

**LOCAL RULES OF THE COURT  
COURT OF COMMON PLEAS, PERRY COUNTY, OHIO  
JUVENILE DIVISION**

***Effective March 6, 2017***

***Judge Luann Cooperrider  
Magistrate Thomas E. Walser***

Pursuant to Rule 45 of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152 of the Ohio Revised Code, and Rule 5 of the Rules of Superintendence for Courts of Ohio, the following rules are hereby adopted by the Juvenile Division of the Perry County Court of Common Pleas, effective March 6, 2017, and entered upon the Journal of the Court.

These Rules supersede any other previously adopted rules and the same are hereby repealed.

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**SECURITY FOR COSTS / COURT COSTS  
EFFECTIVE JANUARY 3, 2018**

<b>TRAFFIC – MOVING (TC)</b>	<b>\$70.00</b>
<b>TRAFFIC – NON MOVING (NC)</b>	<b>\$40.00</b>
<b>Seat Belt – Driver</b>	<b>\$30.00</b>
<b>Seat Belt – Passenger</b>	<b>\$25.00</b>
<b>Driving Privileges</b>	<b>\$20.00</b>
<b>Car Teens Rescheduling</b>	<b>\$25.00</b>
<b>DELINQUENCY – MISDEMEANOR</b>	<b>\$60.00</b>
<b>DELINQUENCY – FELONY</b>	<b>\$80.00</b>
<b>Detention Costs – Per Day</b>	<b>\$30.00</b>
<b>Theft Program</b>	<b>\$50.00</b>
<b>Drug Testing – Per Test</b>	<b>\$15.00</b>
<b>UNRULY (UC)</b>	<b>\$60.00</b>
<b>Custody Request during Unruly/Delinquency Cases</b>	<b>\$50.00</b>
<b>New Cases</b>	<b>\$300.00</b>
<b>New Cases (Second Parent)</b>	<b>\$200.00</b>
<b>Reopen Cases</b>	<b>\$200.00</b>
<b>WAIVER OF CHILD SUPPORT/ARREARS</b>	<b>\$25.00</b>
<b>Form Packets</b>	<b>\$5.00</b>
<b>RETURNED CHECK</b>	<b>\$25.00</b>
<b>XEROX COPIES</b>	<b>\$ .05 page</b>
<b>CERTIFICATION</b>	<b>\$1.50 page</b>
<b>Court Appointed Attorney Application</b>	<b>\$25.00</b>
<b>Transcript Deposit – paid up front final total charged at \$5.00 per page.</b>	<b>\$250.00</b>
<b>Jury Deposit</b>	<b>\$300.00</b>
<b>Personal Service/Subpoenas charged per item by Process Server/Sheriff</b>	

**Juvenile Rule 1**  
**COURT AND ATTORNEY DECORUM**

Proper decorum in the Court is necessary to the administration of the Court's business.

1.1 No radio or television transmission, voice recording device (other than the court's audio recording of the proceedings) or the making or taking of pictures shall be permitted without prior judicial approval.

1.2 Spectators shall not be allowed in the courtroom without the consent of the presiding Judge or Magistrate. In Delinquency and Unruly cases, no child shall be permitted to enter or remain in any courtroom unless accompanied by an adult. In any Children's Services or other Private Custody or Child Support case, no child shall be present at Court unless previously ordered by the presiding Judge or Magistrate. In every case of an adult charged with a criminal offense, the right of public trial and hearing shall be observed, with the right to trial by jury as provided by law or the Rules of Criminal Procedure.

1.3 Food and beverages are prohibited in the courtroom during all hearings. Smoking and possession of any weapon or firearm is prohibited throughout the building at all times.

1.4 Persons committing any violation of proper conduct shall be removed from the courtroom or the waiting room area by security personnel charged with enforcement of this rule.

1.5 Counsel for all parties shall be present and before the Court at the assigned hearing time.

1.6 If counsel is not present in court at the assigned hearing time, the case may commence without counsel, may be continued, or dismissed, or a bench warrant may be issued where appropriate as determined by the presiding Judge or Magistrate.

1.7 When counsel is going to be late for hearing, counsel must make a reasonable effort to notify the presiding Judge or Magistrate as soon as is practical to explain the reason for his/her tardiness.

1.8 Repeated lateness or absences may result in the removal of counsel from the appointment of cases in the Perry County Juvenile Court.

1.9 Upon entering courtrooms, persons must remove any sunglasses, headwear, and discontinue all cell phone use. Cell phones are to be turned off until exiting the courtroom.

**Juvenile Rule 2**  
**SESSIONS OF COURT**

2.1 The Juvenile Court shall be open for the transaction of business from 8:30 a.m. - 4:30 p.m., on all business days, Monday through Friday, with legal holidays as provided by law to be observed. The Juvenile Court, at the discretion of and upon the order of the Judge, may be open or closed at other hours for matters of extraordinary nature or importance.

2.2 The Court shall sit in session between the hours of 8:30 a.m.- 4:30 p.m. At the discretion of the Judges or Magistrates, hearings may be scheduled at other times.

**Juvenile Rule 3**  
**COURT RECORDS/RECORDINGS**

3.1 Probation Reports. Probation reports and records of the probation department shall be considered confidential information and shall not be made public. The inspection of Court Records by attorneys and other interested parties shall be governed by Rule 32 (C) of the Ohio Rules of Juvenile Procedure. No person shall be permitted to read Court records unless proper authorization is given by the presiding Judge or Magistrate.

3.2 Maintenance of Official Cases. The records of official cases shall be maintained as provided by law (ORC 2151.18 and Sup. R 26) and as provided by local rules of this Court.

3.3 Who may Inspect Court Records. Records of cases involving juveniles shall be open for inspection by the parent(s), custodian(s), guardian(s), and attorney(s) of record, of any child affected by any order of the proceeding. Otherwise, such records shall not be available to any person except by order of the presiding Judge, Magistrate or by legal process from a court of competent jurisdiction.

3.4 Adult Cases. The records of adult cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.

3.5 Official Cases. All official matters filed in the Juvenile Division shall be assigned a case number.

3.6 Unofficial Cases. Unofficial cases considered by the Court staff shall not be subject to the provisions of the foregoing rules; and no person shall have access to such cases without an order of the Judge.

3.7 Records of Proceedings. Pursuant to Juv. R. 37, a complete record of all testimony, or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device.

3.8 No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of an appeal or as authorized by the Court.

3.9 If a request for a transcript is for purposes of an appeal, the court reporter will certify the Docketing Statement by indicating an estimated number of pages and how much time is needed to complete the transcript. In indigent cases, the transcript is prepared at no cost. In non-indigent cases, the attorney will be advised by the court reporter of the estimated cost of the transcript and a deposit is required prior to the preparation of the transcript.

3.10 If a request for transcript is for cases that are pending further hearing, (i.e., objections, trial, closed cases, etc.) that request must be made by filing a written Motion whether the attorney is appointed, or retained, or represents the State. The Motion should specify who is responsible for payment. No transcript shall be prepared unless ordered by the Court. The same rules apply as in appeal cases: in indigent cases, the transcript is prepared at no cost; in non-indigent cases, a deposit is required prior to preparation of the transcript.

3.11 The policy of this Court is that indigent parties shall have access to transcripts/recordings equal to that of non-indigent parties. The officer of the Court, charged with securing counsel for indigent parties, shall determine those individuals entitled to a free or reduced rate transcript. All transcripts fully or partially paid by the Court must be approved by Judge's order.

3.12 Requests by attorneys of record to listen to or obtain a copy of any audio recordings must be approved by the presiding Judge. Notice must be given by requesting party to all other parties and attorneys of record with the understanding that audio recordings may include what is considered "off the record" communications and statements by the attorneys and clients.

**Juvenile Rule 4**  
**PROCEDURES - JUVENILES**

4.1 The Court hereby expresses the policy that the deputy clerks of the Juvenile Division shall not prepare juvenile complaints unless instructed to do so by the Judge. The Court shall not be placed in the position of initiating complaints by its staff and thereby promoting the conclusion that cases are being started by the Court, and thereby casting the Court in a non-judicial character. This rule does not apply to the filing of motions by the Probation or Intake departments for violation of terms of probation or court orders.

4.2 The Court may require the execution of forms as it shall prescribe to be filed with any pleading or Motion filed with the Clerk. No pleading or motion shall be accepted for filing until the information requested in such forms shall be provided, unless waived by presiding Judge or Magistrate.

4.3 Attorneys requesting interim orders shall prepare and submit proposed orders with their motion.

4.4 Consent judgment entries shall be prepared by counsel as directed by the Court, other than in delinquency cases, and shall be filed within thirty (30) days after the hearing, or as otherwise ordered/allowed by the presiding Judge or Magistrate.

4.5 Pursuant to O. Juv. R. 16(A) service by publication shall be made by posting and mailing. Upon the filing of an affidavit, the clerk shall cause service of notice to be made by posting in the Perry County Tribune or the Times Recorder or any such notable newspaper. The notice shall be posted in the required locations in conspicuous place and manner seven (7) days prior to the date of the hearing. The clerk shall also cause the summons and pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served, and obtain a certificate of mailing from the United States Postal Service.

**Juvenile Rule 5**  
**PROCEDURE - ADULTS**

5.1 The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions within the jurisdiction of the Juvenile Division.

5.2 All persons charged with offenses who are being held under process from this Court or who have been arrested and charged in this Court shall be brought before the Court for an arraignment or bond hearing immediately upon arrest or the next session of Court. If permitted, defendants may post bond in accordance with Ohio Rules of Criminal Procedure.

5.3 In cases in which the defendants have a right to a trial by jury, the defendant or his counsel shall demand a trial by jury no less than ten (10) days prior to the date assigned for trial. Failure to notify the Court either in person or in writing may be deemed just cause for entering a continuance without the consent of the defendant, or the Court may order the matter to proceed to trial before the Court without a jury.

#### **Juvenile Rule 6**

### **RIGHT TO COUNSEL, COURT APPOINTED COUNSEL, COURT PERSONNEL AND ATTORNEYS**

6.1 The right of all parties to be represented and to retain counsel of their own choosing is implicit in the law and is fully recognized by this Court. Upon application and payment of filing fee, indigent parties shall be appointed counsel as provided in the Ohio Revised Code and Ohio Rules of Juvenile Procedure.

6.2 The Court shall maintain a list of attorneys approved by the presiding Judge for appointment to indigent parties or to serve as guardian ad litem. Attorneys on the appointment list shall complete six hours of CLE, specific to juvenile law, each calendar year and provide documentation of the same by December 31 of each year to the Court.

6.3 Court employees shall maintain a neutral and impartial position and shall not function as advocates or adversaries. Court personnel shall not indicate that counsel is or is not necessary in any particular case. When there is an attorney of record, court personnel shall make all contact with the client through the attorney.

6.4 No attorney of record will be allowed to withdraw nor may he/she be discharged within fourteen (14) days of the trial date except for good cause shown and provided that such action is not the fault of the attorney and is not for the purpose of delay.

#### **Juvenile Rule 7**

### **BONDS/RECOGNIZANCE**

7.1 Appearance bonds for adults and/or juveniles shall be fixed by the Judge or Magistrate in each individual case upon arraignment, or at such other time as may be determined; and the deputy clerks shall endorse on all adult warrants the amount of bond as may be provided by the judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the presiding Judge or Magistrate.

7.2 Other bonds or recognizance to appear as may be provided by the Judge or Magistrate shall be in the form as provided by the law, order of this Court or other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.

7.3 The sufficiency of sureties shall be determined by the presiding Judge or assigned Magistrate in each case; and when real property is offered as security by a surety, the Court shall require twice the value of the property as it appears upon the county tax list maintained by the office of the County Auditor.

**Juvenile Rule 8**  
**CONTINUANCES**

8.1 Motions for continuances shall be made in accordance with the Rules of Superintendence for the Courts of Ohio (Sup. R. 41), effective July 1, 1997.

8.2 All applications for continuances or advancements shall be made to the presiding Judge or Magistrate by written Motion and, except as hereinafter provided, such application must be made seven (7) days before the day of trial or hearing and after notice to opposing counsel and the Guardian ad Litem. No case will be continued on the day of trial or hearing except for good cause shown. The cause shown must include that it was not known to counsel prior to the day of trial and that counsel has used diligence to be ready for trial. Counsel must have notified, or made diligent effort to notify all parties as soon as he/she became aware of the necessity to ask for a postponement. This rule cannot be waived by consent of counsel. Cases will be continued when counsel is actually engaged in trial in another court provided such counsel notifies the Judge or Magistrate of being so engaged.

8.3 Upon the filing of a Motion for Continuance, the clerk or designated employee shall take the Motion to the presiding Judge or Magistrate.

8.4 All requests for continuances, whether written or oral, shall be ruled upon and noted on the case docket sheet by the presiding Judge or Magistrate within 48 hours of presentation to the Court. The docket entry shall contain the date, party making the request and whether the continuance is granted or denied.

**Juvenile Rule 9**  
**PRE-TRIAL CONFERENCES**

9.1 Unless otherwise ordered, the pre-trial conference shall not be assigned later than two (2) weeks before the assigned date of the trial of the action.

9.2 Unless otherwise ordered, trial counsel shall appear at pre-trial conferences with their clients, unless their clients appearance has been waived by the presiding Judge or Magistrate. At the pre-trial, counsel should be prepared for settlement of all issues. In the event that all issues are not settled at the pre-trial, counsel shall be fully prepared to discuss all the issues set out below at pre-trial:

- (a) Those matters set forth in Rule 16 of the Civil Rules.
- (b) Further discovery proceedings including a completion date.
- (c) Trial briefs.
- (d) Identification of witnesses and disclosure of their statements and potential testimony.
- (e) Views of scene.
- (f) Status of case for trial.
- (g) Narrowing trial issues by stipulation.

(h) Other than in delinquency cases, parties shall have made at least one (1) good faith attempt to settle the case.

9.3 Failure of an attorney to be prepared for pre-trial conference may result in the imposition of sanctions, attorney fees and/or court costs.

### **Juvenile Rule 10 DISCOVERY**

10.1 "Open discovery" facilitates settlement and timely preparation of the issues in controversy. Information, documents and material in the custody, control or possession of one party that are discoverable under Rule 24 of the Ohio Rules of Juvenile Procedure (or Rule 26 of the Ohio Rules of Civil Procedure where applicable) are considered an "open file" for the purpose of discovery by another party subject to the limitations/protection of Rule 24(B) of Ohio Rules of Juvenile Procedure or Rule 26(c) of Ohio Rules of Civil Procedure. Discoverable items include, but are not limited to, police reports, supplemental police reports, and a children services agency case file (excluding the referral sources, third party investigation reports, foster parent records, adoption records, attorney-client privileged information and attorney work product). This broad discovery assists in arriving at the truth, expedites the hearing process, and may reduce the adversarial nature of the proceedings.

10.2 Discovery authorized by Juv. R. 24 or Civ. R. 26 shall proceed upon the written request of one party to another without a prior court order. The party from whom discovery is requested shall produce forthwith for inspection, copying, or photographing, the discoverable items to the requesting party as follows or as otherwise agreed by the parties or instructed by the Court:

(a) if the requested party is non-governmental and represented by counsel, at the office of the attorney for the requesting party;

(b) in the Parentage/UIFSA/Child Support proceedings where the requested party is the Perry County Child Support Enforcement Agency.

(c) in Delinquency/Unruly/Traffic cases where the prosecutor is the requested party, at the office of the Perry County Prosecutor, Juvenile Division;

(d) in Dependency/Neglect/Abuse cases where Perry County Children Services is the requested party, at the PCCS Legal Department.

10.3 When the discoverable materials are documents, any party may comply with a request for discovery by forthwith mailing accurate and legible copies to the attorney of the requesting party.

10.4 If a discoverable item(s) is/are physical evidence or other evidence that is not readily copied, then the item(s) shall forthwith be made available to the requesting party for inspection, photographing or other copying.

10.5 Counsel is ultimately responsible for the production of the discoverable material.

10.6 Parties shall have a continuing duty to disclose additional discoverable information or material subsequent to compliance with the original request for discovery without the need to file a new request for more current information.



10.7 Copies of discovered materials shall not be given by counsel to a party. Attorneys shall not re-release any documents that are shared with them including, but not limited to, reports of the Guardian ad Litem, police reports and all supplemental reports.

10.8 Counsel is responsible for marking all trial exhibits prior to commencement of hearing.

**Juvenile Rule 11**  
**GUARDIAN AD LITEM / CASA**

11.1 In all cases wherein a Guardian ad Litem is appointed to represent the best interest of a child, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein.

A) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child.

B) The person, agency or office from which the information is sought will not reveal referral sources except as provided in Revised Code Chapter 5101.

11.2 In all cases where a child is alleged to be abused, neglected or dependent and where a dispositional hearing has been scheduled, orders will issue allowing the Guardian ad Litem to have access to and make copies of records and reports, as provided herein.

A) Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian ad Litem shall be allowed to review and copy all psychological, social or legal matters of the parties.

B) The person, agency or office from whom the information is sought will not reveal information which is controlled by 42 Code of Federal Regulation, Part 2; Revised Code §2945.38, §2945.39 or §2945.40 (except court docket entries or court journal entries) unless presented an order for compliance therewith.

11.3 Any copies, summaries, abstracts or extracts of reports and records which are obtained or created pursuant to this rule are not to be disclosed by the Guardian ad Litem nor are they subject to discovery except as provided by further order.

11.4 In all cases where a Guardian ad Litem is appointed to represent the best interest of a child, the GAL shall submit the following reports to the Court:

A) Following the appointment as Guardian ad Litem (GAL) in a dependency, neglect, abuse, delinquency, unruly, or private custody case, the GAL shall file a written report with the Court prior to the first hearing unless otherwise directed by the presiding Judge or Magistrate.

B) In all proceedings on motions for permanent custody, a written report by the GAL shall be filed with the Court prior to the permanent custody pre-trial. The GAL permanent custody report shall cover any time period(s) not previously covered in a written GAL report.

C) The GAL shall submit written or oral reports/recommendations to the Court at any time the Court directs.

D) Any written amendment to a GAL Report must be filed seven (7) days before a hearing unless otherwise permitted by the presiding Judge or Magistrate, and shall be provided to all counsel by the GAL.

E) Any other reports as required by Rule of Superintendence 48 or the Ohio Revised Code.

### **Juvenile Rule 12 COMPETENCY**

12.1 The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

12.2 Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

12.3 Upon the conclusion of each hearing, the Court shall provide written notice to the Prosecuting Attorney, the child's Attorney, the child's Guardian Ad Litem, and the child's Parents, Guardian, or Custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

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

### **Juvenile Rule 13 PSYCHOLOGICAL REPORTS**

13.1 In any case in which the Court orders a psychological evaluation, the report of the psychologist shall be submitted to the Court within sixty (60) days from the Court's order, or as directed by the presiding Judge or Magistrate.

13.2 Upon request and for good cause shown, the presiding Judge or Magistrate may order the parties to submit to physical, psychological or psychiatric evaluation. The request must be timely made and the Court shall afford the parties a reasonable opportunity to respond. When the Judge or Magistrate orders that an evaluation be done, it shall determine the party to be responsible for the payment of the charges for same. The presiding Judge or Magistrate may apportion the charges for such evaluation between the parties and may tax the charge as costs.

13.3 Failure of a party to cooperate with an evaluation ordered by the Court may result in the application of sanctions, including the imposition of fines and incarceration; payment of attorney fees; reimbursement for lost wages; and payment of the charges of the evaluator. If the party bringing the action fails to cooperate, judgment may be entered against him or the matter dismissed.

13.4 The presiding Judge or Magistrate may require that reports made pursuant to orders issued under this rule be delivered directly to the Court and may prescribe the manner in which any reports made under this rule will be distributed. It may restrict the access of the parties to the reports. The presiding Judge or Magistrate may also limit the number of copies to be made of the report and may require that any copies be returned to the Court upon the conclusion of the action. Excess copies may be destroyed when the original reports are retained as a part of the Court file.

**Juvenile Rule 14**  
**EMERGENCY HEARINGS - NOTICE**

14.1 Requests by Public or Private Agencies. Emergency hearing requests may be made by a public children services agency or private child placing agency:

A) In any case in which an emergency hearing is requested for removal of a child from a placement alleged to be dangerous pursuant to ORC 2151.31, the Court shall set a time for emergency hearing the next business day or no later than seventy-two (72) hours from the request. It is the responsibility of the attorney filing the Complaint and Motion to notify all necessary parties and attorney(s) of record.

B) The children services agency shall file the Complaint and Motion for Shelter Care within the time frames designated by the Court. If the Motion for Shelter Care is not filed timely, it will not be heard until the following day. On the next business day following the issuance of a telephone ex parte order, the agency shall file either a Complaint or a Motion to Dismiss the telephone ex parte order.

14.2 Requests by Private Attorneys. Emergency hearing requests may be made by private attorneys:

A) Prior to filing the Complaint, the attorney shall first bring a sworn Complaint and Motion for Emergency Hearing to a Judge or Magistrate. Upon approval of the judicial officer, the Court shall set a time for the hearing within one week (7) days from the request.

B) It is the responsibility of the attorney filing the Complaint and Motion to notify all necessary parties and attorneys of record of the time of the hearing.

**Juvenile Rule 15**  
**FAX FILING**

15.1 The Juvenile Clerk shall maintain an independent telephone line and facsimile machine to allow members of the bar to file documents no longer than 10 pages in length with the court, 24 hours a day, seven days a week, by following this rule. The number of the fax machine is 740-342-5524.

15.2 The Court will accept fax documentation, which is source of information by a facsimile machine. The Court will accept documents by fax as the effective original document in the Court file at the time of receipt; however, the Court requires the original document to be filed with the Court within three (3) business days.

15.3 Fax Copies. Filing of documents subsequent to an original complaint and not requiring a security deposit may be filed by fax copy with the Juvenile Clerk. Exhibits, original complaints, pleadings pursuant to appeal, and filings that have an associated filing fee will not be accepted

for fax filing. In accordance with Civ.R.5(E), any signature on the fax filing shall be considered to be authentic. If it is established that any transmission was made without authority, the court shall order the filing stricken. The date and time of receipt of any faxed document shall be the date and time imprinted on the document by the facsimile machine receiving the transmission. Although faxes will be received 24 hours a day, seven days a week, any fax copy received by the clerk after 4:30 p.m. on a regular business day or on a weekend or holiday shall be considered filed on the next business day by the clerk. Receipt of fax submission will be acknowledged by the Juvenile Clerk via fax communication to the attorney identified on the cover page no later than the next business day. Acknowledgment of receipt will indicate either acceptance of filing or reason for non acceptance, and identification of any copy costs that will be assessed and instructions for payment of those copy costs.

15.4 Requirements of any fax copy filed shall conform to the civil and criminal rules and shall be preceded in transmission by a cover page, which includes the following information:

- \* Caption of the case
- \* Case number
- \* Assigned Judge
- \* Description of the document being filed
- \* Attorney name, address, Ohio Supreme Court registration number, telephone and fax number
- \* Date and time of fax initiation
- \* Transmitting fax number
- \* Number of pages, including the cover page, being transmitted
- \* Any document requiring a signature shall either contain the signature on the source document at the time of fax transmission or be submitted without the signature but the notation “/s/” followed by the name of the signing person where the signature appears in the signed source document.

15.5 Charges. If courtroom or service copies are needed for processing, the Juvenile Clerk may charge the standard page rate or 5-cents per page for all necessary copies. Attorney checks, cashier's checks, and cash are acceptable methods of payment.

## **Juvenile Rule 16 CASE MANAGEMENT**

16.1 Pursuant to Sup. R. 39, as amended through July 1, 2002, the Court hereby establishes the following plan for the management of cases filed in this division.

16.2 The purpose of the case management plan is to ensure the readiness of cases for pre-trial and trial and to maintain and improve the timely disposition of cases. The plan is to be utilized in conjunction with Ohio Revised Code, the Rules of Juvenile Procedure, the Rules of Civil Procedure and the Rules of Criminal Procedure, where applicable.

16.3 Time frames set forth in this plan are guidelines only; failure to follow such time frames in individual cases shall not affect the Court's jurisdiction or be grounds for dismissal.

### **A) JUVENILE TRAFFIC CASES**

1. Pre-trials shall be scheduled within fourteen (14) days of arraignment.
2. Trials shall be held within sixty (60) days of filing. Dispositions shall be held within ninety (90) days of filing.

## **B) DELINQUENCY AND UNRULY CASES**

1. Detention hearings will be held within seventy-two (72) hours after admission to JDC or on the next business day, whichever is earlier (ORC 2151.314).

2. When detention is continued after the initial hearing:

a. An adjudication hearing will be scheduled

i. Ten (10) days from the filing of the complaint, if the complaint was not filed when the child entered detention (Juv. R. 29 (A)).

ii. Ten (10) days from the date detention began, if the complaint was filed on or before the detention date.

b. Relinquishment of jurisdiction hearings will be held not less than three (3) days nor more than ten (10) days from the date of the detention hearing.

c. If the child admits the charges or is found delinquent at trial, the Court may proceed to disposition or continue the matter for completion of a social history and investigation; in such case, the disposition will be scheduled two (2) weeks after adjudication.

d. Final disposition for a child in detention will be completed within ninety (90) days of the child being taken into custody.

e. Continuances may be granted upon showing of good cause and in conformity with Local Rule 8.

3. Child not in detention:

a. All felonies and runaways are official filings and are entered into the system within two (2) days.

b. Arraignment will be held within thirty (30) days after the complaint is filed.

i. If the child admits, the Court will proceed to disposition or refer the matter to probation for a social history and investigation, in which case, disposition will be scheduled within four (4) weeks after adjudication.

ii. If the child denies, the matter will be set for pre-trial within thirty (30) days.

d. In delinquency and traffic cases, upon the approval of the Judge or Magistrate, counsel may waive the child's appearance, waive any defects in time, place, or manner of service, and enter a denial.

e. Trials will be held within thirty (30) days after the pre-trial.

f. Continuances may be granted upon showing of good cause; however, continuances should be for no longer than the period necessary to resolve the good cause and in conformity with Local Rule 8.

### **C.) PATERNITY CASES**

1. Summons shall issue within seventy-two (72) hours of the complaint having been filed and shall be heard no later than 90 days from the date the complaint was filed.

a. If the defendant admits, the Court may proceed immediately to a determination of a support order.

b. If the allegations are denied, or the defendant fails to appear the Court may

i. Immediately schedule genetic tests to begin within fourteen (14) days, and

ii. Schedule the matter for trial.

3. If the genetic tests show:

a. Exclusion, the Court will dismiss at the next scheduled hearing;

b. Inclusion, and

i. Defendant admits, the Court may proceed immediately to determination of the support order; or if

ii. Defendant denies, the matter may proceed to trial that day or be scheduled for hearing within thirty(30) days.

4. If service of summons is not made within one hundred and eighty (180) days from the date of issuance, the complaint shall be dismissed without prejudice on the Court's own motion.

5. Continuances may be granted upon showing of good cause and if filed in conformity with Local Rule 8.

### **D.) ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND THIRD PARTY CUSTODY AND VISITATION CASES.**

1. All complaints for custody and paternity actions will include the birth date of the parties and the minor children at issue of such custody. Failure to do so may result in a dismissal by the Court Sua Sponte. Also, pleadings shall contain an Application for Child Support Services Non Public Applicant / Recipient (IV D Application) and a UCCJEA Affidavit. The Clerk of Court will not accept any filings without said Applications and Affidavits.

2. All parties who are seeking custody of a minor child shall be required to attend a two (2) hour educational program which offers information on the Principles of Parenting. This program is provided in cooperation with the Ohio State University Extension Office. Parties shall be required to attend the first session available after the answer date in each particular custody proceeding. Costs of attendance shall be paid by each particular party.

3. If a Guardian Ad Litem (GAL) is requested by either party in a contested matter before the Court, each party shall pay a deposit of \$250.00 directly to the appointed Guardian Ad Litem. The appointment of the GAL does not take effect nor does it bind the attorney to any duty or legal

obligation until such time as said fee is deposited by the party and said deposit shall be made upon the request for the same.

4. Summons shall issue within three (3) business days of filing, giving notice of preliminary hearing to be held within forty-five (45) days.

5. If matters are not resolved at the preliminary hearing, a trial will be held within sixty (60) days.

6. All parental rights and third party custody and visitation complaints will be resolved within one-hundred twenty (120) days of filing.

7. Continuances may be granted upon showing of good cause and if filed in conformity with Local Rule 8.

#### **E.) DEPENDENCY, NEGLECT AND ABUSE CASES**

1. When a child is removed from his home pursuant to an ex parte order, a hearing will be held the next business day or not later than seventy-two (72) hours after the child is placed in shelter care (ORC 2151.314).

2. When a private agency files a request for permanent custody based upon a permanent surrender, a hearing will be held within thirty (30) days of the filing of the complaint.

3. The adjudicatory hearing will be held within thirty (30) days of the filing of the complaint.

4. Disposition hearings shall be held within ninety (90) days of the filing of the complaint.

5. Continuances may be granted upon showing of good cause.

#### **F.) CHILD SUPPORT ENFORCEMENT AGENCY**

1. Upon the filing of an order for child support, a copy of such order shall be furnished to the Child Support Enforcement Agency. The agency shall also be furnished with such necessary information as may be required on forms to be provided by the Agency.

2. All payments of child support shall be paid to the Ohio Payment Central and disbursed by it to the person or persons entitled to receive the same in accordance with the provisions herein provided, or modified by court order.

3. The Child Support Enforcement Agency shall keep accurate records of all child support payments made by a party charged with making said payments.

4. It shall be the duty of the Child Support Enforcement Agency to ascertain when and if a party charged with making child support payments fails to comply with the order provided therefore and, upon a determination by the Agency of any arrearage, it shall forthwith notify the defaulting party and require his appearance before the Agency within a reasonable time.

5. Upon the appearance of the party in default before the Agency, it shall ascertain whether or not just cause exists for said arrearage and the Agency may make such recommendations to the Court which would form the basis for an order permitting the reduction in the order, or an increase in the order to pick up the arrearage, with the consent of their person to be charged, without

formal hearing. In no event will the Agency recognize an agreement by one party which authorizes the other party charged with child support payments to pay less than that specified in the order unless a copy of said agreement, signed by the recipient, is filed with the Agency and approved by the Court.

6. The Child Support Enforcement Agency is authorized to adopt, with the approval of the Court and enforce such other procedures as may be reasonably necessary for the performance of the duties of said agency.

### **Juvenile Rule 17 MAGISTRATES**

17.1 The powers and duties of Magistrates shall be defined in Rule 40, Ohio Rules of Juvenile Procedure (as amended July 1, 2001) ; Rule 53, Ohio Rules of Civil Procedure (as amended July 1, 1998) ; and Rule 19, Ohio Rules of Criminal Procedure, as amended July 1, 2000.

17.2 Magistrate Pre-Trial Orders. A Magistrate may enter orders effective without judicial approval in pre-trial proceedings. Any person may appeal to the Court from an interlocutory order by filing a Motion to Set the Order Aside, stating the party's objection with particularity. The pendency of a Motion to Set Aside does not stay the effectiveness of the Magistrate's order unless the Magistrate or the Judge grants a stay.

17.3 Magistrate Decisions. A Magistrate is not required to prepare any report other than the Magistrate's Decision. After conducting the proceedings necessary for decision of referred matters, the Magistrate shall prepare, sign, and file a Magistrate Decision with the clerk. If any party requests findings of fact and conclusions of law, the Magistrate Decision shall include findings and conclusions. If an attorney of record requests findings of fact and conclusions of law, he or she shall, if requested, present proposed findings and conclusions to the Magistrate within seven (7) days of the request. Failure to present proposed findings and conclusions within seven (7) days of the request will be deemed withdrawal of the request.

17.4 Court's Action on Magistrate Decisions. The Magistrate Decision shall be effective when adopted by the court as noted in the Journal record.

17.5 Objections to Magistrate Decisions. Within fourteen (14) days of the filing of a Magistrate Decision, a party may file written objections to the decision. The objection shall be specific and state with particularity the grounds for objection.

### **Juvenile Rule 18 PARENTING ACCESS SCHEDULES**

The Court shall adopt and cause to be published, a Standard Order of Parenting Time. Copies of the Standard Order shall be made available through the office of the Clerk of the Juvenile Court.

Liberal parenting time is encouraged since contact with both parents is important to a child(ren)'s well-being. The schedule is a guideline for parenting time and it is the responsibility of the parties to adjust the schedule to meet the best interest of their child(ren). The Court, or the parties, may deviate from the schedule if it is in the best interest of the child(ren).



**Juvenile Rule 19**  
**JUVENILE TRAFFIC**

19.1 Procedure

A person charged with being a Juvenile Traffic Offender by reason of a violation which does not require a mandatory appearance may elect to proceed without a court appearance under the following procedures:

A) The child must appear with his/her parent, guardian or custodian, at the Perry County Juvenile Clerk's Office, Perry County Juvenile Court, 105 N. Main Street, New Lexington, Ohio, during the regular hours of the Court.

B) The child must enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form available at the Juvenile Court. The Admission form must also be signed as approved by the parent, guardian or custodian.

C) The child or his/her parent, guardian or custodian MUST pay the scheduled fine and court costs in the case. Should the child or his/her parent, guardian or custodian not tender, in full, the fine and court costs imposed at the time of the entry of admission, then the Court shall NOT accept the admission and court appearance shall be required.

19.2 Mandatory Appearance Offenses

A) A mandatory court appearance is required for any violation which involves an accident.

B) A court appearance is required for a second traffic violation of any kind which occurs prior to the age of eighteen (18). A court appearance is required if more than one moving traffic violation is charged arising from a single incident or series of incidents.

C) In accordance with Ohio law, several other juvenile traffic offenses require formal court appearance. Due to the ever-changing juvenile traffic laws in Ohio, the court will process these as mandated by law. A juvenile and his/her parent are encouraged to contact the court to have such matters clarified on a case-by-case basis.

19.3 Car Teens

A) This program is designed for first time traffic offenders. It is presented by the Ohio State Highway Patrol. Cost is \$25.00, to be paid to the person presenting the program at the time the juvenile is scheduled to appear for the program. The location is at the Ohio State University Extension Office located at 104 South Columbus Street Somerset, Ohio 43783. The juvenile traffic offender must pay Court costs to the Court prior to attendance at the Car Teens Program.

B) The juvenile may request to reschedule their appearance at the Car Teens Program. The cost to reschedule is \$25.00 to be paid to the Court prior to attendance of the Program.

**Juvenile Rule 20**  
**CHILD RESTRAINT**

20.1 Presumption Against Physical Restraint

No child shall be in restraints in any court proceeding unless the judge or magistrate before whom the child is appearing makes an individual 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 of either of the following:

1. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
2. There is a significant risk the child will flee the courtroom.

20.2 Hearing on Issue of Physical Restraint

The judge or magistrate shall permit any party, as defined in Juv.R.2(Y) to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

20.3 Least Restrictive Restraint Necessary

When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk of requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

**Juvenile Rule 21**  
**ADOPTION OF RULES**

These rules are herewith adopted and shall take effect on February 1, 2016, and after such rules are filed with the Supreme Court of Ohio in accordance with Civil Rule 83. They will govern all future proceedings to be filed and all further proceedings in actions now pending, except to the extent that, in the opinion of the Court, their application in a particular action pending upon the effective date hereto would not be feasible, would work injustice, or are not in conformity with the Rules of Superintendence, the Rules of Civil or Criminal Procedure.

All former rules of this Court are repealed as of the effective date hereof with respect to subject matter and numbers and these rules ordered spread upon the journal of this Court.

Amendments and additions hereto may be made from time to time but such amendments shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83.

A copy of these rules is to be forwarded to the Supreme Court of Ohio for filing therein on the 6th day of March, 2017.

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JUDGE LUANN COOPERRIDER

## **JURY MANAGEMENT PLAN**

### **I. OPPORTUNITY FOR SERVICE**

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

### **II. JURY SOURCE LIST**

A. The jury source list shall be obtained from the Board of Elections' list of registered voters.

B. The Perry County jury commissioners appointed by the Perry County Court of Common Pleas County shall select the electors in accordance with the rules of practice of the that court. The jury source list shall be representative and inclusive of the adult population of Perry County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate corrective action.

C. Serious youthful offender cases may be presented in the Perry County Court of Common Pleas after a youth is bound over by the Perry County Juvenile Court.

### **III. RANDOM SELECTION PROCEDURES**

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner as set forth in the Rules of Practice of the Perry County Court of Common Pleas.

### **IV. ELIGIBILITY FOR SERVICE**

A. All persons are eligible for jury service except those who:

1. Are less than 18 years of age.
2. Are not citizens of the United States.
3. Are not residents of Perry County.
4. Are not able to communicate in the English language.
5. Have been convicted of a felony and not had their civil rights restored.

B. The Perry County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in the jury management plan of the Perry County Juvenile Court.

### **V. TERM OF AND AVAILABILITY OF JURY SERVICE**

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

B. Jurors for juvenile court cases are to report to the offices of the Perry County Juvenile Court.

C. The juvenile judge's staff or the juvenile court administrator shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

### **VI. EXEMPTION, EXCUSE AND DEFERRAL**

A. There shall be no automatic excuses or exemptions with the exception of statutory exemptions set forth in the Ohio Revised Code.

B. Persons who no longer reside in Perry County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.

C. The term of juror service is to be determined by the Perry County jury commissioner.

D. The term of service shall be at a minimum sufficient to complete the trial in juvenile court in which the juror is impaneled.

E. The juvenile court judge presiding over the trial has the discretion to grant excuses or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

#### **VII. VOIR DIRE**

A. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.

B. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which jury selection is to begin.

C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with purpose of voir dire process.

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

#### **VIII. REMOVAL OF THE JURY PANEL FOR CAUSE**

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

#### **IX. PEREMPTORY CHALLENGES**

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

#### **X. ADMINISTRATION OF THE JURY SYSTEM**

A. The responsibility for administration of the jury system is vested in the court and the jury commissioner.

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

C. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

#### **XI. NOTIFICATION AND SUMMONING PROCEDURES**

Procedures governing notification and summoning of jurors are set forth in the jury management plan of the Perry County Juvenile Court.

#### **XII. MONITORING THE JURY SYSTEM**

The chief deputy jury commissioner shall collect and analyze information regarding the performance of the jury system as set forth in the jury management plan of the Perry County Juvenile Court.

**XIII. JUROR USE**

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

B. The chief deputy jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

**XIV. JURY FACILITIES**

A. The court shall provide an adequate and suitable environment for jurors.

B. Jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the court.

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

**XV. JUROR COMPENSATION**

A. Persons called for jury service shall receive compensation as established by the Perry County commissioners pursuant to R.C. 2313.34.

B. Such fees shall be paid promptly, through a warrant with with the Perry County Auditor's Office (\$7.50 for each day served).

C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

**XVI. JUROR ORIENTATION AND INSTRUCTION**

A. The jury commissioner's office shall conduct a juror orientation program that is:

1. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, and
2. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

B. The court shall provide some form of orientation or instructions to persons called for service upon first appearance in the court and upon reporting to the courtroom for voir dire.

C. The trial judge should:

1. Give preliminary instructions to all prospective jurors.
2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
3. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate

method for reporting the results of its deliberations. These instructions should be made available to the jurors during deliberations.

4. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.

5. Use written instructions when feasible.

6. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.

7. Before dismissing a jury at the conclusion of a case, the trial judge should:

a. Release the jurors from their duty of confidentiality;

b. Explain their rights regarding inquiries from counsel or the press;

c. Either advise them that they are discharged from service or specify where they must report; and,

d. Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

#### **XVII. JURY SIZE AND UNANIMITY OF VERDICT**

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

#### **XVIII. JURY DELIBERATION**

A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.

B. The judge should instruct the jury concerning appropriate procedures during deliberations.

C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required.

D. Training should be provided to personnel who escort and assist jurors during deliberations.

#### **XIX. SEQUESTRATION OF JURORS**

A. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.

B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.

C. The judge's courtroom staff and the juvenile court administrator shall have the responsibility to provide for the safety and comfort of the jurors.

D. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.

E. Training shall be provided to court personnel who escort and assist sequestered jurors.