

COURT OF COMMON PLEAS
VINTON COUNTY, OHIO
JUVENILE DIVISION

Originally Drafted and Adopted: April 7, 1985
By: Judge Phillip Rose

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

IN THE MATTER OF THE ADOPTION OF: RULES OF COURT

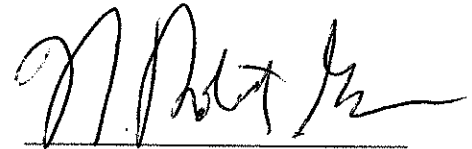
JOURNAL ENTRY

The Supreme Court of Ohio, pursuant to Article 4, Section B of the Ohio Constitution, prescribed certain rules of juvenile procedure which became effective July 1, 1972, and the Court finds that it is necessary to implement such rules and to replace any existing rules which are in conflict therewith.

NOW THEREFORE the following rules shall be adopted and all prior rules be replaced effective January 1, 2012.

(Section 2151.17, Revised Code)

FILED
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CLERK OF COURT
SUPREME COURT OF OHIO
FILED
JAN 02 2012
N. Robert Grillo
JUVENILE JUDGE
VINTON COUNTY, OHIO



Judge N. Robert Grillo

RULE 1: SESSIONS OF COURT

1. The Juvenile Court Office shall be open for the transaction of ordinary business from 8:30 a.m. to 4:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday with legal holidays as provided by law to be observed. The Juvenile Court Office shall be open for the transaction of ordinary business each weekday with legal holidays as provided by law to be observed.
2. The Juvenile Court Office, at the discretion of and upon the order of the judge may be open at other hours for matters of extraordinary nature and importance.
3. Court sessions shall be held at the Vinton County Court those in such matter as shall be ordered by the judge; sessions may be held at such other places in this County as may be provided by order of the judge from time to time or for special cases as the interests of justice may require.
4. Sessions shall be held in the privacy of chambers, or in the courtroom or in such other place within this County as may be ordered. In every case of an adult charged with a criminal offense, the right of public trial and hearing will be observed, with the right to trial by jury as provided by law on Rules of Criminal Procedure. In certain cases under the new rules involving juveniles and criminal proceedings, they all may be afforded jury trials.
5. At each session of the Juvenile Division, cases involving adults shall take precedence as to arraignment, fixing of bond and entering of sentence when the defendant is presented in open Court in the custody of the Sheriff of Vinton County or other law enforcement officer.
6. Sessions may be adjourned from time to time as the justice of the case may require, and for the

Court to have an opportunity to obtain additional evidence or testimony.

RULE 2: JUVENILE TRAFFIC PROCEDURE

1. The statutory procedure with respect to the trial of adult traffic cases will be followed insofar as they may be relevant in this Division with the Rules of Practice and Procedure in Traffic Cases for All Courts Inferior to Common Pleas adopted by the Supreme Court of Ohio and these rules.
2. The Uniform Traffic Complaint form will be used in traffic cases; each person filing a complaint on said form will be required to provide thereon and on a separate form to be provided by this Court the names and addresses of the parents, or guardian(s) having custody of the alleged juvenile traffic offender.
3. Law-enforcement officers are encouraged to use the statement-of-fact forms provided by the Court to provide sufficient information with respect to the juvenile and the alleged violation to permit the Court to make final disposition in the case without requiring the attendance of the said arresting officer.
4. In attempting to achieve the maximum benefit from the service of probationary orders the Court reserves unto itself the imposition of a probationary disposition in each traffic case when the said cause is continued, without additional language in the complaint; the duration of such probation to be the period terminating upon order of the Court or the attainment of lawful adulthood.
5. The Juvenile Court will establish by journal entry from time to time appropriate appearance bond schedules concerning certain offenses by Juvenile Traffic Offenders and such schedules when so established shall be a part of Court rule. Law enforcement officers will be required to inform alleged offenders that by executing waiver of appearance and posting bond that upon failure to appear that the bond will be forfeited and that the procedure is established as a convenience to a person who has committed a minor offense, or to a person who will bear an undue hardship in appearing in Court. If there are circumstances surrounding the alleged offense which in the opinion of the arresting officer, warrant an appearance in Court, the alleged juvenile traffic offender may be denied the right to sign a waiver.
6. Wherein a law enforcement officer or duly authorized officer of the Court takes into custody a child pursuant to the laws of arrest or citation and when the officer has reasonable grounds to believe that it is not necessary for the child to appear in Court in a proceeding under the Juvenile Traffic Offender Citation, the juvenile may at the discretion of the officer if:
 - a) said child is a non-resident of the County of Vinton, but a resident of the State of Ohio, or
 - b) said child is a non-resident of the State of Ohio, be permitted to post bond in accordance with Section 2, Rules 3 of the Local Juvenile Rules in accordance with the following schedule:
 - 1) For an unclassified misdemeanor: \$50.00 plus court costs in effect at the time the complaint was filed.
 - 2) For a minor misdemeanor: \$50.00 plus court costs in effect at the time the complaint was filed.
 - 3) For a misdemeanor of the fourth degree: \$100.00 plus court costs in effect at the time the complaint was filed.
 - 4) For a misdemeanor of the third degree: \$150.00 plus court costs in effect at the time the complaint was filed.
 - 5) For a misdemeanor of the second degree: \$200.00 plus court costs in effect at the time the complaint was filed.
 - 6) For a misdemeanor of the first degree: \$250.00 plus court costs in effect at the time the complaint was filed.

When a law enforcement officer takes into custody a child pursuant to the laws of arrest or citation wherein the officer has reasonable grounds to believe (1) that the child is a juvenile traffic offender and that said traffic offense has occurred during the hours of curfew and said child is not accompanied by an adult, or (2) that it is necessary for the child to appear in Court, or (3) that said child is operating a motor vehicle while under the influence of alcohol or narcotic drugs, the law enforcement officer is hereby

directed to remove from the child his probationary driver's license and to attach said license to the uniform traffic complaint filed with the Clerk of the Juvenile Division of the Common Pleas Court of Vinton County, Ohio, to constitute recognizance of said child for his court appearance.

7) Pursuant to Section 2151.01 of the Ohio Revised Code and Rules 1, 3, 9(a), 22 and 29(F)2(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore a program of care and rehabilitation for juvenile traffic offenders, the Juvenile Court hereby establishes by this entry a procedure for the waiver of appearance and entry of plea of admission in writing and the acceptance of pre-determined disposition, including compulsory attendance at Youthful Driver Retraining Seminar for certain juvenile traffic offenders.

Upon the filing of a uniform complaint, if it appears

- 1) that the alleged offender is between the ages of 16 and 18 years old and is presently licensed to drive a motor vehicle, or the child is between the ages of 14 and 18, is licensed to operate a motorized bicycle, and the citation relates to operation of a motorized bicycle;
- 2) that this is the first traffic offense for the offender;
- 3) that the offense is minor, i.e. does not involve personal injury or uninsured property damage;
- 4) and does not involve financial responsibility liability or possible suspension of license to drive.
- 5) the clerk may enclose with the notice of hearing, a summons advising the alleged offender and his parents, guardian, or custodian of the procedure for executing waiver of appearance in court, the entry of a plea of admission in writing, and the possible disposition of the proceeding.

Upon appearance of child and parent, guardian, or custodian before the clerk, if said child enters an admission in writing to the allegations of the complaint, a fine may be imposed, court costs assessed along with the express condition that said child shall attend the next regularly scheduled Youthful Driving Retraining Seminar.

If the child and parents, guardian or custodian avail themselves of this privilege, they must do so in strict compliance with the written instructions and this rule.

RULE 3: BONDS/RECOGNIZANCES

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

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

3. The sufficiency of sureties shall be determined by the judge in each case; and when real property is offered as security by a surety, the Court shall require twice the value of the bond in real property as such value shall appear upon the county tax list maintained by the office of the County Auditor multiplied by two(2).

RULE 4: PROCEDURE-JUVENILES

1. The Supreme Court of Ohio by Rule 9, Ohio Rules of Juvenile Procedure, effective July 1, 1972, stated that in all appropriate cases formal court action should be avoided and other community resources be utilized to ameliorate situations brought to the attention of the Court, and this Court hereby ratifies and affirms such statement of policy. Such rule further states that information that a child is within the court's jurisdiction may be informally screened

prior to filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

The Court hereby designates the Intake Officer, under the direction and supervision of the Court, be assigned the duty of informally screening all complaints prior to the filing thereof to determine appropriate proceeding, and the manner of proceeding thereon.

2. Upon detection, arrest or apprehension of a juvenile by an officer of a law enforcement agency, after the officer has information of reasonable credibility as to the age of the accused, the officer may detain or cause such juvenile to be detained until he or she may be presented before the Court. In the event that the Court is not in session, the officer shall cause said juvenile to be released to a parent, guardian or other responsible adult person having the custody or control of said juvenile. Failing in the foregoing procedure, the officer shall cause said juvenile to be forthwith taken to the juvenile detention center, or emergency shelter care and to cause said juvenile to be presented in open Court at the next session thereof providing said officer shall have obtained the permission of an Intake Officer of this Court, or the judge to place said child in juvenile detention center, or emergency shelter care as provided herein.

3. The South Central Ohio Regional Detention Center is hereby designated as proper place of detention for juveniles.

4. The South Central Ohio Regional Detention Center shall receive into emergency detention and emergency shelter care those juveniles delivered to their charge by other law enforcement officers in accordance with these rules and shall cause said juveniles to be presented at the next session of the Court.

5. In the event that any law enforcement agency shall determine that immediate consideration of certain matters with respect to a juvenile should be had by the judge or other officer of the Court, they shall contact the juvenile intake officer or such other member of the Court staff as that said officer shall designate; the order and/or instructions of the said officer shall be carried out until other or contrary orders or instructions shall be issued by the judge or such other Court officer as may be designated by the Court.

6. Any law enforcement officer upon taking any juvenile into custody shall cause to be prepared a complaint on forms to be supplied by the Court and once prepared the complaint shall be verified as may be required by law and deposited with the law enforcement agency or filed with the Court.

7. In all cases wherein the juvenile is not taken into custody by the officer, or the juvenile is not in custody, a complaint shall be prepared by the officer with the assistance of the prosecuting attorney's office, except as otherwise specified by the judge.

8. The Court hereby expresses the policy that the deputy clerks of the Juvenile Division should not be requested to prepare juvenile complaints unless instructed to do so by the judge; the Court should not be placed in the position of initiating complaints by its staff and thereby promoting the conclusion that cases are being started by the Court, and thereby casting the Court in a non-judicial character.

9. Process for summons warrants and subpoenas shall be issued to the Sheriff of Vinton County, Ohio or any other lawfully authorized law enforcement agency.

RULE 5: PROCEDURE - ADULTS

1. The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions wherein the juvenile Division has jurisdiction.

2. All persons charged with offenses and who are being held under process from this Court or who have been arrested and charged in this Court shall be brought before the Court for arraignment immediately upon arrest or post bond in accordance with rules of criminal procedure established by the Supreme Court of Ohio.

3. In the event that an adult person charged with an offense under the provisions of Section 2151. Revised Code, is detained in the custody of a law enforcement officer, and which offense is not otherwise a felony, the Court hereby orders that such officer may take such defendant before an officer of a court of record for his appearance before this Court. Bail for any such offense is hereby fixed in the sum of One Thousand Dollars (\$1,000.00), unless otherwise ordered in a warrant to arrest, as provided in Rule III. Any such appearance shall be fixed at the next session of the Juvenile Division at 9:00 a.m., unless otherwise directed by a member of the staff of

this Court.

4. In cases in which the defendant has a right to a trial by jury, the defendant or his counsel shall demand a trial by jury at least five (5) days prior to the date assigned for trial; failure to so notify the Court either in person or in writing may be deemed just cause for entering a continuance without the consent of the defendant, or the Court may order said matter to proceed to trial before the Court without a jury.

5. In cases wherein an adult is charged with an offense which could be considered a felony and for which an order binding the defendant over to the grand jury could be issued by the Court, the Court shall appoint an attorney to represent a defendant who appears to the satisfaction of the Court to be without funds or property to provide his own counsel, unless the defendant affirmatively waives such right in writing in open Court. Such attorney so appointed shall be compensated by the Court in an amount fixed by the Court and to be paid from funds appropriated for the operation of the Court. In other cases of such defendants charged with offenses amounting to misdemeanors, the Court may appoint counsel for such indigent defendant as the case may warrant.

RULE 6-A: PROBATION DEPARTMENT - PERSONNEL

1. The judge of the Juvenile Division of the Common Pleas Court of Vinton County, Ohio hereby establishes a probation department within the Juvenile Court in accordance with section 2151.14 of the Revised Code.

2. The Juvenile Probation Officer may administer oaths, issue warrants of arrest, warrants of detention and other writs in the name of the Judge of the Juvenile Division as may be provided by law, these rules or the Juvenile Rules adopted by the Supreme Court of Ohio.

3. The Juvenile Probation Office may request of any officer, board, commission, or official the cooperation provided by Section 2151.40, Revised Code.

RULE 6 -B: PROBATION DEPARTMENT - OPERATION

1. The probation department shall make such investigations, obtain such reports and perform such other duties as shall be directed by the judge or as provided in the statutes and Juvenile Rules.

2. A juvenile probation officer shall serve such process issuing from the Court as may be directed to him and shall make prompt return thereof.

3. A juvenile probation officer may make arrests without a warrant upon reasonable information or upon view of violations coming within the Juvenile Court Act as amended, and detain the person so arrested pending the issuance of a warrant or other process, and may assist in the enforcement of the order of the Court respecting probation and the terms thereof; he may take any juvenile into custody for violation of any probationary order of the Court and shall report such fact to the judge forthwith. He may discharge from his custody or the custody of the Sheriff of this County as provided in these rules any juvenile whom he has reason to believe will appear in Court at the next session thereof as he may direct. He may call upon any other law enforcement officer to assist him in the discharge of his duties under the law or these rules.

4. A juvenile probation officer with the assistance of any staff member shall prepare and cause to be prepared such reports as shall be required by the judge or as may be directed.

5. Any staff member of the Juvenile Division may attend meetings of juvenile agency personnel, persons concerned with child welfare, juvenile delinquency and traffic safety as the Court may direct from time to time and shall be compensated for the actual and necessary expenses incurred by such attendance; reimbursement shall be made from funds appropriated for the use of the Court. Transportation by use of personal auto shall be at the rate of twenty (20) cents per mile.

6. Pre-Dispositional Investigations

(A) Upon the assignment of a Pre-dispositional Investigation by the Court, the juvenile probation officer must submit said pre-dispositional investigation within fourteen (14) working days or file a written request for extension of time stating reason and expected date of completion or file addendum.

(B) Upon the receipt of a referral for a pre-dispositional investigation the probation officer shall prepare such report which shall contain the following information:

- 1) The child's name and address and the name and address of each parent, guardian or other custodian.
- 2) the circumstances and reason for referral of youth.
- 3) the child's mental and physical health.
- 4) the family history of child, including all siblings, parents, grandparents, and other relatives (as possible source of placement).
- 5) school district if of school age and educational history if available.

(C) At least one half hour prior to dispositional hearing the investigating probation officer shall meet with the court in conference to review the written reports, proposed terms of probation, situations, etc.

(D) If a probationer violates his terms of probation, the probation officer shall file a separate report with the Court detailing the violations of probation. Said probationer shall receive detailed information of his violation of terms of probation along with a copy of the notice of date for Court hearing. After initial appearance on complaint in the event the juvenile denies the allegations in the complaint as being not true, or the Court otherwise requests the assistance of the Prosecuting Attorney pursuant to Section 2151.40 O.R.C. and Juvenile Rule 29(E)(1), the probation officer is directed to provide the Prosecuting Attorney, within two working days of the date of denial, the following information:

- 1) A report summarizing the operative facts of the alleged violations
- 2) A list of any witnesses supporting the claim with their addresses and telephone numbers if known
- 3) A statement of the witnesses
- 4) If any has been taken and is available to the probation officer;
- 5) Information on any physical evidence of value to the instant charges and location of physical evidence if known to the probation officer.

(E) Any pre-dispositional investigation involving property damage or personal injury shall be filed within fourteen (14) calendar days and shall include a report prepared after a personal interview with the victim of the property damage or personal injury concerning the incident and restitution plan.

7. A progress report concerning said child shall be filed in writing with the Court at least every sixty (60) days, unless otherwise directed by specific order, concerning the treatment and rehabilitative progress of said child and/or its family and suggestions or recommendations for alteration of program, custody, living arrangements, etc.

8. Said probation department shall provide monitoring services for all juvenile returnees to Vinton County after permanent commitment to the Department of Youth Services on the same basis and under the same restraints as those juveniles receiving probation by direct order of the Court.

9. Upon availability of funds from the Ohio Department of Youth Services, or other sources, there is hereby created the position of Youth Counselor to provide services of investigation, placement, and case supervision of adjudicated delinquent or unruly youths. Said Youth Counselor is hereby designated an officer of the Court and shall be under the direction and control of the Court.

10. Community Service: In all cases wherein the Court orders the performance of volunteer community service as a condition of probation or disposition, all such community service shall be provided to governmental agencies or subdivisions, or to nonprofit, charitable organizations. The performance of such service shall be supervised by the probation officer or his designated representative assigned to the case, and is subject to prior written approval of the Court, upon recommendation of the Probation Department.

11. Restitution: It is the express policy of the Court that victims should receive prompt reimbursement for property damage or loss suffered as the direct result of offense. In all cases wherein restitutions ordered, said restitution shall be paid through the Vinton County Probation Department. All restitution so paid is subject to poundage of two percent (2%) to be collected by appropriate personnel of Vinton County Probation Department, and paid into the county treasury monthly. In any case wherein partial restitution has been paid, amounting to twenty dollars or more, said monies shall be disbursed within thirty (30) days from payment, and then only upon express order of Court.

RULE 7: RECORDS, ASSIGNMENTS AND HEARINGS

1. The records of official cases shall be maintained as provided by law (Section 2151.18, Revised Code) and Juvenile Rules adopted by the Supreme Court of Ohio and as provided by local rules of this Court. For cases involving juveniles there shall be maintained an appearance docket, juvenile traffic offender docket, an adult appearance docket, juvenile journal, and a cash book.

Such records of juvenile cases involving juveniles shall be open for inspection by the parent(s) of any child affected by an order of proceeding, and in the event that said child has no parent having custody, or next of kin, either in person or by designated counsel. Otherwise, such records shall not be available to any person except by order of the judge, or legal process from a court of competent jurisdiction.

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

3. Effective April 7, 1985, all official matters filed in the Juvenile Division shall be assigned a case number.

4. Unofficial cases considered by the Court staff shall not be subject to the provisions of the foregoing record rules; and no person shall have access to such cases without the order of the judge. This rule provision shall extend to law enforcement personnel as well as court personnel. Violations may be considered as amounting to a contempt of the Court and punishable as such.

5. No child shall be fingerprinted or photographed in the investigation of a crime without the consent of the judge except fingerprints of a child may be taken by law enforcement officers investigating the commission of an act, which would be a felony if committed by an adult when there is probable cause to believe that the child may have been involved in the felonious act being investigated. Unless otherwise ordered by the court, originals and all copies of such fingerprints or photographs shall be delivered to the juvenile court after use for their original purpose for such further use and disposition as the Court directs. In all instances where a law enforcement officer wishes for a juvenile to be fingerprinted or photographed, this fingerprinting shall be done by the Vinton County Sheriff's office.

Fingerprints and photographs of a child will be removed from the law enforcement officer's file and transported to the juvenile court if a complaint is not filed or is dismissed after having been filed, all to be done within ten (10) days from the date of dismissal or the date a decision has been made not to file the complaint.

Other fingerprinting which shall be permitted by the law with respect to juveniles shall be accomplished only by the Sheriff of Vinton County at his office, and by his staff. Requests for the taking of prints and photos of juveniles from other law enforcement agencies may be made directly to the Sheriff of Vinton County or through the office of the prosecuting attorney. Requests for the use of any photograph or fingerprints in the possession of the Court under these rules shall be made in writing and shall state the facts forming the basis for the request. The Court shall by entry upon its journal permit use of such photos and/or fingerprint records.

Consent for administration of polygraph tests to juveniles shall be given upon application by the office of the prosecuting attorney or law enforcement agency and with the consent of the parents, guardian or custodian of the juvenile, upon written consent by the Court upon its journal.

6. Any complaint certified to this Court from any other Court exercising juvenile jurisdiction with respect to a child who is determined by this Court not to be a resident of Vinton County, or not presently within this county and not expected to return within a reasonable time, shall be transferred to the county of residence of said juvenile if said determination is possible; a copy of the order of such transfer shall be forwarded to the transferring Court. Complaints involving juveniles who are residents of another state shall be considered upon the merits of the particular case, but the policy of transferring all cases except minor traffic matters will be maintained.

7. In order to provide a means for scheduling detention hearings in accordance with the mandated time requirements of law and the Juvenile Rules, detention and shelter care hearings shall be held by the court at 9:00 a.m., each morning and shall take precedence over other matters regularly assigned. Notice of such hearings may be provided by the detaining officer or as provided by the law or the Juvenile Rules. Said notice may be given by phone to any person entitled to the same if other means have *been* found by said officer to be ineffective.

In the event that any such hearing is required to be adjourned for any reason, it shall be continued to the next regular court business day, unless otherwise requested by counsel, a parent or guardian or custodian.

Hearings for juveniles detained pending hearing shall be assigned as soon as possible upon direction by the Court or assignment officer should the judge be unavailable.

8. Continuances of any proceeding shall be granted within the discretion of the judge, upon good cause shown upon written application or in open Court, either by a person entitled to notice or his counsel. The policy as reflected in the Juvenile Rules is that continuances should be avoided whenever possible unless the Court can find that the best interest of the juvenile will be served by granting such request.

9. Receipts for all payments of funds into the Juvenile Division shall be issued upon forms as provided by the Court. The depository of such funds as established shall be the Vinton County National Bank, McArthur, Ohio, in a checking account with consecutively numbered checks; provided that any funds from a devise, bequest, gift or grant received by the Juvenile Division for the purpose for which property may be accepted shall be separately maintained and accounted for.

10. The following rules are restricted to the child or children, subject to the jurisdiction of the Court.

If the child is detained by a law enforcement agency pending the filing of a complaint or those being placed with Children Services by virtue of Court order or commitments, then the following words and phrases are defined:

(a) Emergency Shelter Care means care for twenty-four hours a day for a period of not more than ten (10) days (Section 2151.311) and pertains to a legal detention of the child after the filing of a complaint and prior to a judicial determination as to the merits of the complaint (pre-adjudication).

(b) Temporary Custody means care for a period of not more than six (6) months depending upon the type of care, treatment or placement that the child may require, or can be provided in a certified foster home, or a foster home, approved by the Court for not more than sixty (60) days, or a certified organization or placement facility or family approved by the Court.(Section 21511.011; B-13 and B-10)(Post-disposition) Temporary custody may be terminated at any time at the discretion of the Court. Child placement may not be changed nor shall a child be removed from the jurisdiction of the Court, even temporarily, without prior written or oral approval of the Court.

(c) Permanent Custody means a transfer by Court order of all parental rights, duties and obligations, including visitation and obligation to support to Children Services Board and may be terminated only upon request of Vinton County Children Services Board.

A. Upon apprehension of a juvenile pursuant to law, a law enforcement agency may, in accordance with the procedure established by Rule IV, Section 2 of Rules and Procedure of the Juvenile Division of the Common Pleas Court of Vinton County proceed to deliver a child to emergency shelter care to be presented in Court on the next court day if apprehended after court hours, providing said officer shall have obtained the permission of the Intake Officer of this Court, or the judge, or a properly authorized officer of the Court to place said child in emergency shelter care, or as otherwise provided by these Rules.

B. Upon the assignment of post-adjudication and pre-dispositional investigation by the Court, the appropriate personnel of said agency shall submit such pre-dispositional report in writing within ten (10) working days of such assignment or file as much of said report as has been completed with an explanation or reason for incomplete report.

The person making such report shall meet with the Court in conference to review the written report, alternative dispositions suggested, situation, etc, at least one-half (1/2) hour prior to the dispositional hearing.

In cases concerning abused, neglected and dependent children, the Initial Plan required by Section 2151.412 (A) of the Ohio Revised Code shall be filed not later than five (5) working days after the filing of the complaint. The Comprehensive Reunification Plan required by Section 2151.412(C) of the Ohio Revised Code shall be filed not later than thirty (30) days after the Order granting temporary custody is entered as a matter of record.

C. When a child is placed in protective service or temporary custody of the Vinton County Children Service, unless otherwise specified in the order of the Court, the maximum period of such protective service or temporary custody shall be six (6) months from the date of the entry.

A progress report concerning said child shall be filed in writing with the Court at least every thirty (30) days, unless

otherwise directed by specific order, concerning the treatment and rehabilitative progress of said child and/or its family and suggestions or recommendations for alteration of program, custody, living arrangements, etc.

RULE 8: DIVERSION RULES OF PRACTICE AND PROCEDURE

Purpose of Diversion Programs of the Juvenile Court

The Ohio Revised Code adopted by the General Assembly of Ohio has declared a purpose of the Juvenile Court is to protect the public interest in removing the consequences of criminal behavior and the taint of criminality from children committing delinquent acts and to substitute therefore a program of supervision, care, and rehabilitation.

The Supreme Court of Ohio has adopted rules governing the procedures of the Juvenile Court and has prescribed that the rules are to be construed to protect the public interest by treating children as persons in need of supervision, care, and rehabilitation.

(A) Pursuant to Section 2151.01 of the Ohio Revised Code and Rules 1, 3, 9(a) 22, and 29(F)(2)(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore a program of care and rehabilitation for first-time offenders, the Juvenile Court hereby establishes a Delinquency Diversion Program.

Upon the filing of a delinquency complaint, it appears

- (1) that the alleged offender has no prior court experience;
- (2) that the complaint was filed by a law enforcement agency;
- (3) that the offense is minor and does not involve personal injury or property damage;
- (4) and does not involve restitution, payment of fine or court costs, the clerk may divert the case to a designated conference officer and issue complaint with the summons advising the alleged offender and his parents, guardian, or custodian to appear before the conference officer at a pre-arranged time for hearing. The conference is limited as to possible disposition and all decisions are subject to scrutiny and control of court.

If the child and his parents, guardian or custodian avail themselves of this privilege, they must obey the written or oral instructions and judgment of the conference officer.

If no further violations occur, the entire proceeding is determined to be without notation upon record of child.

(B) Pursuant to Section 2151.01 of the Ohio Revised Code and Rules 1, 3, 9(a), 22, and 29(F)(2)(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore a program of care and rehabilitation for first-time school truants, the Juvenile Court hereby establishes an Unruly Diversion Program for school truants.

Upon the filing of an unruly school truant complaint, if it appears

- 1) that this is the first unruly school truancy offense for the offender;
- 2) that the child has accumulated a total of eight unexcused days of absence;
- 3) that the child and his parents, guardian, or custodian were notified after five days of unexcused absences of the possible legal consequences of continued truancy,

the clerk may enclose with the complaint, a summons advising the alleged offender and his parents, guardian or custodian that the case is being diverted to a conference hearing at the resident school of the child before a court-appointed conference officer.

If the child and parents, guardian or custodian avail themselves of this privilege and an appropriate re-

entry into education program is affected during continuance, the case is dismissed without record. If student accumulates additional three days unexcused absences, notice is forwarded directly to court and citation for court appearance is issued to child and parents, guardian, or custodian for court disposition.

(C) Pursuant to Section 2151.01 of the Ohio Revised Code and Rules 1, 3, 9(a), 22, and 29)F)(2)(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore a program of care and rehabilitation for child who may be in danger of being abused or neglected, the Juvenile Court hereby establishes a Remedial Diversion Program for Adults.

Upon the filing of an abused or neglect complaint against parent, guardian, or custodian, if it appears

1. that the family has no prior court experience;
2. that the complaint was filed by a law enforcement agency or an approved agency.
3. that the child involved is in no present danger
4. and does not require involuntary removal of the child from the home environment

the clerk may divert the case to a designated conference officer of agency and issue complaint with the summons advising the alleged offender parents, guardian or custodian to appear before the conference officer of agency at a pre-arranged time for hearing. The conference is limited as to possible disposition and all decisions are subject to scrutiny and control of court.

If the parents, guardian, or custodian of the child avail themselves of this privilege of diversion, they must obey the written instructions and judgment of the conference officer or agency.

If the parents, guardian, or custodian of the child avail themselves of this privilege or conference and the conditions of complaint are remedied or removed during continuance, the case is dismissed without record. If conditions and terms are not heeded or followed and cause of complaint are not remedied or removed, notice is forwarded directly to court and citation for court appearance is issued to parents, guardian, or custodian of the child for further court proceedings.

RULE 9: COURT STAFF

1. The staff of the Court shall consist of such juvenile probation officers Vinton County Probation Department, deputy clerks, court reporter, intake officer, assignment commissioner, bailiff and such additional persons as may be appointed from time to time. Certain of the staff members may also be assigned for duties in the Probate Division. Nothing in these rules shall be construed as being prohibitive of same person in more than one capacity.

The juvenile probation officer and youth counselor shall have the duties assigned under these rules in addition to those provided by law. The Court shall control and supervise any volunteer services which may be made available to the Court from time to time.

2. The conduct, duties, hours, expenses, leaves of absence and vacations of staff shall be regulated by these rules and by direction of the judge, in matters for which these rules make no provision for the manner in which an act should be performed, and in the absence of a specific direction from the judge, the provisions the rules of the Probate Division shall apply.

RULE 10: NOTICE

Pursuant to Juvenile Rule 16(A) the Court adopts, effective April 1, 2002, the following Local Rule of Court to wit:

As alternative service by publication the Court adopts in addition to the use of newspaper publication, posting and mail to be accomplished by posting the notice in a conspicuous place in the Vinton County Courthouse, McArthur, Ohio, as well posting the notice in two (2) other public

places where the Court designates being the Vinton County Sheriff's Office and the McArthur Police Station.

The notice will be posted in all three locations for a seven (7) day period and hearing shall be held no less than seven (7) days after the last day of publication.

RULE 11: ACCESS RESTRICTION

1. The Court finds that pursuant to Ohio Rule of Superintendence 45 (E) that the Court can restrict public access to case documents if it finds by clear and convincing evidence that the presumption of public access is outweighed by a higher interest after considering the following:
 - a. Whether public policy is served by restricting public access;
 - b. Whether any state, federal, or common law exempts the document or information from public access;
 - c. Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interest, proprietary business information, public safety, and fairness of the adjudicatory process.
2. The Court finds that abuse, neglect, dependency cases have historically been considered nonpublic due to the sensitive nature of the proceedings. The damage to families and children due to the prejudicial nature of the proceeding outweighs the value of public access to such cases. The Court finds that the Rule recognizes these issues by specifically referring to these types of cases in its definition of "Personal identifiers". Furthermore, the Court's attempt to comply with the Rule by using initials has created confusion and an undue burden in the administration of these cases.
3. Based upon the above findings, the Court finds by clear and convincing evidence that all abuse, neglect, and dependency cases should be restricted from access by the public. The Court may Order a specific case to be a public record upon a Motion and good cause shown.
4. IT IS HEREBY ORDERED THAT all Abuse, Neglect, and Dependency cases shall be restricted from public access unless specifically Ordered by the Court after Motion and good cause shown.

RULE 12: COURT COSTS – SPECIAL PROJECTS

1. The Court finds that for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities, the rehabilitation of existing facilities, the acquisition of equipment the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges and magistrates, and other related services.
2. Therefore, pursuant to the authority vested in the Court of Ohio Revised Code 2303.201(F)(1), the Court orders that there be assessed as court costs an additional sum of \$25.00 per case effective January 1, 2012. More specifically, \$5.00 of the \$25.00 additional court costs shall be deposited in a separate fund to be used for the purpose of funding mediation and/or dispute resolution services. The remaining \$20.00 shall be deposited into this Court's special projects fund.
3. It is further ordered that effective January 1, 2012, all funds collected from the assessment be paid to the Treasurer of Vinton County for deposit into a general projects fund as specified above which shall accumulate and only be disbursed upon an order of the Court in amounts no greater than the actual cost of the special projects which the Court deems appropriate to fulfill the objectives of this order.

RULE 13: EXPEDITED JUVENILE COMPETENCY PROCEEDINGS

1. The purpose of these rules is to expedite proceedings under Sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.
2. Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.
3. Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.
4. Upon the filing of a motion for a determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such times as the child attains competency or the proceeding is dismissed.
5. Note the following section of the Ohio Revised Code:
 - a. 2152.51 [Effective 9/30/2011] Definitions regarding child competency proceedings.
 - b. 2152.52 [Effective 9/30/2011] Determination of competency.
 - c. 2152.53 [Effective 9/30/2011] Time periods for determination; hearing.
 - d. 2152.54 [Effective 9/30/2011] Evaluators; qualifications.
 - e. 2152.55 [Effective 9/30/2011] Evaluation process.
 - f. 2152.56 [Effective 9/30/2011] Competency assessment report.
 - g. 2152.57 [Effective 9/30/2011] Extension for filing report; admission into evidence; expenses; objections.
 - h. 2152.58 [Effective 9/30/2011] Hearing to determine competency.
 - i. 2152.59 [Effective 9/30/2011] Procedure upon determination of competency or lack of competency.

RULE 14: CASE MANAGEMENT PLAN

Pursuant to CP Rule 9 (A), the following case management plan is adopted. Early Management Conference called *an* initial appearance/status conference/pre-trial shall be scheduled by the Court, for all civil, criminal, delinquent, domestic relations cases which are at issue as soon as possible by this Court. If it is an abuse, dependency, neglect hearing, an initial appearance shall be set as soon as possible, a pre-trial/adjudicatory hearing set within 30 to 60 days from the initial filing of the complaint and a final dispositional hearing set within 90 days from the original filing date of the complaint. At the initial appearance or at pre-trial, the Court may refer the matter to mediation in accordance with Local Rule 2007-1. At the pre-trial, the Court will set a final hearing date with discovery deadlines. For cases which are not at issue, or which the defendants have been served but are in default, the Court shall advise counsel appropriately, and schedule the matter for further review, on a date certain. In criminal or delinquency hearings, the case management conference will be at pre-trial hearing. The pre-trial hearing will be scheduled at arraignment.

RULE 15: JURY MANAGEMENT PLAN

The responsibility for administration of the jury system shall be vested in the Judge and

Clerk who shall coordinate all procedures.

All procedures concerning jury selection and service shall be governed by Ohio Rules of Court and appropriate statutes.

RULE 16: MEDIATION

The General, Domestic Relations, Juvenile and Probate Divisions of the Common Pleas Court and County Court (hereinafter "Courts") adopt Local Rule 2007-1 effective January 1, 2007. Through Rule 2007-1 the Courts incorporate by reference the O.R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

- a) Definitions - All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this court through this local rule including, but not limited to the following:
- 1) "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.
 - 2) "Mediator" means an individual who conducts a mediation.
 - 3) "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.
 - 4) "Proceeding" means either of the following:
 - a. Judicial, administrative, arbitral or other adjudicative process. including related pre-hearing and post-hearing motions, conferences, and discovery;
 - b. A legislative hearing or similar process.
- b) Purpose: To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for Courts' cases through the use of mediation. To accomplish this goal, Court Mediation Services has been established.
- c) Scope: At any time any action under the jurisdiction of these courts may be referred to mediation by Courts. The following actions shall be exempted from mediation upon request of any party:
- 1) Cases in which one of the parties is mentally ill;
 - 2) In emergency circumstances requiring an immediate hearing by a jurist, or
 - 3) Cases in which the parties have achieved an executed Agreed Judgment Entry.
- d) Case Selection
- 1) Referral Process
 - a. The court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by "Notice of Scheduled Mediation" which shall, at a minimum indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
 - b. A case in this court may be referred to Court Mediation Services in the following manner:
 - i. For formal proceedings, the court may order parties to participate in the mediation process.
 - ii. For formal proceedings, the court upon written or oral motion to the court may order parties to participate in the mediation process.
 - iii. For informal cases (pre-filing), a referral to Court Mediation Services may be made by

court personnel.

- c. The mediation shall be communicated via a "Notice of Scheduled Mediation" which shall, at a minimum indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the referral to mediation order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
- 2) Eligibility of Cases: The Court Mediation Services will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.
- 3) Mediator Selection and Assignment: The following methods may be used to determine the mediator for the case:
 - a. The court mediator may facilitate the mediation.
 - b. The court randomly assigns a mediator to the case from the court's roster of approved mediators.
 - c. 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.
 - d. Parties may select a mediator from the court roster.
- e) Procedures: In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court Mediation Services, mediation will be scheduled. 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.
 - 1) The court shall utilize procedures for all cases that will: Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
 - 2) Screen for domestic violence both before and during mediation.
 - 3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
 - 4) The Court Mediation Services will create a brochure to be displayed in public areas and have available by mediators and other staff to distribute to clients as appropriate. The brochure will include:
 - a. local attorney referral contact information,
 - b. information regarding Children Services and
 - c. resource information for local domestic violence prevention, counseling, substance abuse and mental health services.
 - 5) The Court shall prohibit the use of mediation in any of the following:
 - o As an alternative to the prosecution or adjudication of domestic violence;
 - a. In determining whether to grant, modify or terminate a protection order;
 - b. In determining the terms and conditions of a protection order; and
 - c. In determining the penalty for violation of a protection order.
- f) Party/Non-Party Participation
 - 1) Parties to informal cases may voluntarily attend mediation sessions.
 - 2) 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.
 - 3) A judge, magistrate and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.
 - 4) 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.

- 5) If the opposing parties to any case are:
 - a) related by blood, adoption, or marriage;
 - b) have resided in a common residence; Or
 - c) 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.
- 6) 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).
- g) Confidentiality/Privilege
 - 1) All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10, O.R.C., the Rules of Evidence and any other pertinent judicial rule(s).
 - 2) All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10 and the Rules of Evidence and any other pertinent judicial rule(s). In furtherance of the confidentiality set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session. If a new or different person(s) attend a subsequent session, their signatures shall be obtained prior to proceeding further in the process. A blank "Agreement to Mediate" form is available for review by any prospective participant by contacting the Courts.
- f) Mediator Conflicts of Interest: In accordance with R.C. 2710.08(A) and (B). the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator's impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and request that the assigned Judge or Magistrate appoint another Mediator from the list of qualified Mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).
- g) Termination: If the assigned Mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this Court.
- h) Stay of Proceedings: All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.
- i) Continuances
 - 1) 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 case may be continued by the Mediation Coordinator 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 45 days of the initial referral to mediation, then the request shall be made to the Mediation Coordinator. If the requested date is more than 45 days after the referral to mediation, then the request must be made to the judge or magistrate assigned to the case.

- 2) It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the Judge, Magistrate or staff mediator, where applicable, for good cause. Extension of time for compliance with deadlines not involving a court hearing will be permitted only on a showing to the court that the extension will not interrupt the scheduled movement of the case. Requests for continuances and extensions, and their disposition, will be recorded in the file of the case. Where continuances and extensions are requested with excessive frequency or insubstantial grounds, the court may adopt one or all of the following procedures:

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

- j) Mediation Case Summary: Attorneys may, at their option, or must if required on a specific case by the judge and/or magistrate, submit a "Mediation Case Summary" to the mediator which shall contain the following: Insert applicable provisions, such as:

- 1) Summary of material facts.
- 2) Summary of legal issues.
- 3) Status of discovery.
- 4) List special damages and summarize injuries or damages.
- 5) Settlement attempts to date, including demands and offers.

- k) Mediation Memorandum of Understanding: The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel (if the "Mediation Memorandum" is signed it will not be privileged pursuant to R.C. 2710.05 (A) (1)). The written "Mediation Memorandum of Understanding" may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counselor with parties or an officer of the court will be regarded unless made in open court.

- l) Mediator Report: At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following:

- 1) Whether the mediation occurred or was terminated;
- 2) Whether a settlement was reached on some, all or none of the issues; and
- 3) Attendance of the parties.
- 4) Future mediation session(s), including date and time.

- m) Qualifications

- 1) Qualifications: To be a court approved mediator the following qualifications apply:

- a. Commitment to Continuing Education.
- b. Membership in a Mediation Association.
- c. Minimum number of years mediating a specific type of case(s). etc.

- 2) List of Qualified Mediators: The court maintains a list of qualified Mediators which shall be maintained by the Courts and a copy shall be distributed to all Judges and Magistrates of the Court.

- a. All those on the list of qualified mediators shall submit to the Courts a regularly

updated Curriculum Vitae (including a list of training related to the field of dispute resolution and professional or association memberships) which CV shall be provided by the Courts to those requesting information on an assigned Mediator's qualifications to mediate a dispute pursuant the requirements set forth in O.R.C. 27 10.08(C).

b. The Court will review applications of person seeking to be added to the list of qualified Mediators in accordance with the procedures adopted by the Judges of the Court.

n) Fees and Costs: All costs shall be determined by the court, if applicable. The parties may agree between themselves to apportion the costs of the mediation. Unless otherwise agreed by the parties, the mediation costs shall be shared equally. In the event that the parties cannot agree, the court shall determine the apportionment of the mediation costs to the parties. The court may waive costs for the parties who are unable to pay. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

o) 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.

RULE 17: STANDARD PARENTING TIME SCHEDULE

The Court now determines that the following Rule 17 for the Common Pleas Court of Vinton County be established and promulgated, and that it supersedes existing Rule 17. This rule shall apply in the Juvenile and Domestic Relations Divisions of this Court.

The Clerk shall make this rule available to any person requesting it for examination, and may charge a reasonable photo-copying fee if copies are requested.

This rule shall take effect on January 9, 2006. Any provision of this rule which is inconsistent with other rules adopted by courts superior, to this court shall be deemed severable and modified so as to be consistent with such rule of a superior court.

1) Local Parenting Time: The following schedule is applicable to those situations where the parties live within 150 miles of each other. The primary goal of any parenting time schedule is to maintain contact between the non-residential parent and the child(ren). The optimum parenting time schedule is where the parties agree to be as flexible as possible.

2) Regular Parenting Time:

a) The non-residential parent shall have parenting time on alternate weekends from Friday, 6:00 p.m. until Sunday, 6:00 p.m.; however, if the preceding Friday or the following Monday of that weekend is a holiday during which the non-residential parent is scheduled to have parenting time, then parenting time will be expanded to include the holiday by beginning Thursday evening at 6:00 p.m. (if Friday is the holiday) or shall extend through Monday to 6:00 p.m. (if Monday is the holiday).

b) The non-residential parent will have mid-week parenting time of 5:00 p.m. to 8:00 p.m. on Wednesday evening every week. At the discretion of the non-residential parent, if he or she has the facilities and is able to take the child to school on Thursday morning, this parenting time period may extend all night Wednesday and the non-residential parent must provide transportation and deliver the child to school on Thursday morning or to the residence of the residential parent or to daycare by 9:00 a.m. Thursday morning.

3) For the following listed holidays:

1. Martin Luther King Jr. Day
2. Easter or Passover
3. July 4th
4. Labor Day
5. President's Day
6. Memorial Day

7. Veteran's Day

the parenting time schedule shall be: For the years ending with an odd number, the non-residential parent shall have parenting time on the above odd numbered holidays, and the residential parent shall have parenting time on the, above even numbered holidays. For the years ending with an even number, the non-residential parent shall have parenting time on the above even numbered holidays, and the residential parent shall have parenting time on the above odd numbered holidays. Parenting time shall be from 6:00 p.m. the day before the holiday to 6:00 pm. of the holiday except that with notice to the other parent, the 4th of July return may be delayed until the following morning at 9:00 a.m.; however, where a non-residential parent's work schedule would not permit this parenting time, the holiday parenting time will be restricted to the hours the non-residential parent can actually spend with the child(ren) between 9:30 a.m. to 8:30 p.m. (except July 4th as noted above) unless notice is given that the child(ren) will be staying with grandparents during the holidays parenting time. Holidays shall take precedence over regular weekend parenting time.

4) Days of Special Meaning: Mother's Day shall always be with the children's mother and Father's Day shall always be with the children's father, regardless of the weekend parenting time schedule. If the parties cannot agree, the times shall be 9:30 a.m. to 6:00 p.m.

a) The child(ren)'s birthdays shall always be with the mother in years ending with even numbers and always with the father in years ending with odd numbers. The nonresidential parent must provide one week's notice of the intent to have parenting time for the birthday. If the parties cannot agree, the parenting time shall be 10:00 a.m. to 7:00 p.m. if the birthday falls on a non-school day for the child and a non-working day for the designated parent. If it is the child's school day or the designated parent's work day, the parenting time shall be 5:00 p.m. to 8:00 p.m. The child(ren)'s birthday parenting time schedules take precedent over all other designated parenting times. Brothers and sisters shall be permitted to, attend the birthday event.

5) Extended Holiday Periods. There are certain holiday periods where school age children receive additional time off from school during spring breaks, Thanksgiving and Christmas.

a) For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd numbers, the residential parent shall have parenting time as follows:

1. Thanksgiving break: Wednesday before Thanksgiving from 6:00 p.m. to Friday after Thanksgiving at 6:00 p.m.

2. Spring break: 6:00 p.m. the first day of the break through 6:00 p.m. of the last day before school vacation ends. If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the, spring break dates.

6) Christmas Parenting Time.

a) For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd number; the residential parent shall have Christmas parenting time from 6:00 p.m. on the last day before Christmas break until 2:00 p.m. on December 25.

b) For the years ending in odd numbers, the non-residential parent shall have, and for years ending in even numbers, the residential parent shall have Christmas parenting time from 2:00 p.m. on December 25 until 6:00 p.m. on January 1.

c) If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the Christmas break dates.

7) Summer Vacations.

a) The non-residential parent shall have the opportunity to have the child(ren) for, five weeks during the summer vacation schedule which may be exercised in two blocks of no more than three weeks separated by at least 14 days. During summer vacation there will be reciprocal weekends and mid-week parenting time for the residential parent. Provided also that the parties shall each have two weeks of uninterrupted parenting time with the children without parenting time with the other.

b) Both the residential parent and the non-residential parent shall provide the other party with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before

April 15 of that year The non-residential parent's choice of vacation has ,priority over the residential parent's choice unless the residential parent's vacation is during a mandatory shutdown of-that party's employer.

8) Transportation: The non-residential parent is responsible for all transportation associated with mid-week parenting time. The transportation associated with all other parenting times shall be equally divided between the parents as follows: The child(ren) shall be picked up at the home of the residential parent by the non-residential parent, or a designated driver, at the beginning of the non-residential parent's time The residential, parent, Or a designated driver, shall pick up the children) from the non-residential parent's home at the beginning of the residential parent's time

LONG DISTANCE PARENTING TIME: For Parties Residing Over 150 Miles Apart

The intent of long distance parenting time (over 150 miles) is the same as when the parties are located reasonably close to one another and that is to maintain contact between the child(ren) and the non-residential parent. Both parties are encouraged to be as flexible as possible concerning parenting time.

1) Extended Holiday Time:

a) Thanksgiving: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday, 6:00 p.m.

b) Spring Break: From 6:00 p.m. of the first day of the break to 6:00 p.m. of the day before school starts.

c) Christmas Break: From 3:00 p.m. Christmas Day (or Hanukkah) to 6:00 p.m. on the last day before school resumes after New Year's Day.

d) If the child is not of school age, the school schedule for the school district in which the residential parents resides shall determine the Spring and Christmas break dates.

2) Summer Vacation: The non-residential parent shall have seven (7) weeks of summer parenting time with the child(ren) which shall be exercised at the discretion of the non-residential parent in two blocks of no more than four weeks separated by at least two weeks. During summer vacation there will be reciprocal weekends for the residential parent if travel time is less than six hours round trip). In any event, with school age children, the child shall be returned to the residential parent at least one week prior to the start of school. The only exception would be where the residential parent's vacation is controlled by a mandatory shut-down of employer's operations. The non-residential parent shall provide the residential parent with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before April 15th of that year.

3) Additional Vacation Times: The non-residential parent may exercise additional parenting time with the child(ren) as follows:

a) Where the travel time does not involve more than six hours (round trip), the non-residential parent may exercise each year one period of parenting time for a three day weekend during a holiday otherwise designated for a non-residential parent under section 3 of the Standard Parenting Time Schedule beginning at 4:30 p.m. the day before the first day of the three day weekend to 8:30 p.m. of the last day of the three day weekend. The non-residential parent must provide a thirty day notice of intent to exercise this parenting time

b) If the non-residential parent elects to travel to the area where the child(ren) normally reside, the non-residential parent may exercise parenting time pursuant to section 4 of the Standard Parenting Time Schedule except the following titles would apply:

1. Mother's/Father's Day: 1:00 p.m. to 5:00 p.m.;

2. Non-residential Parent's Birthday:

a. 1:00 p.m. to 5:00 p.m. on non-school days

b. 6:00 p.m. to 8:30 p.m. on school days

c. if both parents have same birth date, they are to alternate

3. Children's Birthday:
 - a. 1:00 p.m. to 5:00 p.m. on non-school days
 - b. 6:00 p.m. to 8:30 p.m. on school days
- c) If the non-residential parent intends to exercise this additional parenting time, fourteen (14) days notice must be given to the residential parent. Unless the order or decree specifies otherwise, the non-residential parent shall be responsible for the costs of transportation for any parenting time exercised under this Section.
- 4) Transportation: Where the parties reside more than 150 miles apart, the parties will divide the hours of transportation and the expense as evenly as possible.

PARENTING TIME WITH INFANTS (AGE BIRTH TO 18 MONTHS)

The court recognizes that parenting time with infants raises special concerns for the parties because of the care, skill and needs of the baby or infant. During this most formative of times it is important that both parents are able to Observe, share and participate in activities with the infant. The court encourages the non-residential parent to have frequent short visits with the infant at the beginning, with more and longer visits as the infant grows and the comfort level for the infant and parent increases.

- 1) Birth to twelve months: The non-residential parent shall have parenting time from 2:00 p.m. until 6:00 p.m. on Sundays and 5:00 p.m. to 8:00 p.m. on Wednesdays, every week
- 2) Twelve months to 18 months: The non-residential parent shall have parenting time from 10:00 a.m. on Saturdays to 6:00 p.m. on Sundays, and from 5:00 p.m. to 8:00 p.m. on Wednesdays, every week
- 3) After 18 months: Regular parenting time schedule applies.
- 4) Special Situations: If the parties have an infant who is younger than 18 months of age and either parent does not believe this infant schedule is appropriate in their circumstances, then, upon the request of either parent; the court will schedule an oral hearing for the purpose of establishing a reasonable parenting time schedule. Said hearing will be scheduled for 30 minutes allowing each parent 15 minutes to present his/her case.

GENERAL RULES: APPLICABLE TO ALL PARENTING TIME ORDERS

- 1) Notice. Parents have a right to visit their child(ren) and the child(ren) has the right to prepare for and expect a visit. Notice of the intent not to visit shall be given 24 hours in advance. The child(ren) must only be available for 30 minutes past the scheduled pick up time unless prior arrangements have been made by the parties.
- 2) Special situations. When the residential parent will be gone overnight regardless of the age of the child(ren), the non-residential parent shall be afforded the opportunity to exercise overnight parenting time.
- 3) Telephone. Each parent shall have telephone contact of reasonable frequency and duration with the child(ren) while in the physical custody of the other parent. Each parent shall provide the other with appropriate telephone numbers.
- 4) Address. Each parent shall provide the other parent and the Court with any change in residential address promptly and in accordance with the - Notice of Relocation required by the Ohio Revised Code.

RULE 18: PROCEDURE IN ACTION FOR CUSTODY

Whenever the Juvenile Court exercises jurisdiction in custody cases pursuant to Section 2151.23(A)(2) of the Ohio Revised Code the following procedures and rules shall apply:

- 1) There shall be an advance security deposit requirement of \$100.00
- 2) At the time of the filing of the complaint for custody the complaint shall be accompanied by a custody affidavit and financial affidavit.
- 3) In all regards any action commenced under Section 2151.23(A)(2) of the Ohio Revised Code,

shall proceed in accordance with the Rules of Civil Procedure.

The foregoing rules, the RULES OF PRACTICE AND PROCEDURE IN TRAFFIC CASES FOR ALL COURTS INFERIOR TO COMMON PLEAS, the JUVENILE RULES, the RULES OF CRIMINAL PROCEDURE, adopted by the SUPREME COURT OF OHIO as they are effective, and the statutes of the State of Ohio form the basis for the exercise of jurisdiction conferred upon this Division of the Court.

Copies of this entry shall be provided to the judges of this county, members of the bar of this county, the Administrative Assistant to The Supreme Court of Ohio, the Ohio Association of Juvenile Court Judges, and the presiding judge, Court of Appeals of Vinton County, Ohio, the Sheriff of Vinton County, Ohio, the Chief of the Police Department of the Village of McArthur, the Village of Hamden, Village of Wilkesville, Village of Zaleski, Officer of the Ohio State Highway Posts 70, 40, 5, and any other person or agency requesting same.

These rules shall be effective January 1, 2012 and all prior rules are ordered superseded.

Enter: January 1, 2012

IN THE COURT OF COMMON PLEAS, VINTON COUNTY, OHIO

JUVNEILE DIVISON

FILED

OCT 01 2014

In re: Local Rules of Procedure

GENERAL ORDER

N Robert Grillo
JUVENILE JUDGE
VINTON COUNTY, OHIO

In according with Rule 5 of the Ohio Rules of Superintendent for the Courts of Ohio, the Court adopts Rule 19 of Procedure as follows:

RULE 19 FILING OF UNIFORM TRAFFIC TICKETS AND UNIFORM MINOR
MISDEMEANOR CITIATIONS

- (A) Uniform Traffic Tickets and Uniform Minor Misdemeanor citations shall be filed with the Court at the end of each officer's tour of duty and shall be filed in a timely manner with the clerk of the Vinton County Juvenile Court.
- (B) Any law enforcement agency with capability to print an electronic citation (e-citation) may print and delivery the e-citation to the Court pursuant to Rule 19 (A).
- (C) The Court still requires a leads printout and a statement of facts on each citation.

This rule is adopted for use in the Vinton County Court of Common Pleas, Juvenile Division of Vinton County, Ohio. This Rule shall take effect as of October 1, 2014

Notice and opportunity for comment shall be promptly afforded.

Vinton County Juvenile Court
100 East Main Street
McArthur, OH 45651
740-596-5480



Judge N Robert Grillo

CC: Local Practitioners of the Bar
Local Law Enforcement Agencies
Clerk of Supreme Court of Ohio
Deputy Clerk of the Vinton County Juvenile Court

IN THE COURT OF COMMON PLEAS, VINTON COUNTY, OHIO

JUVENILE DIVISION

FILED

JUL 11 2017

N Robert Grillo
JUVENILE JUDGE
VINTON COUNTY, OHIO

In RE: Local Rules of Procedure

GENERAL ORDER

In according to Rule 5.01 of the Ohio Rules of Superintendent for the Courts of Ohio, the Court adopts Rule 20 of Procedure as follows:

RULE 20 LOCAL CHILD RESTRAINT RULE:

Each Court or division of a court shall adopt a local rule governing the use of physical restraints on children appearing in court proceeding before the court or division. The Local rule shall do all of the following:

- (A) Create a presumption that physical restraint shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:
 - (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom.
 - (2) There is a significant risk the child will flee the courtroom.
- (B) Require the judge or magistrate to permit any party, as defined in Juv. R. 2(Y), to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.
- (C) If physical restraint is found necessary by the judge or magistrate, require the restraint 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.

This rule is adopted for use in the Vinton County Court of Common Pleas, Juvenile Division of Vinton County, Ohio. This Rule shall take effect retroactive to June 1, 2017.

Notice and opportunity for comment shall be promptly afforded.

Vinton County Juvenile Court

100 East Main Street

McArthur, OH 45651

740-596-5480

N Robert Grillo

Judge N Robert Grillo

CC: Local Practitioners of the Bar

Local Law Enforcement

Clerk of Supreme Court of Ohio

Deputy Clerk of the Vinton County Juvenile Court