

**THE GREENE COUNTY COURT OF  
COMMON PLEAS, JUVENILE DIVISION**



**JUDGE  
ADOLFO A. TORNICHIO**  
LOCAL RULES OF PRACTICE

Amended and effective July 1, 2020

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO  
JUVENILE DIVISION

In the Matter of: : 2020 - GO - 00012  
:  
The Adoption of the :  
Local Rules of Court : Judge Adolfo A. Tornichio  
:  
:  
: JUDGMENT ENTRY

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Pursuant to Rule 5 of the Rules of Superintendence and Ohio Revised Code §2151.17, the Local Rules of the Greene County Court of Common Pleas, Juvenile Division, are adopted as set forth herein, as amended from time to time.

The Local Rules of this Court are intended to be consistent, complementary and supplemental with the Ohio and United States Constitution, Rules of Superintendence for the Courts of Ohio, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules and all controlling statutes.

Said Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of Court and statutes governing proceedings in this Court. In their application, the Rules shall be construed so as to provide prompt, practical, efficient, inexpensive and just determinations of cases.

The Rules set forth herein are effective the 1<sup>st</sup> day of July, 2020.

IT IS SO ORDERED.

  
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Adolfo A. Tornichio, Judge  
Date: 6/17/2020

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## **A. GENERAL PROVISIONS**

- I. **Local Rules:** The Local Rules shall govern practice and procedures in the Greene County Court of Common Pleas, Juvenile Division. They shall be known as the “Local Rules of the Greene County Juvenile Court”. They shall be cited as GCJC Rule “X”, in accordance to its number in the Table of Contents.
  
- II. **Operations:**
  - a. Court sessions shall be held at the Greene County Court of Common Pleas, Juvenile Division, located at 2100 Greene Way Boulevard, Xenia, Ohio 45385, unless otherwise designated by the Court.
  - b. The Court shall be in session Monday through Friday between the hours of 8:00 a.m. to 4:00 p.m., unless otherwise provided by Order of the Court.
  - c. The Clerk of Court shall be open to the public between the hours of 8:00 a.m. to 3:30 p.m., Monday through Friday, unless otherwise provided by Order of the Court.
  - d. The Court observes the following Holidays: New Year’s Day; Martin Luther King Day; President’s Day; Memorial Day; Independence Day; Labor Day; Veteran’s Day; Thanksgiving Day and the day after Thanksgiving; and Christmas Day.
  
- III. **Security:**
  - a. All persons entering the Greene County Court of Common Pleas, Juvenile Division, Greene County Juvenile Detention Center and/or Miami Valley Juvenile Rehabilitation Center and their personal property are subject to security screening procedures upon entering the building.
  - b. No person shall enter the Courthouse facility located at 2100 Greene Way Boulevard, Xenia, Ohio 45385 while carrying a handgun, openly or concealed on the person’s body. This rule shall not apply to the Judge or Magistrates, to law enforcement acting within the scope of their duties, to unloaded handguns being conveyed into the building for evidentiary purposes, to bailiffs, to prosecutors or to secret service agents.
  - c. Pursuant to Ohio Revised Code §2923.123(C)(6), this Rule prohibits persons from carrying a handgun into the Courthouse Facility even if they have a valid concealed carry permit under Ohio Revised Code §§2925.125 and 2925.1213.
  - d. For purposes of this rule, “Courthouse facility” includes all floors of the building housing the Greene County Juvenile Court and any annex thereto, including the Greene County Juvenile Detention Center, the Miami Valley Juvenile

Rehabilitation Center, and the Greene County Juvenile Court Intervention Center.

- IV. Pro se Litigants: The Rules of the Greene County Court of Common Pleas, Juvenile Division, shall be uniformly applied to every party involved in a proceeding in this Court, regardless of whether a party is represented by an attorney. In accordance with the laws of this State, persons who represent themselves without the assistance of legal counsel (*pro se* litigants) shall be held to the same standard as an attorney. There are no special exceptions or more lenient standards for persons who represent themselves. Further, Deputy Clerks are not permitted to provide legal advice or assist patrons with the completion of required forms.

For information about self-representation, visit the [Ohio Judicial College](#), [Ohio Legal Help](#), [Legal Aid Line](#) or [Greater Dayton Volunteer Lawyers Project](#) (GDVLP) websites. The Greater Dayton Volunteer Lawyers Project operates at the Greene County Juvenile Court one time per month. Please call the Juvenile Court Clerk of Court at (937) 562-4000 or the GDVLP directly at 1-888-534-1432 for more information.

V. Conduct in Court:

- a. All individuals utilizing the Court, including but not limited to employees of the Court and the public, shall dress appropriately. All counsel shall wear business attire. Any attire or activity deemed disruptive to the decorum of the Court is prohibited and may result in removal from the premises by Court Security.
- b. All electronic devices shall be turned off before entering a courtroom. This includes, but is not limited to, cell phones, tablets, PDAs, etc. Calls shall not be initiated or received in the courtroom, unless approved by a hearing officer. No electronic transmission devices, recording devices or social media of any type shall be utilized in the courtroom. This provision shall not apply to electronic devices such as laptops or tablets being utilized in the course of litigation.
- c. The general public may be excluded from the courtroom and only those persons who have a direct interest in the case shall be in attendance.
- d. No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult.
- e. Noncompliance with this Rule may result in a finding of contempt of Court or other sanctions, including immediate removal from the premises.

- VI. Public Access to Hearings: Public access to hearings shall be governed by the Ohio Revised Code §2151.35, Juv. R. 27 and the Rules of Superintendence for the Courts of Ohio:

- a. Photographing, Recording and Broadcasting of Court Proceedings: Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be made in writing to the assigned judge or magistrate as far in advance as reasonably practical. The request shall not be made less than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the judge or magistrate.
- i. The judge or magistrate may grant the request in writing consistent with the Code of Judicial Conduct, Superintendence Rule 11, and this rule. Written permission shall be made a part of the record of the proceeding.
  - ii. Audio equipment shall be controlled so that it will not pick up conferences or conversations between counsel and client or between counsel and the Judge at the bench.
  - iii. Attorneys shall inform witnesses and/or victims of their right to object to being filmed, videotaped, recorded or photographed. Upon objection, the trial judge may make a ruling prohibiting the recording of the victim or witness.
  - iv. The Court may further regulate the conduct of any broadcasting or recording activity so as to avoid distracting the participants and to guarantee a fair trial.
- b. Closure Hearing(s): Upon the request of any party or Guardian *ad litem*, or *sua sponte*, a judge or a magistrate may conduct a closure hearing to determine if cause exists to exclude the public from the proceeding. Any interested person may present testimony or other evidence and argument during the closure hearing to either support or oppose the closure of the hearing. The judge or magistrate may, at their discretion, limit the length of time each person has to present evidence and argument, or limit the number of persons who may make such presentations.
- i. The Judge or magistrate presiding over the closure hearing may order that the public should be excluded from the hearing if all of the following are found:
    1. That there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the adjudication;
    2. That the potential for harm outweighs the benefits of public access; and
    3. That there are no reasonable alternatives to closure.

- ii. Pursuant to Juvenile Rule 27, Serious Youthful Offender proceedings may not be closed to the public.
- c. Sanctions: Upon the failure of any person or media representative to comply with the conditions prescribed by the judge or magistrate, the Rules of Superintendence of the Supreme Court, or this rule:
  - i. The judge or magistrate may revoke the permission to broadcast, photograph, or record the trial or hearing.
  - ii. If a recording of any proceeding is conducted without completing a request and obtaining authorization, the bailiff may impound the recording equipment and the Court may hold the equipment subject to future action. Upon such impoundment, the Court shall schedule an appropriate hearing at the earliest possible time.
  - iii. No party or counsel to a proceeding may independently record a hearing without specific written permission, subject to sanctions indicated in this rule.
  - iv. This provision does not apply to employees of the Court in reference to the use of official recording devices, or to recording devices used pursuant to the Rules of Superintendence for the Courts of Ohio.

VII. Clerk of Court:

- a. The Juvenile Court Judge is the Clerk of Court for the Greene County Court of Common Pleas, Juvenile Division.
- b. The Judge shall appoint a Chief Deputy Clerk to maintain, file and carefully preserve all filings in accordance with all application retention guidelines and oversee the day-to-day operations of the office of the Clerk of Court.

VIII. Record of Proceedings: Hearings shall be electronically recorded through the Court's digital recording system in accordance with Juv. R. 37.

IX. Public Access to Records:

- a. No person except a Judge, Magistrate, Chief Deputy Clerk or Deputy Clerk shall remove any documents or case files from the Clerk of Court.
- b. The inspection and copying of Court records shall be governed by Juv. R. 32, Sup. R. 44(C)(2)(h), O.R.C. §§149.43, 2151.14 and other applicable laws, including those relating to juvenile privacy considerations. Further:

- i. Reports and records of the Probation Department, including social history or report(s) of a mental or physical examination, shall be considered confidential information and shall not be made public. The inspection of probation records or other internal records by attorneys and interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and §2151.14 of the Ohio Revised Code. No person shall be permitted to read the probation records or other internal record unless proper authorization is given by the Judge or a Magistrate.
  - ii. Official Court records of cases involving juveniles shall be open for inspection by the parent(s), guardian(s) or custodian(s), by counsel of record for any party, guardian *ad litem* of any child affected by any order of any proceedings, or by the prosecuting attorney. Otherwise, such records may be available to any person pursuant to Superintendence Rules 44 to 47 or the requirements set forth in 2020-GO-00003.
  - iii. Any individual or entity that is authorized by an order issued pursuant to RC §2151.14(D)(1) to obtain copies of specified records or specified information related to a particular child, may file a written request for copies of the records or information with any individual or entity required by the order to provide copies of the records or the information. The request shall be in writing, describe the type of records or the information requested, explain the need for the records or the information and be accompanied by a copy of the order.
- c. The records of adult cases shall be public record as provided by law.
  - d. Upon request and payment of a photocopy fee, the Clerk shall provide copies of an original document, except official transcripts and matters considered confidential, maintained by the Clerk. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall be based upon the size and extent of the request.
  - e. No file shall be taken apart or copied by any person, except the Clerk of this Court or any Deputy Clerk.
  - f. Records Management: As of January 1, 2020, the Greene County Juvenile Court will create and maintain records exclusively in electronic form. Said records will be the official records of the Court. Any record created prior to this Rule will be maintained in its original form. Regardless of the format in which the record is kept, records will be retained in accordance with the retention schedule outlined in the Ohio Rules of Superintendence.

## **B. CASE MANAGEMENT**

### **I. Case Management Schedule:**

- a. Pursuant to all applicable guidelines, every effort shall be made to dispose of cases in accordance with the following schedule:
  - i. Delinquency – 6 months
  - ii. Unruly – 3 months
  - iii. Traffic – 3 months
  - iv. Adult Cases – 6 months
  - v. Abuse, Neglect or Dependency proceedings – 3 months
  - vi. Permanent Custody – 9 months
  - vii. Parentage – 12 months
  - viii. Child Support Enforcement or Modification – 12 months
  - ix. Custody, Change of Custody, Visitation – 9 months
  - x. U.I.F.S.A. – 3 months
  - xi. All other Cases – 6 months
- b. Actions are commenced upon the date of filing.
- c. For good cause shown and in the interest of justice, the Court may extend a case beyond the identified timeframe.
- d. The Chief Deputy Clerk will provide the Judge and Magistrates a monthly report identifying any case which is in jeopardy of exceeding its dispositional time limit.

### **II. Pretrial Conferences:** The Court may set any matter for Pretrial Conference. Any party may move for a pretrial. All parties named in the action shall be present at the pretrial unless permitted to participate via telephone, in advance, by the Judge or Magistrate. Pretrials may be scheduled to:

- a. Identify those issues which are disputed and which may be stipulated;
- b. Identify those issues requiring prehearing determination;
- c. Exchange all applicable documents, reports and other discoverable material;
- d. Discuss settlement;
- e. Schedule further hearings and set deadlines; and
- f. Do all such matters as may facilitate final disposition of the case within the time limits established in the case management schedule.

### III. Mediation:

- a. Uniform Mediation Act and Definitions: The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule. Frequently-used definitions include:
  - i. “Mediation” means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
  - ii. “Mediator” means an individual who conducts a mediation.
  - iii. “Mediation Communication” means a statement, whether oral, in a record, verbal or non verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
  - iv. “Nonparty participant” means a person other than a party or mediator that participates in a mediation.
- b. Cases Eligible for Mediation:
  - i. General - 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.
  - ii. Exceptions - Mediation is prohibited in the following:
    1. As an alternative to the prosecution or adjudication of domestic violence;
    2. In determining whether to grant, modify, or terminate a protection order;
    3. In determining the terms and conditions of a protection order;
    4. In determining the penalty for violation of a protection order.
  - iii. Note - Nothing in this division shall prohibit the use of mediation in a subsequent custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.
- c. Confidentiality: Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the

- parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.
- d. Enforcement: By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.
  - e. Referral to Resources: The court administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse and mental health services.
  - f. Counsel shall be present at mediation unless waived by the party: Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a "Waiver of Counsel at Mediation" form prior to participation in mediation. Waivers may be rescinded at any time.
  - g. Referrals to Mediation: 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.
  - h. Notification of Mediation: The mediator shall file a notice to the court that a mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.
  - i. Mediator Training and Education: A mediator 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.
  - j. Mediator Selection and Assignment: The following methods may be used to determine the mediator for the case:
    - i. The court may assign a court mediator to mediate;
    - ii. The court may randomly assign a mediator to the case from the court's roster of approved mediators;

- iii. Specific appointments may be made by the court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case;
- iv. Parties may select a mediator from the court roster, if any;
- v. Parties may request leave to select a mediator without guidance from the court. The court shall not be responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education and training requirements set forth in section (5) above.

k. Procedures:

- i. In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the court for mediation, mediation may be scheduled.
- ii. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to, further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.
- iii. A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

l. Party/Nonparty Participation:

- i. Parties to informal cases such as pre-filing or diversion may voluntarily attend mediation sessions.
- ii. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time in formal cases.
- iii. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

- iv. If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.
- v. By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B) (3) and 2710.04(A) (2).
- m. Termination: If the 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.
- n. Stay of Proceedings: Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order. Only the following documents may be filed while a mediation stay is in effect:
  - i. Motion to lift the mediation stay;
  - ii. Response to a motion to lift mediation stay;
  - iii. Motion or Stipulation to Dismiss the case;
  - iv. Notice related to counsel
- o. Continuances: It is the policy of this court to determine matters in a timely way. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 60 days of the initial referral to mediation, then the request shall be made to the mediator. If the requested date is more than 60 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

- p. Fees and Costs: The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. The court may waive 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.
- q. Attendance; Sanctions: 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.
- r. Evaluation, Comments, and Complaints: 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.

### **C. PROCEDURE**

- I. Magistrates: The Court may appoint magistrates in accordance with Juv. R. 40, Crim. R. 19 and/or Civ. R. 53. Magistrates shall have all power and authority as is permitted by the rule authorizing appointment unless an order of appointment otherwise limits or restricts such power or authority.
- II. Electronic Signature:
  - a. The Judge or Magistrates may elect to utilize an electronic signature on Judgment Entries, Orders, Decisions, Notices, Opinions or any other filings.
  - b. The document containing the electronic signature shall be effective upon journalization for purposes of the Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure and Rules of Superintendence.
- III. Case Captions:
  - a. Delinquency, serious youthful offender, unruly, traffic and adult criminal cases shall be captioned "State of Ohio v. (Name of person charged)".
  - b. Abuse, neglect, dependency and permanent custody cases shall be captioned "In the Matter of: (First and Last Name of child(ren))".
  - c. In delinquency, serious youthful offender, unruly, traffic, abuse, neglect, and/or dependency cases, the caption shall indicate the alleged designation, i.e.

“Alleged Delinquent Child,” below the youth’s name. If adjudicated, the caption shall read the appropriate designation, i.e. Delinquent Child.

- d. Custody cases, parentage and support cases shall be captioned “In the Matter of: (Name of child)”.
- e. Cases, other than those identified above, shall be captioned “(Name of party followed by party designation) v. (Name of party followed by party designation), ie. Jane Doe, Plaintiff v. John Doe, Defendant.

IV. Use of Juvenile’s Initials: In an abuse, neglect or dependency case, a party shall comply with Ohio Rules of Superintendence 44 and 45 regarding the use of a juvenile’s name in Court documents. Otherwise, use of a juvenile’s initials shall be governed by Juv. R. 5.

V. Pleadings and Motions:

a. All pleadings and motions filed in this Court shall comply with the following requirements:

i. Typewritten: All documents must be type-written, in at least twelve (12) point font. This requirement may be waived upon motion.

ii. Formatting: All pleadings, motions, briefs and other similar documents filed with the Clerk shall be on white, 8 1/2” by 11” paper. The first page of every filing shall contain a 2 1/2” top margin. Documents submitted as attachments or exhibits must be submitted in their original form and are exempt from this requirement. Double-sided documents will not be accepted.

iii. Contact Information:

1. All pleadings shall contain the name, address, e-mail address, and telephone number of the party or attorney filing the pleading and if applicable, the attorney’s Ohio Supreme Court attorney registration number in accordance with Rule 11 of the Ohio Rules of Civil Procedure.

2. All notices and communications from the Court with respect to a pending case will be sent to the address(es) provided by the parties and/or attorney(s) on the initial filing, unless a Notification of Address change is filed with the Clerk of Court.

3. There is a continuing duty imposed upon the parties and counsel to keep the Court apprised of any changes in contact information. In the event a dispute arises as to whether correspondence was

directed to a proper address, such issue will be resolved by referencing the address set forth on the respective party's initial pleading or the Notification of Address Change, whichever is more recent.

- iv. Certificate of Service: Every pleading, motion, brief, or memorandum submitted to the Clerk of Court for filing shall be served upon all opposing counsel, a Guardian *ad litem* (if appointed), and all parties not represented by counsel in accordance with the Ohio Rules of Juvenile, Civil and/or Criminal Procedure and shall contain a written certification of such service.
  - v. Number of Copies: All pleadings requiring service by the Clerk of Court shall be filed with a sufficient number of copies for service upon all parties.
  - vi. Complete Information: All lines on forms must be complete and accurate. If an item is inapplicable, indicate "N/A".
  - vii. Personal Identifiers Sheet: This form is required to be filed in all proceedings wherein a party utilizes a juvenile's initials in a document filed with the Court.
  - viii. The Court reserves the right to refuse to accept any filing that fails to comply with the established requirements.
- b. Motions: Shall be made in accordance with Juvenile Rule 19 and shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. A motion shall be supported by a memorandum containing citations of authority and may be supported by an affidavit.
- i. Time Limits: Unless otherwise ordered, any pleading responsive to a motion shall be filed with the Court within (14) days after the filing of the motion or (7) days prior to a hearing on the motion, whichever is earlier.
  - ii. Proposed Judgment Entry/Order: All motions shall be accompanied by a proposed Judgment Entry or Order for the Judge's and/or Magistrate's consideration.
  - iii. Non-oral Hearing: All motions shall be considered upon non-oral hearing, unless otherwise ordered by the Court. Requests for oral hearing shall be contained in the caption and body of the motion.

- iv. Restrictions: Motions and accompanying memorandum, as well as any responsive pleadings, shall not exceed (20) pages, unless prior written approval is obtained from the Court.
  - v. Legal Authority: Counsel shall attach copies of significant cases relied upon in requesting relief or opposing a motion.
  - vi. Motions for Continuance: Every effort shall be made to file a motion to continue at least (3) business days in advance of the hearing date sought to be continued. If a continuance is sought due to conflicting court assignments, the case that was assigned first shall have priority in accordance with the Rules of Superintendence.
- VI. Forms: All forms and packets referenced herein are available on the Court's website at: <https://www.co.greene.oh.us/438/Forms> . Said forms and packets shall be utilized by *pro se* litigants in all cases pending before this Court and by counsel to determine the requisite forms to be filed in each type of proceeding.
- VII. Review of Pleadings:
- a. The Court reserves the right to review all documents submitted before they may be accepted for filing. The purpose of the review is to ensure compliance with all governing rules of practice and procedure.
  - b. Upon approval for filing, all pleadings will be submitted to the Clerk of Court for processing.
  - c. If a filing needs to be executed in the presence of a Deputy Clerk, a valid state I.D., Driver's License or passport will be required for identification purposes.
  - d. Failure to rectify any deficient filing(s) or submit the appropriate filing fee within (5) business days of notification that a document has been approved for filing will result in the filing being returned to the party or attorney, without being filed with the Clerk of Court.
- VIII. Consolidation of Cases: When actions involving common questions of law or fact are pending before the Court, the Court may consolidate the cases under a single case number. The case schedule of the lowest numbered case shall control the proceedings, unless otherwise ordered by the Court.
- IX. Methods of Filing with the Clerk of Court:
- a. Clerk of Court: Filings may be made in person at the Office of the Clerk of Court, located on the 2<sup>nd</sup> Floor of the Greene County Juvenile Court at 2100 Greene Way Boulevard, Xenia, Ohio 45385.

- b. Facsimile: The Clerk of this Court shall maintain a private telephone line and facsimile machine for the purpose of accepting documents for filing in all cases. Filings shall be limited as set forth in this Rule:
- i. Only pleadings subsequent to the original Complaint or other initiating pleading may be filed by facsimile.
  - ii. Facsimile filing transmissions shall not exceed ten pages in length and shall not require a security deposit.
  - iii. A facsimile filing transmission will be accepted for filing as the original and the signature contained thereon will be accepted as the original.
  - iv. The Clerk shall immediately notify the attorney if the transmitted document cannot be accepted for filing.
  - v. All documents submitted will be considered filed when the date/time has been stamped by the Clerk. The date/time of filing is not determined by the facsimile machine date/time stamp.
  - vi. If any facsimile filing is received by the Clerk of Court after 3:30 p.m. on a regular business day or anytime on a weekend or holiday, the facsimile filing shall be filed on the next regular business day for the Clerk of Court.
  - vii. The filing of documents by means of facsimile filing transmission shall not relieve any requirements of filing additional service copies. All facsimile filings tendered to the Court for filing pursuant to this rule shall conform to the requirements of Rules 10 and 11 of the Ohio Rules of Civil Procedure, or Rule 10 of the Ohio Rules of Juvenile Procedure.
  - viii. Facsimile transmissions shall include a cover page, setting forth the following information:
    1. Case Caption
    2. Case Number
    3. Name of party or attorney submitting the filing;
    4. Address of party or attorney submitting the filing;
    5. Ohio Supreme Court registration number of attorney;
    6. Telephone number of attorney or party;
    7. Facsimile number and email address of attorney or party;
    8. Date and time of facsimile filing transmission;
    9. Number of pages of facsimile filing transmission.
  - ix. The Clerk of this Court is authorized to charge a fee for this service, for the transmission and a per page charge, in accordance with the amount(s)

identified in the Costs and Fee Schedule established by this Court. Payment of fees shall be in advance of the sending of the telephonic facsimile filing transmission.

- x. The risk of facsimile filing remains with the sender and the Clerk of this Court shall assume no new responsibilities or liabilities.
  - xi. In accordance with Rule 8(A) of the Ohio Rules of Juvenile Procedure, if it is established that a facsimile filing transmission was transmitted without authority, the Court shall order the filing be stricken from the record.
- c. Electronic Filing: The Court is in the process of implementing an e-filing portal, which will be accessible to the general public in 2020.
- i. Access: When e-filing is available, the filing of documents may be made by submitting the documents through the Court's web-based, e-filing portal. The use of the Court's e-filing portal shall be optional.
    - 1. Registration: All persons who choose to file documents through the e-filing portal shall register and set up an account through the portal. Registered users shall be responsible for maintaining the accuracy of their e-filing portal account information.
    - 2. Restriction(s): No registered user of the e-filing portal shall authorize or permit anyone to use the registered user's e-filing portal account, except on behalf of the registered user. In such cases, the registered user shall be deemed to be the filer.
  - ii. Filing of Electronic Documents:
    - 1. Timing of Filings:
      - A. Documents received through the e-filing portal after 3:30p.m. shall not be considered for filing until the next business day.
      - B. The time of receipt of a document submitted for filing through the e-filing portal shall be the time-stamp provided by the Court's e-filing system.
      - C. Filing documents through the e-filing portal does not alter any filing deadlines imposed by the Court, the Local Rules or any other rules governing practices and procedure.

2. Confirmation of Filings: A confirmation receipt received from the e-filing portal is only a confirmation that the Clerk of Court is in receipt of the documents submitted; it is not a confirmation that the filings were approved and accepted for filing.
3. Review of Documents: All documents submitted through the e-filing portal shall meet all of the filing requirements set forth in GCJC Rule C, except multiple copies of a document are not required unless requested by the Clerk of Court. All electronic filings are subject to the same compliance review set forth in GCJC Rule C, VII.
4. After review by the Court's compliance office, a separate communication that indicates whether the documents were accepted for filing will be sent to the e-mail address registered with the e-filing account of the person who submitted the document through the e-filing portal.

iii. Signature(s): Any document submitted through the e-filing portal shall include a scanned version of the filing person's original signature or shall contain an electronic signature, ie: "/s John A. Doe".

X. Service of Process: Except as otherwise provided in the Juvenile Rules of Procedure, a summons shall be served as provided in Civ. R. 4(A), (C), and (D), 4.1, 4.2, 4.3, 4.5 and 4.6. Further:

- a. Notice: The summons shall direct the party served to appear at a stated time and place.
- b. Certified Mail: where service is by certified mail, the time for the hearing shall not be less than seven days after the date that service is perfected.
- c. Service by Publication: Except as otherwise provided in Juv. R. 16, when the residence of a party is unknown and cannot be ascertained with reasonable diligence, service shall be by publication. Pursuant to this Rule and in accordance with Juv. R. 16, publication shall be made by posting and mail, and in accordance with the following procedure(s):
  - i. An affidavit of a party or party's counsel shall be filed with the Court, averring that service of summons cannot be made because the residence of the person is unknown to the affiant and cannot be ascertained with reasonable diligence. The Affidavit shall set forth the last known address of the party to be served and identify the efforts made to locate the other party.

- ii. Upon the filing of the affidavit, the Clerk shall cause service of notice to be made on this Court's website, located at: <https://www.co.greene.oh.us/431/Juvenile-Court>. The notice shall be accessible via the link titled "**Service by Publication**".
- iii. The notice shall be posted in the required location for seven consecutive days and shall contain the following:
  1. Name and address of the Court;
  2. Case number;
  3. Name of the first party on each side of the case;
  4. Name and last known address, if any, of the person or persons whose residence is unknown;
  5. A summary statement of the object of the complaint or motion; and
  6. Notice to the person to be served that the person is required to appear at the time and place stated.
- iv. The time stated for the hearing shall not be less than seven days after the date of publication.
- v. The Clerk of Court shall also cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served.
- vi. The clerk shall obtain a certificate of mailing from the United States Postal Service. If the clerk is notified of a corrected or forwarding address of the party to be served within the (7) day period that notice is posted pursuant to this rule, the clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarding address.
- vii. The clerk shall note the name, address, and date of each mailing in the docket.
- viii. After the seventh day, the Clerk of Court shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.
- ix. Service by publication upon a non-custodial parent is not required in delinquent child or unruly child cases when the person alleged to have legal custody of the child has been served with summons pursuant to this rule, but the court may not enter any order or judgment against any person who has not been served with process or served by publication unless that person appears.

XI. Subpoenas: Subpoenas shall be issued in accordance with Juv. R. 17, Crim. R. 17 or Civ. R. 45, as applicable.

- a. A subpoena will be issued only upon the submission of a written praecipe by a party to the proceeding. The praecipe must contain instructions for the type of service and list the following information for the person to be served with the subpoena:
  - i. The recipient's full name;
  - ii. His or her complete and current address; and
  - iii. If the address includes no house number, adequate directions to the residence must be provided.
- b. Praecipes for subpoenas must be submitted to the clerk:
  - i. Not less than (14) calendar days prior to hearing at which the attendance of the person is desired for service within Greene County, Ohio; or
  - ii. Not less than thirty (30) days prior to hearing at which the attendance of the person is desired for service outside of Greene County, Ohio.
- c. Subpoenas may be served by the sheriff, a process server duly appointed by the Court, or an officer of the Court.
- d. Attorneys are encouraged to prepare, sign and arrange for service of their own subpoenas, while ensuring compliance with the Juvenile Rules and Civil Rules.
- e. The Court shall not enforce any subpoena that is not properly filed with the Clerk of Court.

XII. Process Servers:

- a. Case specific Appointment: If a party desires personal service be made by a special process server pursuant to Civ. R. 4.1 and/or Juv. R. 16, the party or counsel must file with the clerk an application supported by affidavit.
  - i. The application and affidavit shall contain the following information:
    1. The name, address and telephone number of the person to be appointed as a process server;
    2. That the person to be appointed as a process server is 18 years of age or older; and

3. That the person to be appointed as a process server is not a party or counsel for a party in the action.
- ii. Proposed Order: The applicant shall also submit a proposed order in which the Court makes the foregoing findings set forth in the application and grants the application.
- b. Continuing Appointment: A person may apply to be designated as a “Standing Special Process Server” for cases filed in this Court by filing an application supported by affidavit.
  - i. The application and affidavit shall contain the following information:
    1. The name, address and telephone number of the applicant;
    2. That the applicant is 18 years of age or older;
    3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party or counsel for a party; and
    4. That the applicant agrees to follow the requirements of the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Criminal Procedure, applicable local rules and will ensure compliance with specific instructions for service which may be ordered by the Court in individual cases.
  - ii. Proposed Order: The applicant requesting designation shall also submit a proposed order captioned “In re the Appointment of (name of applicant) as Standing Special Process Server” and stating “applicant is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court”.
  - iii. The clerk shall record such appointment on the Court’s General Docket, and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such an order as satisfying the requirements for designation by the Court of a person to make service of process.
- c. Background checks: Persons who are designated as special process servers are subject to a criminal background check and may be required to provide their social security number and date of birth for such purpose.

### XIII. Court Costs:

- a. The Juvenile Court shall tax and collect fees and costs. No fees or costs shall be taxed in cases of delinquent, unruly, dependent, abused or neglected children

except as required by §§2743.70, 2949.091 or 2949.094 of the Ohio Revised Code. A costs sheet shall be maintained by the Clerk of Court.

- b. Court costs shall be paid upon the filing of any action, proceeding or pleading, except when costs and fines are ordered as part of disposition.
- c. If payment of fines and/or costs is not made within a reasonable time period, the Court may elect to employ a collection agency to collect the same, pursuant to Ohio Revised Code §21512.20.
- d. For a list of all current costs, see the Costs and Fees Schedule established by this Court. Said costs may be amended from time to time as needed or required by law and without specific amendment of the Local Rules.

XIV. Poverty Affidavit:

- a. In civil proceedings, a poverty affidavit may be filed with the Court in lieu of a filing fee being deposited.
- b. A poverty affidavit must state the reasons for the filing party's inability to pay costs. The Clerk of Court shall refuse to accept a civil filing and the poverty affidavit until such time as the party seeking to have the deposit waived completes and files a sworn Affidavit of Income and Expenses and Financial Disclosure and attaches the requisite documentation.
- c. The Affidavit of Income and Expenses and Financial Disclosure will be provided by the Clerk to any party requesting the same.
- d. Once the requisite forms are completed, a determination will be made as to whether costs shall be waived.
- e. A determination waiving costs is subject to the Court's review at any stage of the proceeding(s).
- f. If the Court learns that a party who filed a poverty affidavit is able to pay the costs, the Court may order the party to pay said costs within a reasonable amount of time.

XV. Attorneys:

- a. Notice of Appearance: A Notice of Appearance shall be filed by any attorney entering as counsel of record in a pending case. Said Notice shall be filed within forty-eight (48) hours of being retained or as soon as possible if the attorney is retained less than forty-eight (48) hours before the scheduled hearing.
- b. Withdrawal of Counsel: Counsel for any party may be permitted to withdraw:

- i. Upon written motion with the signed consent of the client in conjunction with an entry and appearance of substitute counsel; or
  - ii. Upon written motion showing good cause and with the consent of the Court, after notice by certified mail, or regular mail with certificate of mailing if certified mail is refused or unclaimed, to the client stating the time, date and place where such motion will be heard.
  - iii. Except for extraordinary circumstances, counsel shall not be permitted to withdraw from a case less than (20) business days prior to a contested hearing or trial.
- c. Admission of Out-of-State Attorneys: Pursuant to Rule I of the Supreme Court Rules for the Government of the Bar of Ohio, an attorney must be admitted to practice in the State of Ohio in order to practice in the Court of Common Pleas. The judge assigned to the particular case has the discretion to admit out-of-state counsel upon written motion for admission *pro hac vice* and will require local counsel to appear with out-of-state counsel who must comply with all requirements prescribed by the Ohio Supreme Court. (See Gov. Bar R. XII).

XVI. Assistance of Counsel:

- a. The Court shall appoint counsel when required to do so by rule or statute, in delinquency and abuse, neglect and dependency proceedings.
- b. The cost of counsel appointed for a child may be assessed to the child's parent(s), guardian(s), or legal custodian(s) when appropriate, including matters for recoupment which may be requested by the Greene County Public Defender's Office.
- c. Where it appears to the Court that a party desires to have counsel appointed, the Court, before appointing counsel, shall require the requesting party to execute:
  - i. an Affidavit of Indigency;
  - ii. an Affidavit of Income and Expenses and;
  - iii. Pay a twenty-five dollar application fee unless the Court determines that it is an undue burden on the party to pay the fee.
- d. The Court shall maintain a list of persons who are eligible for appointment as an attorney, guardian *ad litem*, mediator or investigator.

- e. Prospective appointees may request the Court to add them to one or more court appointed list upon demonstration that he/she possesses the necessary skills, experience, training and licensure required by law and/or the Court.
- f. The Court shall periodically review its lists to ensure all appointees continue to meet the requisite criteria, with the Court annually reviewing its list of Guardian *ad litem*s to ensure compliance with Ohio Rule of Superintendence 48.
- g. The Court requires quality representation by members of the bar who are appointed as counsel. The Court may remove an assigned counsel from the case in the interest of justice and for good cause shown.
- h. Appointments shall be made on a rotating basis, taking into consideration the type, complexity and special requirements of a proceeding, as well as the skill, experience, availability, the possibility of any conflicts, and the current caseload of appointees. If a prospective appointee is unable to accept an appointment, he/she will not be eligible for appointment until the next time his/her name comes up in the rotation.
- i. From time to time, the Court may develop procedures for quality control for assigned counsel. The Court may remove assigned counsel from the approved assigned counsel list pursuant to the procedure in effect at the time.
- j. Appointed Counsel shall not authorize another attorney to appear before the Court on his/her behalf.
- k. Appointed Counsel and guardian *ad litem*s are entitled to reasonable compensation, as determined by the rates set by the Greene County Board of County Commissioners and/or the Court.
- l. Counsel shall be appointed and entitled to payment for work that occurs as of the earlier of the file-stamped date or “effective date” listed on the appointment entry and until the statutory period for filing a timely objection or appeal has expired.
- m. The following documents shall be completed and submitted to the Clerk of Court before payments for court appointed services will be processed:
  - i. Executed Motion for Approval of Payment of Appointed Counsel Fees and Expenses;
  - ii. Copy of the client’s Affidavit of Indigency;
  - iii. Copy of the client’s Affidavit of Income and Expenses;

- iv. Copy of Entry of Appearance or Appointment;
  - v. Copy of the time-stamped, first page of final dispositional entry; and
  - vi. Motion for Extraordinary fees, if applicable.
- n. All Motions for Approval of Payment of Appointed Counsel Fees and Expenses shall be calculated utilizing six-minute increments and a single fee bill shall be submitted for all cases that proceed together through the Court.
- o. Extraordinary fees will only be considered upon written motion, detailing the nature of the special circumstances to be considered.
- p. Counsel must submit his/her request for payment to the Clerk of Court within thirty (30) days of completion of services. Failure to timely submit the foregoing documentation may result in a reduction of fees paid, as may be determined appropriate by the Judge.
- q. Any comments or complaints regarding the performance of a guardian *ad litem* appointed pursuant to this rule shall be in writing and shall be directed to the Court Administrator.

A copy of comments or complaints submitted to the Court shall be provided to the guardian *ad litem* who is the subject of the complaint or comment. The Court Administrator may forward any comments or complaints to the Judge for consideration and appropriate action. The Court Administrator shall maintain a written record in the guardian *ad litem*'s file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian *ad litem* of the disposition.

Motions to remove a guardian *ad litem* shall be scheduled for hearing before the Judge or Magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

XVII. Motions to Set Aside a Magistrates Order or Objections to a Magistrate's Decision: Shall be governed by Juv. R. 40, Crim. R. 19 and/or Civ. R. 53.

XVIII. Notice of Settlement: Whenever parties have reached a settlement in advance of a hearing, it shall be the duty of counsel for the moving party to notify the Court as soon as possible. The Court may require the parties and/or counsel to appear at the scheduled hearing time to finalize the settlement.

XIX. Discovery:

- a. Informal Discovery: Counsel shall informally participate in discovery conferences and shall freely exchange discoverable information and documents upon request.
- b. Discovery Motions: Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court. In all cases covered by the Rules of Juvenile Procedure, counsel shall comply with Juv. R. 24(A). Motions for protective orders or to compel discovery shall be accompanied by a statement reciting efforts made to resolve the matter.
- c. Discovery in Delinquency and Traffic Cases: In all delinquency and traffic cases, if requested, the prosecutor and defense shall provide the required discovery to the opposing party:
  - i. At least seven (7) days prior to the scheduled pre-trial;
  - ii. If no pre-trial is scheduled in a delinquency or traffic case, and if requested, the prosecutor and defense shall provide discovery to the opposing party at least fourteen (14) days prior to the scheduled trial; and
  - iii. The requesting party shall serve the discovery request on the opposing party, giving counsel or the party at least seven (7) days to fulfill the request.
- d. Exhibits and Witness Lists: All parties shall exchange exhibits expected to be utilized at a contested hearing and a list of all witnesses to be called to testify at least five (5) business days in advance of trial, unless otherwise ordered by the Court.
- e. Filing of Discovery: In accordance with Rule of Civil Procedure 5(D), the Clerk of Court shall only accept depositions upon oral examination, interrogatories, requests for documents, requests for admissions, or responses thereto for filing, if:
  - i. Court ordered;
  - ii. Will be used as evidenced; or
  - iii. They relate to a pending motion.

XX. Depositions: Shall be completed in accordance with Juvenile Rule 25. They may be filed with the Clerk of Court, subject to the following:

- a. To preserve depositions and any exhibits attached thereto, upon receipt of a sealed deposition for filing, the Clerk of Court shall file-stamp the deposition, place the deposition back into the envelope in which it was delivered and reseal the envelope.
- b. The envelope shall remain sealed until a written request to review the same is made by a party to the case, counsel of record for any party to the case, or by any person in accordance with Ohio Revised Code §149.43 or other applicable laws.
- c. A request to review a deposition may be denied if there is a protective order, the deposition is ordered sealed or access to the deposition is protected by statute.

XXI. Digital Recording of Proceedings:

- a. A request for an audio record of a proceeding shall be made upon written motion and filed with the Clerk of Court. The motion shall specify the date and type of hearing and identify the Judge or Magistrate who presided over the hearing.
- b. The original media containing the recording shall be maintained by the Court. A copy of an audio recording shall not be released from the court building unless specifically authorized by the Judge.
- c. A compact disc of the audio recording of the proceeding shall be made at the requesting party's expense unless that person has been determined to be indigent.

XXII. Transcripts:

- a. A request for a transcript of a proceeding shall be made upon written motion and filed with the Clerk of Court. The motion shall specify the following:
  - i. Case caption;
  - ii. Case number;
  - iii. Presiding Judge or Magistrate;
  - iv. Date of hearing;
  - v. Reason for request;
  - vi. Number of copies, if any, in addition to the original;

- vii. Date appeal was filed, if applicable; and
  - viii. The name, business address and telephone number of who will be preparing the transcript.
- b. A transcript shall be made at the expense of the person requesting the transcript, unless the person has been determined to be indigent.
  - c. In cases where the Court bears the cost of having the transcript prepared, the rates shall be set by the Judge pursuant to an Order of the Court.
  - d. The transcription may be made by a court reporter, Court designated transcriptionist, or, with written leave of the court, by an agent of the attorney or party requesting the transcription.
  - e. The Court will make an audio recording of the proceeding available to the transcriptionist identified in the motion.
  - f. All original transcripts filed with the Court shall become part of the official record of the case. Any party wanting a copy of the transcript must make arrangements with the Court Reporter who prepared the original.
  - g. No public use shall be made by any person, including a party, of any record or transcript thereof, except in the course of an objection, appeal or as authorized by the Court.

**XXIII. Special Accommodations:**

- a. **Disabled Persons:** Any person who requires special accommodations or services due to disability or special needs shall notify the Clerk's Office of his or her special requirement(s) at least (10) business days before a scheduled Court appearance. The Court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, unless otherwise ordered.
- b. **Interpreters:** If an interpreter is required for a hearing, a motion shall be filed with the Court at least (2) weeks in advance of the scheduled proceeding. The Court will arrange for an interpreter's presence at the hearing. Prior to serving as an interpreter, each person shall be required to acknowledge the Interpreter's Oath, on the record.
- c. **Remote Appearances:** Upon written motion and for good cause shown, a party or witness may be able to participate in a hearing remotely via video conferencing. The requesting party will be responsible for arranging the remote appearance with the Clerk of Court and Court Security assigned to the respective hearing.

- d. Cancellation: If an accommodation has been requested, but services are no longer necessary, it is the responsibility of the requesting party to notify the Court at least (48) hours in advance of the court appearance to cancel the services. Failure to notify the Court may result in cancellation costs being assessed to requesting party.

## **D. PROCEEDINGS**

### **I. Delinquency, Unruly and/or Traffic Cases:**

- a. Competency Proceedings: To expedite proceedings under §§2152.51 to 2152.59 of the Revised Code and to ensure that proper notice of competency hearings is provided to the appropriate persons and that any proceedings on an underlying complaint are stayed pending the determinations under these sections, the following shall apply:
  - i. Expedited Hearing: 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.
  - ii. 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.
  - iii. 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 proceeding shall remain in effect until such time as the child attains competency or the proceeding is dismissed.
- b. Return Bindover: A motion filed pursuant to Ohio Revised Code §2152.121(B)(3)(b) must be filed within fourteen days of the issuance of the order of the General Division of the Common Pleas Court transferring a case to Juvenile Court pursuant to Ohio Revised Code §2152.121(B)(3).

c. Pre-Dispositional Investigative (“PDI”) Reports:

- i. A Juvenile Court Probation Officer shall be given adequate time between the acceptance of an admission, plea or contested hearing in which to prepare a PDI;
- ii. The Probation Officer who prepares the PDI shall have it completed no later than (5) court days prior to the dispositional hearing. When the PDI is complete, it shall be provided in its entirety to the Judge or Magistrate.
- iii. Upon request, all or part of the PDI may be presented for review by the attorney for the Juvenile and the Prosecutor and/or the Assistant Prosecutor.
- iv. If the Judge or Magistrate believes that any information in the PDI should not be disclosed pursuant to Juvenile Rule 32(C), the Judge or Magistrate, in lieu of making the report or any part of the report available, shall state orally or in writing the reasons why the report or portion of the report is not being made available.
  1. In the case of juveniles who are alleged to be Serious Youthful Offenders, if any portion of the PDI is not made available, the Judge or Magistrate shall orally summarize the contents of that portion on the record and then allow the attorney for the juvenile to rebut or comment on that portion of the PDI.

d. Restraints:

- i. Restraints shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because 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.
- ii. If the Court finds physical restraint to be necessary, 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.

- iii. In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to maintain the safety and security of court facilities.
- e. Electronically Produced Tickets: Tickets produced by computer or other electronic means shall be accepted for use and filing. The electronic ticket shall conform in all substantive respects to the “Ohio Uniform Traffic Ticket”. If the electronic ticket is issued at the scene of an alleged offense, the issuing officer shall provide the alleged juvenile traffic offender with a paper copy of the ticket in accordance with the Ohio Traffic Rules. The issuing law enforcement officer shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.
- f. Community Control:
  - i. Purpose: As part of disposition, community control may be imposed where a community control counselor will be assigned to a youth to actively supervise and monitor the youth’s behaviors in his/her home, school and community. Community Control is a privilege and not an individual right. It works best with individuals who are willing to participate and cooperate. Community Control supervision enables the offender to remain in the community while assisting him/her in making the necessary behavioral and attitudinal changes to function within the law.
  - ii. Time Limit: When a youth is placed on community control, it is for an unspecified period of time and rules of probation will be mandated by an Order of the Court.
  - iii. Discharge: Termination from community control is initiated by a recommendation from the community control counselor, but becomes official only upon approval of the Judge. Termination may be successful or unsuccessful and will be determined case-by-case.
  - iv. Costs: As part of disposition, the Court may order a youth be financially responsible for all or part of the costs of implementing any community control imposed, including a probation supervision fee as set forth in R.C. §2152.20. Said cost may be adjusted from time to time and shall be included in the Court’s Costs and Fees Schedule.
  - v. Probation Records Management: As of September 3, 2019, the Greene County Juvenile Court Probation Department will create and maintain records exclusively in electronic form. Said records will be the official records of the Probation Department. Any probation record created prior to this Rule will be maintained in its original form. Regardless of

the format in which the record is kept, records will be retained in accordance with the retention schedule outlined in the Ohio Rules of Superintendence.

II. Diversion:

- a. In furtherance of Rule 9 of the Ohio Rules of Juvenile Procedure, the Court shall operation a Diversion Department to determine whether formal court action should be avoided and other community resources utilized to address matters brought to the attention of the Court.
- b. Prior to the filing of a formal delinquency or unruly complaint, the complaint shall be screened for diversion eligibility, with preference given to the following matters:
  - i. First time misdemeanor offenses which do not include large amounts of restitution or weapons charges;
  - ii. Unruly offenses, unless a warrant is necessary, or the youth already has a formal delinquency proceeding;
  - iii. Truancy matters; and
  - iv. Some felony charges, including but not limited to charges related to disseminating material harmful to a juvenile or pandering obscenity.
- c. While a matter may comply with the foregoing criteria, the Judge or Diversion Director may determine some offenses may be inappropriate for the diversion program.
  - i. If a matter is determined to be inappropriate for the Diversion program by the Diversion Director, the party has a right to file an objection for the Judge's review.
- d. For purposes of determining eligibility, charges which occurred on the same date and time shall be considered as single complaint. Multiple charges could be determined appropriate for the program.
- e. A youth who has successfully completed diversion may be eligible for the program a second time if the new complaint does not set forth the same or similar offense.
- f. Youth referred to the Diversion Program shall be afforded the following:
  - i. The ability to choose whether to have the matter handled officially by the Court;

- ii. The youth will be expected to admit or deny the alleged behavior at the onset of the diversion hearing:
  - 1. If the youth admits the alleged behavior, the hearing officer may develop an individualized diversion contract for the youth to complete;
  - 2. If the youth denies the alleged behavior, the case may be transferred to the formal court process; or
  - 3. The hearing officer has the discretion to refer any case to the formal court at any given time.
- iii. The right to consult an attorney before agreeing to program participation; and
- iv. Any statement made by the youth during participation in a diversion program or during negotiations leading to participation is inadmissible as evidence in any subsequent adjudicatory hearing relative to the original charge as it relates to the child who was in the diversion program. Statements and/or documents utilized in the diversion program may be used in the prosecution of a co-participant who is formally charged.
- g. Upon successful completion of the Diversion Program, the youth will not have an official juvenile court record. If, however, the program is not completed, the case will be referred to Juvenile Court for formal hearing.

### III. Abuse, Neglect and Dependency Cases:

- a. Time: All efforts shall be made to ensure that the time limitations set forth in Chapter 2151 of the Ohio Revised Code are followed in abuse, neglect and dependency cases:
  - i. Adjudication: the adjudicatory hearing shall be held no later than thirty days after the complaint is filed, except that, for good cause shown, the court may continue the adjudicatory hearing for either of the following periods of time:
    - 1. For ten days beyond the thirty-day deadline to allow any party to obtain counsel;
    - 2. For a reasonable period of time beyond the thirty-day deadline to obtain service on all parties or any necessary evaluation, except that the adjudicatory hearing shall not be held later than sixty days after the date on which the complaint was filed.

- ii. Disposition: the dispositional hearing shall be held within 90 days of the filing of the complaint.
- b. Dispositional Alternatives: If a child is adjudicated an abused, neglected, and/or dependent child, the court may make any of the following dispositional orders:
  - i. Place the child in protective supervision;
  - ii. Commit the child to the temporary custody of any of the following:
    - 1. A public children services agency;
    - 2. A private child placing agency;
    - 3. Either parent;
    - 4. A relative residing within or outside the state;
    - 5. A probation officer for placement in a certified foster home; or
    - 6. Any other person approved by the court.
  - iii. Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings;
  - iv. Commit the child to the permanent custody of a public children services agency or private child placing agency;
  - v. Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency; or
  - vi. Order the removal from the child's home until further order of the court of the person who committed abuse as described in §2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in §2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.
- c. Statement of Understanding: Pursuant to R.C. §2151.353(A)(3), a person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian may only be awarded legal custody of the child if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

- i. That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;
- ii. That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Note:
  - 1. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate.
  - 2. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first;
- iii. That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support; and
- iv. That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the Court, and to answer any questions that the court or any parties to the case may have.

d. Attendance at post-dispositional hearings:

- i. Children who are aged 13 and younger, who have been adjudicated abused, neglected and/or dependent and who are in the custody of a public children services agency or private child placement agency, may not be required to attend post-dispositional hearings in such matters, unless otherwise ordered by the Court.
- ii. A public children services agency or private child placement agency having custody of adjudicated abused, neglected or dependent child(ren) may facilitate the attendance of said child(ren) at all post-dispositional hearings as directed by the Court.

e. Permanent Custody:

- i. All complaints or motions seeking permanent custody pursuant to R.C. §2151.414 shall be set for pretrial with the Judge or a magistrate.
- ii. Pursuant to R.C. §2151.281(B)(1), a Guardian *ad litem* or Court Appointed Special Advocate (CASA) shall be appointed for a child in any proceeding held pursuant to R.C. §2151.414.
- iii. A CASA shall be present at all stages of a permanent custody hearing and may be subject to cross-examination if called to testify by any of the parties. If a CASA is unable to attend any portion of the permanent custody hearing, he/she shall immediately notify the Court and the Director of CASA of his/her unavailability so the issue can be addressed with the parties and/or their respective counsel, in advance of the final hearing date.
- iv. If a conflict arises between the recommendations of a CASA and the child(ren)'s wishes, the Court shall appoint an attorney as soon as possible to represent the child(ren) throughout the remainder of the proceeding(s).

IV. Paternity, Custody &/or Child Support:

a. Genetic Testing:

- i. Upon motion of any party, DNA testing will be ordered immediately, without hearing, and the matter will be stayed until results are received. The original results shall be provided directly to the Court with copies sent to the parties and counsel. Upon receipt of the results, the Court will set the matter for pretrial or hearing.
- ii. Costs for genetic testing shall be paid by the moving party or by the Greene County Child Support Enforcement Agency. The costs of genetic testing may be reallocated at the conclusion of a hearing.

b. Child Support Hearings:

- i. A representative of the Child Support Enforcement Agency shall be present or an affidavit setting forth an audit shall be presented at a hearing requesting modification, termination or contempt of a support order.
- ii. Child support shall be addressed contemporaneously with an order establishing or modifying custody, unless the Court grants leave for child support to be addressed in a later proceeding.

- iii. Failure of a party to appear and present evidence at a hearing addressing child support may result in the Court imputing minimum wage to said party.
- c. Child Support Forms:
- i. Affidavit of Income and Expenses: In all cases involving child support, the parties shall complete and submit to the Court an Affidavit of Income and Expenses, available on the Court's website at <https://www.co.greene.oh.us/438/Forms>.
  - ii. IV-D Application: A litigant who does not receive public assistance and is seeking to utilize the services of the Greene County Child Support Enforcement shall fill out and submit the IV-D Application in conjunction with his/her Court filings. The form is located on the Court's website at: <https://www.co.greene.oh.us/438/Forms>.
- d. Requisite Language: All journal entries which provide for the care, custody, control or support of a minor child shall contain the following:
- i. The required Child Support language (Appendix IV);
  - ii. The Withholding Notice and Warning Concerning Duty to Provide Certain Information (Appendix V);
  - iii. Notice Requirements (Appendix VI).
- e. Waiver of Arrearages: An Obligee who seeks to waive any or all support arrearages must file a written motion requesting such relief. Thereafter, a hearing shall be scheduled to address whether the waiver is in the child's best interest. If both parties are represented by counsel, an agreed entry may be presented to the Court for consideration. Any waiver of arrearages has no effect on money that may be owed to any governmental agency.
- f. Notice of Intent to Relocate:
- i. If a custodial parent intends to relocate, that party must file a Notice of Intent to Relocate with the Clerk of Courts, in addition to notifying the CSEA. Copies of the Notice of Intent to Relocate are available on the Court's website. Notice must be sent within the following timeframes:
    - 1. If relocating within Greene County – at least thirty (30) days in advance of the move;
    - 2. If relocating outside Greene County – at least sixty (60) days in advance of the move.

- ii. The Court shall send a copy of the Notice to non-custodial parent, unless that parent has:
  - 1. Previously been convicted or plead guilty to a violation of R.C. §2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is subject of the current proceeding;
  - 2. Has been convicted of an offense involving a victim who, at the time of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense;
  - 3. Acted in a manner resulting in an adjudication that a child has been abused or neglected; or
  - 4. The moving party has requested that their address be kept confidential pursuant to R.C. §3127.23(D), and the request was granted by the Court.
- iii. Hearing on Notice: If either party seeks a change in parenting orders as a result of relocation, that party shall file a motion with the Court.
- g. Pretrial Conference: A pretrial may be scheduled in all parentage, custody and/or child support proceedings, as set forth in Section B, II of these Rules.
- h. Scheduling: All matters shall be scheduled for future hearing within three (3) business days of filing:
  - i. Failure of counsel to contact the Clerk to schedule a matter for hearing will result in the matter being scheduled without the input of counsel; and
  - ii. No continuances shall be granted if counsel fails to confirm his/her availability within the allotted timeframe.
- i. Interim Orders: A request for Interim Orders shall be filed with the Court at least seven (7) days in advance of a Pretrial or hearing, unless an exception exists pursuant to rule or statute.
- j. Ex-Parte or Emergency Hearings: Requests for ex-parte or emergency orders shall be governed by Juvenile Rule 13.
- k. Standard Order of Parenting Time: The Court adopts the Greene County Juvenile Court Standard Order of Parenting Time set forth in Appendix I. This

Order is a guideline only and is subject to deviation after consideration of the child(ren)'s best interest.

- l. Phase-In Parenting Time Schedule: The Court may adopt a Phase-In Parenting Time Order that is in the best interest of the minor child/ren.
  
- m. Guardian *ad litem* Reports: A Guardian *ad litem* may be appointed for the child(ren) by the Court or at the request of a party. The Court requires a \$1,000.00 deposit, which may be assessed between the parties and is subject to reallocation at the conclusion of the proceeding. The Court may increase the costs of the deposit on a case-by-case basis. The Guardian *ad litem* shall:
  - i. Perform the functions set forth in the Entry of Appointment;
  - ii. Be responsible for submission of a report to the Court, in accordance with Ohio Rule of Superintendence 48. Said report shall:
    1. Be submitted to the Court at least seven (7) days in advance of the final hearing;
    2. The report shall be accepted into evidence as the Guardian *ad litem*'s testimony and he/she may be subject to cross-examination; and
    3. Written reports may be accessed at the Court, in person, by the parties and/or their attorneys. The Court will not distribute copies of the report.
  
- n. Home Study Investigation: In the best interest of the minor child(ren), the Court may order a home study investigation be conducted by a Family Investigator with Greene County Family & Children First. A fee will be assessed for the home study investigation, but may be waived by Greene County Family and Children First. Pursuant to his/her appointment, the Family Investigator shall:
  - i. Prepare a report that shall be submitted to the Court and made available to either parent or his/her counsel of record not less than five (5) business days before hearing.
  - ii. The report shall:
    1. Be signed by the investigator, and the investigator shall be subject to cross-examination by either party concerning the contents of such report;
    2. Describe the investigator's observations of each parent's home;

3. Set forth all official records discovered involving each party, including police, medical, and psychiatric records;
  4. Include a summary of the investigator's conversations and interactions with each child; and
  5. Identify the investigator's concerns.
- o. In the best interest of the child(ren) involved in matters pending before the Court, the Court may impose the following Orders to ensure the welfare of child(ren):
- i. Background checks, including but not limited to BCI and FBI;
  - ii. Appointment of Guardian *ad litem*;
  - iii. Home Study Investigations by Family & Children First;
  - iv. [Request for a Search of Ohio's Statewide Automated Child Welfare Information System \(SACWIS\). See Appendix VIII;](#)
  - v. Drug screens:
    1. At the Court;
    2. By Greene County Children Services; or
    3. At a private agency
  - vi. The Standard Order of Parenting Time (Appendix I);
  - vii. Phase-In Parenting Time Schedule;
  - viii. Supervised Visitation;
  - ix. Supervised Visitation at the Greene County Visitation Center;
  - x. Psychological evaluations; and/or
  - xi. Utilization of the website or application "Our Family Wizard".

This list is not intended to be all-inclusive or exhaustive.

- V. Juvenile Civil Protection Orders: Shall be handled in accordance with Rule 56 of the Ohio Rules of Civil Procedure, Ohio Revised Code §§2151.34 and 3113.31, and Rule 10.05 of the Ohio Supreme Court Rules of Superintendence. Additional information may be found on the Ohio Supreme Court's website at: [https://www.sc.ohio.gov/JCS/domesticViolence/protection\\_forms/juvenileForms/FAQ.pdf](https://www.sc.ohio.gov/JCS/domesticViolence/protection_forms/juvenileForms/FAQ.pdf)

VI. Consent to Marriage: If a seventeen (17) year old desires to be married, the minor may only be issued a marriage license by the Probate Court after obtaining an Order of Consent from the Juvenile Court. A minor less than 17 years old may not marry in Ohio. Requests for consents to marry will be addressed in accordance with R.C. §§3101.02 through 3101.042.

VII. Miscellaneous Provisions:

a. Drug Testing: For good cause shown, either or both parties may be subject to drug testing in accordance with policies and procedures established by this Court.

i. Contesting Drug Screens Administered by the Court: If a party desires to contest the findings of a drug screen administered by the Court, he/she shall:

1. Submit to hair follicle testing at his/her own expense within 7 days of the release of the results of the drug screen;
2. Said test shall be conducted at a reputable drug testing center/laboratory;
3. The drug test shall incorporate three (3) inches of hair, if possible;
4. The contesting party shall not cut, dye or in any way alter his/her hair before said drug screening;
5. He/she shall bring a picture I.D. with him/her to the testing site;
6. The testing site shall forward a copy of the test results to the Magistrate or Judge presiding over the case, located at:

Greene County Juvenile Court  
2100 Greene Way Boulevard  
Xenia, Ohio 45385

ii. Admissibility of Drug Screens: Upon service of a copy of a drug screen analysis report bearing a notarized statement by the Affiant that:

1. He/she prepared the report;
2. Is an employee of the laboratory issuing the report;
3. The analysis was performed as part of the Affiant's regular duties;
4. Sets forth the Affiant's education, training and experience for performing the analysis of the drug screen;
5. The analysis was performed utilizing scientifically accepted tests, performed with due caution; and
6. The drug screen was handled in accordance with established and accepted procedures while in the custody of the laboratory

Said results shall be considered prima facie evidence of the contents and identity unless the person who submitted to the drug screen or his/her

attorney demands the testimony of the person signing the report, by serving a demand upon the presenting party within five (5) business days from the receipt of said report. A copy of said demand shall be filed with the Court and the time frame for the demand may be extended by the Court in the interests of justice.

VIII. Specialized Dockets: Reserved.

**E. JURY MANAGEMENT**

I. Opportunity for Service:

- a. The opportunity for jury service shall 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 the jurisdiction.
- b. Jury service is an obligation of all qualified citizens of Greene County, Ohio. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- c. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority.

II. Jury Source List:

- a. Pursuant to Court order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall determine the number of jurors needed for a year of service.
- b. The Court shall review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- c. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

III. Random Selection Procedures: The jury source list from the Board of Elections shall be printed out on a master list, which is stored in a database at the Greene County data processing center. Names are then selected at random by the computer during a public drawing.

IV. Eligibility for Jury Service: All persons on the jury source list shall be eligible for jury service except those who:

- a. Are less than eighteen (18) years of age;
- b. Are not citizens of the United States;
- c. Are not residents of Greene County, Ohio;
- d. Are not able to communication in the English language; or
- e. Have been convicted of a felony and have not had their civil rights restored.

V. Term and Availability for 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 shall be “on call” for two (2) weeks or one (1) trial, if longer than two (2) weeks. The Jury Commissioner’s Office has implemented a telephone system whereby jurors call either a local number or a toll-free number to hear a message which informs them as to whether they are still needed for jury service.

VI. Exemption, Excuse & Deferral:

- a. No automatic excuses or exemptions, with the exception of statutory exemptions, from jury service are made.
- b. Eligible persons who are summoned may be excused from jury service only if:
  - i. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by the trial judge; or
  - ii. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by the trial judge or the jury commissioner.
  - iii. Deferrals for jury service for reasonably short periods of time shall be permitted by a judge or specifically authorized court official.
  - iv. Requests for excuses and deferrals and their disposition shall be written on the appropriate section of the Jury Summons, which is attached as Exhibit “A,” or may be made by telephone or e-mail as may be required. Any request for excusal or deferral must be received by the Court within a reasonable time before the reporting date.

VII. Voir Dire:

- a. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- b. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel for each party on the last business day before the 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 the purpose of the voir dire process.
- e. In criminal and civil cases, the voir dire process shall be held on the record.
- f. Rules on Voir Dire:
  - i. Rules on voir dire shall be established by the trial judge.
  - ii. Questions are to be asked collectively of the entire panel whenever possible.

VIII. Notification and Summoning Procedures:

- a. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person will be:
  - i. Combined in a single document;
  - ii. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
  - iii. Delivered by ordinary mail.
- b. The summons will clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- c. The jury questionnaire will be phrased and organized so as to facilitate quick and accurate screening and will request only that information essential for:

- i. Determining whether a person meets the criteria for eligibility;
  - ii. Providing basic background information ordinarily sought during voir dire examination; and
  - iii. Efficiently managing the jury system.
- d. Policies and procedures may be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
- e. Jurors who fail to report for service may be scheduled for a contempt hearing to inform the judge as to why they did not appear. Sanctions may be imposed as warranted.

IX. Juror Orientation and Instruction:

- a. The Court shall have an orientation program:
  - i. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
  - ii. Presented in a uniform and efficient manner.
- b. The trial judge will:
  - i. Give preliminary instructions to all prospective jurors;
  - ii. Give instructions directly following empanelment of the jury to explain the jury's role, and the trial procedures and general instructions of law;
  - iii. Prior to the commencement of deliberations, instruct the jury on the law, the appropriate procedures to be followed during deliberations, and the appropriate method for reporting the results of its deliberations. Such instructions shall be made available to the jurors during deliberation in writing;
  - iv. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
  - v. Use written instructions; and
  - vi. Before dismissing a jury at the conclusion of a case:

1. Release the jurors from their duty of confidentiality;
  2. Explain their rights regarding inquiries from counsel or the press;
  3. Either advise them that they are discharged from service or specify where they must report; and
  4. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
- c. The trial judge may allow jurors to take notes and/or to ask questions.
  - d. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court.
  - e. Upon completion of the jury term, a representative from the Clerk of Court shall issue to the juror a certificate of completion to be given to their employer for proof of attendance.

**F. APPENDICES**

**I. Greene County Juvenile Court Standard Order of Parenting Time**

**Greene County Juvenile Court Parenting Time Standard Order**

\_\_\_\_\_ Parent 1 will have parenting time as set forth below.

\_\_\_\_\_ Parent 2 will have parenting time as set forth below.

Midweek Parenting Time: The non-residential parent shall have midweek parenting time each week on Wednesday for 3 hours. If no agreement is made for midweek parenting time, the non-residential parent’s mid-week parenting time shall take place between 5:30 P.M. and 8:30 P.M.

Weekend Parenting Time: The non-residential parent shall have alternating weekend parenting time from Friday at 6:00 P.M. to Sunday at 6:00 P.M.

<b>Holiday Parenting Time*</b>			
<b>Holiday</b>	<b>Even Years</b>	<b>Odd Years</b>	<b>Schedule</b>
Martin Luther King Day	2	1	Sun. 6:00 p.m. – Mon. 6:00 p.m.
President’s Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
Easter	2	1	Sat. 12:00 p.m. – Sun. 6:00 p.m.
Memorial Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
4 <sup>th</sup> of July	2	1	9:00 a.m. – 9:00 p.m.
Labor Day	1	2	Sun. 6:00 p.m. – Mon. 6:00 p.m.
Halloween/Beggar’s Night	2	1	5:00 p.m. – 8:00 p.m.
Thanksgiving	2	1	6:00 p.m. the day school recesses to Fri. 6:00 p.m.
Mother’s Day**	Mother	Mother	10:00 a.m. – 7:00 p.m.
Father’s Day**	Father	Father	10:00 a.m. – 7:00 p.m.
Child’s Birthday***	1	2	9:00 a.m. – 8:00 p.m.

\*The year in which New Year's Day falls determines whether the holiday is in an even or odd-numbered year.

\*\*If Parent 1 and Parent 2 are the same sex, Parent 1 will have parenting time from 10:00 am to 8:00 pm on Mother's Day in even years and Father's Day in odd years; Parent 2 will have parenting time from 10:00 am to 8:00 pm on Mother's Day in odd years and Father's Day in even years.

\*\*\*The parenting time for birthdays may include all children of the marriage, not just the child celebrating his/her birthday.

**Winter Break/Christmas:** For school-age children, the children's school schedule shall determine the length of Winter Break. For non-school age children, the school schedule of the residential parent's school district shall determine the length of the Winter Break. Each parent is entitled to 1/2 of the break. The parents shall alternate who receives the 1<sup>st</sup> half of Winter Break and who receives the 2<sup>nd</sup> half of Winter Break unless otherwise agreed.

In even-numbered years, Parent 1 shall have the children beginning at 5:00 p.m. the day school recesses until 5:00 p.m. on the day the half-way point of Winter Break is reached; Parent 2 shall have the children from 5:00 p.m. the day the half-way point of Winter Break is reached until 5:00 p.m. the day before school resumes. In odd-numbered years, Parent 2 shall have the children beginning at 5:00 p.m. the day school recesses until 5:00 p.m. the day the half-way point of Winter Break is reached; Parent 1 shall have the children from 5:00 p.m. the day the half-way point of Winter Break is reached until 5:00 p.m. the day before school resumes. In the event Winter Break consists of an odd-number of days, the parents shall exchange the children at 12:00 p.m. on the odd day in the middle of Winter Break.

This is designed to cover the winter break that typically occurs from mid to late December through and including early January each year. If there is a winter break in addition to the aforementioned winter break, this provision does not apply to that additional winter break. If the school the child(ren) attend does not have a winter break that covers mid to late December through and including early January, then the single winter break shall alternate in accordance with this provision.

**Spring Break:** In even-numbered years, Parent 2 shall have the children for the school spring break starting at 5:00 p.m. the day school recesses until 5:00 p.m. the day before school resumes; in odd-numbered years, Parent 1 shall the children for the school spring break starting at 5:00 p.m. the day school recesses until 5:00 p.m. the day before school resumes.

**Summer Parenting Time:** During the children's summer break from school, the parents shall begin exercising parenting time on a week-to-week basis. Summer break begins at 5:00 p.m. the day school recesses, and ends at 5:00 p.m. the day before school

recommences. Weekend parenting time shall resume the first weekend following commencement of the school year.

Weekly exchanges shall be conducted on Sundays at 5:00 p.m. In even-numbered years, Parent 1 shall take the first week of summer parenting time; in odd-numbered years, Parent 2 shall take the first week of summer parenting time.

For children who are not of school age, summer break shall begin and end on the same schedule as the public school district in which the child resides.

## **GREENE COUNTY JUVENILE COURT PARENTING TIME PROCEDURES**

No specific parenting schedule will satisfy the needs of all children and all parents over the years. Critical to the success of any schedule is that each parent remain flexible, based upon the changing needs of children as the children grow older. The Court recognizes that each situation and each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their children. Consistency in the scheduled time is also helpful for both parents and for children of all ages.

Parents are the best judge of what meets the needs of their children. Although a child's wishes and concerns may be considered in determining parenting schedules, they are not the controlling factor. If a child indicates a strong opposition to being with the other parent, it is the responsibility of both parents to support and encourage parenting time. Both parents must deal appropriately with the situation by calmly discussing with the child his/her reasons. The parents must work together to alleviate the misgivings without confrontation or argument. If they cannot resolve the problem, the parents should seek the assistance of a counselor or other professional. It is the absolute duty of each parent to foster an environment which avoids such problems and to make certain that the children have a healthy ongoing relationship with both parents.

### **PROCEDURES**

- 1. Parenting Time Exchanges:** The receiving parent has responsibility for transportation of the children to and from their home for parenting time with them and may use another adult well-known to the children for picking up or dropping off the children when necessary. Any person transporting the children may not be under the influence of alcohol or drugs, and must be a licensed, insured driver. All child restraint and seat-belt laws must be observed by the driver. Car seats should be exchanged when required.
- 2. Make-up Non-Residential Parenting Time:** Make-up days shall be given if an emergency prevents scheduled parenting time. All make-up parenting time shall be rescheduled and exercised within sixty (60) days.
- 3. Canceling or Choosing NOT to Exercise Parenting Time:** Each parent must give notice of his/her intent not to have parenting time, at least 24 hours in

advance, unless a last minute emergency occurs. A parent who does not exercise a specific parenting time forfeits that specific time.

4. **Tardiness:** If the non-residential parent is more than thirty (30) minutes late without prior notification, that parenting time period shall be forfeited.
5. **Scheduling:** Parenting time arrangements are to be made solely between the parents and **NOT** through the child.
6. **School Work:** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. The residential parent is responsible for providing the non-residential parent all of the school assignments and books. Summer school which is necessary for a child must be attended, regardless of which parent has the child during the summer school period.
7. **Extracurricular Activities:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. It shall be the responsibility of the parent with whom the children are residing at the time to discuss the scheduling of such activities with the children and to provide transportation to the activities. Each parent shall provide the other parent with notice of enrolled extracurricular activities, address, and telephone number of the activity leader, if available.
8. **Order of Priority:** In the event parenting time allotted to the parents falls on the same day(s), the following is the order of priority of parenting time: (1) Summer Break\*; (2) Holidays; (3) Spring Break/Winter Break; (4) Mid-week & Weekend Parenting Time.

For example, Easter (Father's holiday) falls during the children's Spring Break (Mother's holiday). Father's Easter parenting time would take priority over Mother's Spring Break parenting time.

\*For purposes of interpreting the holiday schedule, summer break begins June 1<sup>st</sup> and ends August 31<sup>st</sup> each year.

9. **Contact:** Each parent may have reasonable telephone and email contact with the children.
10. **Promptness:** Parents are expected to be prompt for all parenting time exchanges. If a parent is going to be late, he/she must contact the other parent and give a reasonable estimated arrival time. Chronic lateness may be a reason to modify the schedule. The children should be ready to leave with the parent at the scheduled time.

**11. Conduct:** A parenting time exchange is not the time for parents to air their grievances with the other parent. It is important for the children that the exchanges take place without any conflict between their parents.

## **II. Required Judgment Entry Language: Greene County Visitation Center**

(Insert Party's Name) shall have parenting time with the minor child(ren) as follows:

- (Inset # - cannot exceed two) times per week at the Greene County Family Visitation Center, dependent upon the Center's availability ;
- (Insert # of hours – cannot exceed 2) hours each visit, and;
- At a Level (1, 2 or 3) supervision.

Each party is to complete and submit the informational packet required by the Visitation Center and shall return it to the Visitation Center within seven (7) days of this Order.

The parties may qualify for part or all of the visits to be paid for by other funding sources. To determine if the parties must pay the ordered amount, the parties must contact the Greene County Family and Children office at 937-562-5600 to complete a financial qualification process. Parties should not make any payments for services until the financial qualification process is completed.

(Insert Party's Name) is Ordered to pay \$100.00 for 10 visits and \$10.00 for every visit thereafter to Greene County Family and Children First, 158 E. Mail Street, Xenia, Ohio 45385 within (30) days of this Entry. Parties are to contact the Visitation Center before making any payments. Payments can be made by cash, check or money Order and made out Greene County Family and Children First. This payment shall be a non-refundable fee for the services to be rendered by the Visitation Center and shall entitle the nonresidential parent to 10 successful visits or exchanges (including orientation appointments) at the Center before an additional deposit will be due. A successful visit or exchange is defined as one that results in a visit or exchange of the child occurring or one that was cancelled or missed by the visiting parent within 24 hours of the visit or exchange. The Visitation Center will establish guidelines for any late cancellation of the visit or exchange.

The Court reserves the authority to add additional fees for security or any other services which may be deemed necessary in this case.

The Visitation Center will NOT conduct any supervised visits or exchanges until the fees are paid and in the event the fees that were paid are used, the Visitation Center will not continue to conduct any additional visits or exchanges until a new payment of fees as directed by the Visitation Center is paid. The Visitation Center will notify the Court if either party has not fully complied within 30 days of this Order. Failure to comply with this Order by either party may result in a finding of contempt and the imposition of sanctions. The Visitation Center will monitor the use of the credits remaining on the fees which have been paid, however it is ultimately the responsibility of the visiting parent to ensure that his or her payments are made in a timely manner. Failure of the residential parent to pay his or her portion of the fees shall not prevent the visit or exchanges from occurring provided the visiting parent has paid his or her fees.

### **III. Required Judgment Entry Language: Our Family Wizard**

The parties shall utilize the Our Family Wizard application. The parties are ordered to visit the [ourfamilywizard.com](http://ourfamilywizard.com) website, take the tour by clicking on the “families” tab on the main page, and each is to establish a parent account to utilize the tools listed in the “Services” tab. Each shall enroll in the program for a basic, one-year subscription no later than 30 days from the date of this Entry and every year thereafter until further Order of this Court. The parties shall thereafter conduct all information sharing concerning the child, schedule alterations, and reimbursable expenses on the website and shall not e-mail **or** text each other directly regarding issues related to the child but shall post all communication exclusively on the website.

Each party shall respond to the other’s request or notification within 48 hours if a response is required. A party’s failure to respond within such time period without requesting an extension of time to obtain further information with which to reply, including but not limited to seeking legal counsel or independent medical advice, shall be deemed a consent or a waiver, as the case may be, of the action, activity, period, or decision requested or offered. Once the parties enroll in the web service, they shall not communicate by telephone except regarding matters of an emergency nature regarding the child that must be acted upon in less than 24 hours. The subject and general content of the telephone conversation shall be memorialized by a posting to the website.

Telephone conversations between the parties shall be kept brief and to the point regarding the child. The parties shall not engage in argument using degrading terms about one another. Either party has the right to terminate the call if she/he feels the language of the other is abusive. If a conversation is terminated by a party, neither party shall call the other back in less than 24 hours barring an emergency regarding the child that must be acted upon within 24 hours.

Issues regarding health reimbursements will also be communicated about using Our Family Wizard by using the Information Bank, Myfiles, and Expense Log Tools on the website to have a future record of all potentially reimbursable expenses in order to mitigate the necessity to litigate in the future over such matters. If a parent does not have the capability of scanning a required document and attaching the electronic version for posting to the website, she/he shall post a description of the document on the website and mail a hard copy of the document by regular first class mail on the day following the posting of the electronic announcement. Each parent shall preserve the original of any scanned document that is posted.

Either party’s failure to enroll in our Family Wizard as ordered may result in sanctions being imposed.

**IV. Required Judgment Entry Language: Child Support Order Establishment or Modification**

**CHILD AND CASH MEDICAL SUPPORT**

(B)(1) NAME shall be the Child Support Obligor and NAME is the Child Support Oblige.

(B)(2) NAME shall be named the Health Insurance Obligor(s).

(C)(1) Effective DATE, the Child Support Obligor shall pay:

\$\_\_\_\_\_ per month, plus 2% processing charge for current child support.

\$\_\_\_\_\_ per month, plus 2% processing charge for cash medical support.

For a total of \$\_\_\_\_\_ per month, including 2% processing charge (*Guideline Worksheet attached*).

(C)(2)  This is a minimum support amount of \$80.00 per month pursuant to ORC 3119.06.

**PAYMENT ON ARREARS OR OTHER BALANCES**

(C)(3) The Agency shall add an additional 20% to the ordered amount to be applied to the child support arrearage.

(D) The duty of support imposed pursuant to this order shall continue beyond the child's eighteenth birthday only if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. The order shall not remain in effect after the child reaches age nineteen. The obligor shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.

(E) The Child Support Obligor shall continue to pay any other existing orders which are not expressly modified herein.

(F) Payments are to be paid to Ohio Child Support Payment Central, P.O. Box 182372, Columbus, OH 43218. The Child Support Obligor shall make payments by certified check, money order, personal check, or traveler's check until the payments are withheld by an income withholding or deduction notice. Include the case number and order number on all payments.

(G) Pursuant to ORC section 3121.27, all support under this order shall be withheld or deducted from the income or assets of the Child Support Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with ORC Chapters 3119., 3121., 3123., and 3125. or a withdrawal directive issued pursuant to ORC sections 3123.24 to 3123.38 and shall be forwarded to the Child Support Oblige in accordance with ORC Chapters 3119., 3121., 3123., and 3125.

(H) The specific withholding or deduction requirements to be used to collect the support shall be set forth and determined by reference to the notices that are sent out by the

CSEA in accordance with ORC section 3121.03 and shall be determined without the need for any amendment to the administrative support order. Those notices, plus the notices provided by the CSEA that require the Child Support Obligor to notify the CSEA of any change in his/her employment status or of any other change in the status of his/her assets, are final and are enforceable by the court. Each withholding notice shall be for the current child support, current cash medical support, any arrearage payment required under the administrative order, and processing charges.

(I) Pursuant to ORC section 3121.28, the Child Support Obligor and Child Support Obligees are hereby notified that, regardless of the frequency or amount of support payments to be made under the order, the CSEA shall administer the support order on a monthly basis, in accordance with ORC sections 3121.51 to 3121.54. For the purpose of monthly administration of support payments that are to be made other than on a monthly basis, the CSEA will calculate the monthly amount due in the following manner:

- (1) If the support is to be paid weekly, the CSEA will multiply the weekly amount of support due under the support order by fifty-two and divide the resulting amount by twelve.
- (2) If the support is to be paid biweekly, the CSEA will multiply the biweekly amount of support due under the support order by twenty-six and divide the resulting amount by twelve.
- (3) If the support is to be paid periodically but not weekly, biweekly, or monthly, the CSEA will multiply the periodic amount of support due by an appropriate number to obtain the annual amount of support due under the support order and divide the annual amount of support by twelve.

If payments are to be made other than on a monthly basis, the required monthly administration of the support order shall not affect the frequency or the amount of the support payments to be made under the support order.

(J) Pursuant to ORC section 3121.45, any payment of money by the Child Support Obligor to the Child Support Obligees that is not made through Ohio Child Support Payment Central or the CSEA administering the support order shall not be considered a payment of support under the support order and, unless the payment is made to discharge an obligation other than support, shall be deemed to be a gift.

### **EXTRAORDINARY MEDICAL EXPENSES**

In accordance with ORC section 3119.30 or 3119.32, the costs of the uninsured medical expenses incurred for a child during a calendar year that exceeds the total cash medical support amount owed by the parents during that year, shall be divided in accordance with line 17 of the attached computation worksheet.

**HEALTH INSURANCE COVERAGE**

**1. Select ONLY checkbox 1a, 1b, OR 1c**

- a.  Neither party shall be the health insurance obligor. The presumption that the child support obligee is presumed to be the health insurance obligor is rebutted because the child support obligee is a non-parent individual or agency that has no duty to provide medical support, and the obligor does not have health insurance available at a reasonable cost; **OR**
  
- b.  NAME shall secure and maintain health insurance for the child(ren) named above, and shall hereafter be referred to as the health insurance obligor for the following reason:
  - The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the child(ren).
  - The child support obligor has health insurance coverage available for the child that is reasonable in cost.
  - The child support obligor already has health insurance coverage in place for the child that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor.
  - The child support obligor has health insurance coverage available for the child that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor; **OR**
  
- c.  <Obligee\_NameF><MI><Obligee\_NameL> and <Obligor\_NameF><MI><Obligor\_NameL> shall each be a health insurance obligor because both parents wish to be named health insurance obligors and already have health insurance coverage in place or have health insurance coverage available for the child(ren).
  - If this box is checked, health insurance is considered accessible when primary care services are not located within 30 miles of the child(ren's) residence because residents in all or part of the child(ren)'s immediate geographic area customarily travel farther than 30 miles for primary care services.
  - If this box is checked, the obligee is dependent upon public transportation; therefore, health insurance must also provide primary care services that are available by public transportation in order to be considered accessible.
  - Private health insurance coverage is not available at a reasonable cost to the obligor or obligee at the time of the issuance of this order. Therefore, in accordance with ORC section 3119.30 (B)(2), if private health insurance coverage for the child(ren) named above becomes available at a reasonable cost to the obligee, Mason Seidler shall obtain private health insurance coverage not later than 30 days after it becomes available at a reasonable cost, and inform the CSEA when coverage has been obtained.

- When private health insurance becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health insurance coverage from the court with respect to a court child support order, or from the agency with respect to an administrative support order.

**NOTICE TO THE HEALTH INSURANCE OBLIGOR**

1. Within thirty days after the issuance of this support order, the Health Insurance Obligor must designate the child(ren) named above as covered dependents under any health insurance policy, contract, or plan for which the Health Insurance Obligor contracts.
2. The individuals who are designated to be reimbursed for medical expenses for the child(ren) named above are:  
  
Name: NAME  
Address: ADDRESS  
  
Name: NAME  
Address: ADDRESS
3. Within thirty days after the issuance of this order, the Health Insurance Obligor shall provide to the CSEA documentation that verifies coverage is being provided as ordered.
4. The Health Insurance Obligor may be required to pay extraordinary medical expenses for the child(ren) named above.
5. The Health Insurance Obligor's employer is required to release to the other parent, any person subject to an order issued under ORC section 3109.19, or the CSEA on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with ORC section 3119.32 and any order or notice issued under ORC section 3119.32.
6. If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of ORC section 3119.34, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child(ren) named above in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source.
7. Within thirty days of the date of this support order, the Health Insurance Obligor must provide to the other party information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

**NOTICE TO REPORT REASON WHY SUPPORT ORDER SHOULD TERMINATE**

PURSUANT TO ORC SECTIONS 3119.87 AND 3119.88

The Child Support Obligees shall immediately notify and the Child Support Obligor may notify the CSEA of any reason for which the child support order should terminate. Reasons for which a child support order should terminate include all of the following:

- A. The child attains the age of majority if the child no longer attends an accredited high school on a full-time basis;
- B. The child ceases to attend an accredited high school on a full-time basis after attaining the age of majority;
- C. A termination condition specified in the court child support order has been met for a child who reaches nineteen years of age;
- D. The child's death;
- E. The child's marriage;
- F. The child's emancipation;
- G. The child's enlistment in the armed services;
- H. The child's deportation;
- I. Change of legal custody of the child;
- J. The child's adoption;
- K. The obligor's death;
- L. The grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result of one of the events described in division (D) of section 3109.19 of the Revised Code; or
- M. Marriage of the obligor under a child support order to the obligee, if the obligor and obligee reside together with the child.

**NOTICE TO CHILD SUPPORT OBLIGOR AND OBLIGEE**

**PURSUANT TO ORC SECTION 3121.29**

**EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.**

**IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.**

**IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.**

Both the Child Support Obligor and Child Support Obligees have a right to request an administrative review of the support order for child support and medical support thirty-six months from the establishment of the order or from the date of the most recent support order or sooner, if certain circumstances are present. Contact the <County\_Name> County CSEA for further details.

**V. Required Judgment Entry Language: Withholding Order**

**WITHHOLDING ORDER**

The OBLIGOR, NAME is employed and a withholding order shall issue to:

- EMPLOYER
- C/O PAYROLL PROCESSING
- EMPLOYER ADDRESS

## **VI. Required Judgment Entry Language: Notice Requirements**

### **RESIDENTIAL PARENT ACCESS**

The Court ORDERS that the non-residential parent of the child(ren) is/are entitled to access, under the same terms and conditions under which access is provided to the residential parent to any record and to any student activity that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access, and to any child daycare provider that is, or that in the future may be, attended by the child(ren) with whom the right of parenting time is granted.

NOTICE: Any keeper of a record who knowingly fails to comply with the Order or ORC 3109.05.1(H) is in contempt of Court.

NOTICE: Any school official or employee who knowingly fails to comply with the Order or ORC 3109.05.1(J)(1) is in contempt of Court.

### **RELOCATION NOTICE**

THIS NOTICE APPLIES ONLY IN CASES WHERE THERE EXISTS A COURT ORDER OF VISITATION/PARENTING TIME FOR THE PERSON WHO IS NOT THE RESIDENTIAL PARENT OR LEGAL CUSTODIAN.

If the residential parent or legal custodian intends to move to a residence other than the residence specified in the order or decree of the court, the parent or legal custodian shall file a notice of intent to relocate, attached hereto, with the court that issued the order or decree. This notice must be filed thirty (30) days in advance of the change of residence. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the party who is not the residential parent or legal custodian. Upon receipt of the notice, the court, on its own motion or the motion of the party who is not the residential parent or legal custodian, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the child(ren) to revise the parenting time/visitation schedule for the child(ren). [ORC 3109.05.1(G)(1)]

**VII. Affidavit of Income and Expenses and Financial Disclosure**

**GREENE COUNTY JUVENILE COURT  
AFFIDAVIT OF INCOME AND EXPENSES**

State of Ohio

Case No. \_\_\_\_\_

County of Greene, ss:

\_\_\_\_\_, being first duly cautioned and sworn, hereby states that the following information is true to the best of my knowledge.

Name of child(ren) for which child support is being determined: \_\_\_\_\_

Affiant's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Apt.# \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer's Name: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Hourly Wage: \_\_\_\_\_ Date Employment Commenced: \_\_\_\_\_

Annual Gross Income: \_\_\_\_\_ # of Pay Periods Per Year: \_\_\_\_\_

Attached hereto are copies of my three (3) most recent pay stubs

Amount of Overtime and Bonuses:

Last Calendar Year: \_\_\_\_\_

Two Years Ago: \_\_\_\_\_

Three Years Ago: \_\_\_\_\_

All other Sources of income (interest, dividends, unemployment compensation, workers compensation, etc.):

Source: \_\_\_\_\_ Amount: \_\_\_\_\_

Source: \_\_\_\_\_ Amount: \_\_\_\_\_

Amount of Local, City, School District Taxes, Etc.: \_\_\_\_\_

Annual Court-Ordered support paid for other children: \_\_\_\_\_

Name of Court, Case Caption, and Case Number for said Order: \_\_\_\_\_

Any non-means-tested benefits, including social security and veteran's benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent.

Monthly Benefit Amount \_\_\_\_\_ Source of Benefit \_\_\_\_\_

Mandatory work-related deductions such as union dues, uniform fees, etc. (Please identify)

\_\_\_\_\_  
Name and Location of Day Care: \_\_\_\_\_

\_\_\_\_\_ Annual Cost of Day Care: \_\_\_\_\_

Name of Health Insurer: \_\_\_\_\_ Policy No. \_\_\_\_\_

Monthly Cost of Health Insurance Premiums to add child(ren) to Insurance Plan: \_\_\_\_\_

Minor Child(ren) living with me, which is/are my natural child(ren) and the child(ren) of another parent (not the child(ren) who is/are the subject of this case.)

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_

Name of Child: \_\_\_\_\_ Age: \_\_\_\_\_

Annual Child Support received for said child(ren): \_\_\_\_\_

Annual Court-Ordered spousal support (alimony) paid to former spouse: \_\_\_\_\_

Name of Court, Case Caption, and Case Number for said order: \_\_\_\_\_

Self-employed individuals must attach a copy of Schedule C of IRS Form 1040.

\_\_\_\_\_  
Affiant's Signature

Sworn to and subscribed before me this \_\_\_\_\_, day of \_\_\_\_\_  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk

Revised: 5/2011

**VIII. Request for a Search of Ohio's Statewide Automated Child Welfare Information System (SACWIS)**

REQUEST FOR A SEARCH OF  
OHIO'S STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM (SACWIS)

Please conduct a search of the Statewide Automated Child Welfare Information System (SACWIS) for my name. This information will be used for the purposes of (check):

Adoption/Foster Parenting     Volunteer Work     Employment     Other \_\_\_\_\_

Applicant #1 <span style="color: red;">PLEASE PRINT</span>	Applicant #2 <span style="color: red;">PLEASE PRINT</span>
Full Name: _____ (Including maiden name, if applicable)	Full Name: _____ (Including maiden name, if applicable)
Date of Birth: _____	Date of Birth: _____
Social Security #: _____	Social Security #: _____
Signature _____	Signature _____
A copy of my Social Security card is attached ____.	A copy of my Social Security card is attached ____.
Also attached is one of the following forms of identification (check <input checked="" type="checkbox"/> one): <input type="checkbox"/> Driver license <input type="checkbox"/> Birth Certificate <input type="checkbox"/> United States Visa	Also attached is one of the following forms of identification (check <input checked="" type="checkbox"/> one): <input type="checkbox"/> Driver license <input type="checkbox"/> Birth Certificate <input type="checkbox"/> United States Visa
INSTEAD OF PROVIDING TWO FORMS OF IDENTIFICATION, THIS FORM MAY BE NOTARIZED.	
_____ This request is notarized in lieu of submitting two forms of identification.	

HOME ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____

PREVIOUS ADDRESS IN OHIO _____
CITY _____ STATE _____ ZIP CODE _____

Subscribed and affirmed before me according to law this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_, County of \_\_\_\_\_ and State of \_\_\_\_\_.  
(City)

\_\_\_\_\_  
Notary

Mail request to SACWIS Search Request, Bureau of Protection Services, PO Box 183204, Columbus OH, 43218-3204. If using delivery service please, send to 4200 East Fifth Avenue, 2<sup>nd</sup> floor, Columbus OH 43219. Questions about SACWIS searches may be directed to 614-752-1298 or e-mail [janice.blue@jfs.ohio.gov](mailto:janice.blue@jfs.ohio.gov) or Lisa Higley, [lisa.higley2@jfs.ohio.gov](mailto:lisa.higley2@jfs.ohio.gov)

PROCEDURES FOR AN INDIVIDUAL TO REQUEST A SEARCH OF  
OHIO'S STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM  
(SACWIS)

Ohio Revised Code 1347 allows an individual to request and receive information about the status of his or her name on Ohio's Statewide Automated Child Welfare Information System (SACWIS).

A request for a SACWIS search must be made in writing and include the following:

- Full name, including maiden name or other names used, if applicable.
- Date of birth.
- Social Security Number.
- Home Address - Results of a SACWIS search are mailed to the individual requesting at their home address, not to an agency that requires the individual to obtain a search.
- Requester's original signature - requests cannot be faxed or e-mailed.
- The request must EITHER be notarized or the request must be accompanied by a copy of the requester's Social Security card and one other form of appropriate identification.
- Appropriate forms of identification include: driver license, birth certificate, or United States Visa.
- The request should be mailed to SACWIS Search Request, PO Box 183204, Columbus OH, 43218-3204. The address for express delivery is SACWIS Search Request, 4200 E Fifth Ave, Columbus OH, 43219.
- Requests must be submitted by U.S. mail or other delivery service. E-mailed or faxed requests are not accepted.

Requests containing incomplete information are returned advising the additional information required to initiate a SACWIS search.

An individual may use the attached form to request SACWIS searches. Use of this form is not required so long as all of the above information is included in the request.

Please see <http://ifs.ohio.gov/ocf/childprotectiveservices.stm> for responses to Frequently Asked Questions about searches of Ohio's Statewide Automated Child Welfare Information System.

For more information call 614-752-1298 or e-mail Janice Blue at [janice.blue@ifs.ohio.gov](mailto:janice.blue@ifs.ohio.gov) or Lisa Higley at [lisa.higley2@ifs.ohio.gov](mailto:lisa.higley2@ifs.ohio.gov).

/bp

5/2017

Office of Families & Children  
4200 E Fifth Ave  
Columbus, OH 43219