

RULES OF PRACTICE COURT
LUCAS COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

Effective August 1, 2004 (unless otherwise noted)

Honorable Denise N. Cubbon, Administrative Judge
Honorable Connie F. Zimmelman, Judge

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 Lucas County Court of Common Pleas, effective August 1, 2004 (unless otherwise noted) and entered upon the Journal of the Court.

These rules supersede any other previously adopted rules and the same are hereby rep

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Juvenile Rule 1
Court and Attorney Decorum

- A. 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. No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult. 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 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, 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 Lucas County Juvenile Court.
 - 1.9 Upon entering courtrooms, persons must discontinue all cell phone use and cell phones are to be turned off until exiting the courtroom.
- B. Failure to comply with any provision of this rule may result in personal devices being confiscated until the conclusion of the proceeding; and/or a finding of civil contempt under Revised Code Chapter 2705, subject to all penalties permitted under law.

History: Effective August 1, 2004; Amended Effective December 1, 2012.

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 Administrative Judge, may be open 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. - 12:00 noon and 1:00 p.m. - 4:30 p.m. At the discretion of the Judges or Magistrates, hearings may be scheduled at other times.

History: Effective August 1, 2004

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 and the Court is billed.

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 and the Court is billed; 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 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.

History: Effective August 1, 2004

**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.
- A. All pleadings, motions, and judgment entries shall be legibly printed or typewritten, and double spaced on 8-1/2" x 11" paper (not onion skin). The caption in every pleading, motion and judgment entry shall contain the case number, name, address, zip code, date of birth, and the last four digits of the social security number of each party. Every pleading, motion and judgment entry shall include the name of the attorney, the firm name (if any), office address, office telephone number, office facsimile number, attorney's Ohio Supreme Court number, and attorney's e-mail address (if any). The face page of all filings shall provide a top margin of at least three inches to permit the Clerk of Courts to add time stamp imprints.
- B. All Complaints to Establish Parent/Child Relationship and Motion to Establish Allocation of Parental Rights and Responsibilities shall be accompanied by the following:
1. Request for genetic testing, copy of genetic test results, or confirmation that Affidavit Acknowledging Paternity has been filed and not rescinded,
 2. Completed UCCJEA affidavit,
 3. Completed IV-D Application for Child Support Services, and
 4. Appropriate praecipe for service.
- C. All Complaints to Establish the Allocation of Parental Rights and Responsibilities shall be accompanied by the following:
1. Copy of document(s) establishing parentage,
 2. Completed domestic violence questionnaire,
 3. Completed UCCJEA affidavit;
 4. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or
 5. Completed IV-D Application for Child Support Services, and
 6. Appropriate praecipe for service.
- D. All Motions to Modify the Allocation of Parental Rights and Responsibilities (i.e. change of custody or change in parenting time/visitation) shall be accompanied by the following:
1. Completed domestic violence questionnaire,
 2. Completed UCCJEA affidavit,
 3. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or
 4. Completed IV-D Application for Child Support Services, and
 5. Appropriate praecipe for service.

- E. All Complaints/Motions to Intervene and/or Custody/Visitation filed by third parties shall be accompanied by the following:
 1. Completed Domestic Violence Questionnaire,
 2. Completed UCCJEA affidavit,
 3. Completed home study packet,
 4. Completed IV-D Application for Child Support Services, and
 5. Appropriate praecipe for service.
- F. All Motions to Modify Child Support shall be accompanied by the following:
 1. Arrearage statement from the Child Support Enforcement Agency (“CSEA”), or
 2. Completed IV-D Application for Child Support Services, and
 3. Appropriate praecipe for service.
- G. All Motions for Mistake of Fact hearing shall be accompanied by the following:
 1. Copy of the administrative order to which the petitioner is objecting, and
 2. Appropriate praecipe for service.
- H. It shall be the duty of the attorney or filing party to file sufficient copies of the pleading, motion or judgment entry and accompanying documents so as to be served on all defendant(s)/respondent(s).
- I. Failure of a party or attorney to correctly follow the aforementioned provisions may result in dismissal of the pleading, motion, or judgment entry.

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 Lucas County Court of Common Pleas, Juvenile Division; Lucas County Court of Common Pleas, Domestic Relations Division; Lucas County Court of Common Pleas, General Division; Lucas County Children Services; and the Lucas County Corrections Center.

The notice shall be posted in the required locations in conspicuous place and manner for seven (7) consecutive 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.

4.6 Deposit of Security for Costs and Filing Fees per ORC 2323.31 & 2323.311

No new or reactivated action or proceeding shall be accepted by the Clerk for filing without the appropriate Filing Fee. Upon termination of the matter, if costs remain unpaid, appropriate orders will be imposed to collect said costs. Except as otherwise provided by law, the filing fee shall be in accordance with the Administrative Judgment Entry attached as Appendix A, (Also available on our website and in the Clerk’s Office.)

Final judgment entries shall contain a provision for payment of costs as ordered by the Court. The Clerk of the Court shall apply the deposit for the costs in the case, regardless of the party against whom the costs are assessed.

If the initiating party is unable to pay the filing fee as set forth in this rule, the party may file a ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit*** (available on our website, in the Clerk's Office and attached as **Appendix B.**) The Affidavit must be completed to the best of the Affiant's ability and will be filed along with the underlying action or proceeding. The ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit*** will be reviewed by the Judge or Duties Magistrate within 24-48 hours of filing and, if approved, the requesting party will be notified and the underlying action or proceeding will be set for hearing. If not approved, the requesting party will be notified and given thirty days (30) to pay the costs/filing fee, before the matter will be set for hearing. If not approved and no costs/filing fee is paid, the action or matter will be dismissed.

4.7 Fax Filing and Notice and Service of Court-Generated Documents by Electronic Mail

A. Authorization: Fax Filing

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 419-213-6933.

B. Fax filing and copies

Filing of documents subsequent to an original complaint and not requiring a filing fee, may be filed by fax copy with the Juvenile Clerk. 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.

If the Juvenile Clerk receives a document that cannot be accepted for fax filing, the attorney identified on the cover page will be notified of the reason for non-acceptance no later than the next business day.

C. Requirements

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, electronic mail address (if available), 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.

D. Fax Documents as Originals

The faxed document shall be considered the original. Additional originals of the documents shall not be filed with the Juvenile Clerk. The sending party must maintain possession of the source document and make it available for inspection by the Court upon request.

E. Charges

If courtroom or service copies are needed for processing, the Juvenile Clerk may charge the standard page rate or \$.05 per page for all necessary copies. The Juvenile Clerk may charge \$1.00 for a certified copy of a document, in addition to the \$.05 per page copy charge. Attorney checks, cashier’s checks, and cash are acceptable methods of payment.

F. Authorization: Notice and Service of Court-Generated Documents by Electronic Mail

The Juvenile Court may use electronic mail to transmit certain Court-generated documents to allow for more prompt and efficient delivery of Court services and cost savings. Whenever the Juvenile Court Clerk is required to send notice of entry of orders, judgments, decisions, or serve any other document by mail, the Juvenile Clerk may use electronic mail in accordance with the guidelines established by the Court.

G. Requirement of Notice and Service

Notice and service by electronic mail are complete, and the Juvenile Court Clerk shall have fully complied with the requirement of notice and service, upon transmission. If Juvenile Clerk is notified that the electronic mail transmission failed, the documents will be posted by regular U.S. mail.

The Juvenile Clerk shall note on the docket the date and time of notice or service of any document transmitted by electronic mail.

This local rule is not intended to conflict with Ohio rules regarding service of process.

H. Electronic Mail Addresses

1. All attorneys practicing before this Court shall provide the Juvenile Court Clerk with a business electronic mail address, if available, in the Notice of Appearance, in the first document filed with the Court, or at the first appearance before the Court within sixty (60) days of publication of this rule. All attorneys shall have a continuing duty to notify the Juvenile Court Clerk, in writing, of any subsequent changes in an electronic mail address. It is highly recommended that attorneys practicing before this Court establish a business electronic mail address.

2. Unrepresented parties and other participants before this Court who would agree to receive notice or service by electronic mail must provide the Juvenile Court Clerk with an electronic mail address.

3. Unrepresented parties and other participants without an electronic mail address, or individuals who do not agree to receive notice or service by electronic mail, will continue to receive notice and service of Court generated documents via regular U.S. mail.

I. Signatures

In accordance with Civ. R. 5(E), any signature on the electronically mailed document shall be considered authentic and shall be considered the signature of the individual it purports to represent.

J. Electronic Mail Documents as Originals

The electronically mailed document shall be considered the original. The Court will maintain possession of the source document and make it available for inspection or copying upon request.

K. Charges

If additional copies are needed of an electronically mailed document, the Juvenile Clerk may charge the standard rate or \$.05 per page for all necessary copies. The Juvenile Clerk may charge \$1.00 for a certified copy of a document, in addition to the \$.05 per page copy charge. Attorney checks, cashier's checks, and cash are acceptable methods of payment.

L. Confidentiality

Any documents that may contain information covered by the Health Insurance Portability and Accountability Act will not be transmitted by electronic mail. The Court in its discretion will determine which documents shall not be transmitted by electronic mail.

4.8 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.

A. 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.

B. 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.

1. Juvenile Traffic Cases

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

2. Delinquency and Unruly Cases

- a. 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).
- b. When detention is continued after the initial hearing:
 - I. 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.
 - II. 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.

- III. 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.
 - IV. Final disposition for a child in detention will be completed within ninety (90) days of the child's being taken into custody.
 - V. Continuances may be granted upon showing of good cause.
- c. Child not in detention.
- I. All felonies and runaways are official filings and are entered into the system within two (2) days.
 - II. All other case types, within ten (10) days of the complaint having been signed, will be screened by the intake officer to determine:
 - i. If it should be officially filed, or
 - ii. If it should be referred to the Court's Mediation Program or an appropriate community agency.
 - III. 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.
 - IV. Trials will be held within thirty (30) days after the pre-trial.
 - V. 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.

3. Parentage Cases

- a. Summons shall issue within seventy-two (72) hours of the complaint having been filed and shall include a pre-trial date not later than 60 days from the date the complaint was filed.
- b. At Pre-trial
 - I. If the defendant admits, the Court may proceed immediately to a determination of a support order.
 - II. 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.
- c. If the genetic tests show:
 - I. Exclusion, the Court will dismiss at the next scheduled hearing;
 - II. 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.
- d. 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.

- e. Continuances may be granted upon showing of good cause.
4. Allocation of Parental Rights and Responsibilities and Third Party Custody and Visitation Cases.
- a. If appropriate, cases will be initially referred to the Court's Mediation program prior to being placed on a preliminary hearing docket.
 - b. Summons shall issue within three (3) business days of filing, giving notice of preliminary hearing to be held within forty-five (45) days.
 - c. If matters are not resolved at the preliminary hearing, a trial will be held within thirty (30) days.
 - d. All parental rights and third party custody and visitation complaints will be resolved within one-hundred twenty (120) days of filing.
 - e. Continuances may be granted upon showing of good cause.
5. Dependency, Neglect and Abuse Cases
- a. 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).
 - b. 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.
 - c. The adjudicatory hearing will be held within thirty (30) days of the filing of the complaint.
 - d. Disposition hearings shall be held within ninety (90) days of the filing of the complaint.
 - e. Continuances may be granted upon showing of good cause.

4.9 Parenting Plan and Companionship Schedule

The Court shall adopt and cause to be published, an Interim Parenting Schedule, a Parenting Plan and Companionship Schedule and a Long Distance Parenting Plan and Companionship Schedule. Copies of each schedule 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 schedules are guidelines 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).

4.10 Waiver, Suspension, Reduction, and Reinstatement of Filing Fees

A. Applicability.

1. Only a natural person is eligible for the waiver, suspension, or reduction of filing fees under this Local Rule.
 2. For the purpose of this Local Rule, “filing fee” is defined as the dollar amount required to file complaints, motions, and judgment entries in the Juvenile Clerk of Court’s Office.
- B. *Motion to Waive the Filing Fee and/or Costs with Attached Affidavit.***
- a. Any party who, by reason of indigency, seeks relief from the payment of a filing fee shall file with the Court a ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit***, setting forth the facts and providing supporting documentation relied upon, to include employment-related financial information, federal income tax returns, documentation of public assistance, and any other financial information the Court may need. The ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit*** is available in the Juvenile Clerk of Court’s Office, on-line at our webpage or attached to the Local Rules as **Appendix B**. All financial information submitted by the party shall remain on record with the Court.
 - b. The ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit*** may be filed with the Clerk’s Office and will be submitted to the Magistrate for review and approval. If approved, the underlying Complaint/Motion will be set for hearing and notice of hearing will be mailed.
 - c. If the ***Motion to Waive the Filing Fee and/or Costs with Attached Affidavit*** is denied, the moving party will be notified by mail and given thirty (30) days to pay the appropriate filing fee. If the fee is not paid within the thirty (30) days, the underlying Complaint/Motion will be dismissed.
- C. Reinstatement of Filing Fees and/or Costs.**
- a. The Court, on its own motion, at any time, may make further inquiries on the record concerning an indigent party’s financial status. If the Judicial Officer determines that the facts or situation no longer supports a finding of indigency and a waiver, suspension, or reduction of a filing fee, the Court may enter an order requiring the filing party to pay any applicable filing fees and instruct the Juvenile Clerk of Court accordingly.
 - b. When a party whose filing fee was waived, suspended, or reduced fails to appear for the initial hearing in the action, and the action is dismissed for that party’s failure to appear, the Judge or Magistrate may order the party to pay the appropriate filing fee if the party re-files the action within one (1) year of the original filing date, or as otherwise may be ordered by the Court.
 - c. When a party whose filing fee was waived, suspended, or reduced subsequently retains private counsel in the pending action, the Judge or Magistrate may review the financial status of the party and determine whether the appropriate filing fee should be assessed.
 - d. When the Court has reason to question whether a party whose filing fee was waived, suspended, or reduced has a financial situation different from the original situation warranting the deviation from the standard filing fee, the Judge or Magistrate may make further inquiries on the record as described herein and instruct the Juvenile Clerk of Court accordingly.

History: Effective August 1, 2004; Amended Effective August, 2008; Amended Effective February 1, 2020.

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.

History: Effective August 1, 2004

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 request, 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 Administrative Judge for appointment to represent indigent parties or to serve as guardian ad litem. Attorneys on the appointment list shall complete six (6) hours of CLE, specific to juvenile law, or other training specifically approved by the Court, each calendar year and provide documentation of the same by December 31 of each year to the Court.

The Court shall also maintain a list of attorneys approved by the Administrative Judge specifically for appointment to represent indigent parties that pursue appeals of dependency, neglect, and abuse cases. Attorneys on said appointment list need only complete three (3) hours of CLE, specific to juvenile law appellate practice, or other training specifically approved by the Court, each calendar year and provide documentation of the same by December 31 of each year to the Court. In addition, said three (3) hour CLE requirement for dependency, neglect, and abuse appellate court appointments may count towards the aforementioned annual six (6) hour requirement for attorney appointment to indigent parties or to serve as guardian ad litem.

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.

6.5 Invoices for indigent legal representation should be submitted within thirty (30) days after the last court date to be considered timely for Lucas County to seek reimbursement from the Office of the Ohio Public Defender.

6.6 Delinquency Cases. ORC 120.36 requires the Courts, to charge a \$25.00 non-refundable Indigent Application Fee on all cases in which a Public Defender is being requested or appointed. The \$25.00 fee may be paid in the Clerk's Office within seven (7) days of submitting the Affidavit of Indigency/Financial Disclosure form. If the fee is not paid within the seven (7) days, the Court may assess the fee at sentencing or the close of your case. If, for any reason, you are unable to pay the fee, you or your Attorney may ask the Court to waive or reduce the fee.

History: Effective August 1, 2004; Amended Effective July, 2007; Amended Effective May 1, 2018; Amended Effective February 1, 2020.

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.

History: Effective August 1, 2004

**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 The clerk's office shall have available a pre-printed Motion for Continuance form for use by counsel or pro se parties. 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.

History: Effective August 1, 2004

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 client's 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.

History: Effective August 1, 2004

Juvenile Rule 10
Specialized Dockets—Drug Court

- 10.1 Pursuant to Rules 36.20 through 36.28 of the Rules of Superintendence for the Courts of Ohio, and Appendix I “Specialized Docket Standards” of the Rules of Superintendence, Lucas County Juvenile Court has created the following specialized dockets: Family Drug Court and Juvenile Treatment Court.
- 10.2 Family Drug Court
- A. Lucas County Family Drug Court began operations in March 2000. The goals and objectives of the program are outlined in the Program Description, which is available upon request and is incorporated herein by reference.
 - B. The target population for placement in Family Drug Court includes individuals who are substance abusing parents who have either lost custody of their child(ren) or are at risk of losing custody of their child(ren). Legal and clinical eligibility criteria are contained in the Program Description. Any disqualifying factors are also listed in the Program Description. Disqualifications are determined on a case-by-case basis. The Family Drug Court Judge has the ultimate discretion to determine whether a parent may participate in Family Drug Court.
 - C. Lucas County Juvenile Court is a multi-judge court and case assignments are determined by random assignment. Lucas County Family Drug Court follows the parallel model. While in Family Drug Court, the parent will appear on a regular basis for status review hearings before the Family Drug Court Judge or Magistrate. The underlying abuse, neglect, dependency case will remain assigned to the original Judge and Magistrate assigned to the case. The Family Drug Court Judge will recuse himself or herself from the underlying case, if necessary.
 - D. Family Drug Court’s Program Description contains the guidelines for participation in Family Drug Court, specifically the operations, policies, and procedures for the Court. Upon acceptance in Family Drug Court, each participant receives a Participant Handbook and signs a Participation Agreement. These documents are available upon request and are incorporated herein by reference.
 - E. Successful completion of Family Drug Court includes completion of all phases of the program, including treatment and aftercare, and the return of children to a safe, healthy home. A participant may be terminated from Family Drug Court for failure to comply with Family Drug Court rules and requirements as outlined in the Program Description. If a Family Drug Court participant is terminated from the program, the underlying abuse, neglect, dependency case will continue on the regular docket.
 - F. Pursuant to Evidence Rule 408, statements made in Family Drug Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.
 - G. Pursuant to Evidence Rule 410, statements made in Family Drug Court hearings shall be treated as participation in plea discussions, and are not admissible to prove the underlying cause of action.
 - H. This Rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

10.3 Juvenile Treatment Court

- A. Lucas County Juvenile Treatment Court began operations in September 2004, with the following goals and objectives:
1. Completion of treatment with a long-term goal of abstinence from drugs and alcohol;
 2. Improve academic performance and attendance;
 3. Reduce delinquency;
 4. Enhance family function and reduce family conflict;
 5. Improve vocational readiness;
 6. Provide access and link youth to community resources that will assist them in sustaining healthy lifestyles;
 7. Develop and link youth with creative assets within our community's resources; and,
 8. Provide youth with opportunities for success in aftercare.
- B. Target populations for placement in Juvenile Treatment Court include youth who are:
1. Substance Abusing or Substance Dependent
 2. 14 to 17 years old
 3. Alleged or have been found delinquent of a misdemeanor or a non-violent felony
 4. Post-adjudication
 - a. currently on probation
 - b. known to be or have been assessed as being substance abusing or substance dependent
 5. Pre-adjudication
 - a. placed on probation for the purpose of participating in Juvenile Treatment Court

If a youth meets the criteria for participation in Juvenile Treatment Court, the youth will be placed in the program unless he or she is disqualified from participation. A youth may be disqualified from participation in Juvenile Treatment Court for a violent felony offense. Disqualifications are determined on a case-by-case basis. The Juvenile Treatment Court Judge has the ultimate discretion to determine whether a youth may participate in Juvenile Treatment Court.

- C. Lucas County Juvenile Court is a multi-judge court, and case assignments are determined by random assignment. Juvenile Treatment Court follows the parallel model. While in Juvenile Treatment Court, the youth will appear on a regular basis for status review hearings before the Juvenile Treatment Court Judge or Magistrate. The underlying delinquency case will remain assigned to the original Judge and Magistrate assigned to the case. The Juvenile Treatment Court Judge will recuse himself or herself from the underlying case, if necessary.
- D. Lucas County Juvenile Treatment Court's Program Description contains the guidelines for participation in Juvenile Treatment Court, specifically the operations, policies, and procedures for the Court. Upon acceptance in Juvenile Treatment Court, the youth and his/her parent or guardian receive a Participant Handbook, a

Parent/Guardian Handbook, and sign a Participation Agreement. These documents are available upon request and are incorporated herein by reference.

- E. Upon successful completion of Juvenile Treatment Court orders and substance abuse treatment, a participant is eligible for graduation from the program. If a participant receives new disqualifying charges, fails to comply with Juvenile Treatment Court orders and treatment, or is committed to a secure facility on a new adjudication, the participant will be unsuccessfully terminated from Juvenile Treatment Court. If a Juvenile Treatment Court participant is terminated from the program, the traditional juvenile justice process will resume. A participant will receive a neutral discharge from Juvenile Treatment Court if circumstances occur that are outside of the participant's control.
- F. Pursuant to Evidence Rule 408, statements made in Juvenile Treatment Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and are not admissible to prove the underlying cause of action.
- G. Pursuant to Evidence Rule 410, statements made in Juvenile Treatment Court hearings shall be treated as participation in plea discussions, and are not admissible to prove the underlying cause of action.
- H. This Rule does not limit the admissibility of evidence provable by independent, extrinsic evidence.

History: Effective August 1, 2004; Amended effective September 30, 2013.

**Juvenile Rule 11
Mediation Conferences**

11.1 Uniform Mediation Act – Rule 16-21

- A. The Court incorporates by reference the Ohio Revised Code 2710 “Uniform Mediation Act” (UMA.)

11.2 Cases Eligible for Mediation – Rule 16.21(A)(2)&(4)

- A. The Court has discretion to encourage parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

1. Exceptions: Mediation is prohibited in the following situations:

- As an alternative to the prosecution or adjudication of domestic violence;
- In determining whether to grant, modify, or terminate a protection order;
- In determining the terms and conditions of a protection order;
- In determining the penalty for violation of a protection order.

- B. Nothing in this division shall prohibit the use of mediation in a custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile delinquency case, even though the case involves juvenile-perpetrated domestic violence.

11.3 Confidentiality – Rule 16.21(A)(3)

- A. All mediation communications related to or made during the mediation process are subject to and governed by the UMA. 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 or mediation department where possible.

1. **Consent to Mediate and Confidentiality Agreement** - At the beginning of all mediations, the parties in attendance will be asked to read and sign a Consent to Mediate and Confidentiality Agreement. The agreement states that all mediation communication is confidential and will not be disclosed without the consent of all mediation participants; unless the information is not privileged pursuant to ORC 2710.05, may be reported pursuant to ORC 2710.06(B), or must be reported pursuant to statute.

- B. By participating in a mediation, a non-party participant, as defined by ORC 2710.01(D), submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to the parties, except that no evidence privilege shall be expanded.

1. Exceptions: All mediation communications are confidential with the following exceptions:

- Parties may share all mediation communications with their attorneys;
- Certain threats of abuse or neglect of a child or adult;
- Statements made during the mediation process to plan or hide an

- ongoing crime;
Statements made during the mediation process that reveal a felony.

11.4 **Referral to Resources – Rule 16.21(A)(5)**

- A. Pursuant to the Family Violence Intervention Program, the Court Mediation Services prescreens all mediations for suspected Domestic violence concerns. As an additional layer, the Mediator during the mediation will also screen for any Domestic Violence concerns. If any Domestic Violence concerns are found, the Mediator will refer the parties to our internal Family Violence Intervention program who will contact the parties and make appropriate community referrals for domestic violence prevention, counseling, substance abuse and mental health services, as needed.

11.5 **Counsel Shall be Present at Mediation Unless Waived by the Party (Dependency, Neglect and Abuse cases only) – Rule 16.21(B)(2)**

- A. Parties not represented by counsel, shall only attend mediation, if they have waived their right to counsel in open court.
- B. Parties who are represented by counsel may attend mediation without counsel only where the rights to have counsel present at the mediation has been specifically waived.
- C. Waivers may be rescinded at any time.

11.6 **Mediation Referrals – Rule 16.21(B)**

- A. The Judge or Magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.
- B. Parties in a Dependency, Neglect and Abuse case who wish to participate in mediation, prior to adjudication shall apprise the court of this at shelter care hearing or pretrial. The judge or magistrate may refer the court to pre-adjudication mediation. The disposition hearing shall not be delayed past 90 days for participation in mediation. Parties who wish to participate in mediation to resolve a visitation, case plan, or custody issues at later points in the case, may do so, by filing an appropriate pleading or motion for mediation in the Clerk’s Office, without prior court approval.
- C. The Judge or Magistrate may refer or order a case to mediation at any point in a case.

11.7 **Mediation Notice – Rule 16.21(B)(4)**

- A. Civil cases – Mediation is set with the pretrial and notice of the mediation is sent to the parties with their pretrial hearing summons.
- B. Delinquency, Neglect and Abuse and/or Permanent Custody cases – mediation is ordered by the Judge or Magistrate and included in the appropriate order or decision. If the mediation date is not incorporated into the order or decision, notice of the mediation will be sent to the parties at their provided addresses.
- C. Contributing and Truancy cases – notice of mediation is sent to the parties once the complaint is filed with the court.

11.8 Mediator Training and Education – Rule 16.23

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

11.9 Termination of Mediation – Rule 16.24

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

11.10 Fees and Costs

- A. The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive the fees and costs for an indigent party. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.
- B. **Re-set fee:** If the parties attend a mediation and reach an interim agreement that requires a re-setting of the mediation in order for the parties to reach a final enforceable agreement. The parties will be assessed \$75.00 per reset for the cost of the additional mediation. In the event the party is indigent, the cost of the reset may be waived. Unless otherwise agreed by the parties, the cost of the reset will be equally split between them.

11.11 Attendance; Sanctions

- A. If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

11.12 Mediator Evaluation, Comments and Complaints

- A. It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible 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. All comments, complaints, or feedback should be submitted to the Mediation Director or the Clerk’s Office. The Mediation Director will review the comment, complaint, or feedback and take next appropriate action.

11.13 Mediation Report:

- A. Unless a scheduled mediation conference is vacated, a mediation report will be submitted to the court subsequent to the mediation conference pursuant to ORC 3109.052.
- B. Absence of Mediation Agreement: If the parties do not reach an agreement in mediation, the mediation report is filed with the court and the petition is referred to a magistrate or judge.

11.14 Judicial Review of Mediation Report:

- A. If parties reach an agreement in mediation, the mediation report is filed in the Clerk's Office and the agreement is submitted to the court for review pursuant to ORC 3109.04. Although it must consider the mediation report, the court is not bound by the mediation report when allocating parental rights and responsibilities, but will also consider all factors pursuant to ORC 3109.04(F)(1) and the best interest of child(ren). The mediation agreement of the parties becomes an enforceable court order when approved and entered in the court's record by a judge or a magistrate.

11.15 Additional Provisions Specific to Domestic Violence Issues:

- A. Pursuant to ORC 3109.052 and Rule 16 of the Ohio Rules of Superintendence, when a case is referred to mediation and domestic violence is alleged, suspected or present, the mediation will occur only if the following conditions are satisfied:
 - 1. If the domestic abuse issues recited in ORC 3109.052(A) apply to any parent in a case involving the allocation of parental rights for the care of a child, the court may order mediation only if the court determines that it is in the best interest of the parties to do so and makes specific written findings of fact to support its determination.
 - 2. Pursuant Juvenile Rule 11.6, the mediator is specifically qualified to mediate the case.

History: Effective August 1, 2004; Amended Effective July, 2007, Amended Effective March 1, 2020.

Juvenile Rule 12 Discovery

- 12.1 “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.
- 12.2 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 Lucas County Child Support Enforcement Agency - at the LCCSEA Legal Department;
 - C. In Delinquency/Unruly/Traffic cases where the prosecutor is the requested party, at the office of the Lucas County Prosecutor, Juvenile Division;
 - D. In Dependency/Neglect/Abuse cases where Lucas County Children Services is the requested party, at the LCCS Legal Department.
- 12.3 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.
- 12.4 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.
- 12.5 Counsel is ultimately responsible for the production of the discoverable material.
- 12.6 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.
- 12.7 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.
- 12.8 Counsel is responsible for marking all trial exhibits prior to commencement of hearing.

History: Effective August 1, 2004

Juvenile Rule 13
Guardian Ad Litem

- 13.1 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.
- 13.2 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 Sections 2945.38, 2945.39 or 2945.40 (except court docket entries or court journal entries) unless presented an order for compliance therewith.
- 13.3 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.
- 13.4 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.

History: Effective August 1, 2004

Juvenile Rule 14
Psychological Reports

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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.

History: Effective August 1, 2004

Juvenile Rule 15
Emergency Hearings

15.1 An “Emergency Situation” warranting the Court’s immediate intervention is defined as that situation in which irreparable harm (immediate or threatened physical or emotional harm) will occur to the child unless immediate action is taken or those actions as defined in ORC §§3127.18, 2151.31, and 2151.33. The petitioner must also have filed and scheduled for hearing a motion requesting the allocation or reallocation of parental rights and responsibilities or a Complaint for Third Party Custody. Such motions for emergency hearings or for ex parte orders shall have supporting affidavits that clearly explain the expected harm. Any ex parte order for a change in custody or the residential parent status shall include a provision for immediate notice of the ex parte order to the legal custodian or the residential parent.

15.2 Requests by Public or Private Agencies.

- 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.

15.3 Requests by Private Attorneys.

The attorney shall file the *Motion for Emergency Hearing*, along with the petitioner’s sworn *affidavit*, with the Juvenile Court Clerk. After the *Motion* is filed, the attorney shall then immediately take a copy of the *Motion* and *Affidavit* to the assigned Duties Magistrate. Upon approval by the Duties Magistrate, the Court shall set a time for the hearing the next business day or no later than seventy-two (72) hours from the request.

15.4 Requests by Pro Se Petitioners

The petitioner shall file the *Motion for Emergency Hearing*, along with their sworn *Affidavit*, with the Juvenile Court Clerk. After the *Motion* is filed, the Clerk’s office designee shall then immediately take a copy of the *Motion* and *Affidavit* to the assigned Duties Magistrate. Upon approval by the Duties Magistrate, the Court shall set a time for the hearing the next business day or no later than seventy-two (72) hours from the request.

15.5 If the emergency hearing is denied, one of three (3) actions shall occur which shall be specifically noted on the *Motion* by the Duties Magistrate:

- A. The matter may be set for an expedited hearing within fourteen (14) days from filing;
- B. the underlying *Complaint/ Motion* may be set for hearing on the regular docket;
- C. or the matter may be dismissed.

- 15.6 If the emergency hearing is granted, it is the responsibility of the attorney or pro se petitioner filing the *Motion* to provide notice to all necessary parties of the date and time set for the emergency hearing.
- 15.7 Upon the filing of any request for an emergency hearing, the Clerk shall determine which Magistrate, if any, has heard the case within the last three (3) years. The prior Magistrate, or the Duties Magistrate (if the prior Magistrate is unavailable), will then hear the emergency matter. Following the emergency hearing, if the case has not been previously assigned, the case will then be assigned to a Magistrate at the discretion of the Duties Magistrate.

History: Effective August 1, 2004; Amended Effective December 1, 2012; Amended Effective May 2, 2016

Juvenile Rule 16 - Rescinded

History: Effective August 1, 2004; Amended Effective August, 2008; Amended Effective October 16, 2012; Rescinded February 1, 2020.

Juvenile Rule 17
Rescinded

History: Effective August 1, 2004; Rescinded February 1, 2020.

Juvenile Rule 18 Magistrates

- 18.1 The powers and duties of Magistrates shall be defined in Rule 40, Ohio Rules of Juvenile Procedure (as amended through August 15, 2015) ; Rule 53, Ohio Rules of Civil Procedure (as amended July 1, 2011) ; and Rule 19, Ohio Rules of Criminal Procedure, as amended August 1, 2015.
- 18.2 **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.
- 18.3 **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.
- 18.4 **Court's Action on Magistrate Decisions**
The Magistrate Decision shall be effective when adopted by the court as noted in the Journal record.
- 18.5 **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.
- 18.6 **Duties Magistrates**
The Juvenile Court Chief Deputy Clerk shall assign two Magistrates each week the Court is in session who shall be known as the "Duties Magistrates." One Duties Magistrate shall be assigned to address civil matters and one Duties Magistrate shall be assigned to address delinquency matters. In general, the Duties Magistrates shall address those matters of an urgent or immediate nature.

Duties Magistrate for Civil Matters:

In addition to his or her regular docket, this Duties Magistrate shall act for any other Magistrate who is not available, be responsible for the authorization of continuances, review requests for emergency hearings (other than those made by a public children services agency or a private child placing agency), hear determinations of indigency and fee waivers, and other duties as assigned by the Administrative Judge.

Duties Magistrate for Delinquency Matters:

In addition to his or her regular docket, this Duties Magistrate shall act for any other Magistrate who is not available, be responsible for the authorization of continuances,

conduct detention hearings, address matters involving walk-in warrants, and address other duties as assigned by the Administrative Judge.

History: Effective August 1, 2004; Amended Effective May 2, 2016.

Juvenile Rule 19 – Rescinded

History: Effective August 1, 2004; Rescinded February 1, 2020.

Juvenile Rule 20
Juvenile Traffic Violations Bureau

20.1 Procedure

Pursuant to Ohio Traffic Rule 13.1, the Lucas County Juvenile Traffic Violations Bureau is hereby created as part of the Juvenile Court Clerk's office. A person charged with being a Juvenile Traffic Offender by reason of a violation which does not require a mandatory appearance pursuant to this Rule may elect to proceed without a court appearance under the following procedures:

- A. The child and his/her parent, guardian, or custodian may appear at the Juvenile Traffic Violations Bureau, Clerk's Office, Lucas County Juvenile Court, 1801 Spielbusch, Toledo, Ohio, 43604, during the regular hours of the Court. The child must enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form (this form, along with a Schedule of Fines & Costs, are available at the Violations Bureau and online at the Court's website in the forms section: <http://www.co.lucas.oh.us/index.aspx?NID=1831>). The Admission form must also be signed as approved by the parent, guardian or custodian.
- B. In the alternative, the child and his/her parent, guardian, or custodian may also dispose of the case without court appearance by both signing the appropriate Admission and Waiver form (this form, along with a Schedule of Fines & Costs, are available at the Violations Bureau and online at the Court's website in the forms section: <http://www.co.lucas.oh.us/index.aspx?NID=1831>) and mailing it to the Lucas County Juvenile Traffic Violations Bureau along with a check or money order made payable to the Juvenile Clerk of Court in the amount of the applicable fines and courts costs.
- 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 Bureau shall NOT accept the admission and court appearance shall be required.

20.2 Mandatory Appearance Offenses

- A. Any violation which involves an accident may not be processed through the Traffic Violations Bureau, and a mandatory court appearance is required.
- B. A second traffic violation of any kind which occurs prior to the age of eighteen (18) years may not be processed through the Traffic Violations Bureau, and a court appearance is required. If more than one moving traffic violation is charged arising from a single incident or series of incidents, none of those violations may be processed through the Traffic Violations Bureau, and a court appearance is required.
- C. The following offenses require formal court appearance and may not be processed through the Juvenile Traffic Violations Bureau, although otherwise permitted by these Rules:
 - 1. Offenses which would be indictable;
 - 2. Operating a motor vehicle while under the influence of alcohol or drugs;
 - 3. Leaving the scene of an accident;

4. Driving while under suspension or revocation of driver's license;
5. Driving without being licensed to drive;
6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
7. Drag racing;
8. Reckless operation;
9. Failure to maintain reasonable control;
10. Speeding (in excess of 20 mph over posted limit);
11. Speeding in a school zone;
12. Permitting unlicensed driver to operate a motor vehicle;
13. Operating a motor vehicle under temporary instruction permit unaccompanied by a licensed operator;
14. Offenses charging a violation under Revised Code Chapter 29.
15. Resisting/Interfering with an officer;
16. Presenting false name or information to an officer;
17. Willfully eluding or fleeing a police officer;
18. Any other offense or proceeding as determined by the Court.

20.3 Electronic Submission of Traffic Tickets

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Lucas County Court of Common Pleas, Juvenile Division. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

20.4 Schedule of Fines

The court shall establish and publish a schedule of fines and costs for all offenses. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be prominently displayed at the place in the violations bureau where fines are paid.

History: Effective August 1, 2004; Amended Effective August 22, 2014

Juvenile Rule 21
Competency Proceedings

- 21.1 Expedited Hearings.
Juvenile competency hearings under ORC 2152.51 through 2152.59 shall be scheduled and heard on an expedited basis. The timelines established by these code sections shall be strictly enforced.
- 21.2 Notice.
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.
- 21.3 Stay of Proceedings.
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.
- 21.4 Competency Evaluator.
The Court shall contract with an evaluator qualified according to ORC 2152.54 to perform competency evaluations. Upon the objection of any party to the contents of a competency assessment report, the Court may order an additional evaluation according to ORC 2152.57 to be completed by an evaluator qualified according to ORC 5152.54. The moving party shall provide the Court with a qualified evaluator and show that the evaluator meets the qualifications of ORC 5152.54.

History: Effective August 1, 2004; Amended Effective December 1, 2012.

Juvenile Rule 22
***Ex Parte* Communication**

- 22.1 No attorney, party, or third-party shall attempt to unilaterally communicate or correspond, either orally or in writing, the merits of any litigation with any Judge or Magistrate presiding over the matter.
- 22.2 A Judge or Magistrate shall not initiate, receive, permit, or consider communications made to them outside the presence of the parties or their representatives concerning a pending or impending proceeding, except as otherwise authorized by law.
- 22.3 Judges and Magistrates are prohibited from reading or considering *ex parte* communication from only one party to a cause of action. Communication or correspondence may be considered only when it clearly reflects that a copy was provided to all other parties in the case.
- 22.4 Judges and Magistrates are also prohibited from reading or considering communication from non-parties concerning a pending or impending proceeding.
- 22.5 This Local Rule shall serve as notice that any improper written communication with the Court's judicial officers will not be read or acted upon.
- 22.6 Note that this section does not apply to *ex parte* communications and orders otherwise expressly permitted by law.

History: Effective August 1, 2004; Amended Effective December 1, 2012.

Juvenile Rule 23 – Rescinded

History: Effective August 26, 2013; Rescinded February 1, 2020.

Juvenile Rule 24

VOICES – Youth’s Attendance in Abuse, Neglect, and Dependency Cases

- 24.1 **Application of VOICES in Abuse, Neglect, and Dependency cases.** It is the policy of Lucas County Juvenile Court that youth should have a direct voice in Court when possible. Youth, age ten (10) and older, shall have the opportunity to attend Court and to speak to the Judge or Magistrate at any hearing after the Adjudication Hearing.
- A. The Court-Appointed Special Advocate (CASA) or Attorney/Guardian *ad Litem* (GAL) shall inform all youth, age ten (10) and older, of this opportunity and will prepare the youth for the hearing.
 - B. The CASA or Attorney/GAL will have the youth sign the Court’s form, “Youth’s Acknowledgment of Opportunity to Attend Juvenile Court Hearings”, acknowledging the opportunity to attend the hearing. The CASA or Attorney/GAL will promptly deliver and discuss the signed form with the Judge or Magistrate assigned to the case.
 - C. A youth, age ten (10) and older, with diminished mental capacity may be excused from the hearing by the Court upon the filing of a motion by Lucas County Children Services (LCCS), the CASA, Attorney/GAL, or any other party requesting the excusal of the youth from the hearing and setting forth the reasons for the request.
 - D. Any party may ask the Court’s permission to allow the attendance of a youth under the age of ten (10). The request must be supported with information sufficient for the Court to make a decision about the youth’s attendance and whether Court attendance is in the youth’s best interest.
 - E. LCCS will be responsible for getting the youth to the hearing. The CASA or the Attorney/GAL will contact the caseworker within one (1) week of the scheduled hearing to verify the attendance or non-attendance of the youth at the hearing. The youth shall have the option of sitting in the Courtroom for the hearing, addressing the Court or remaining silent, or sitting in the hallway during the hearing, as the youth chooses.
 - F. If the youth is present in the Courtroom, the youth shall be seated with the CASA or Attorney/GAL, at a separate table when possible, or in the back of the Courtroom so the youth does not have to choose to align with either parent.
 - G. The youth will not be part of an evidentiary hearing. The youth’s sensitivity to being in the presence of any party will be considered by the Court.

**YOUTH'S ACKNOWLEDGMENT OF
OPPORTUNITY TO ATTEND JUVENILE COURT
HEARINGS**

You have the opportunity to talk to the Judge. You will go to the courthouse to talk to the Judge. Other people like your social worker, your parents, your relatives, your foster parents, and your Court-Appointed Special Advocate (CASA) or Attorney/Guardian *ad Litem* (GAL) will also talk to the Judge.

During court, you will be given the opportunity to tell the Judge about yourself and your feelings. You may tell the Judge where you want to live and who you want to live with. You may tell the Judge about other things that are important in your life, such as visiting with family, school, and counseling.

The Judge is the person who makes the final decision about the plan for where you are going to live. Because you are ten (10) years old, or older, you may decide for yourself whether you want to go to court.

Please check one of the boxes below to indicate whether you DO or DO NOT want to attend court. Then sign your name on the line at the bottom of this page and give this paper to your CASA or Attorney/GAL.

Even if you sign below that you do not wish to attend court, you are allowed to change your mind and go to court.

YOUTH: Read and Check One of the Options Below, then Sign and Date

My name is _____ . I have read, or have had someone read to me, the above statement about my opportunity to attend my court hearings. I understand that at least once a year, the Judge will decide the plan for where I am going to live. I understand that because I am ten (10) years old, or older, I can decide whether I want to go to court. I also understand that even if I decide not to attend court, I can change my mind and decide that I want to go to court.

Yes, I wish to attend Court.

No, I do not wish to attend Court.

Youth's Signature _____ Date: _____

FOR THE CASA/GAL ONLY: As the youth's CASA or Attorney/GAL, I have counseled him/her in the last sixty (60) days about the opportunity to attend court and talk to the Judge. Within one (1) week before the hearing, I will both verify with the youth and notify the caseworker that the youth's decision to attend the court hearing has not changed.

CASA or Attorney/GAL Signature: _____ Date _____

CASA or Attorney/GAL Name PRINTED: _____

24.2 **Application of VOICES in Planned Permanent Living Arrangement (PPLA) cases.** *It is the expectation of the Court that every youth attend and participate in his/her PPLA Hearing and all subsequent Annual Review Hearings.* These hearings are held for the purpose of evaluating and reviewing all aspects of the youth's progress in services, education, and the development of the youth's plan for successful emancipation.

A. All youth who are recommended by Lucas County Children Services (LCCS) for permission to cease seeking an adoptive home and to live in a Planned Permanent Living Arrangement (PPLA) shall have the opportunity:

1. To prepare ahead of time for meeting the Judge or Magistrate via a Teen Team Meeting at LCCS, and
2. To meet with the Judge or Magistrate immediately following the PPLA Hearing and no less than annually thereafter.

B. In the event of special circumstances, LCCS (or any party) may file a motion requesting:

1. That the youth not attend the PPLA Hearing, or
2. That the youth not attend an Annual Review Hearing.

LCCS, or the party proposing that the youth not attend the hearing, shall file a motion with the Court thirty (30) days before the hearing asking for approval to waive the youth's attendance at the PPLA Hearing or PPLA Annual Review Hearing and shall state the reasons for the request.

C. Reasons for granting the motion may include:

1. The youth's level of functioning is insufficient to allow the youth to understand and participate in the hearing;
2. For those youth in a residential setting (i.e., residing in a drug/alcohol treatment facility), the youth's therapist recommends against the youth's attendance either because it is unsafe to transport the youth or it is inappropriate for the youth to attend based on the youth's current behaviors or diagnosis.
3. The youth is in a placement outside of a sixty (60) mile radius from the Court.

History: Effective August 26, 2013

Juvenile Rule 25
Child Restraints

- 25.1 This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
- 25.2 No child shall be in restraints in any court proceeding 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 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.
- 25.3 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.
- 25.4 When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

History: Effective May 2, 2016.

Juvenile Rule 26
Citation of Rules

These rules shall be known as the Rules of the Court of Common Pleas, Juvenile Division, of Lucas County, Ohio, and may be cited as Lucas County Juvenile Court Rules or L.C.J.C. Rules.

History: Effective August 1, 2004; Amended Effective December 1, 2012; Amended Effective August 26, 2013; Amended Effective May 2, 2016.