

MERCER COUNTY COMMON PLEAS COURT

JUVENILE DIVISION

Mary Pat Zitter, Judge

RULES OF COURT

Effective: January 3, 2005

TABLE OF CONTENTS

Rule

1	Hours of the Court	1
2	Conduct in the Court	1
3	Court Records	1
4	Motions	2
5	Hearings and Continuances	2
6	Appointed Counsel	3
7	Filings and Entries	3
8	Court Costs and Fines	3
9	Notice and Mandatory Appearance	4
10	Sealing/Expungement of Records	4
11	Jury Management Plan	5
12	Case Management Plan	5
13	Support Orders	6
14	Companionship Guidelines	10
15	Administrative Orders and Objections Thereto	13
16	Mediation	13
	Deposits and Court Costs (Appendix A)	14

LOCAL RULES OF COURT

MERCER COUNTY COMMON PLEAS COURT, JUVENILE DIVISION

RULE 1. HOURS OF THE COURT

- A. The Juvenile Court and its offices shall be open for the transaction of business from 8:30 a.m. to 5:00 p.m. Mondays, and from 8:30 a.m. to 4:00 p.m. the remainder of the week, except Saturday, Sunday, legal holidays and Court holidays, or at other times as may be provided by order of the Judge.
- B. Court sessions shall be held at the Mercer County Courthouse or at such other location as shall be ordered by the Judge.

RULE 2. CONDUCT IN THE COURT

- A. Proper decorum in the Court is necessary to the administration of the Court's functions; and conduct which interferes, or tends to interfere, with the proper administration of justice or the Court's business is prohibited.
- B. Proper attire is required in the courtroom. Those inappropriately dressed may be denied access to the courtroom. The Judge and/or Bailiff shall determine what is appropriate dress. Counsel is requested to be properly dressed in business attire.
- C. No radio or television transmission, or recording device, other than a device used by a Court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the expressed consent of the Court in advance and pursuant to Sup. R. 11.
- D. Any long distance telephone calls made from the Juvenile Court shall be made in a manner other than a direct call. Collect calls and credit card calls are acceptable methods.
- E. All electronic devices, including cellular phones and pagers, **shall be turned off** before entering the courtroom.

RULE 3. COURT RECORDS

- A. Reports and records of the probation Department shall be considered confidential information and shall not be made public.
- B. The inspection of Court records by attorneys and other interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure.

- C. Any probation report, aftercare report; or social, physical or mental examination prepared at the direction of the Court may be made available for inspection to persons the Court deems appropriate, but shall not be copied or reproduced in any way, except by leave of the court.
- D. The Court may limit or deny inspection for good cause shown pursuant to aforementioned Rule 32(C).
- E. Adult pre-adjudication investigative reports prepared at the direction of the Court are considered confidential information and shall not be made public.
- F. Home investigations, Guardian ad Litem reports, Diversion reports, Case plans and Semi-annual reviews shall be considered confidential information and shall not be made public. Inspection by attorneys or persons the Court deems appropriate may be allowed by leave of the Court, but no copies shall be made, nor the reports reproduced in any way.
- G. Records checks by law enforcement and other agencies shall be directed to the Deputy Clerk.
- H. Copies of public records shall be provided at the cost of \$.25 per page by paper medium. If a request is received that copies be sent by regular U.S. mail, such copies will be mailed only if the cost of the copies, postage, and any other mailing expenses are pre-paid.

RULE 4. MOTIONS

- A. The Ohio Rules of Juvenile Procedure shall apply except as otherwise provided by statute.
- B. The Court reserves the right to hear a handwritten or typed letter motion filed by a party to the action.

RULE 5. HEARINGS AND CONTINUANCES

- A. Requests for continuances will be considered by the Court on a case-by-case basis and granted upon showing of good cause, in accordance with Supreme Court of Ohio Superintendent Rule 41 and Ohio Juvenile Rule 23.
- B. Motions for continuance shall be submitted in writing with the proper caption and case number, as far in advance of hearing dates as practicable. If the grounds for the request is a conflicting assignment in another court, the attorney shall attach a time stamped copy of the notice of that conflicting assignment pursuant to Superintendence Rule 41(B).
- C. No continuances, except on the Court's own motion, shall be granted in the absence of proof of reasonable notice to or consent by counsel for the adverse party, if represented by

counsel, and, if not, by the adverse party. Failure after such notice to object to a continuance within a reasonable time shall be deemed as consent thereto.

- D. An entry shall be submitted with a motion for continuance leaving the time and date of hearing blank for the Court to set a new date unless otherwise directed by the court.
- E. No case will be continued on the day of hearing except for good cause shown.

RULE 6. APPOINTED COUNSEL

- A. A list of attorneys available for appointment shall be maintained by the Court. Upon a proper affidavit of indigency, the Court shall appoint an attorney for parties in those cases for which appointed counsel is permitted.
- B. The manner of compensation for appointed attorneys shall be at an hourly rate in accordance with fee schedule of the Mercer County Commissioners. The attorney shall apply for said fees in accordance with the rules on the Ohio Public Defender Commission's form, which will be provided by the Court upon request. Extraordinary fees shall be considered upon application to the Court.
- C. Any party who is ordered by the Court to pay their own or another party's attorney fees, and who considers the amount of those fees to be unreasonable, may object in writing to the Court. The burden of proof of the unreasonableness of fees is on the moving party.

RULE 7. FILINGS AND ENTRIES

- A. Once filed, no documents shall be altered, corrected, or amended, except by leave of Court. If incorrect, an amended document, captioned as such, must be filed with the Court.
- B. The Court may refuse filings that do not comply with the local rules.
- C. The Court will not accept the filing of a new action by a party who owes court costs from a previous action without good cause shown and by prior leave of court.

RULE 8. COURT COSTS AND FINES

- A. The business of this Court shall be conducted on a cash basis.
- B. Deposits shall be made upon the filing of an action pursuant to the Court's Deposit and Court Costs fee schedule, attached as Appendix A. Deposits made will be applied to costs, and any remaining costs due will be assessed to the appropriate party by Court order.
- C. When a party files an affidavit of inability to prepay or give security for costs as provided for in R.C. 2323.31, the clerk of court shall receive and file such action without deposit or security. Provided however, the clerk shall not accept for filing an affidavit of a party's inability to make the required deposit for costs until the party's counsel certifies that no moneys have been paid to counsel and that, to the counsel's knowledge and belief, the party is unable to make the deposit.

- D. Costs shall be ordered upon final disposition of the case as determined by the Court.
- E. The Court may, at its discretion, place a court suspension on a youth's driver's license if costs and/or fines are not paid as ordered.
- F. Requests for witness fees will be processed by the clerk only on the day the witness appears. The witness must present his/her copy of the subpoena for payment. If a witness is subpoenaed for more than one case on a given day, the witness will receive only one fee, per statute. Payment will be made according to the Revised Code.
- G. The Court will enter into written pay agreements with parties who do not pay court costs on the day of disposition. The signed agreement will be attached to and incorporated within the Judgment Entry ordering the costs.

RULE 9. NOTICE AND MANDATORY APPEARANCE

- A. Upon the filing of charges, the filing agency shall provide current addresses, if possible, of both parents of the juvenile. All notices shall be mailed to both parents.
- B. The Court requires an appearance by the youth for all traffic, delinquent and unruly complaints.
- C. A parent, whether or not custodial, is required to appear with the youth for delinquent, unruly, and traffic cases. This requirement may be waived by leave of the Court only.
- D. A youth's guardian may appear with him/her where applicable.

RULE 10. SEALING/EXPUNGEMENT OF RECORDS

- A. All sealing and/or expungement of records shall be made in accordance with Section 2151.358 of the Ohio Revised Code.
- B. Sealing or Expungement of records shall be done by written request and upon the payment of fees.
- C. Cases which are in the Court's Diversion Program by virtue of the youth's eligibility for the program shall be sealed immediately upon the youth's successful completion of the program. In cases which are in Diversion by order of the Court as the result of disposition, the formal court case shall be sealed or pursuant to statute, and the Diversion file shall be expunged immediately upon successful completion of the program and payment of costs and fees.

RULE 11. JURY MANAGEMENT PLAN

- A. Due to the fact that this Court does not conduct jury trials on a regular basis in any one year, the General Division's jury plan will be followed as needed.
- B. The Court shall summon jurors on a case by case basis from the General Division jury draw.

C. Jurors shall be paid according to statute.

RULE 12. CASE MANAGEMENT PLAN

Purpose. The purpose of this rule is to ensure the readiness of all cases in the Juvenile Division of the Common Pleas Court for pretrial, final pretrial and trial.

A. All actions in the Juvenile Court except traffic actions.

- (1) A pretrial conference shall be conducted in all actions where the issues are contested prior to being scheduled for trial.
- (2) Notice of the pretrial conference shall be given to all counsel of record by mail and/or telephone by the Court not less than seven (7) days prior to the conference. Any application for a continuance of the conference shall be in writing and filed with the Court in a timely manner. All counsel of record must be notified and unrepresented parties should obtain counsel if intending to be represented. It will be the responsibility of the party requesting a continuance to obtain a mutually agreed upon alternate hearing date. In the event that the pretrial conference results in a change of plea in a Juvenile matter, thereby eliminating the need for an adjudicatory hearing or a trial, the Court shall immediately be notified and take the change of plea on the date of the pretrial conference and then schedule the disposition hearing, if requested, to a later date. If the action involves contested issues which result in a consent order, the Court shall be immediately notified and shall direct one of the parties or counsel to prepare the consent judgment entry to be circulated and filed with the Court no later than ten (10) days following the pretrial conference.
- (3) In the event there is no change of plea or a consent judgment entry, the following decisions shall be made at the pretrial conference and all counsel attending must have authority to enter into a binding pretrial order.
 - a. A definite discovery schedule shall be agreed upon by all parties for the completion of all discovery.
 - b. A definite date for exchange of expert witness reports shall be determined.
 - c. A definite date for filing of all motions, which date shall not be later than seven (7) days before the final pretrial.
 - d. The date for a final pretrial, if necessary, shall be set by the court and shall be held approximately one (1) week prior to trial.
- (4) The following shall be made at the final pretrial and all counsel attending must have full authority to enter into a binding final pretrial order.
 - a. The Court will rule on all pretrial motions.
 - b. Briefs on any legal issues shall be submitted.
 - c. Clients shall be present.

- d. No motion shall be heard after the final pretrial without leave of Court and without good cause being shown.
- e. The trial date shall not be changed nor shall the trial be continued without the order of the court and after showing of good cause.

Exceptions to the Rules.

Upon application, and for good cause shown, the Juvenile Court may grant exceptions to these rules.

RULE 13. SUPPORT ORDERS

- A. Upon the filing of a motion requesting modification of an existing child support order based upon a change of financial circumstances, each party shall file an affidavit setting forth their current income.
- B. All persons required to pay child support pursuant to a decree or order of the Juvenile Court shall make those payments, plus processing fee, through the Ohio Child Support Payment Central, unless otherwise specifically ordered by the Court.
- C. Completed child support worksheets, as prescribed by the laws of the State of Ohio relative to support guidelines, shall be presented to the Court at or prior to hearing on a motion or complaint for child support. If the parties are unable to agree on the proper completion of the worksheets, each shall present a proposed worksheet prior to the hearing. Proposed agreed entries for child support shall be accompanied by completed support worksheets. If the income of a party is unknown, the attorney shall obtain that information by filing a subpoena duces tecum upon the party and/or his or her employer.
- D. The Mercer County Child Support Enforcement Agency shall prepare all appropriate orders required by Ohio Revised Code Section 3113.21.
- E. All orders regarding child support should contain the following language:
 - 1. Effective date of the support order.
 - 2. Names and dates of birth of the children.
 - 3. Total monthly obligation, plus administrative fee.
 - 4. An attached child support computation summary worksheet.
 - 5. Whether or not there are arrearages. If so, payment to be made on arrears.
 - 6. The obligor shall not voluntarily terminate employment or cause themselves to be terminated through action or inaction of their own, without new employment. Should an obligor voluntarily terminate employment or cause themselves to be terminated through action or inaction of their own, without new employment or arranging for the uninterrupted payment of child support, he/she may be held in contempt of this Court's orders.

Any payment of money by the person responsible for the support payments under a support order to the person entitled to receive the support payment that is not made to the Mercer County Child Support Enforcement Agency in accordance with the support order shall not be considered as a payment of support. Any payment made to discharge an obligation other than support shall be deemed to be a gift.

All support payments shall be made to Ohio Child Support Payment Central, P. O. Box 182394, Columbus, OH 43218-2394.

Until a withholding order issues, Obligor shall be responsible for making these payments by check, certified check, or money order to Ohio Child Support Payment Central.

In the event Obligor becomes unemployed and is eligible to receive unemployment benefits, a benefits deduction shall issue to the Bureau of Employment Services.

The parties shall notify the Mercer County Child Support Enforcement Agency of any reason why child support should terminate.

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 SUBJECT TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND FAIL TO MAKE THE REQUIRED NOTIFICATIONS, 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. (O.R.C. 3121.29)

All support under this order shall be withheld or deducted from the income or assets of the Obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with Chapters 3119, 3121, 3123, and 3125, of the Revised Code or a withdrawal directive issued pursuant to Sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the Obligee in accordance with Chapters 3119, 3121, 3123, and 3125 of the Revised Code. (O.R.C. 3121.27). The withholding or deduction notices and other orders issued under sections 3121.03, 3121.04 to 3121.06, and 3121.12 of the Ohio Revised Code, and the notices that require the Obligor to notify the child support enforcement agency administering the support order of any change in the Obligor's employment status or of any other change in the status of the Obligor's assets, are final and enforceable by the Court. (O.R.C. 3121.33).

2. With regard to health insurance coverage, the Court finds that the parties have _____ unemancipated child/children, namely: _____ (DOB: _____). The Court finds that neither party has health insurance coverage for the child through their place of employment. So stating, the Court issues the following ORDERS:

- a. The parties shall provide health insurance coverage for their child, if it is available at place of employment at a reasonable cost and dual coverage by both parents would provide for coordination of medical benefits without unnecessary duplication of coverage.
- b. Both parties shall designate the child as a covered dependent under any health insurance policy, contract or plan for which the parties contract. Further, both parties shall have thirty (30) days after the issuance of this order to furnish written proof from employer to the Mercer County Child Support Enforcement Agency, P.O. Box 649, Celina, Ohio 45822, that the required health insurance coverage has been obtained, or is not available at reasonable cost.
- c. The parties shall provide to each other within thirty (30) days of receipt, written information regarding the following: benefits, limitations and exclusions of any health insurance coverage; copies of any insurance forms necessary to receive reimbursement; payment or other benefits under the health insurance coverage; and a copy of the necessary insurance cards and shall continue to so provide upon the issuance of new information, forms and cards.
- d. In the event either party should change insurance coverage for any reason, he or she shall, within thirty (30) days, notify the other party and the Mercer County Child Support Enforcement Agency and comply with the above orders with regard to the exchange of written insurance coverage information.
- e. Each party shall submit a copy of this order to the insurer at the time application is made to enroll the child in the health insurance policy and no later than thirty (30) days after the issuance of this order, furnish written proof to the Mercer County Child Support Enforcement Agency that this order has been complied with.
- f. In the event the cost of health insurance coverage is no longer available through employment or is no longer available at a reasonable cost through employment, a party must request a court hearing to modify this order.
- g. The Obligee shall pay the first \$100.00 per child per year of uncovered medical expenses, in compliance with Local Court Rule III-E(1) of the Domestic Relations Division of the Mercer County Common Pleas Court, which this Court adopts for this purpose. After payment of the first \$100.00 per child per year, the Obligor shall pay ____% of the uncovered medical expenses for the parties' minor child and the Obligee shall pay ____% of the uncovered medical expenses for the parties' minor child.
- h. The Obligee, namely _____, whose address is _____, _____, is to be reimbursed by Obligor for the out-of-pocket medical care expenses ___he pays on behalf of the parties' minor child/children.
- i. The administrator of the health care plan that provides health insurance coverage for the children may continue making payment for medical, optical, hospital, dental or prescription services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan.

- j. Upon written request by either party, the employer of the person required to obtain health insurance coverage is required to release to the parties or the child support enforcement agency, any necessary information on the 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 any order or notice issued herein.
- k. If the person required to obtain health care insurance coverage for the child subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in health care insurance coverage provided by the new employer. Specifically, section 3110.34 mandates that no later than the business day after receipt of a notice of new hire, a child support enforcement agency shall send to a person's new employer a national medical support notice if that person is required to provide health insurance coverage for children who are the subject of a child support order.
- l. This order is issued pursuant to the requirements of Ohio Revised Code Section 3119.30 and 3119.32.
- 7. If the Obligor becomes unemployed or works less than thirty (30) hours per week, the Obligor shall take part in this Court's Seek Work Program and shall immediately commence seeking work and report to the Mercer County Common Pleas Court, Juvenile Division, Third Floor, Courthouse, Celina, Ohio at 8:45 a.m. each and every Tuesday with proof of job applications per day as decided by the court. The Obligor shall comply with all the directions and orders of the Judge.

If the parties fail to comply with any order of this Court, a contempt action may be filed. If either party is found guilty of contempt, the Court may impose any of the following penalties:

First Offense: a fine of not more than \$250.00, a definite term of imprisonment of not more than 30 days in jail, or both;

Second Offense: a fine of not more than \$500.00, a definite term of imprisonment of not more than 60 days in jail, or both;

Third or Subsequent Offenses: a fine of not more than \$1,000.00, a definite term of imprisonment of not more than 90 days in jail, or both.

RULE 14. COMPANIONSHIP GUIDELINES

LOCAL RULE 14 PARENTING TIME ALLOCATION

- A. The allocation of parenting time shall comply with this Rule unless otherwise ordered by the Court or by the mutual agreement of the parties.
- B. The non-residential parent shall have parenting time on alternate weekends from Friday at 7:00 p.m. to Sunday evening at 7:00 p.m.

- C. The non-residential parent shall have weekly parenting time for a period of three (3) hours. If the parties are unable to agree upon the exact times, it shall be from 5:30 p.m. to 8:30 p.m. (one evening per week). The beginning and ending times may be varied to accommodate the work schedules of the parties, the schedule of the children and the appropriate bedtime for children during the school year. If the parties are unable to agree upon the date of the week for this time, Tuesday will be used unless otherwise ordered by the Court.
- D. The parent receiving the children shall be responsible for transportation unless otherwise ordered by the Court.
- E. Holiday visitation shall be as follows:

EVEN YEARS

Mother

Father

Martin Luther King Day -
Friday evening to Monday evening

President's Day - Friday evening to Monday evening

Memorial Day - Friday evening to Monday evening

Easter - Thursday evening to Sunday evening

Labor Day - Friday evening to Monday evening

July 4th - If the 4th falls on Tuesday, Wednesday or Thursday, the time shall commence at 6:00 p.m. on July 3 until 9:00 a.m. on July 5. If the 4th falls on Sunday or Monday, the time shall commence on Friday night at 6:00 p.m. and conclude July 5 at 9:00 a.m.

If the 4th falls on Friday or Saturday, parenting time shall commence at 6:00 p.m. on July 3rd and conclude Sunday at 6:00 p.m.

Thanksgiving Day - Wednesday evening to Sunday evening.

Christmas - December 22 or the beginning of the Christmas school holiday (whichever is earlier) at 6:00 p.m. to noon on December 25

Christmas - Noon on December 25 for the remainder of the Christmas holiday until 6:00 p.m., being the evening before school resumes (whether the children are of school Age or not)

During the ODD YEARS this shall be reversed.

Christmas and other holidays may be modified by agreement of the parties to suit individual family schedules.

The child shall spend **Mother's Day** in the companionship of the mother commencing at 7:00 p.m. the Saturday before Mother's Day and concluding at 7:00 p.m. on Mother's Day.

The child shall spend **Father's Day** in the companionship of the father commencing at 7:00 p.m. the Saturday before Father's Day and concluding at 7:00 p.m. on Father's Day.

- F. The child's birthday shall be celebrated in even years with the Mother and in odd years with the Father. In the event that the child will be with the parent not exercising parenting time, this time shall be from 5:00 p.m. to 8:30 p.m. unless it is a weekend, in which event it shall be from 9:00 a.m. to 6:00 p.m. All siblings shall be included during this birthday celebration parenting time.
- G. Each parent shall be entitled to four weeks of extended parenting time each summer to be exercised in blocks of time consisting of either 14 or 7 consecutive days. Absent the agreement of the parties, a 14 day period shall commence on Sunday at 7:00 p.m., upon the conclusion of the other parent's regularly scheduled weekend, and terminate on the second Sunday thereafter at 7:00 p.m. Absent the agreement of the parties, a 7 days period shall commence on Friday at 7:00 p.m., at the beginning of the vacationing parent's regularly scheduled weekend, and terminate on the following Friday at 7:00 p.m.
- H. Each parent shall provide their address and phone numbers at all times to the other parent. Non-residential parents shall be entitled to exercise a reasonable telephone communication at his/her expense.
- I. The non-residential parent shall be responsible to contact the school and request to be advised of all parent/teacher meetings, school programs and schedules regarding the minor children. Copies of grade cards shall be submitted to the non-residential parent by the residential parent on the weekend following the receipt of the grade cards.
- J. Each parent shall provide formula and diapers to be used for infants during the time they spend with the infant in their respective homes.
- K. Adequate clothing shall be provided by the residential parent for parenting times and the same shall be returned at the end of said parenting time.
- L. Each parent shall notify the other parent immediately or as soon as possible as to any serious illness or serious injury to the child.
- M. The Court may vary its companionship orders from the standard guidelines when it Deems necessary and proper to do so.
- N. The Court may order visitation with a third party, such as a grandparent, when in the child's best interest.
- O. A copy of this rule shall be affixed to all parenting time orders adopting Rule 14.

RULE 15. ADMINISTRATIVE ORDERS AND OBJECTIONS THERETO

- A. When an Administrative Order, which has been signed by the Administrative Officer is brought to the Court by the Child Support Enforcement Agency (CSEA), the clerk will file stamp the same and enter the information into the computer using the case type designator "P". The Supreme Court report file is not opened.
- B. The deputy clerk will give a file stamped copy of the order back to the CSEA who shall serve copies on the parties. These orders shall contain information concerning the parties rights to object to the Administrative Order.
- C. The CSEA shall file with the Court a copy of the order with a Certificate of Mailing stating they have mailed copies to the parties. The CSEA shall also bring an Order for the Judge to sign which affirms the Administrative Order. After the Judge signs the Order, all copies are returned to the CSEA for service upon the parties.
- D. Objections to the Administrative Orders shall be made pursuant to statute.

RULE 16. MEDIATION

- A. Issues may be referred to Mediation after a complaint or motion is filed with the Court, before or after a hearing. Mediation proceedings and documentation are subject to strict standards of confidentiality.
- B. The costs of mediation shall be paid equally by the parties unless otherwise agreed or ordered by the Court.

**MERCER COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
DEPOSITS AND COURT COSTS**

DEPOSITS:

New Custody/Support/Visitation/Paternity Cases (complaint or counterclaim)	\$150.00
Any Motion, Request or Complaint to reactivate a case previously opened	\$100.00
Motion or Order of Guardian ad Litem	\$350.00 *
	*each parent
Any party requesting appointment of a guardian ad litem in a proceeding involving custody, parenting time or visitation shall deposit	\$350.00

For good cause shown, and upon motion of the party, the Court may waive the deposit requirement. No deposit for fees of guardian ad litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly, or delinquent. The assessment of the costs for the fees of guardian ad litem shall be made by the Court at the completion of the proceedings.

INITIAL COURT COSTS:

Unruly	\$65.00
Delinquent (misdemeanor)	\$65.00
Delinquent (felony)	\$85.00
Traffic	\$65.00
Seat Belt - Driver (includes \$30 fine)	\$60.00
Seat Belt - Passenger (includes \$20 fine)	\$50.00

FEES EFFECTIVE: January 3, 2005

APPENDIX A

**IN THE MATTER OF:
AMENDMENTS TO THE LOCAL RULES
OF PRACTICE IN THE MERCER COUNTY
COURT OF COMMON PLEAS JUVENILE
DIVISION REGARDING COURT HOURS,
PAYMENTS OF APPOINTED COUNSEL FEES,
DEPOSITS FOR GUARDIAN AD LITEM FEES,
AND DETERMINATION OF COMPETENCY
OF A MINOR**

JOURNAL ENTRY

The Court has determined in order to accommodate reduced staff and to minimize scheduling conflicts; the court hours shall be amended. The court will close for lunch between the hours of 12:00 p.m. to 1:00 p.m.

The Court has determined that in order for the proper reimbursement of the Mercer County General Fund for appointed counsel fees, a rule which is consistent with the General Division of the Mercer County Court of Common Pleas be established.

The Court has determined that in order to timely compensate counsel, who serve as guardian ad litem so that competent counsel will accept the appointment of guardian ad litem which may be in a child's best interest, an increase in the amount of the fee and designations of the party/parties to deposit, is appropriate.

The Court has also determined that to comply with Enacted House Bill 86, a rule regarding competency of a minor, a local rule shall be ordered.

IT IS THEREFORE ORDERED, effective September 29, 2011, the Rules of the Court of the Juvenile Division of the Mercer County Court of Common Pleas are amended as follows:

RULE 1. HOURS OF THE COURT

- A. The Juvenile Court and its offices shall be open for the transaction of business from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. on Mondays, and from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. the remainder of the week, except Saturday, Sunday, legal holidays and Court holidays, or at other times as may be provided by order of the Judge.

RULE 6. APPOINTED COUNSEL

- B. Assigned counsel shall receive compensation for professional services and be reimbursed for expenses in accordance with R.C. 2941.51. Upon the completion of the service, it shall be the duty of such assigned counsel to submit an itemized statement of the services rendered and the time spent in connection with such services in the preparation and trial or other disposition of same, and any out-of-pocket expenses incurred therein. The Court shall determine the amount of compensation within the statutory limit thereon, in accordance with schedule of fees adopted by the Board of County Commissioners of Mercer County. No fees in excess of the maximums prescribed therein shall be approved unless prior to incurring such expenses, counsel shall make application to the Court and obtain prior approval therefore by judgment entry.

NOTE: Pursuant to RC 120.33(A)(4), all requests for reimbursement are due to the Office of the Ohio Public Defender within ninety (90) days after the end of the month in which the case was finally disposed of or terminated. To provide sufficient processing time for the request at the county level and the state level, the request is due to the Court within 30 days after the end of the month in which the case was finally disposed of or terminated. If not complied with, reimbursement amounts can be reduced by at 25%.

RULE 8. COURT COSTS AND FINES

B. Deposits shall be made upon the filing of an action pursuant to the Court’s Deposit and Court Costs fee schedule, attached as Appendix A. Deposits made will be applied to costs, and any remaining costs due will be assessed to the appropriate party by Court order.

APPENDIX A

DEPOSITS:

New Custody/Support/Visitation/Paternity Cases (complaint or counterclaim).....	\$150.00
Any Motion, Request or Complaint to reactivate a case previously opened.....	\$100.00
Deposit toward Guardian ad Litem fees	\$500.00 *
	*each parent or an amount ordered by the court.
Any party requesting appointment of a guardian ad litem in a proceeding involving custody, parenting time or visitation shall deposit	\$500.00

For good cause shown, and upon motion of the party, the Court may waive the deposit requirement. No deposit for fees of guardian ad litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly, or delinquent. The assessment of the costs for the fees of guardian ad litem shall be made by the Court at the completion of the proceedings.

INITIAL COURT COSTS:

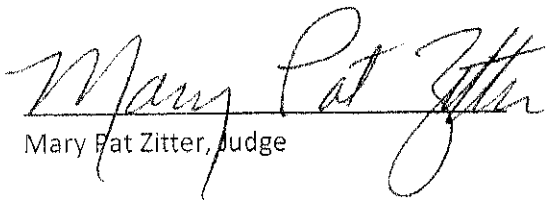
Unruly	\$75.00
Delinquent (misdemeanor)	\$75.00
Delinquent (felony).....	\$105.00
Traffic (moving)	\$85.00
Traffic (non-moving)	\$55.00
Seat Belt - Driver (includes \$30 fine).....	\$85.00
Seat Belt - Passenger (includes \$20 fine)	\$75.00

RULE 17 JUVENILE COMPETENCY

- A. The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.
- B. 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.
- C. 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 of other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing
- D. Upon the filing of a motion for determination regarding a child's competency or upon the court's own motion, the court shall stay all delinquency proceedings pending a determination of competency. If upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

IT IS FURTHER ORDERED, that a copy of this order shall be provided to the Mercer County Bar Association to provide a copy to its members at the next bar association meeting. These changes will be incorporated into the next publication of amended rules by the Court.

IT IS SO ORDERED


Mary Pat Zitter, Judge

IN THE MATTER OF:
AMENDMENTS TO THE LOCAL RULES
OF PRACTICE IN THE MERCER COUNTY
COURT OF COMMON PLEAS JUVENILE
DIVISION REGARDING NEW FILING FEE
IMPLEMENTATION PER SB 177

FILED
MERCER CO. JUVENILE COURT
MAR 17 2015
MARY PAT ZITTER
JUDGE

JOURNAL ENTRY

In an effort to improve funding for civil legal aid and thereby improve access to justice, SB 177 has been amended. The amendment removes the domestic relations filing fee surcharge exemption and adds a filing fee surcharge of Fifteen Dollars (\$15.00) for new custody, visitation and parentage actions filed in the juvenile division.

IT IS THEREFORE ORDERED, effective March 23, 2015, the Rules of the Court of the Juvenile Division of the Mercer County Court of Common Pleas are amended as follows:

RULE 8. COURT COSTS AND FINES

- B. Deposits shall be made upon the filing of an action pursuant to the Court’s Deposit and Court Costs fee schedule, attached as Appendix A. Deposits made will be applied to costs, and any remaining costs due will be assessed to the appropriate party by Court order.

APPENDIX A

DEPOSITS:

New Custody/Support/Visitation/Paternity Cases (complaint or counterclaim)	\$165.00
Any Motion, Request or Complaint to reactivate a case previously opened.....	\$100.00
Deposit toward Guardian ad Litem fees	\$500.00 *
	*each parent or an amount ordered by the court.

Any party requesting appointment of a guardian ad litem in a proceeding involving custody, parenting time or visitation shall deposit \$500.00

For good cause shown, and upon motion of the party, the Court may waive the deposit requirement. No deposit for fees of guardian ad litem shall be required in cases alleging a child to be dependent, neglected, abused, unruly, or delinquent. The assessment of the costs for the fees of guardian ad litem shall be made by the Court at the completion of the proceedings.

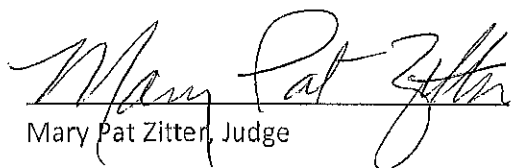
INITIAL COURT COSTS:

Unruly	\$75.00
Delinquent (misdemeanor)	\$75.00
Delinquent (felony).....	\$105.00

Traffic (moving)	\$85.00
Traffic (non-moving)	\$55.00
Seat Belt - Driver (includes \$30 fine).....	\$85.00
Seat Belt - Passenger (includes \$20 fine)	\$75.00

IT IS FURTHER ORDERED that a copy of this order shall be provided to the Mercer County Bar Association to provide a copy to its members at the next bar association meeting. These changes will be incorporated into the next publication of amended rules by the Court.

IT IS SO ORDERED


Mary Pat Zitter, Judge

IN THE MATTER OF:
AMENDMENTS TO THE LOCAL RULES
OF PRACTICE IN THE MERCER COUNTY
COURT OF COMMON PLEAS JUVENILE
DIVISION REGARDING THE RESTRAINING
OF JUVENILES IN THE COURTROOM

FILED
MERCER CO. JUVENILE COURT

JUL 08 2016

JOURNAL ENTRY

MARY PAT ZITTER
JUDGE

The Court has determined that in order to comply with the Supreme Court of Ohio Rules of Superintendence, a rule regarding restraining of a minor, a local rule shall be ordered.

IT IS THEREFORE ORDERED, effective July 1, 2016, the Rules of the Court of the Juvenile Division of the Mercer County Court of Common Pleas are amended as follows:

Rule 2.E

(A) Instrument of restraint, including, but not limited to handcuffs, chains or shackles shall not be used on a juvenile during a court proceeding unless both of the following apply:

(1) The necessity of using restraints is demonstrated to the satisfaction of the judge or magistrate by the presence of one or more of the following factors:

(a) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or

(b) There is a significant risk that the child will flee the courtroom; and

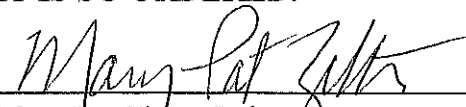
(2) The court determines that there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

(B) When used, restraints should allow the juvenile limited movement of the hands to read and handle documents and writings necessary to the hearing unless there is a demonstrated need for more restricted movement.

(C) 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 ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

IT IS FURTHER ORDERED that a copy of this order shall be provided to the Mercer County Bar Association to provide a copy to its members at the next bar association meeting. These changes will be incorporated into the next publication of amended rules by the Court.

IT IS SO ORDERED.



Mary Pat Zitter, Judge