. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the

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child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.

- 12. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.
- 13. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 14. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.
- 15. Day Care Center Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.

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16. School Activities Notice: Pursuant to Ohio Revised Code Section 3109.051(J), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) to which the residential parent is legally provided access.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.

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APPENDIX F
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 6 YEARS TO 14 YEARS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

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A. STANDARD PARENTING TIME SCHEDULE:

- (1.) Unless otherwise agreed between the parents, the non-residential parent shall be entitled to parenting time on alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M.
- (2.) The non-residential parent shall be entitled to one (1) day of overnight parenting time every week. Unless otherwise agreed between the parents, the non-residential parent shall be entitled to parenting time every Thursday from 5:00 P.M. until Friday at 9:00 A.M. on non-school days; on school days the non-residential parent shall transport the child(ren) to school prior to the beginning of the school day on Friday morning.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, the parents shall exercise holiday parenting time in accordance with the attached Appendix "A".

C. EXTENDED PARENTING TIME:

Each parent shall be entitled to twenty-one (21) calendar days of extended parenting time each year, to be exercised in increments of a minimum of two (2) days and a maximum of seven (7) days. This time may be exercised during the summer, the child(ren)'s spring break from school (every other year per parent), or at any other appropriate time during the year. This time may also be exercised during the child(ren)'s Christmas school break (every other year per parent), but unless otherwise agreed between the parents, the extended time shall not commence prior to December 26 nor extend past December 31.

Each parent shall provide the other parent with his/her vacation destination, method of travel, time of arrival and departure, and the telephone number where the child(ren) can be reached if the extended time is to be exercised other than at the other parent's home. Said information shall be provided no later than fourteen (14) days prior to the commencement of the vacation.

A parent is not required to travel out of town or use vacation time from his/her employment in order to exercise extended parenting time pursuant to this provision.

The parent seeking to exercise extended time shall notify the other parent in writing or email of the dates desired for the extended time, and shall do so no later than thirty (30) days prior to the commencement of the time requested. In the event of a scheduling conflict between the parents, the parent who first gave written or email notice to the other parent shall prevail.

Extended parenting time shall not be exercised by either parent if it would interfere with the child(ren)'s attendance at school, unless otherwise agreed in writing by the parents.

D. RULES REGARDING PARENTING TIME:

- 1. Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:
 - a. Holidays

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- b. Extended parenting time
 - c. Weekends and weekdays
2. **Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
 3. **Telephone/FaceTime/Skype contact:** Both parents are entitled to reasonable telephone/FaceTime/Skype contact with the child(ren), not to exceed once per day between the hours of 10:00 A.M. and 8:00 P.M. If the child(ren) is not available at the time of the call, the other parent shall make all reasonable efforts to have the child return the call. Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything, by way of act or omission, to impede or restrict reasonable communication between the child(ren) and the other parent, whether said communication is initiated by the child(ren) or the other parent.
 4. **Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
 5. **Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
 6. **Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
 7. **Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent

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by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.

- 8. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
- 9. Clothing and Supplies for Child(ren):** The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season as well as for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two (2) extra sets of play clothes, one dress outfit, three (3) sets of underwear, in addition to the clothes the child(ren) is wearing at the commencement of the weekend parenting time. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time, including clothing, shoes, toys, books, and electronic devices and accessories.
- 10. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
- 11. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.
- 12. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.
- 13. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent.

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On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).

- 14. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.
- 15. Day Care Center Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.
- 16. School Activities Notice:** Pursuant to Ohio Revised Code Section 3109.051(J), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) to which the residential parent is legally provided access.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.

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APPENDIX G
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 14 YEARS TO 18 YEARS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

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However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

A. STANDARD PARENTING TIME SCHEDULE:

- (1.) Unless otherwise agreed between the parties, the non-residential parent shall be entitled to parenting time commencing on the first (1st) Friday of the month at 6:00 P.M. until Sunday at 6:00 P.M.
- (2.) The non-residential parent shall be entitled to any other parenting time as the child(ren) may reasonably request, not to exceed eight (8) overnights per month, and shall not be exercised in increments of more than three (3) consecutive overnights. The residential parent shall not deny the child(ren)'s reasonable requests without just cause.
- (3.) In the event that the child(ren) has an overnight with the non-residential parent on a school day, the non-residential parent shall be responsible for transporting the child(ren) to school prior to the commencement of the school day.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, the parents shall exercise holiday parenting time in accordance with the attached Appendix "A".

C. EXTENDED PARENTING TIME:

Each parent shall be entitled to twenty-one (21) calendar days of extended parenting time each year, to be exercised in increments of a minimum of two (2) days and a maximum of seven (7) days. This time may be exercised during the summer, the child(ren)'s spring break from school (every other year per parent), or at any other appropriate time during the year. This time may also be exercised during the child(ren)'s Christmas school break (every other year per parent), but unless otherwise agreed between the parents, the extended time shall not commence prior to December 26 nor extend past December 31.

Each parent shall provide the other parent with his/her vacation destination, method of travel, time of arrival and departure, and the telephone number where the child(ren) can be reached if the extended time is to be exercised other than at the other parent's home. Said information shall be provided no later than fourteen (14) days prior to the commencement of the vacation. A parent is not required to travel out of town or use vacation time from his/her employment in order to exercise extended parenting time pursuant to this provision.

The parent seeking to exercise extended time shall notify the other parent in writing or email of the dates desired for the extended time, and shall do so no later than thirty (30) days prior to the commencement of the time requested. In the event of a scheduling conflict between the parents, the parent who first gave written or email notice to the other parent shall prevail.

Extended parenting time shall not be exercised by either parent if it would interfere with the child(ren)'s attendance at school, unless otherwise agreed in writing by the parents.

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D. RULES REGARDING PARENTING TIME:

- 1. Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:
 - a. Holidays
 - b. Extended parenting time
 - c. Weekends and weekdays
- 2. Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
- 3. Telephone/FaceTime/Skype contact:** Both parents are entitled to reasonable telephone/FaceTime/Skype contact with the child(ren), not to exceed once per day between the hours of 10:00 A.M. and 8:00 P.M. If the child(ren) is not available at the time of the call, the other parent shall make all reasonable efforts to have the child return the call. Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything, by way of act or omission, to impede or restrict reasonable communication between the child(ren) and the other parent, whether said communication is initiated by the child(ren) or the other parent.
- 4. Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
- 5. Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
- 6. Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
- 7. Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties

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- live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
- 8. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
 - 9. Clothing and Supplies for Child(ren):** The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season as well as for any known, planned activities. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time, including clothes, shoes, toys, books, and electronic devices and accessories.
 - 10. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
 - 11. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.
 - 12. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.

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- 13. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 14. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.
- 15. Day Care Center Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.
- 16. School Activities Notice:** Pursuant to Ohio Revised Code Section 3109.051(J), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) to which the residential parent is legally provided access.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.