

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

February 1, 2024 Revision

Honorable Linda M. Knepp, Administrative Judge
Honorable Robert J. Jones Jr., Judge

Pursuant to Rule 45 of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152 of the Ohio Revised Code, and Rule 5 of the Rules of Superintendence for Courts of Ohio, the following rules are hereby adopted by the Juvenile Division of the Lucas County Court of Common Pleas, effective February 1, 2024 and entered upon the Journal of the Court.

These rules supersede any other previously adopted rules and the same are hereby repealed.

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JUVENILE RULE 1

COURTHOUSE AND COURTROOM DECORUM

- 1.1 Proper decorum in the Court is necessary to the administration of the Court's business.
- 1.2 No radio, video, taking of photos, television transmission, live streaming, or recording by mobile or voice recording device (other than the Court's audio recording of the proceedings) shall be permitted without prior judicial approval.

When a member of the media requests to be present at a hearing and wishes to live broadcast, record video for later broadcast, record audio for later broadcast, and/or take photographs of courtroom proceedings in said legal proceeding, the representative for the media affiliation/company, shall complete and submit a media request form, **attached hereto as Appendix A.**

Once received, the Judge or Magistrate will review and issue an order regarding the request. The Order shall provide specific instructions regarding the recording of the proceeding. Requests should be submitted to the Court as soon as possible, but no later than three (3) days prior to the scheduled hearing, for which the media is requesting to appear and to record any part of the proceeding.

- 1.3 Spectators shall not be allowed in the courtroom without the consent of the presiding Judge or Magistrate. No child shall be permitted to enter or remain in any courtroom unless accompanied by an adult. In every case of an adult charged with a criminal offense, the right of public trial and hearing shall be observed, with the right to trial by jury as provided by law or the Rules of Criminal Procedure.
- 1.4 Food and beverages are prohibited in the courtrooms during all hearings. Smoking is prohibited throughout the building at all times. Food and beverages are permitted as indicated throughout the first floor lobby.
- 1.5 Persons committing any violation of proper conduct shall be removed from the courtrooms or the waiting areas by security personnel charged with enforcement of this rule.
- 1.6 All parties and counsel shall be prompt and present before the Court at the assigned hearing time.
- 1.7 If a party or counsel is not present in Court at the assigned hearing time, the case may commence without counsel, may be continued, or may be dismissed, as determined by the presiding Judge or Magistrate.
- 1.8 When any party or counsel is going to be late for hearing, they must make a reasonable effort to notify the presiding Judge or Magistrate as soon as is practical to explain the reason for their tardiness. The presiding Judge or Magistrate may take action as they determine appropriate per rule 1.7 above.
- 1.9 Repeated lateness or absences may result in the removal of counsel from the appointment of cases in the Lucas County Juvenile Court.

- 1.10 Upon entering courtrooms, persons must discontinue all cell phone use and cell phones are to be turned off until exiting the courtroom.
- 1.11 Failure to comply with any provision of this rule may result in personal devices being confiscated until the conclusion of the proceeding; and/or a finding of civil contempt under Ohio Revised Code § 2705, subject to all penalties permitted under law.

JUVENILE RULE 2
HOURS OF OPERATION

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

* The Juvenile Court shall open on Fridays at 8:00 a.m. to accommodate the Juvenile Traffic Offender docket.

2.2 The Court shall sit in session between the hours of 8:30 a.m. - 12:00 noon and 1:00 p.m. - 4:30 p.m. At the discretion of the Judges or Magistrates, hearings may be scheduled at other times.

JUVENILE RULE 3

COURT RECORDS, RECORDINGS, AND TRANSCRIPTION FEES

- 3.1 Probation Reports: Probation reports and records of the probation department shall be considered confidential information and shall not be made public. The inspection of probation records shall be limited to those authorized pursuant to R.C. 2151.14, or by Court Order. A party wishing to inspect probation records must file a motion with the Court.
- 3.2 Maintenance of Official Cases: The records of official cases shall be maintained as provided by law (R.C. 2151.18, Sup. R 26 and Sup. R 44 - 47) and as provided by local rules of this Court.
- 3.3 Court Records: Case documents as defined by the Ohio Rules of Superintendence (Sup. R 44) involving juveniles shall be available to the parent(s), custodian(s), guardian(s), and attorney(s) of record, of any child affected by any order of the proceeding. Otherwise, such records shall not be available to any person except by order of the presiding Judge, Magistrate or by legal process from a court of competent jurisdiction.

Court Records Available to Victims or Victim's Representative (R.C. 2930.063): A victim has the right to receive a copy of the certificate of judgment and the judgment entry from the clerk at no cost to the victim. Copies of other case documents may be requested and are subject to the approval of release by the presiding Judge, Magistrate or by legal process from a court of competent jurisdiction.

- 3.4 Adult Cases (contributing to the delinquency of a minor cases): The records of these cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.
- 3.5 Official Cases: All official matters filed in the Juvenile Division shall be assigned a case number.
- 3.6 Unofficial Cases: All cases designated as unofficial by the Court shall not be subject to the provisions of the foregoing rules; and no person shall have access to such cases without an order of the Judge.
- 3.7 Records of Proceedings: Pursuant to R.C. 2301.20 and Juv. R. 37, a complete record of all testimony, or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device.
- 3.8 No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of an appeal or as authorized by the Court.
- 3.9 If a request for a transcript is for purposes of an appeal, the court reporter will certify the Docketing Statement by indicating an estimated number of pages and how much time is needed to complete the transcript.

In delinquency and permanent custody cases where the requesting party is indigent, the transcript is prepared and the Court is billed.

In all other cases, the attorney or party making the request will be advised by the court reporter of the estimated cost of the transcript and a deposit is required prior to the preparation of the transcript. **See attached Appendix B** for a breakdown of these costs.

3.10 All requests for transcripts must be made by filing a written Motion with the Court.

The Motion should specify who is responsible for payment. No transcript shall be prepared unless ordered by the Court. The same rules apply as in appeal cases: in delinquency and permanent custody cases where the requesting party is indigent, the transcript is prepared and the Court is billed; in non-indigent cases, or cases in which indigency status is not a factor for purposes of transcript payment, a deposit is required prior to preparation of the transcript.

3.11 The policy of this Court is that indigent parties shall have equal access to transcripts/recording as to that of non-indigent parties, as authorized by applicable statute, rule, and case law. All transcripts fully or partially paid by the Court must be approved by Judge's order.

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

3.13 Access to Recordings and Transcripts by Victims (R.C. 2930.063): Any criminal or delinquency proceeding in which a video or audio recording of the court's proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the video recording or audio recording for the actual cost to copy the video recording or audio recording.

If a transcript of the court proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the transcript at the same reduced cost that is available to a party to the case.

JUVENILE RULE 4

FILING REQUIREMENTS, COURT COSTS, FILING FEES, SERVICE, CASE TIMELINES AND INTERPRETER SERVICES

- 4.1 The Court shall not be placed in the position of initiating complaints by its staff; thereby promoting the conclusion that cases are being started by the Court, and thereby casting the Court in a non-judicial character, with the exception of necessary filings submitted by the Juvenile Probation Department with regard to violation of terms of probation or court orders.
- 4.2 The Court may require the execution of forms as it shall prescribe to be filed with any pleading or motion filed with the Clerk. No pleading or motion shall be accepted for filing until the information requested in such forms shall be provided, unless waived by presiding Judge or Magistrate.
 - A. All pleadings, motions, and judgment entries filed Pro Se by the public shall be legibly printed or typewritten, and double spaced on 8-1/2" x 11" paper. The caption in every pleading, motion and judgment entry shall contain the case number, name, address, zip code, date of birth, and the last four digits of the social security number of each party. The face page of all filings shall provide a top margin of at least three (3) inches to permit the Clerk of Courts to add time stamp imprints.
 - B. All pleadings, motions and judgment entries filed by an attorney shall include the name of the attorney, the firm name (if any), office address, office telephone number, office facsimile number, attorney's Ohio Supreme Court number, and attorney's e-mail address (if any). The face page of all filings shall provide a top margin of at least three (3) inches to permit the Clerk of Courts to add time stamp imprints.
 - C. It is the sole responsibility of the counsel of record or party to the action to assure the omission of personal identifiers from any document filed with the Court. Any request to restrict public access to information containing personal identifiers must be made by written motion. The Court may schedule a hearing upon the filing of a motion to restrict public access.
 - D. All Complaints to Establish Parent/Child Relationship and Motion to Establish Allocation of Parental Rights and Responsibilities shall be accompanied by the following:
 1. Request for genetic testing, copy of genetic test results, or confirmation that Affidavit Acknowledging Paternity has been filed and not rescinded,
 2. Completed Civil Case Questionnaire,
 3. Completed UCCJEA Affidavit,
 4. Completed Personal Identifier Information Form,
 5. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or a Completed IV-D Application for Child Support Services, and
 6. Appropriate Praecept for Service.
 - E. All Complaints to Establish the Allocation of Parental Rights and Responsibilities shall be accompanied by the following:
 1. Copy of document(s) establishing parentage,
 2. Completed Civil Case Questionnaire,
 3. Completed UCCJEA Affidavit,
 4. Completed Personal Identifier Information Form,

5. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or a Completed IV-D Application for Child Support Services, and
6. Appropriate Praecept for Service.

F. All Motions to Modify the Allocation of Parental Rights and Responsibilities (i.e. change of custody or change in parenting time/visitation) shall be accompanied by the following:

1. Completed Civil Case Questionnaire,
2. Completed UCCJEA Affidavit,
3. Completed Personal Identifier Information Form,
4. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or a Completed IV-D Application for Child Support Services, and
5. Appropriate Praecept for Service.

G. All Complaints/Motions to Intervene and/or Custody/Visitation filed by third parties shall be accompanied by the following:

1. Completed Civil Case Questionnaire,
2. Completed UCCJEA Affidavit,
3. Completed Personal Identifier Information Form,
4. Completed home study packet,
5. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or a Completed IV-D Application for Child Support Services, and
6. Appropriate Praecept for Service.

H. All Motions to Modify Child Support shall be accompanied by the following:

1. Arrearage statement from the Child Support Enforcement Agency ("CSEA"), or a Completed IV-D Application for Child Support Services, and
2. Appropriate Praecept for Service.

I. All Motions for Mistake of Fact hearing shall be accompanied by the following:

1. Copy of the administrative order to which the petitioner is objecting, and
2. Appropriate Praecept for Service.

J. It shall be the duty of the attorney or filing party to file sufficient copies of the pleading, motion or judgment entry and accompanying documents so as to be served on all defendant(s)/respondent(s).

K. Failure of a party or attorney to correctly follow the aforementioned provisions may result in dismissal of the pleading, motion, or judgment entry.

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

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

4.5 Pursuant to Juv. R. 16(A) service by publication shall be made by posting and mailing. Upon the filing of an affidavit, the clerk shall cause service of notice to be made by posting on the Lucas County Juvenile Court Clerk website at <https://www.co.lucas.oh.us/3195/Court-Postings-Legal-Notices>, a section designated for such purpose.

The notice shall be posted in the required locations in a conspicuous place and manner for seven (7) consecutive days prior to the date of the hearing. The clerk shall also cause the summons and pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served, and obtain a certificate of mailing from the United States Postal Service.

4.6 Deposit of Security for Costs and Filing Fees per R.C. 2323.31 & 2323.311:

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

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

If the initiating party is unable to pay the filing fee as set forth in this rule, the party may file a Motion to Waive the Filing Fee and/or Costs with Attached Affidavit (available on our website, in the Clerk's Office and **attached as Appendix C**.) The Affidavit must be completed to the best of the Affiant's ability and will be filed along with the underlying action or proceeding. The Motion to Waive the Filing Fee and/or Costs with Attached Affidavit will be reviewed by the Duties Magistrate within 24-48 hours of filing and, if approved, the requesting party will be notified and the underlying action or proceeding will be set for hearing. If denied, the requesting party will be notified and given thirty days (30) to pay the costs/filing fee, before the matter will be set for hearing. If denied and no costs/filing fee is paid, the action or matter will be dismissed.

4.7 Costs and Filing Fees on Pleadings Subsequent to the Initial Pleading and Emergency and/or *ExParte* Hearing Requests:

A. Motions and pleadings filed with the Clerk subsequent to the filing of the initial complaint or motion:

1. Petitioner
 - a. No fee shall be assessed on any filings filed by a Petitioner that are filed after the initial complaint or motion is filed, as long as they are filed before the initial matter is resolved by the Court.
 - b. Answer – No fee shall be assessed to a Petitioner's Answer or Response to a counter or cross pleading.

2. Respondent
 - a. Answer - No fee shall be assessed to a filing of an Answer or Response to a complaint or motion filed.
 - b. Counter or Cross Pleading filed – \$100.00 filing fee shall be assessed on any counter or cross pleadings filed in response to an initial complaint or motion, except in delinquency, unruly, abuse, neglect, or dependency actions. If a party is unable to pay the filing fee, they may file a motion to waive the filing fee pursuant to 4.10.

(Counter or Cross Pleading is defined as a party's response to an initial motion or complaint that includes an application to the Court seeking to obtain a ruling, order, or direction that is substantially different than that which was requested in the initial motion or complaint and/or make new allegations against the initiating party.

3. Filings Subsequent to the Initial and/or Counter or Cross filings – No fee shall be assessed on any filings submitted after the initial complaint or motion, and the initial counter or cross pleadings, as long as they are filed before the initial matter is resolved by the Court.

B. Emergency and/or *ExParte* Hearing Requests:

1. For purposes of this rule, requests for Emergency and/or *ExParte* hearings will not be treated as subsequent filings. Any party filing a pleading requesting an Emergency and/or *ExParte* Hearing, regardless of whether it is filed at the time of the initial complaint or motion or after, shall pay the additional filing fee for such request as outlined in Appendix B, unless otherwise waived by the Court.

4.8 Electronic Filing:

A. Email Filing:

1. The Juvenile Court Clerk shall maintain an email address to allow attorneys to file documents with the Court, 24 hours a day, seven (7) days a week, by following this rule. The email address for filings is LCJCFilings@co.lucas.oh.us. Filing of documents after the filing of an original complaint and not requiring a filing fee, may be filed by email with the Juvenile Court Clerk. Filings that have an associated filing fee will not be accepted for email filing unless filing fees have been pre-paid, payment accommodations have been made and accepted by the Juvenile Court Clerk, or the filing includes a Motion to Waive the Filing Fee.
2. In accordance with Juv. R. 8, any signature on the email filing shall be considered to be authentic. If it is established that any filing is/was made without authority, the Court shall order the filing stricken.
3. Although email submissions will be received 24 hours a day, seven (7) days a week, any email filing received by the Juvenile Court Clerk after 4:30 p.m. on a regular business day, or on a weekend or holiday, shall be considered filed on the next business day by the Juvenile Court Clerk.
4. If the Juvenile Court Clerk receives a document that cannot be accepted for email filing, the attorney identified on the cover page will be notified of the reason for non-acceptance no later than the next business day.

B. Fax Filing:

1. The Juvenile Court Clerk shall maintain a facsimile machine and phone line to allow attorneys to file documents with the Court, 24 hours a day, seven (7) days a week, by following this rule. The phone number of the facsimile machine is 419-213-6933. Filing of documents after the filing of an original complaint and not requiring a filing fee, may be filed by fax copy with the Juvenile Clerk. Filings that have an associated filing fee will not be accepted for fax filing unless filing fees

have been pre-paid, payment accommodations have been made and accepted by the Juvenile Court Clerk, or the filing includes a Motion to Waive the Filing Fee.

2. In accordance with Juv. R. 8, any signature on the fax filing shall be considered to be authentic. If it is established that any transmission was made without authority, the Court shall order the filing stricken.
3. The date and time of receipt of any faxed document shall be the date and time imprinted on the document by the facsimile machine receiving the transmission. Although faxes will be received 24 hours a day, seven (7) days a week, any fax copy received by the Juvenile Court Clerk after 4:30 p.m. on a regular business day or on a weekend or holiday shall be considered filed on the next business day by the Juvenile Court Clerk.
4. If the Juvenile Court Clerk receives a document that cannot be accepted for fax filing, the attorney identified on the cover page will be notified of the reason for non-acceptance no later than the next business day.

C. Electronic Filing Requirements:

1. Any electronic submission filed shall conform to the civil and criminal rules and shall include a cover page, which includes the following information:
 - a. Caption of the case;
 - b. Case number;
 - c. Assigned Judge and Magistrate;
 - d. Description of the document being filed;
 - e. Attorney name, address, Ohio Supreme Court registration number, telephone, email address, and fax number;
 - f. Pro Se public filings shall include filer's name, address, telephone, email address, and fax number (if applicable);
 - g. Number of pages, including the cover page, being transmitted.
2. Any document requiring a signature shall either contain the signature on the source document at the time of submission, or be submitted without the signature but the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

D. Fax and Email Documents as Originals:

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

E. Charges:

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

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

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

G. Requirement of Notice and Service:

1. Notice and service by electronic mail are complete, and the Juvenile Court Clerk shall have fully complied with the requirement of notice and service, upon transmission. If the Juvenile Court Clerk is notified that the electronic mail transmission failed, the documents will be sent by regular U.S. mail.
2. The Juvenile Court Clerk shall note on the docket the date and time of notice and/or service of any document sent by electronic mail.
3. This local rule is in accordance with Ohio Rules regarding service of process.

H. Electronic Mail Addresses:

1. All attorneys practicing before this Court shall provide the Juvenile Court Clerk with an email address in the Notice of Appearance, in the first document filed with the Court, or at the first appearance before the Court within sixty (60) days of publication of this rule. All attorneys shall have a continuing duty to notify the Juvenile Court Clerk, in writing, of any subsequent changes in an email address.
2. Unrepresented parties and other participants before this Court who would agree to receive notice or service by email must provide the Juvenile Court Clerk with an email address.
3. Unrepresented parties and other participants without an email address, or individuals who do not agree to receive notice or service by electronic mail, will continue to receive notice and service of Court generated documents via regular U.S. mail.

I. Signatures:

In accordance with Juv. R. 8(A), any signature on the emailed document shall be considered authentic and shall be considered the signature of the individual it purports to represent.

J. Electronic Mail Documents as Originals:

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

K. Charges:

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

4.9 Case Time Limits:

Pursuant to Sup. R. 39, as amended through July 1, 2023, the Court hereby establishes the following plan for the management of cases filed in this division.

A. The plan is to be utilized in conjunction with the Ohio Revised Code, the Rules of Juvenile Procedure, the Rules of Civil Procedure and the Rules of Criminal Procedure, where applicable.

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

1. Juvenile Traffic Cases:

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

2. Delinquency and Unruly Cases:

a. Detention hearings will be held within seventy-two (72) hours after admission to secure detention or on the next business day, whichever is earlier (R.C. 2151.314).

b. When secure detention is continued after the initial hearing:

I. Adjudication hearing will be scheduled

- i. Ten (10) days from the filing of the complaint, if the complaint was not filed when the youth entered detention (Juv. R. 29 (A)).
- ii. Ten (10) days from the date detention began, if the complaint was filed on or before the detention date.

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

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

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

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

c. Youth not in Secure Detention:

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

II. All other case types will be screened by the Juvenile Prosecutor's Office, within ten (10) days of the complaint having been signed, to determine:

- i. If it should be officially filed and formally processed, or
- ii. If it should remain unofficial and be referred to the Juvenile Court's Youth Assessment Center.

III. Arraignment for cases proceeding officially will be held within thirty (30) days after the complaint is filed:

- i. If the youth admits, the Court will proceed to disposition or refer the matter to probation for a social history and

- investigation, in which case, disposition will be scheduled within four (4) weeks after adjudication.
- ii. If the youth denies, the matter will be set for pre-trial within thirty (30) days.
- IV. Trials will be held within thirty (30) days after the pre-trial.
- V. Continuances may be granted upon showing of good cause; however, continuances should be for no longer than the period necessary to resolve the good cause.

3. Parentage Cases:

- a. Summons shall issue within seventy-two (72) hours of the complaint having been filed and shall include a pre-trial date not later than 60 days from the date the complaint was filed.
- b. At Pre-trial:
 - I. If the defendant acknowledges paternity, the Court may proceed immediately to a determination of a support order.
 - II. If the allegation of paternity is denied, or the defendant fails to appear, the Court may
 - i. Immediately schedule genetic testing to take place within fourteen (14) days, and
 - ii. Schedule the matter for trial.
- c. If the genetic testing shows:
 - I. Exclusion (Defendant is found not to be the father), the Court will dismiss the complaint at the next scheduled hearing;
 - II. Inclusion (Defendant is found to be the father), and
 - i. Defendant acknowledges paternity, the Court may proceed immediately to determination of the support order; or if
 - ii. Defendant denies paternity, the matter may proceed to trial that day, or be scheduled for hearing within thirty (30) days.
- d. If service of summons is not made within three hundred and sixty-five (365) days from the date of filing, the Court shall dismiss the complaint without prejudice.
- e. Continuances may be granted upon showing of good cause.

4. Allocation of Parental Rights and Responsibilities and Third Party Custody and Visitation Cases:

- a. If appropriate, cases will be initially referred to the Court's Mediation program prior to being placed on a preliminary hearing docket.
- b. Summons shall issue within three (3) business days of filing, giving notice of preliminary hearing to be held within forty-five (45) days.
- c. If matters are not resolved at the preliminary hearing, a trial will be held within thirty (30) days.
- d. All parental rights and third party custody and visitation complaints will be resolved within two-hundred seventy (270) days of filing.
- e. Continuances may be granted upon showing of good cause.

5. Dependency, Neglect and Abuse Cases:

- a. When a child is removed from his home pursuant to an *ExParte* order, a

- hearing will be held the next business day or not later than seventy-two (72) hours after the child is placed in shelter care (R.C. 2151.314).
- b. When a private agency files a request for permanent custody based upon a permanent surrender, a hearing will be held within thirty (30) days of the filing of the complaint.
- c. The adjudicatory hearing will be held within thirty (30) days of the filing of the complaint.
- d. Disposition hearings shall be held within ninety (90) days of the filing of the complaint.
- e. Continuances may be granted upon showing of good cause.

4.10 Parenting Plan and Companionship Schedule:

- A. The Court shall adopt and publish an Interim Parenting Schedule, a Parenting Plan and Companionship Schedule and a Long Distance Parenting Plan and Companionship Schedule. Copies of each schedule shall be made available through the office of the Clerk of the Juvenile Court.
- B. Liberal parenting time is encouraged since contact with both parents is important to a child(ren)'s well-being. The schedules are guidelines for parenting time and it is the responsibility of the parties to adjust the schedule to meet the best interest of their child(ren). The Court, or the parties, may deviate from the schedule if it is in the best interest of the child(ren).

4.11 Waiver, Suspension, Reduction, and Reinstatement of Filing Fees:

- A. Applicability:
 - 1. Only a natural person is eligible for the waiver, suspension, or reduction of filing fees under this Local Rule.
 - 2. For the purpose of this Local Rule, "filing fee" is defined as the dollar amount required to file complaints, motions, and judgment entries in the Juvenile Court Clerk.
 - 3. Court Appointed Counsel representing indigent parties on civil and delinquency cases, and attorneys appointed as *Guardian ad Litem* on all cases are not required to pay filing fees for any filings they need to make on the matter in which they are appointed. This waiver of filing fees is considered as satisfaction of the indigency requirement for fee waivers.
- B. Motion to Waive the Filing Fee and/or Costs with Attached Affidavit:
 - 1. Any party who, by reason of indigency, seeks relief from the payment of a filing fee shall file with the Court a Motion to Waive the Filing Fee and/or Costs with Attached Affidavit, setting forth the facts and providing supporting documentation relied upon, to include employment-related financial information, federal income tax returns, documentation of public assistance, and any other financial information the Court may need. The Motion to Waive the Filing Fee and/or Costs with Attached Affidavit is available in the Juvenile Court Clerk's office, on-line at our webpage (<https://www.co.lucas.oh.us/204/Juvenile-Court>) or attached to the Local Rules as **Appendix C**. All financial information submitted by the party shall remain on record with the Court.

2. The *Motion to Waive the Filing Fee and/or Costs with Attached Affidavit* may be filed with the Clerk's Office and will be submitted to the Magistrate for review and approval. If approved, the underlying Complaint/Motion will be set for hearing and notice of hearing will be mailed.
3. If the *Motion to Waive the Filing Fee and/or Costs with Attached Affidavit* is denied, the moving party will be notified by mail and given thirty (30) days to pay the appropriate filing fee. If the fee is not paid within the thirty (30) days, the underlying Complaint/Motion will be dismissed.

C. Reinstatement of Filing Fees and/or Costs:

1. The Court, on its own motion, at any time, may make further inquiries on the record concerning an indigent party's financial status. If the Judicial Officer determines that the facts or situation no longer supports a finding of indigency and a waiver, suspension, or reduction of a filing fee, the Court may enter an order requiring the filing party to pay any applicable filing fees and instruct the Juvenile Court Clerk accordingly.
2. When a party whose filing fee was waived, suspended, or reduced fails to appear for the initial hearing in the action, and the action is dismissed for that party's failure to appear, the Judicial Officer may order the party to pay the appropriate filing fee if the party re-files the action within one (1) year of the original filing date, or as otherwise may be ordered by the Court.
3. When a party whose filing fee was waived, suspended, or reduced subsequently retains private counsel in the pending action, the Judicial Officer may review the financial status of the party and determine whether the appropriate filing fee should be assessed.
4. When the Court has reason to question whether a party whose filing fee was waived, suspended, or reduced has a financial situation different from the original situation warranting the deviation from the standard filing fee, the Judicial Officer may make further inquiries on the record as described herein and instruct the Juvenile Court Clerk accordingly.

4.12 Lucas County Juvenile Court has an Interpreter Services Language Access Plan. The Language Access Plan is available to the public on Lucas County Juvenile Court's Website at <https://co.lucas.oh.us/204/Juvenile-Court>. Any party or attorney may request that a foreign or sign language interpreter be present as needed for their case. Any party or attorney requesting the presence of a foreign or sign language interpreter must file a *Motion for Appointment of Foreign or Sign Language Interpreter* (**attached as Appendix D**) as early as possible prior to their hearing to allow time for the Court to make arrangements for said interpreter to be present at the hearing.

JUVENILE RULE 5
PROCEDURE - ADULTS

- 5.1 The statutory procedures and the Rules of Criminal Procedure shall be followed with respect to adult criminal actions within the jurisdiction of the Juvenile Division.
- 5.2 All persons charged with offenses who are being held under process from this Court or who have been arrested and charged in this Court shall be brought before the Court for an arraignment or bond hearing immediately upon arrest or the next session of Court. If permitted, defendants may post bond in accordance with Ohio Rules of Criminal Procedure.
- 5.3 In cases in which the defendant has the right to a trial by jury, the defendant or his counsel shall demand a trial by jury no less than three (3) days prior to the date assigned for trial. Failure to notify the Court either in person or in writing may be deemed just cause for entering a continuance without the consent of the defendant, or the Court may order the matter to proceed to trial before the Court without a jury.

JUVENILE RULE 6

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

- 6.1 The right of all parties to be represented and to retain counsel of their own choosing is implicit in the law and is fully recognized by this Court. Upon request, indigent parties shall be appointed counsel as provided in the Ohio Revised Code and Ohio Rules of Juvenile Procedure.
- 6.2 The Court shall maintain a list of attorneys approved by the Administrative Judge for appointment to represent indigent parties or to serve as guardian *ad litem*. Attorneys on the appointment list shall complete six (6) hours of CLE, specific to juvenile law, or other training specifically approved by the Court, every twenty-four (24) months beginning January 1, 2024 and thereafter, and provide documentation of completion of said training by December 31, 2026 and every two (2) years thereafter, to the Court.

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

In order for a prospective attorney applicant to apply to be on the Juvenile Court appointed counsel or Guardian *ad Litem* list, they must submit both a letter to the Lucas County Juvenile Court Administrative Judge making the request, and complete and submit a *Declaration of Compliance and Qualifications to Serve as Court Appointed Counsel* (**See attached Appendix E.**)

- 6.3 Court employees shall maintain a neutral and impartial position and shall not function as advocates or adversaries. Court personnel shall not indicate that counsel is or is not necessary in any particular case. When there is an attorney of record, court personnel shall make all contact with the client through the attorney.
- 6.4 No attorney of record will be allowed to withdraw nor may they be discharged within fourteen (14) days of the trial date except for good cause shown and provided that such action is not the fault of the attorney and is not for the purpose of delay.
- 6.5 Invoices for indigent legal representation should be submitted within thirty (30) days after the last court hearing to be considered timely for Lucas County to seek reimbursement from the Office of the Ohio Public Defender.
- 6.6 Delinquency Cases. R.C. 120.36 requires the Courts, to charge a \$25.00 non-refundable Indigent Application Fee on all cases in which a Public Defender is being requested or appointed. The \$25.00 fee may be paid in the Juvenile Court Clerk's Office within seven (7) days of submitting the Affidavit of Indigency/Financial Disclosure form. If the fee is not paid within the seven (7) days, the Court may assess the fee at sentencing or the close of your case. If, for any reason, you are unable to pay the fee, you or your Attorney may ask the Court to waive or reduce the fee.

JUVENILE RULE 7
BONDS/RECOGNIZANCE

- 7.1 Appearance bonds for adults and/or juveniles shall be fixed by the Judge or Magistrate in each individual case upon arraignment, or at such other time as may be determined; and the deputy clerks shall endorse on all adult warrants the amount of bond as may be provided by the judge for such offense. The issuance of a warrant without endorsement as to the amount of bond shall indicate that the bond must be fixed by the presiding Judge or Magistrate.
- 7.2 Other bonds or recognizance to appear as may be provided by the Judge or Magistrate shall be in the form as provided by the law, order of this Court or other Court to which the person may be held to answer. Responsibility of parents for appearances of juveniles shall be considered on the same basis as bonds.
- 7.3 The sufficiency of bond sureties shall be determined by the presiding Judge or assigned Magistrate in each case; and when real property is offered as security by a surety, the Court shall require twice the value of the property as it appears upon the county tax list maintained by the office of the County Auditor.

JUVENILE RULE 8
CONTINUANCES

- 8.1 Motions for continuances shall be made in accordance with the Rules of Superintendence for the Courts of Ohio (Sup. R. 41), effective July 1, 2023.
- 8.2 All applications for continuances or advancements shall be made to the presiding Judge or Magistrate by written Motion and, except as hereinafter provided; such application must be made seven (7) days before the day of trial or hearing and after notice to opposing counsel and the Guardian *ad litem*. No case will be continued on the day of trial or hearing except for good cause shown. The cause shown must include that it was not known to counsel prior to the day of trial and that counsel has used diligence to be ready for trial. Counsel must have notified, or made diligent effort to notify, all parties as soon as he/she became aware of the necessity to ask for a postponement. This rule cannot be waived by consent of counsel. Cases will be continued when counsel is actually engaged in trial in another court provided such counsel notifies the Judge or Magistrate of being so engaged.
- 8.3 The Juvenile Court Clerk's office shall have available a pre-printed Motion for Continuance form for use by counsel or pro se parties. Upon the filing of a Motion for Continuance, the clerk or designated employee shall take the Motion to the presiding Judge or Magistrate.
- 8.4 All requests for continuances, whether written or oral, shall be ruled upon and noted on the case docket sheet by the presiding Judge or Magistrate within forty-eight (48) hours of presentation to the Court. The docket entry shall contain the date, party making the request and whether the continuance is granted or denied.

JUVENILE RULE 9
PRE-TRIAL CONFERENCES

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

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

- A. Those matters set forth in Rule 16 of the Civil Rules regarding Pre-Trial Procedure.
- B. Further discovery proceedings including a completion date.
- C. Trial briefs.
- D. Identification of witnesses and disclosure of their statements and potential testimony.
- E. Views of scene.
- F. Status of case for trial.
- G. Narrowing trial issues by stipulation.
- H. Other than in delinquency cases, parties shall have made at least one (1) good faith attempt to settle the case.

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

JUVENILE RULE 10
SPECIALIZED DOCKETS

10.1 Pursuant to Rules 36.20 through 36.28 of the Rules of Superintendence for the Courts of Ohio, and Appendix I "Specialized Docket Standards" of the Rules of Superintendence, Lucas County Juvenile Court has created specialized dockets.

10.2 Family Treatment Court:

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

JUVENILE RULE 11

MEDIATION

11.1 Uniform Mediation Act – Rule 16-21

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

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

- A. The Court has discretion to encourage parties to use mediation in any civil action filed in this Court. A case may be submitted to mediation as provided in this rule. The Court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.
 - 1. Exceptions: Mediation is prohibited in the following situations:
 - a. As an alternative to the prosecution or adjudication of domestic violence;
 - b. In determining whether to grant, modify, or terminate a protection order;
 - c. In determining the terms and conditions of a protection order;
 - d. In determining the penalty for violation of a protection order.
- B. Nothing in this division shall prohibit the use of mediation in a custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile delinquency case, even though the case involves juvenile-perpetrated domestic violence.
- C. Lucas County may use mediation in domestic violence cases, where the perpetrator is a juvenile, as a tool in helping the family create a safety plan. In these situations, mediation is not being used as an alternative to prosecution or adjudication.

11.3 Confidentiality – Rule 16.21(A)(3)

- A. All mediation communications related to or made during the mediation process are subject to and governed by the UMA. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to the disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.
 - 1. Consent to Mediate and Confidentiality Agreement – At the beginning of all mediations, the parties in attendance will be asked to read and sign a Consent to Mediate and Confidentiality Agreement. The agreement states that all mediation communication is confidential and will not be disclosed without the consent of all mediation participants; unless the information is not privileged pursuant to R.C. 2710.05, may be reported pursuant to R.C. 2710.06(B), or must be reported pursuant to statute.
- B. By participating in a mediation, a non-party participant, as defined by R.C. 2710.01(D), submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to the parties, except that no evidence privilege shall be expanded.
 - 1. Exceptions: All mediation communications are confidential with the following exceptions:
 - a. Parties may share all mediation communications with their attorneys;
 - b. Certain threats of abuse or neglect of a child or adult;
 - c. Statements made during the mediation process to plan or hide an ongoing crime;
 - d. Statements made during the mediation process that reveal a felony.

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

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

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

A. Parties not represented by counsel, shall only attend mediation, if they have waived their right to counsel in open court.

B. Parties who are represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived.

C. Waivers may be rescinded at any time.

11.6 Mediation Referrals – Rule 16.21(B)

A. The Judge or Magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.

B. Parties in a Dependency, Neglect and Abuse case who wish to participate in mediation, prior to adjudication shall apprise the court of this at shelter care hearing or pretrial. The judge or magistrate may refer the court to pre-adjudication mediation. The disposition hearing shall not be delayed past 90 days for participation in mediation. Parties who wish to participate in mediation to resolve a visitation, case plan, or custody issues at later points in the case, may do so, by filing an appropriate pleading or motion for mediation in the Clerk's Office, without prior court approval.

C. The Judge or Magistrate may refer or order a case to mediation at any point in a case.

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

A. Civil cases – Mediation is set with the pretrial and notice of the mediation is sent to the parties with their pretrial hearing summons.

B. Delinquency, Neglect and Abuse and/or Permanent Custody cases – mediation is ordered by the Judge or Magistrate and included in the appropriate order or decision. If the mediation date is not incorporated into the order or decision, notice of the mediation will be sent to the parties at their provided addresses.

C. Contributing and Truancy cases – notice of mediation is sent to the parties once the complaint is filed with the court.

11.8 Mediator Training and Education – Rule 16.23

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

11.9 Termination of Mediation – Rule 16.24

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

11.10 Fees and Costs

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

11.11 Attendance; Sanctions

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

11.12 Mediator Evaluation, Comments and Complaints

- A. It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court. All comments, complaints, or feedback should be submitted to the Mediation Director or the Clerk's Office. The Mediation Director will review the comment, complaint, or feedback and take next appropriate action.

11.13 Mediation Report:

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

11.14 Judicial Review of Mediation Report:

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

11.15 Additional Provisions Specific to Domestic Violence Issues:

- A. Pursuant to R.C. 3109.052 and Rule 16 of the Ohio Rules of Superintendence, when a case is referred to mediation and domestic violence is alleged, suspected or present, the mediation will occur only if the following conditions are satisfied:
 1. If the domestic abuse issues recited in R.C. 3109.052(A) apply to any parent in a

case involving the allocation of parental rights for the care of a child, the court may order mediation only if the court determines that it is in the best interest of the parties to do so and makes specific written findings of fact to support its determination.

2. Pursuant to Juvenile Rule 11.6, the mediator is specifically qualified to mediate the case.

JUVENILE RULE 12

DISCOVERY AND INTRODUCTION OF ELECTRONIC INFORMATION

- 12.1 “Open discovery” facilitates settlement and timely preparation of the issues in controversy. Information, documents and material in the custody, control or possession of one party that are discoverable under Rule 24 of the Ohio Rules of Juvenile Procedure (or Rule 26 of the Ohio Rules of Civil Procedure where applicable) are considered an “open file” for the purpose of discovery by another party subject to the limitations/protection of Rule 24(B) of Ohio Rules of Juvenile Procedure or Rule 26[c] of Ohio Rules of Civil Procedure. Discoverable items include, but are not limited to, police reports, supplemental police reports, and a children services agency case file (excluding the referral sources, third party investigation reports, foster parent records, adoption records, attorney-client privileged information and attorney work product). This broad discovery assists in arriving at the truth, expedites the hearing process, and may reduce the adversarial nature of the proceedings.
- 12.2 Discovery authorized by Juv. R. 24 or Civ. R. 26 shall proceed upon the written request of one party to another without a prior court order. The party from whom discovery is requested shall promptly produce for inspection, copying, or photographing, the discoverable items to the requesting party as follows or as otherwise agreed by the parties or instructed by the Court:
 - A. If the requested party is non-governmental and represented by counsel, at the office of the attorney for the requesting party;
 - B. In the Parentage/UIFSA/Child Support proceedings where the requested party is the Lucas County Child Support Enforcement Agency – at the LCCSEA Legal Department;
 - C. In Delinquency/Unruly/Traffic cases where the prosecutor is the requested party, at the office of the Lucas County Prosecutor, Juvenile Division;
 - D. In Dependency/Neglect/Abuse cases where Lucas County Children Services is the requested party, at the LCCS Legal Department.
- 12.3 When the discoverable materials are documents, any party may comply with a request for discovery by promptly mailing or emailing accurate and legible copies to the attorney of the requesting party.
- 12.4 If (a) discoverable item(s) is/are physical evidence or other evidence that is not readily copied, then the item(s) shall promptly be made available to the requesting party for inspection, photographing or other copying.
- 12.5 Counsel is responsible for the production of the discoverable material.
- 12.6 Parties shall have a continuing duty to disclose additional discoverable information or material subsequent to compliance with the original request for discovery without the need to file a new request for more current information.
- 12.7 Copies of discovered materials shall not be given by counsel to a party unless directed by the Court. Additionally, attorneys shall not re-release and/or re-distribute any documents that are shared with them including, but not limited to, reports of the Guardian *ad litem*, police reports and all supplemental reports.

- 12.8 Counsel is responsible for marking all trial exhibits prior to commencement of hearing.
- 12.9 Any party seeking to introduce electronically stored information such as information from a cell phone and/or social media platform, such as, but not limited to; emails/texts/Facebook/Snapchat/Instagram, etc., shall do one of two things, either (1) bring in a digital copy of (original digital files are to be kept by presenting party) said evidence on a portable USB drive, or (2) schedule an appointment with the Court's non-legal support specialist to arrange for conversion of the electronically stored information to an acceptable electronic format, or for printing of a hard copy, for presentation to the Court. Additionally, if any party is seeking to introduce evidence relating to voice mails, video streams, or photographs located on their cell phone or other mobile device, the information should be downloaded and transferred to a CD or DVD or USB drive, as applicable, so that same may be marked for identification and submitted to the Court in a tangible form.

Print outs of the information must include copies for the Court and enough to be provided to all parties at the hearing.

JUVENILE RULE 13
GUARDIAN *AD LITEM*

13.1 Guardian *ad litem* Orders:

- A. In all cases wherein a guardian *ad litem* is appointed to represent the best interest of a child, orders will issue allowing the guardian *ad litem* to have access to and make copies of records and reports, as provided herein:
 - 1. Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the guardian *ad litem* shall be allowed to review and copy all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child.
 - 2. The person, agency or office from which the information is sought will not reveal referral sources except as provided in Revised Code Chapter 5101.
- B. In all cases where a child is alleged to be abused, neglected or dependent and where a dispositional hearing has been scheduled, orders will issue allowing the guardian *ad litem* to have access to and make copies of records and reports, as provided herein:
 - 1. Upon presentation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the guardian *ad litem* shall be allowed to review and copy all psychological, social or legal matters of the parties.
 - 2. The person, agency or office from whom the information is sought will not reveal information which is controlled by 42 Code of Federal Regulation, Part 2; Revised Code Sections 2945.38, 2945.39 or 2945.40 (except court docket entries or court journal entries) unless presented an order for compliance therewith.

13.2 Any copies, summaries, abstracts or extracts of reports and records which are obtained or created pursuant to this rule are not to be disclosed by the guardian *ad litem*, unless as permitted by local rule, nor are they subject to discovery except as provided by further order.

13.3 Guardian *ad litem* Reports:

- A. In all cases where a Guardian *ad litem* is appointed to represent the best interest of a child, the GAL shall submit the following reports to the Court:
 - 1. Following the appointment as guardian *ad litem* (GAL) in a dependency, neglect, abuse, delinquency, unruly, or private custody case, the GAL shall provide a written report to the Court, unrepresented parties, and legal counsel, not less than seven (7) days prior to any initial dispositional hearing, permanent custody hearing, and any hearing upon a motion requesting a change in disposition, unless otherwise directed by the presiding Judge or Magistrate.
 - 2. In all proceedings on motions for permanent custody, a written report by the GAL shall be filed with the Court, at the Court's direction. The GAL permanent custody report shall cover any time period(s) not previously covered in a written GAL report.
 - 3. The GAL shall submit written or oral reports/recommendations to the Court at any time the Court directs.

4. Any written amendment to a GAL Report must be filed seven (7) days before a hearing, unless otherwise permitted by the presiding Judge or Magistrate, and shall be provided to all counsel by the GAL.
5. The guardian *ad litem* report shall include the following language: "The guardian *ad litem* report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fines and/or incarceration."
6. The guardian *ad litem* report shall state that responsibilities have been met and shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered by the guardian *ad litem*. If the guardian *ad litem* is unable to perform one or more of their responsibilities and/or duties, the guardian *ad litem* should indicate in their report which responsibility/duty they were unable to meet and provide an explanation as to why they were unable to meet such.

13.4 Responsibilities of Guardian *ad litem*:

- A. Guardian will comply with all responsibilities as outlined within Sup.R. 48.03, unless otherwise released by the Court.

13.5 Annual reporting of training and qualification certification:

- A. Guardians *ad litem* are required to certify annually to the Court, any circumstances that they are aware of that would disqualify them from serving and to report to the Court via the CASA Department, their annual completed training to comply with Sup.R. 48.05.

13.6 Guardian *ad litem* training and continuing education:

- A. In order to be eligible and to remain eligible for appointment, all guardians *ad litem* shall meet the requirements of Sup.R. 48.04 regarding pre-service education and 48.05 continuing education.

JUVENILE RULE 14

SUBMITTING COMPLAINTS REGARDING GUARDIAN AD LITEM

14.1 Pursuant to Rule 48 of the Rules of Superintendence for the Courts of Ohio, this procedure establishes the process for submitting a complaint or comment concerning a guardian *ad litem* (GAL) in the Lucas County Juvenile Court. Every GAL is expected to comply with Rule 48 and Lucas County Juvenile Court Local Rule 13. Copies of Superintendence Rule 48 and Local Rule 13, as well as the Guardian *ad litem* Comment and Complaint Form referenced herein, can be obtained from the Court's CASA/GAL Office.

- A. Any person or party may make written comment or complaint about a GAL practicing in the Lucas County Juvenile Court by submitting the ***Guardian ad litem Comment and Complaint Form*** below to the CASA/GAL Department Director, or the Director's designee.
- B. The CASA/GAL Department shall notify the GAL of the comment or complaint and investigate the circumstances of the comment or complaint. Within ten (10) calendar days of receiving a copy of the comment or complaint, the GAL has the option to submit a written response to the CASA/GAL Department Director, or the Director's designee.
- C. For attorneys only, the CASA/GAL Department shall forward to the LCJC General Counsel a copy of the comment or complaint, the GAL's written response, if any, and the results of the investigation.
- D. The CASA/GAL Director, or for attorneys only, the LCJC General Counsel, shall initiate a process which may include, but is not limited to, the following: taking no action, counseling the GAL, requiring continuing education or GAL training, assigning a mentor, issuing a letter of commendation or a letter of reprimand, recommending to the Administrative Judge removing the GAL from the case, or recommending to the Administrative Judge suspending or permanently removing the GAL from the Approved List.
 - 1. The CASA/GAL Director, or for attorneys only, the LCJC General Counsel, will make a recommendation to the Administrative Judge, if removal from the case or suspension or removal from the Approved List is recommended.
 - 2. After a decision by the Administrative Judge, the CASA/GAL Director, or for attorneys only, the LCJC General Counsel, shall timely take any action necessary, inform the GAL and the person making the comment or complaint, and file the disposition in the GAL's file.
- E. The comment or complaint, the results of the investigation, and the disposition of the matter shall be maintained in the GAL's file in the Court's CASA/GAL Office.

GUARDIAN AD LITEM (GAL) COMMENT AND COMPLAINT FORM

Lucas County Juvenile Court
CASA/GAL Director
1801 Spielbusch Ave.
Toledo, OH 43604
FAX: 419 213-6785
Email: CASAInfo@co.lucas.oh.us

Please TYPE or PRINT Legibly

Juvenile Court Case #: _____

Guardian *ad litem* (GAL) Name: _____

Please explain your role or relationship to the case: _____

Please enter your comments/complaints below:

Your Signature

Today's Date

Please Print

Your Name: _____

Street Address: _____

City/State/ZIP: _____

Email Address: _____

Phone Number: _____

JUVENILE RULE 15
CUSTODY EVALUATORS

A.1 Definitions:

- A. "Custody Evaluation" means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child.
- B. "Custody and parenting time" shall include the allocation of parental rights and responsibilities, companionship, and parenting time.
- C. "Custody Evaluator" means an individual meeting the requirements of Sup.R.91.08. As used in this rule, a custody evaluator can be one of the following:
 - 1. "Court-Connected Evaluator," a person employed by the court or with whom the court contracts custody evaluation services.
 - 2. "Private Custody Evaluator," a person in private practice who provides custody evaluation services to the court.
- D. Two types of evaluations that may be ordered or requested, include:
 - 1. "Full Evaluation" means a comprehensive examination of the best interest of the child.
 - 2. "Partial Evaluation" means an examination of the best interest of the child that is limited in either time or scope.

15.2 Applicability:

- A. This rule shall apply in all cases where child custody or parenting time is an issue. The Court may order a custody evaluation to analyze the needs of a child who is the subject of the action and the capacities of the parents or other relevant adults to meet the needs and best interests of the child. The Court shall consider only evaluations completed by a custody evaluator appointed by the Court.

15.3 Custody Evaluator Appointment Order:

- A. Upon the motion of a party, guardian ad litem, counsel for the child, or on its own motion, the Court may order a custody evaluation to aid the Court in evaluating the best interest of the child in a contested custody or parenting visitation case.

15.4 Description of Custody Evaluation:

- A. Unless contra-indicated in the judgment entry of the custody evaluator or limited by the order of appointment, a custody evaluation shall include, but is not limited to, all of the following:
 - 1. Information obtained by interviewing, either jointly or separately, each party to the issue.
 - 2. Information obtained by interviewing each child.
 - 3. Information obtained by interviewing step-parents, significant others, or any other adult residing in the home.
 - 4. Information obtained by interviewing step or half siblings residing in the home.
 - 5. Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies.

6. Information from in person or virtual visits or observations of each child with the adults involved.
7. Results of any clinical tests administered.
8. History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system.
9. Investigation into any other relevant information regarding the child's needs.

15.5 Appointment and Removal/Resignation Order:

- A. Custody evaluators will be appointed by Court order. Said **orders will contain** at a minimum;
 1. The name, business address and phone number of the evaluator;
 2. The purpose/scope of appointment;
 3. Term of appointment, or in the event of no specified term, appointment will be until further order of the court;
 4. Provision that a written report is required and oral testimony may be required;
 5. Any applicable deadlines pertaining to the written report, and dates of any pretrial, settlement conferences or trial dates associated with the report;
 6. Interim orders, as determined necessary by the Court, to address any safety concerns and for protection of all parties, the children of the parties, any other children residing in the home of a party, and the custody evaluator.
- B. Order shall;
 1. Grant the custody evaluator access to information as authorized by the appointment; and
 2. Require that the parties cooperate with the evaluation and provide information promptly when requested.
- C. The Court may remove a custody evaluator who has been appointed upon a showing of good cause.
- D. The custody evaluator appointed, may resign from appointment, prior to completing the evaluation, upon a showing of good cause, notice to the parties, an opportunity to be heard and with the approval of the Court.

15.6 Custody Evaluator Responsibilities and Authority:

- A. The custody evaluator appointed by a Court, shall do all of the following;
 1. Maintain objectivity, provide and gather balanced information from both parties, and control for bias.
 2. Strive to minimize the potential psychological trauma to children during the evaluation, by performing responsibilities in a prompt and timely manner.
 3. Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the Court or statute.
 4. Immediately identify him or herself as a custody evaluator when contacting individuals in the course of a particular case and inform them of the role of the custody evaluator and that documents and information obtained may become part of the Court proceedings.
 5. Refrain from any *ex parte* communications with the Court regarding the merits of the case.
 6. Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional.

7. Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts.
8. Not pressure the children to state a custodial preference.
9. Inform the parties of the evaluator's reporting requirements, including, but not limited to, suspected child abuse and neglect and threats to harm one's self or another person.
10. Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion.
11. Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties.
12. Upon discovery, notify the Court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly, or indirectly, except from services as a custody evaluator.

15.7 Custody Evaluator Reports:

- A. Custody evaluator shall prepare a written final report, including recommendations to the Court, at least 30 days, *or pursuant to the order of appointment*, prior to the final hearing, or as directed by the presiding Judge or Magistrate.
- B. The Court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.
- C. The report shall include a detailed analysis of the strengths and areas in need of improvement of the parties with respect to meeting the needs of the child, as well as a comparative analysis of the different parenting plans or companionship plans under consideration.
- D. The report shall not be considered an investigation pursuant to Civ. R. 75(D), Juv.R. 32(D), or R.C.3109.04I.
- E. All reports submitted to the Court shall include the following notice: "The custody evaluator's report shall be provided to the Court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to Court action, including the penalties for contempt which include fines and/or incarceration."

15.8 Disclosure of the Custody Evaluator's Report:

- A. The report is not available for public access pursuant to the Sup.R. 44-47; however, it is subject to the Rules of Civil Procedure where applicable to discovery in civil actions.
- B. The report and any attachments, shall be placed in the family (confidential) file of the Court.
- C. At the time the report is submitted for filing, the clerk shall make a note on the docket indicating the date the report was filed and that it was placed in the family (confidential) file.
- D. A party may be provided a copy of the written custody evaluation report. Except as

permitted by the Court, a party shall not disseminate the report by any means, including social media. Any additional disclosure of this report must be approved in advance by the Court. In particular, reports or the recommendations shall not be shared with the minor children who are the subject of the case.

- E. Unauthorized disclosure or distribution of the report, in whole or in part, may be subject to Court action, including the penalties for contempt which include fines and/or incarceration.
- F. No individual shall be permitted to place the content of the report on any form of social media.

15.9 Testimony and Report at Hearing or Trial:

- A. The evaluator's report shall be admitted into evidence at a hearing or trial on the Court's motion. The report shall be admitted as the Court's exhibit in the form of the custody evaluator's expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen (14) days before a scheduled hearing or trial.
- B. The Court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen (14) days prior to trial.
- C. Unless otherwise authorized by Court order, custody evaluator's private documents or files are private and shall not be considered or subject to discovery by either party.

15.10 Communication with the Court:

- A. The custody evaluator speaks through their report and shall refrain from any *ex parte* communication with the Court. When necessary, a custody evaluator may communicate with the Court to amend the scope or timeframe of their appointment.

15.11 Comments and Complaints:

- A. Anyone wishing to either comment or issue a complaint regarding a custody evaluator appointed by the Court to their case, may do so by completing the Custody Evaluator Comment and/or Complaint Form, *attached below*, or on the Court's website <https://www.co.lucas.oh.us/3389/Juvenile-Court>. Once completed, the form shall be submitted to the Court Family Services Administrator at: JuvenileCourtFamilyServices@co.lucas.oh.us or mailed/dropped off to Attention Court Family Services Administrator 1801 Spielbusch Ave., Toledo, Ohio 43604, Attn: Court Family Services Department.
- B. Copies of all comments or complaints will first be presented to the custody evaluator who is the subject of the comment or complaint, within ten (10) days of receipt.
- C. The custody evaluator will have ten (10) days to review the comment and/or compliant and provide the Court Family Services Administrator with their comments regarding the comment or complaint that was submitted.
- D. The Court Family Services Administrator will review the comment or complaint that was submitted to them, along with the comments from the custody evaluator, after they have also reviewed the comments or complaint submitted and within thirty (30) days of first receiving the comment or complaint will provide the Court, via the General Counsel, with a follow-up including actions or steps recommended.
- E. The Court's General Counsel will review the comments or complaint, the custody

evaluator's comments and the recommendation submitted by the Court Family Services Administrator and within ten (10) days of receipt, make a final recommendation to the Administrative Judge.

- F. The Administrative Judge will provide a response to the individual who initially made the comment or complaint within sixty (60) days of submitting the comments or complaint.
- G. The Court's General Counsel will maintain an electronic copy/record of the comment or complaint, custody evaluator's comments, Court Family Services Administrator recommendations and appropriate action taken, if needed, and the Administrative Judge's response to the individual.

CUSTODY EVALUATOR COMMENT AND/OR COMPLAINT FORM

**To: Lucas County Juvenile Court
Court Family Services Administrator
1801 Spielbusch Avenue
Toledo, Ohio 43604
Fax: 419-213-6898
Email: JuvenileCourtFamilyServices@co.lucas.oh.us**

Please PRINT or TYPE legibly

Juvenile Court Case Number: _____

Custody Evaluator Name: _____

Please explain your role or relationship to the case:

Please enter your comments/complaints below:

Your Printed Name: _____ Today's Date: _____

Mailing Address: _____

Your Email: _____ Your Phone Number: _____

JUVENILE RULE 16
PSYCHOLOGICAL REPORTS

- 16.1 In any case in which the Court orders a psychological evaluation, the report of the psychologist shall be submitted to the Court within sixty (60) days from the Court's order, or as directed by the presiding Judge or Magistrate.
- 16.2 Upon request and for good cause shown, the presiding Judge or Magistrate may order the parties to submit to physical, psychological or psychiatric evaluation. The request must be timely made and the Court shall afford the parties a reasonable opportunity to respond. When the Judge or Magistrate orders that an evaluation be done, it shall determine the party to be responsible for the payment of the charges for same. The presiding Judge or Magistrate may apportion the charges for such evaluation between the parties and may tax the charge as costs.
- 16.3 Failure of a party to cooperate with an evaluation ordered by the Court may result in the application of sanctions, including the imposition of fines and incarceration; payment of attorney fees; reimbursement for lost wages; and payment of the charges of the evaluator. If the party bringing the action fails to cooperate, judgment may be entered against him or the matter dismissed.
- 16.4 The presiding Judge or Magistrate may require that reports made pursuant to orders issued under this Rule be delivered directly to the Court and may prescribe the manner in which any reports made under this Rule will be released. It may restrict the access of the parties to the reports. The presiding Judge or Magistrate may also limit the number of hard copies to be made of the report and may require that any copies be returned to the Court upon the conclusion of the action. Excess copies may be destroyed when the original reports are retained as a part of the Court file.

JUVENILE RULE 17
EMERGENCY HEARINGS

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

17.2 Requests by Public or Private Agencies:

- A. In any case in which an emergency hearing is requested for removal of a child from a placement alleged to be dangerous pursuant to R.C. 2151.31, the Court shall set a time for emergency hearing the next business day or no later than seventy-two (72) hours from the request. It is the responsibility of the attorney filing the *Complaint and Motion* to notify all necessary parties and attorney(s) of record.
- B. The children services agency shall file the *Complaint and Motion for Shelter Care* within the time frames designated by the Court. If the Motion for Shelter Care is not filed timely, it will not be heard until the following day. On the next business day following the issuance of a telephone *ExParte* order, the agency shall file either a *Complaint or a Motion to Dismiss* the telephone *ExParte* order.

17.3 Requests by Private Attorneys:

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

17.4 Requests by Pro Se Petitioners:

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

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

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

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

JUVENILE RULE 18

MAGISTRATES

18.1 The powers and duties of Magistrates shall be defined in Rule 40, Ohio Rules of Juvenile Procedure; Rule 53, Ohio Rules of Civil Procedure; and Rule 19, Ohio Rules of Criminal Procedure.

18.2 **Magistrate Pre-Trial Orders:**

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

18.3 **Magistrate Decisions:**

A Magistrate is not required to prepare any report other than the Magistrate's Decision. After conducting the proceedings necessary for the decision of referred matters, the Magistrate shall prepare, sign, and file a Magistrate Decision with the clerk.

If any party requests findings of fact and conclusions of law, the Magistrate Decision shall include findings and conclusions. If an attorney of record requests findings of fact and conclusions of law, he or she shall, if requested, present proposed findings and conclusions to the Magistrate within seven (7) days of the request. Failure to present proposed findings and conclusions within seven (7) days of the request will be deemed withdrawal of the request.

18.4 **Court's Action on Magistrate Decisions:**

The Magistrate Decision shall be effective when adopted by the court as noted in the Journal record.

18.5 **Objections to Magistrate Decisions:**

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

18.6 **Duties Magistrates:**

A. The Juvenile Court Chief Deputy Clerk shall assign two Magistrates each week the Court is in session who shall be known as the "Duties Magistrates." One Duties Magistrate shall be assigned to address civil matters and one Duties Magistrate shall be assigned to address delinquency matters. In general, the Duties Magistrates shall address those matters of an urgent or immediate nature. Assigned Duties Magistrates shall do their due diligence to ensure that they are available for duties matters as they arise.

1. **Duties Magistrate for Civil Matters:**

a. In addition to their regular docket, this Duties Magistrate shall act for any other Magistrate who is not available, be responsible for the authorization of continuances, review requests for emergency hearings (other than those made by a public children services agency or a private child placing agency), hear determinations of indigency and fee waivers, read mediation agreements into the record and accept said agreements, address matters involving walk-in warrants, and other duties as assigned by the Administrative Judge.

2. Duties Magistrate for Delinquency Matters:
 - a. In addition to their regular docket, this Duties Magistrate shall act for any other Magistrate who is not available, be responsible for the authorization of continuances, conduct detention hearings, read mediation agreements into the record and accept said agreements, address matters involving walk-in warrants, and other duties as assigned by the Administrative Judge.

JUVENILE RULE 19

JUVENILE TRAFFIC VIOLATIONS BUREAU

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

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

19.2 Mandatory Appearance Offenses:

- A. Any violation which involves an accident may not be processed through the Traffic Violations Bureau, and a mandatory court appearance is required.
- B. A second traffic violation of any kind which occurs prior to the age of eighteen (18) years may not be processed through the Traffic Violations Bureau, and a court appearance is required. If more than one moving traffic violation is charged arising from a single incident or series of incidents, none of those violations may be processed through the Traffic Violations Bureau, and a court appearance is required.
- C. The following offenses require formal court appearance and may not be processed through the Juvenile Traffic Violations Bureau, unless otherwise permitted by these Rules:
 1. Offenses which would be indictable;
 2. Operating a motor vehicle while under the influence of alcohol or drugs;
 3. Leaving the scene of an accident;
 4. Driving while under suspension or revocation of driver's license;
 5. Driving without being licensed to drive;
 6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
 7. Drag racing;
 8. Reckless operation;
 9. Failure to maintain reasonable control;

10. Speeding (in excess of 20 mph over posted limit);
11. Speeding in a school zone;
12. Permitting unlicensed driver to operate a motor vehicle;
13. Operating a motor vehicle under temporary instruction permit unaccompanied by a licensed operator;
14. Offenses charging a violation under Ohio Revised Code Chapter 29.
15. Resisting/Interfering with an officer;
16. Presenting false name or information to an officer;
17. Willfully eluding or fleeing a police officer;
18. Any other offense or proceeding as determined by the Court.

19.3 Electronic Submission of Traffic Tickets:

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

19.4 Schedule of Fines:

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

JUVENILE RULE 20
COMPETENCY PROCEEDINGS

20.1 Expedited Hearings:

Juvenile competency hearings under R.C. 2152.51 through 2152.59 shall be scheduled and heard on an expedited basis. The timelines established by these code sections shall be strictly enforced.

20.2 Notice:

A. 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.

20.3 Stay of Proceedings:

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

20.4 Competency Evaluator:

A. The Court shall contract with an evaluator qualified according to R.C. 2152.54 to perform competency evaluations. Upon the objection of any party to the contents of a competency assessment report, the Court may order an additional evaluation according to R.C. 2152.57 to be completed by an evaluator qualified according to R.C. 5152.54. The moving party shall provide the Court with a qualified evaluator and show that the evaluator meets the qualifications of R.C. 5152.54.

JUVENILE RULE 21
***EXPARTE* COMMUNICATION**

- 21.1 No attorney, party, or third-party shall attempt to communicate or correspond directly, either orally or in writing in any manner other than by filing of a pleading, the merits of any litigation with any Judge or Magistrate presiding over the matter.
- 21.2 A Judge or Magistrate shall not initiate, receive, permit, or consider communications made to them outside the presence of the parties or their representatives concerning a pending or impending proceeding, except as otherwise authorized by law.
- 21.3 Judges and Magistrates are prohibited from reading or considering *ExParte* communication regarding cases assigned to them. Communication or correspondence may only be considered when it clearly reflects that a copy was provided to all other parties in the case.
- 21.4 Judges and Magistrates are also prohibited from reading or considering communication from non-parties concerning a pending or impending proceeding.
- 21.5 This Local Rule shall serve as notice that any improper written communication with the Court's judicial officers will not be read or acted upon.
- 21.6 This section does not apply to *ExParte* communications, hearings, and orders as otherwise expressly permitted by law.

JUVENILE RULE 22

VOICES – YOUTH’S ATTENDANCE IN ABUSE, NEGLECT, AND DEPENDENCY CASES

22.1 Application of VOICES in Abuse, Neglect, and Dependency cases:

A. It is the policy of Lucas County Juvenile Court that youth should have a direct voice in Court when possible. Youth, age ten (10) and older, shall have the opportunity to attend Court and to speak to the Judge or Magistrate at any hearing after the Adjudication Hearing.

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

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

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

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

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

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

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

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

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

Yes, I wish to attend Court. **No, I do not wish to attend Court.**

Youth's Signature _____ Date: _____

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

CASA or Attorney/GAL Signature: _____ Date _____
CASA or Attorney/GAL Name PRINTED: _____

22.2 Application of VOICES in Planned Permanent Living Arrangement (PPLA) cases:

A. It is the expectation of the Court that every youth attend and participate in his/her PPLA Hearing and all subsequent Annual Review Hearings. These hearings are held for the purpose of evaluating and reviewing all aspects of the youth's progress in services, education, and the development of the youth's plan for successful emancipation.

1. All youth who are recommended by Lucas County Children Services (LCCS) for permission to cease seeking an adoptive home and to live in a Planned Permanent Living Arrangement (PPLA) shall have the opportunity:
 - a. To prepare ahead of time for meeting the Judge or Magistrate via a Teen Team Meeting at LCCS, and
 - b. To meet with the Judge or Magistrate immediately following the PPLA Hearing and no less than annually thereafter.
2. In the event of special circumstances, LCCS (or any party) may file a motion requesting:
 - a. That the youth not attend the PPLA Hearing, or
 - b. That the youth not attend an Annual Review Hearing.

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

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

JUVENILE RULE 23**CHILD RESTRAINT RULE**

- 23.1 This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
- 23.2 No child shall be in restraints in any court proceeding unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of any of the following:
 - A. The child represents a current and serious threat of physical harm to self, the official, to law enforcement, or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
- 23.3 The judge or magistrate shall permit any party, as defined in Juv.R.2(Y), to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.
- 23.4 When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
- 23.5 Any and all restraint and/or confinement of a pregnant youth (whether in court or when detained) shall be conducted only when necessary and in compliance with R.C. 2152.75 and R.C. 2901.10.

JUVENILE RULE 24
CITATION OF RULES

24.1 These rules shall be known as the Lucas County, Ohio, Court of Common Pleas, Juvenile Division, Local Rules of Practice, and may be cited as Lucas County Juvenile Court Rules or LCJC Rules.

Appendix A

In The Court of Common Pleas, Lucas County, Ohio Juvenile Division

IN THE MATTER OF:

- * Case Number: _____
- * **MEDIA REQUEST FOR PERMISSION TO PUBLICIZE
COURT PROCEEDINGS PURSUANT TO LOCAL
JUVENILE COURT RULE 1.2, OHIO JUVENILE
RULES OF PROCEDURE 34(B), AND RULE 12 OF
THE OHIO RULES OF SUPERINTENDENCE**

*

* * * * *

I, _____ (*Name of Representative*) of
_____ (*Media Affiliation/ Company*) hereby requests
permission to: live broadcast (by television, radio, or internet,) record video for later
broadcast, record audio for later broadcast, take photographs of courtroom proceedings in
the case of _____ (*Name of Case*), Case No. _____
(*Juvenile Court Case Number*) scheduled to commence on _____ (*Month, Day, Year*) at
_____ (*Time*) AM PM before Judge Magistrate _____
in the Court of Common Pleas, Lucas County, Ohio, Juvenile Division.

I certify that I have read and understand the contents of Lucas County Juvenile Court Local
Rule 1.2, Ohio Juvenile Rules of Procedure 37(B), and Rule 12 of the Ohio Supreme Court's Rules of
Superintendence for Common Pleas Courts.

*Received in the Office of the Court
Administrator By:*

Date: _____ Time: _____

Name of Representative, Media Affiliation/ Company

Address (Street, City, State, Zip Code)

Phone Number / Fax Number

Appendix B

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

IN THE MATTER OF:

JUDGMENT ENTRY

**COURT COSTS, FEE ASSESSMENTS AND
DISTRIBUTIONS AND FILING FEE
SCHEDULE**

FILED
JUVENILE DIVISION
NOV 13 2023
Lucas Co. Com. Pleas Court

This matter comes before the Court on its own motion on November 13, 2023. The following *Court Order* is based on statutory guidance pursuant to the Ohio Revised Code. This Judgment Entry supersedes the prior Administrative Amended Judgment Entry filed stamped May 3, 2021.

It is **ORDERED, ADJUDGED and DECREED** that the following court costs and filing fee schedule be adopted and hereby instituted effective November 13, 2023.

COURT COSTS

TRAFFIC – MOVING VIOLATIONS		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	\$2303.20
Postage Cost	\$5.00	\$2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	\$2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	\$2151.541 (B)(1)/\$2301.031 (B)
Mediation Services	\$50.00	\$2303.201 (E)(1)
State Reparations Fund (if charge is a misdemeanor, moving traffic, or felony; excludes non-moving traffic)	\$9.00 Misdemeanor* *includes Moving Traffic \$30.00 Felony	\$2743.70(A)(2)(a) \$2743.70(A)(2)(b)
Additional Moving Violation Cost - \$3.50 goes to Drug Law Enforcement Fund And Justice Program Services Fund, \$5.00 goes to the Indigent Defense Support Fund, and \$1.50 goes to the Driver Alcohol Treatment Fund	\$10.00	\$2949.094 (B)
Special Projects Fees		
• General	\$50.00	\$2303.201 (E)(1)
• New CMS Fee	\$15.00	\$2303.201 (E)(1)
TOTAL	\$176.00	Misdemeanors & Moving Traffic or \$197.00 Felonies

TRAFFIC – NON MOVING VIOLATIONS		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
Mediation Services	\$50.00	§2303.201 (E)(1)
Non-Moving Violation (non-parking violation) Indigent Defense Support Fund	\$10.00	§2949.091(A)(2)(a)(iii)&(b)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$167.00	

FELONY CASES		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Felony - Indigent Defense Support Fund	\$30.00 - Felony	§2949.091 (A)(2)(a)(i)
Felony - State Reparations Fund	\$30.00 - Felony	§2743.70 (A)(2)(a)
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
Mediation Services	\$50.00	§2303.201 (E)(1)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$217.00 Felony	

UNRULY CASES		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
Mediation Services	\$50.00	§2303.201 (E)(1)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$157.00 Unruly	

MISDEMEANOR CASES		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Misdemeanor - Indigent Defense Support Fund	\$20.00 – Misdemeanor	§2949.091 (A)(2)(a)(ii)
Misdemeanor - State Reparations Fund	\$9.00 - Misdemeanor	§2743.70 (A)(2)(b)
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
Mediation Services	\$50.00	§2303.201 (E)(1)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$186.00 Misdemeanor	

CUSTODY AND ESTABLISHMENT OF PARENT/CHILD RELATIONSHIP		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
VIP – parenting classes	\$11.00	§3109.053
Children's Rights Council	\$10.00	Local Rule
Mediation Services	\$50.00	§2303.201 (E)(1)
Ohio Legal Assistance Foundation	\$15.00	§2303.201 (C)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$193.00	

COMPLAINT/MOTION FOR VISITATION		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
VIP – parenting classes	\$11.00	§3109.053
Children's Rights Council	\$10.00	Local Rule
Mediation Services	\$50.00	§2303.201 (E)(1)
Ohio Legal Assistance Foundation	\$15.00	§2303.201 (C)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$193.00	

CHILD SUPPORT		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
VIP = Parenting classes	\$11.00	§3109.053
Children's Rights Council	\$10.00	Local Rule
Mediation Services	\$50.00	§2303.201 (E)(1)
Ohio Legal Assistance Foundation	\$15.00	§2303.201 (C)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$193.00	

3 RD PARTY MOTION/COMPLAINT CUSTODY		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Base Cost (docketing and filing fee)	\$24.00	§2303.20
Postage Cost	\$5.00	§2303.20
Computerize the Court/make available computer computerized legal research services	\$3.00	§2151.541 (A)(1)
Computerization of Clerk's Office	\$10.00	§2151.541 (B)(1)/§2301.031 (B)
Children's Rights Council	\$10.00	Local Rule
Mediation Services	\$50.00	§2303.201 (E)(1)
Ohio Legal Assistance Foundation	\$15.00	§2303.201 (C)
Home Study Fee	\$100.00 per adult in the household	§2303.201 (E)(1)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
TOTAL	\$282.00	

ABUSE, NEGLECT, AND DEPENDENCY CASES (** LCCS INITIATED)		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
No Cost	No cost	§2151.54
TOTAL	\$0.00	

MISCELLANEOUS APPLICABLE FEES		
ITEM	COST	LEGAL AUTHORITY UNDER ORC
Emergency, Ex parte and Expedited filings (non LCCS initiated)	\$100.00	§2303.201(E)(1)
Public Defender Appointment Application Fee	\$25.00	§120.36 (A)(1); §1907.24 (C)
Special Projects Fees		
• General	\$50.00	§2303.201 (E)(1)
• New CMS Fee	\$15.00	§2303.201 (E)(1)
Service Costs (Fed Ex or USPS)	\$12.00 per person certified mail	§2303.20
Personal Service Fee	Service and Return Fee \$16.00 Deposit, \$2.00 per mile for 1 st mile, then \$1.00 per mile for each additional mile going and returning for service per name.	§311.17 (A) & (B)
OVI additional fees	Mandatory \$2.50 for first time offender – sent to State Highway Safety Fund per section 4501.06. Optional additional \$2.50 for first time offender – sent to Court's Special Projects fund.	\$4510.022 \$4510.022 §2303.201 (B)(1) §1901.26 §1907.24 (B)(1)
Additional Child (Custody)	\$25.00 per additional child	§2303.201 (E)(1)
Additional Parent (Child Support)	\$25.00 per additional father	§2303.201 (E)(1)
Surrogacy	\$350.00	Per Local Rule
Notice of Appeal	\$225.00	Local Rule 3
Motion to Modify Parental Rights and Responsibilities with request for a Consent JE	\$100.00	Per Local Rule
Consent Entry as Initial filing	\$100.00	Per Local Rule
Other Miscellaneous Fees & Costs	varies	§2303.20

CASES MAY HAVE ADDITIONAL, UNIQUE CHARGES THAT WILL BE ASSESSED INDIVIDUALLY.

FILING FEE SCHEDULE

LISTED BELOW ARE THE FEES ASSOCIATED WITH FILING COMPLAINTS, MOTIONS AND JUDGMENT ENTRIES IN THE JUVENILE CLERK'S OFFICE

CUSTODY

All Motions/Complaints to Establish a Parent/Child Relationship and/or to address custody of a minor child between parents only	\$193.00
*per additional child	\$ 25.00
Third Party Motion/Complaint regarding Custody and/or Establishment of Parent/Child Relationship (Ex: <i>grandparent, aunt, sister, friend, etc.</i>).....	\$282.00
*per additional child	\$ 25.00
Motion to Show Cause (request to enforce an existing) Custody Order	\$193.00
*per additional child	\$ 25.00
Motion to Modify Existing Custody Agreement with Request for Mediation	\$193.00
*per additional child	\$ 25.00
Counterclaims or Cross-Complaints/Motions	\$100.00

VISITATION AND COMPANIONSHIP

All Motions/Complaints to Establish/Modify Visitation between Parents	\$193.00
*per additional child	\$ 25.00
Third Party Motion/Complaint for Visitation	\$193.00
*per additional child	\$ 25.00
Motion to Show Cause (request to enforce an existing) Visitation Agreement..	\$193.00
*per additional child	\$ 25.00
Motion to Modify Existing Visitation Agreement with Request for Mediation...	\$193.00
*per additional child	\$ 25.00
Counterclaims or Cross-Complaints/Motions	\$100.00

PARENTAGE AND SUPPORT

All Motions/Complaints to Establish or Vacate a Parent/Child Relationship, to Request Genetic Testing and/or a Child Support Order	\$193.00
*per additional father.....	\$ 25.00
Motion to Modify a Child Support Order	\$193.00
*per additional father/mother	\$ 25.00
Motion to Show Cause (request to enforce an existing) Child Support Order ..	\$193.00
*per additional father/mother	\$ 25.00
Complaint to Vacate an Administrative Child or Medical Support Order	\$193.00
*per additional father/mother	\$ 25.00
Complaint to Modify an Administrative Child or Medical Support Order.....	\$193.00
*per additional father/mother	\$ 25.00
Motion to Modify Existing Child/Medical Support Order with Request for Mediation	\$193.00
*per additional father/mother	\$ 25.00
Counterclaims or Cross-Complaints/Motions	\$100.00

OTHER

Motion to Change or Correct a Name on a Birth Certificate	\$ 96.00
Motion to Modify Parental Rights and Responsibilities (PRR) with Request for Consent Judgment Entry (Initial Filing).....	\$100.00
Notice of Appeal.....	\$225.00
Surrogacy/Co-Custody	\$350.00
Publications.....	\$ 84.00
Emergency, <i>ExParte</i> and Expedited Requests (all Non-LCCS Initiated Motions or Filings)	
\$100.00	
Consent Judgment Entry (Initial Filing)	\$100.00
Motion for Continuance	No Charge
Answers or Responsive Pleadings	No Charge
Objections	No Charge
Motion to Set Aside Magistrate's Decision.....	No Charge
Grandparent Caretaker Authorization (Caretaker Affidavit/Power of Attorney)	No Charge
Certificate of Judgment.....	\$ 30.00
Registration of Foreign Order (Other State or Country Order for Enforcement)	\$ 35.00
Copies of Court Documents (R.C. 2303.20(Z)).....	\$0.05/page
Certification of Document	\$1.00 each
Electronic Transmission of Court Documents (R.C. 2303.20(Y)).....	\$2.00 each
Application to Seal Juvenile Record (R.C. 2151.356).....	No Charge
Application to Expunge Juvenile Record (R.C. 2151.358).....	\$ 75.00
Application to Seal Adult Record	No Charge
Application to Expunge Adult Record	\$ 75.00
Application for Consent to Marry.....	No Charge

DEFINITIONS

COURT COSTS: Amounts related to the expenses incident to a cause of action. Court Costs are connected to various specified acts and services performed by the Juvenile Court Clerk and the Court in connection with court procedures. The total amount of court costs in a given case often depends upon the complexity of the procedures involved and the subject matter of the litigation.

FILING FEES: Amount a party must pay to the Juvenile Court Clerk upon filing a cause of action. The filing fee is required when a party files a new complaint or motion, or re-opens a case that has previously been closed. Filing fees are established and required by Ohio law. Please be aware that the filing fee is only the initial payment that must be made at the time a cause of action is filed. If you are an indigent party, you may be eligible, upon proper application with the Court, to defer or waive the payment of the initial filing fee by submitted an application to do so. This application does not waive the \$25.00 Public Defender Application fee.

PLEADING: A formal, usually written, allegation and counter allegation made by the parties in a legal action or proceeding. Typically, but not exclusively, pleadings include Motions, Complaints, Answers and Counter/Crossclaims.

MOTION: A legal application (made verbally or in writing) to a Court or Judge, by a party to an existing case seeking to obtain a ruling, order or direction, that some act or action be done.

COMPLAINT: The initiation of a formal action against a party. A Complaint is similar to a Motion; however, a Complaint is used when there is not an existing case before the Court involving the parties.

ANSWER OR RESPONSIVE PLEADING: A party's written response to a Complaint or Motion.

COUNTERCLAIM OR CROSS-COMPLAINT/MOTION: A party's written or oral response to a Complaint or Motion that includes an application made to a Court or Judge, seeking to obtain a ruling, order or direction, substantially different than that which was requested in the original Complaint or Motion and/or making new allegations against the initiating party.

EMERGENCY, EXPARTE AND EXPEDITED: A request by a party that a matter is of such urgency or necessity that an immediate temporary or intermediate order is needed, resulting in a hearing on the Complaint, Motion or other legal matter at the next earliest available time on the Court's docket.



LINDA M. KNEPP,
ADMINISTRATIVE JUDGE

JOURNALIZED THIS DATE 11-13-2023 ELECTRONICALLY

Last Update: 11-13-2023

Appendix C

In The Court of Common Pleas, Lucas County, Ohio
Juvenile Division

Case Number: _____

IN THE MATTER OF:

1. _____
Child's Name

**MOTION FOR WAIVER OF FILING FEES/COSTS
AND AFFIDAVIT OF INDIGENCY**

2. _____
Child's Name

Petitioner's Name

Respondent's Name

DOB Last 4 Digits of
SS #

Street Address

Street Address

City, State, Zip

City, State, Zip

Instructions: This form is used to request to be found indigent and waive payment of filings fees. An Affidavit of Indigency MUST be filed with this Motion.

Now comes _____ (*your name*) pursuant to §2323.31 and §2323.311 of the Ohio Revised Code, who moves this Court for an Order finding them to be indigent and waiving the required filing fees/costs.

The attached **Affidavit of Indigency** is a sworn statement of my true income, assets and expenses, including the names and ages of the persons whom I have a legal duty to support. I understand that in making their determination, the Court will review the information provided by me in the Affidavit. If I am not found to be indigent, I will be notified by the Court and required to pay the filing fees/costs **before** my hearing will be scheduled. If I do not make the required payment within thirty (30) days, my filing will be dismissed and in order to have my case heard, I will need to file a new pleading.

Wherefore, the undersigned hereby moved this Court to grant an Order finding them to be indigent and waiving the required filing fees/costs pursuant to R.C. §2323.311.

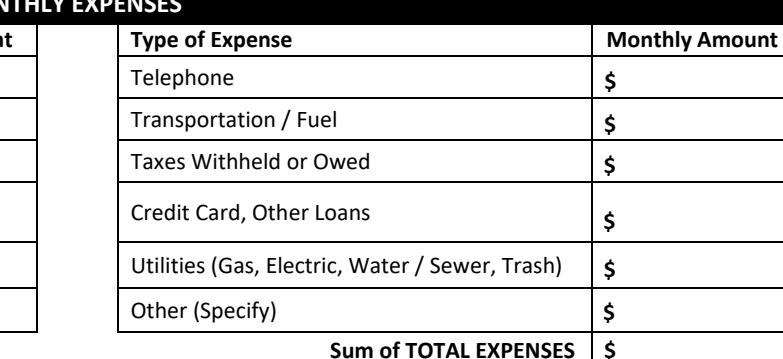
Respectfully Submitted,

Signature

Printed Name

AFFIDAVIT OF INDIGENCY FORM- MOTION FOR WAIVER OF FILING FEES/COSTS

Pursuant to O.R.C. 2323.311(B) (1), this form requests substantially the same information as the Ohio Public Defender Financial Disclosure form (ODP-206R).

I. PERSONAL INFORMATION					
Applicant's Name			D.O.B.		
Mailing Address			City	State	Zip Code
Case No.			Phone	Cell Phone	
SSN Last 4	Gender	Race (place an 'X' by all that apply) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other			
II. APPLICANT'S DEPENDENTS					
Name	D.O.B.	Relationship	Name	D.O.B.	Relationship
1)			3)		
2)			4)		
III. PRESUMPTIVE ELIGIBILITY					
Waiver of filing fee is presumed if the applicant meets any of the qualifications below. (place an 'X' by all that apply)					
<input type="checkbox"/> Ohio Works First / TANF <input type="checkbox"/> SSI <input type="checkbox"/> SSD <input type="checkbox"/> Medicaid <input type="checkbox"/> Poverty Related Veterans' Benefits <input type="checkbox"/> Food Stamps <input type="checkbox"/> Refugee Settlement Benefits <input type="checkbox"/> Incarcerated in state penitentiary <input type="checkbox"/> Committed to a Public Mental Health Facility <input type="checkbox"/> Juvenile					
Documentation must be submitted showing receipt of above-mentioned benefits dated within the past thirty (30) days					
IV. INCOME AND EMPLOYER					
Gross Monthly Employment Income	\$				
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$				
TOTAL INCOME	\$				
Employer's Name: _____			Phone Number: _____		
Employer's Address: _____					
V. LIQUID ASSETS					
Type of Asset	Estimated Value				
Checking, Savings, Money Market Accounts	\$				
Stocks, Bonds, CDs	\$				
Other Liquid Assets or Cash on Hand	\$				
Total Liquid Assets	\$				
VI. MONTHLY EXPENSES					
Type of Expense	Monthly Amount		Type of Expense	Monthly Amount	
Child Support Paid Out	\$		Telephone	\$	
Child Care (if working only)	\$		Transportation / Fuel	\$	
Insurance (medical, dental, auto, etc.)	\$		Taxes Withheld or Owed	\$	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$		Credit Card, Other Loans	\$	
Rent / Mortgage	\$		Utilities (Gas, Electric, Water / Sewer, Trash)	\$	
Food	\$		Other (Specify)	\$	
			Sum of TOTAL EXPENSES	\$	

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is equal to or less than 187.5% of the Federal Poverty Guidelines, and if the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets listed in Section V, or if Applicant is presumptively eligible, the filing fee will be waived. The Court has discretion to grant the waiver when Applicant's expenses are greater than income and assets.

VIII. APPLICANT CERTIFICATION

Now comes Applicant, _____, (insert name) and states the following:

1. I am financially unable to pay the court fees/costs associated with my pleading without substantial hardship.
2. I understand that I must inform the Juvenile Clerk's Office if my financial situation should change before the disposition of the case for which this application is being submitted.
3. I understand that if it is determined by the court that a waiver of court fees/costs should not have been permitted, that I will be required to pay the court fees/costs.
4. I understand that if it is determined that false information was provided on this form, I may be subject to criminal charges for providing false financial information in connection with this Motion for Waiver of Filing Fees/Costs pursuant to Ohio Revised Code section 2921.13.
5. I hereby certify that the information I have provided on this **Motion for Waiver of Filing Fees/Costs and Affidavit of Indigency** is true to the best of my knowledge.

Signature

Date

IX. JUDICIAL REVIEW

Section IV – Total Income: \$ _____

Applicant Household Size: \$ _____

Section V – Liquid Assets: \$ _____

Section VI – Monthly Expenses: \$ _____

**Ohio Public Defender
2023 Indigent Client Eligibility Guidelines
All figures based on gross income**

187.5% of the Federal Poverty Level Guidelines

Family Size	Annual Income	Monthly Income	Weekly Income
1	\$ 27,338.00	\$ 2,278.00	\$ 526.00
2	\$ 36,975.00	\$ 3,081.00	\$ 711.00
3	\$ 46,613.00	\$ 3,884.00	\$ 896.00
4	\$ 56,250.00	\$ 4,668.00	\$ 1,082.00
5	\$ 65,888.00	\$ 5,491.00	\$ 1,267.00
6	\$ 75,525.00	\$ 6,294.00	\$ 1,452.00
7	\$ 85,163.00	\$ 7,097.00	\$ 1,638.00
8	\$ 94,800.00	\$ 7,900.00	\$ 1,823.00
Each Additional	\$ 9,638.00	\$ 803.00	\$ 185.00

- Applicant's Total Income is equal to or less than 187.5% of the Federal Poverty Guidelines, and Applicant's monthly expenses are equal to or in excess of the Applicant's liquid assets listed in Section V, and/or Applicant is presumptively eligible in line with Section III, thus, **the filing fee associated with this pleading is waived. Applicant's Motion for Waiver of Filing Fees/Costs is granted.**
- Applicant's Total Income is more than 187.5% of the Federal Poverty Guidelines, and/or Applicant's monthly expenses are less than the Applicant's liquid assets listed in Section V, therefore, **the filing fee associated with this pleading must be paid. The clerk will retain the filing of the action or proceeding. Applicant's Motion for Waiver of Filing Fees/Costs is denied. Applicant is granted 30 days to pay the court fees/costs. Failure to pay the required fees/costs within thirty (30) days will result in the automatic dismissal of the pleading.**

Appendix D

In The Court of Common Pleas, Lucas County, Ohio
Juvenile Division

Case Number: _____

IN THE MATTER OF:

**MOTION FOR APPOINTMENT OF
FOREIGN OR SIGN LANGUAGE INTERPRETER**

Petitioner's Name _____
DOB _____ Last 4 Digits of SS # _____
Street Address _____
City, State, Zip _____

Respondent's Name _____
DOB _____ Last 4 Digits of SS # _____
Street Address _____
City, State, Zip _____

Instructions: This form is to be used by an individual that requires the assistance of a foreign language or sign language interpreter and would like one to be present at all court hearings pertaining to their case.

Foreign Language Interpreter Services Request:

Pursuant to TIVLE VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.) and Sup. R. 88(A) and (D), _____ (name of requesting party) requests a foreign language interpreter proficient in _____ (language) be present at all hearings scheduled herein. _____ is a non-English speaking person, or has limited English proficiency, and cannot meaningfully participate in court proceedings without the services of an interpreter. _____ understands that the requested interpreter services will be provided by the Court at no cost to them.

Sign Language Interpreter Services Request:

Pursuant to the Americans with Disabilities Act and Sup. R. 88(B) and (E), _____ requests a sign language interpreter be present at all hearings scheduled herein. _____ is a deaf or hard of hearing person and cannot meaningfully participate in court proceedings without the services of an interpreter. _____ understands that the requested interpreter services will be provided by the Court at no cost to them.

Requestor's Signature _____

Date _____

Requestor's Name (Please Print) _____

CERTIFICATE OF SERVICE

TO THE CLERK: I certify that I have served a copy of the foregoing Motion upon the following persons at the following addresses by regular mail:

Name: _____

Address: _____

Phone: _____

Requestor's Signature

Date

Requestor's Name *(Please Print)*

Appendix E

Lucas County Juvenile Court Appointed Counsel Declaration of Compliance and Qualifications to Serve as Court Appointed Counsel

Application **Annual Form Update** (check only one)

Attorney Name: _____ Supreme Court Registration # _____

Office Address: _____

Office Telephone #: _____ Fax #: _____

Cell Phone #: _____ E-Mail Address: _____

I wish to accept appointments regarding the following case types (check all that apply):

- Dependency, Neglect, Abuse Cases
- Child Support (Motions to Show Cause) Cases
- Delinquency Cases
 - Unruly, truancy, violations of court orders/probation violations, & misdemeanor cases.
 - Misdemeanor OVI cases
 - Felony cases
 - 3rd, 4th, 5th degree felonies
 - 1st and 2nd degree felonies
 - Bindover and serious youthful offender cases.
 - Murder and aggravated murder cases.
- Appellate Cases
 - Dependency, Neglect, Abuse, or Permanent Custody Cases
 - Unruly, truancy, violations of court orders/probation violations, misdemeanor cases, felonies of the 3rd, 4th, 5th degree
 - 1st and 2nd degree felony cases
 - Bindover and Serious Youthful Offender cases.

CERTIFICATION

I certify that I have reviewed Ohio Administrative Code 120-1-10 (J) & (L) and I will accept appointments as provided by this section. I further agree to inform the Court if I am not qualified as per OAC 120-1-10 (J) & (L) to accept a certain category of appointments (<http://codes.ohio.gov/oac/120-1-10>). I further certify that I have professional liability insurance coverage as per the attached certificate,¹ that I completed the requisite 6 hours of CLE this calendar year specific to juvenile law (or other training specifically approved by the Court) **AND** any additional CLE required under the OAC for the above case types.

Signature: _____ Date: _____

Return Completed Form to: The Lucas County Juvenile Court Clerk's Office, 1801 Spielbusch Ave., Toledo, Ohio 43604, or via **E-mail at:** lcjcfilings@co.lucas.oh.us. Also, please provide a cover letter addressed to the Administrative Judge indicating your request to be placed on the appointment list.

Application <input type="checkbox"/> granted <input type="checkbox"/> denied	_____	Administrative Judge	Date
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¹ A copy of the declaration page and certificate of coverage indicating limits and policy term for your professional liability insurance policy must be submitted with this form.