

HOCKING COUNTY JUVENILE COURT
RULES OF COURT

ADOPTED BY THE SUPREME COURT OF OHIO
SUPPLEMENTED BY LOCAL RULE

Richard M Wallar, Judge
Hocking County Common Pleas Court
Juvenile Division

Rules of Court

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Court, Juvenile Division

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Division

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By Richard M Wallar, Judge, Hocking County Common Pleas Court,
Juvenile Division

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

LOCAL RULES OF COURT

CASE MANAGEMENT PLAN
COMPANIONSHIP SCHEDULE

I. GENERAL LOCAL RULES OF COURT

RULE 1. Hours of Court

The Juvenile Court and its office shall be opened for transaction of business from 8:30 A.M. to 4:00 P.M., Monday through Friday. The Juvenile Court shall be closed on Saturdays, Sundays and Legal Holidays.

RULE 2. Conduct in Court

A. Proper decorum in the Court is necessary to the administration of the Court's function, and any conduct which interferes or tends to interfere with the proper administration of the Court's business is prohibited.

B. Confidentiality of Court proceedings in Juvenile cases is required and parties, witnesses, and counsel shall conduct themselves in conformity with the confidentiality required and said proceedings are not open to the general public or media.

C. In proceedings not requiring confidentiality, such as cases involving adults in criminal causes or parentage cases, no radio or television, voice recording device or other device used by a reporter or other person, or the making or taking of pictures, shall be permitted without the express consent of the Court in advance.

RULE 3. Examination of Files, Records and Other Documents

The examination of files pertaining to juveniles in abuse, neglect, dependent, unruly, and delinquent cases is prohibited under the confidentiality requirements, excepting by parties and counsel for the parties in the cause. No files of juveniles may be used for any purpose, excepting by permission of the Court, in conformity with statutes and Ohio rules of Juvenile Procedure.

RULE 4. Motions

Motions before the Court shall comply with Ohio Rules of Juvenile Procedure, Rule 19; no continuances in any cause within the jurisdiction of the Court shall be granted except upon written motion, accompanied by an entry and continued to a date and time certain.

RULE 5. Complaints

A. Complaints in juvenile cases shall comply with Rules of Juvenile Procedure, Rule 10; complaints alleging abuse, neglect, dependency, unruly and delinquency shall be reviewed by the office of the Hocking County Prosecuting Attorney.

B. Simultaneously with any complaint alleging abuse, neglect, dependency, or unruliness, the prosecuting attorney, assistant prosecutor or a duly appointed special prosecutor, shall file with the court a statement in the form attached and annexed to these rules as "Form 1". This rule shall not apply to juvenile traffic and tobacco cases. This rule, 5B, shall not apply to juvenile traffic and tobacco cases, nor cases where a juvenile was arrested and held in detention; nor cases in which Hocking County Children Services has removed a child from a home on an ex parte emergency basis.

II. CASE MANAGEMENT PLAN

RULE 6. Physical Inventory of Cases

All cases in Juvenile Court shall be physically inventoried for a period of February 1985 through August 31, 1991. Each case shall be physically examined, the status determined, and stamped as to date inventoried and the status of the case as to active or terminated.

A. All cases determined to be opened shall be counted on the physical inventory, the docket checked to determine if each open case pending is docketed for appropriate proceedings, or appropriate notices for action ~~set~~ to the parties;

B. Report of the physical inventory shall be filed with the Supreme Court of the State of Ohio on or before September 1, 1991;

C. An annual physical inventory shall be made after 1991 of all pending cases, with the report of the annual physical inventory filed with the Supreme Court of the State of Ohio on or before the date said physical inventory report was filed in 1991.

RULE 7. Time On Procedure for Abuse, Neglected, Dependent, Unruly and Delinquent Cases

A. Protective Orders: Upon granting of a Protective Order, a Shelter Care hearing shall be conducted within twenty-four (24) hours or seventy-two (72) hours, if on a weekend, or next Court business day;

B. Upon filing of a complaint, the cause shall be set for an initial appearance of the parties, with counsel appointed if ordered, in fourteen (14) days;

C. If an admission is entered to the cause at the initial appearance, the cause shall be set for dispositional hearing no later than ten (10) days; disposition may be made the same day upon voluntary waiver of the twenty-four (24) hour rule by all parties;

D. If a denial is entered, the cause shall be set for pre-trial and final hearing within sixteen (16) days; upon good cause, the final hearing shall not be continued more than forty-five (45) days;

E. The dispositional hearing shall be conducted and disposition ordered not later than ninety (90) days from the date of filing the complaint.

RULE 8. Time On Procedure For Parentage Cases

A. Upon the filing of a parentage complaint, the cause shall be set for initial appearance not later than forty-five (45) days from the date of filing of complaint. The initial appearance shall determine service, if an answer has been filed, if an appointment of an attorney is requested, if an admission is to be made to the complaint.

B. Upon request for Court appointed attorney or DNA testing, the request shall be determined immediately.

C. Upon the granting of a request for DNA testing, the Court shall make orders of a date and time certain for the DNA testing on a date no later than seven (7) days from the date of request; the cause shall be set for pre-trial with six (6) weeks from date of granting the order for the DNA test.

D. The cause shall be set for hearing or trial by jury within sixty (60) days from date of pre-trial conference.

RULE 9. Time Procedure for Other Cases in Juvenile Court

A. All other causes within the jurisdiction of the Juvenile Court, including but not limited to motions for custody, companionship or visitation, and charges of contempt shall be set for pre-trial and final hearing within ninety (90) days of the filing of the action;

B. Complaints for permanent custody shall be heard and disposition made within ninety (90) days from the date of the original filing praying for the orders of permanent custody;

C. All adult criminal cases in the jurisdiction of the Juvenile Court shall comply with the time requirements as set forth in O.R.C. 2945.71 and O.R.C. 2945.72.

HOCKING COUNTY COMMON PLEAS COURT

JUVENILE DIVISION

RULE 10 VISITATION AND COMPANIONSHIP SCHEDULE

Rule 10. Companionship Schedule

Companionship is a time for the minor child to do things with the parent with whom the minor child does not live. Specifically, visitation or companionship may be filed as an action in parentage cases by separate complaint or motion after the determination of parentage.

Circumstances in parentage cases may be significantly different from circumstances in divorce proceedings, to wit: The minor child may have had no contact or prior relationship with the person determined to be the parent in the parentage action.

A. The Court shall make a determination upon granting companionship or visitation to a party determined to be a parent in a parentage action if it is in the best interest of the minor child to have a reasonable period and procedure for beginning an initial relationship with the parent, and the Court shall establish an initial relationship companionship schedule if in the best interest of the minor child.

B. The Court further adopts as a companionship schedule the following with the precedent conditions:

(1) Specific items in the Journal Entry take precedence over the schedule set forth herein.

(2) Changes and modifications can be made by the Court if need for such is demonstrated by evidence.

(3) The adoption of the schedule does not offset the child support payments ordered in a respective case.

C. Companionship: shall occur on alternate weekends from Friday at 7:00 P.M. until Sunday at 7:00 P.M.

D. Holidays: In the odd-numbered years, mother has Easter, July 4, Thanksgiving, Christmas Day and New Year's Eve; the father has Memorial Day, Labor Day, Christmas Eve and New Year's Day. In the even-numbered years, the schedules are reversed.

1. A holiday that falls on a weekend should be spent with the parent who is supposed to have the children for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. These do not have to be made up.

2. Forty-eight (48) hours notice should be given by the non-custodial parent to the custodial parent of intentions about the holidays.

3. Mother's Day and Father's Day are to be spent with the appropriate parent. These are agreed, or 10:00 A.M. to 7:00 P.M.

4. Other days of special meaning such as Religious Holidays, Martin Luther King Day, etc., should be decided together, written into the Court Order, and alternated as above.

5. Hours for parents who cannot agree are as follows: Easter, (10:00 A.M. to 7:00 P.M.); Memorial Day, (9:00 A.M. to 9:00 A.M. the next day, not to interfere with school), July 4th, (9:00 A.M. to 9:00 A.M. the next day); Labor Day, (9:00 A.M. to 9:00 A.M. the next day, not to interfere with school); Thanksgiving, (9:00 A.M. to 9:00 A.M. the next day); Christmas Eve, (9:00 P.M. December 23 to 9:00 P.M. December 24); Christmas Day, (9:00 P.M. December 24 to 9:00 P.M. December 25); New Year's Eve, (9:00 P.M. December 30 to 9:00 P.M. December 31); New Year's Day, (9:00 P.M. December 31 to 9:00 P.M. January 1.)

E. Birthdays: The child shall celebrate his/herhis/her birthday in the home of the custodial parent, unless it falls on a visitation day, and the other parent can celebrate at another time if desired.

F. Waiting: The children and residential parent have no duty to wait for the visiting parent for more than 30 minutes of the visitation time. A parent who is late more than 30 minutes forfeits companionship for that period.

G. Cancellations: If a child is ill, the residential parent should give twenty-four (24) hours notice, if possible, so appropriate plans can be made.

The non-residential parent should give twenty-four (24) hours notice to cancel the companionship time. The time cancelled by the non-residential parent is forfeited.

H. Vacations: Four weeks of companionship each year are to be arranged, with sixty (60) days advance notice by the non-residential parent. The residential parent must give the non-residential parent sixty (60) days notice of vacations or special plans for the child to avoid planning conflicts.

1. Alternate weekends or holidays which normally would be spent with the residential parent, and that normally fall during the non-residential parent's vacation, must be given to the residential parent or made up at another time. Alternate weekends or holidays which normally would be spent with the non-residential parent and that fall during the residential parent's vacation, must be given to the non-residential parent or made up at another time. Holidays and alternate weekends that are to be made up must be given/taken within three (3) months.

2. Summer school necessary for the child to pass to the next grade must be attended.

3. A general itinerary should be provided for the residential parent if vacation will be out of town.

I. Moving: For parents residing in different locations that make the above schedule impractical, they shall apply to the Court for modification of companionship schedule.

J. If additional help is needed, contact your legal counsel.

RULE 11. Pre-Trial Statements

In abuse, neglect and dependency cases a pre-trial statement in the form attached and annexed to these Rules as "Form 2" shall be filed with the Court and delivered to all parties or their counsel at or before the beginning of any pre-trial.

FORM 1

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

IN RE: _____ : Case No.

AN ALLEGED _____ CHILD : ID No.

The undersigned represent to the Court the following statements are true:

1. I have read all written statements, heard all audio recordings, and viewed all video recordings of all alleged victims, alleged perpetrators and witnesses in the possession of investigators, law enforcement personnel and/or the prosecutor's office related to the complaint filed herewith.
2. I have examined all physical evidence, documents and photographs and reviewed all reports of tests in the possession of investigators, law enforcement personnel and/or the prosecutor's office related to the complaint filed herewith.
3. The investigation preceding the filing of this complaint has been reasonably sufficient, or the circumstances surrounding the complaint indicate the need for prompt Court action to protect persons or property.
4. I have reviewed the complaint and in my opinion, there is probable cause to support the complaint.

(Atty. Reg. # _____)

IN THE COMMON PLEAS COURT, HOCKING COUNTY, OHIO

JUVENILE DIVISION

IN RE;

CASE NO.

PRE-TRIAL STATEMENT OF _____

1. Statement of facts:

2. Service complete? Yes _____ No _____
If no, when? _____
Request Publication _____

3. Drop/Add/Join parties? Yes _____ No _____
If yes, who? _____

4. Motions to be filed? None _____ Pending _____
To be filed _____

5. Discovery provided? By HCCS _____
By Parent _____ If no, when? _____
Problems? _____

6. Stipulations/Admissions? Yes _____ None _____
If yes, parties admit/stipulate. _____

7. Case Plan? Ready _____
If no, when? _____

8. Questions of fact:

9. Issues of law:

10. Identifications of exhibits:

- 11. Psych. Examination:

- 12. Identification of expert witnesses:

- 13. Identification of lay witnesses:

- 14. Estimate of time required for trial:

- 15. Costs in any other cases?

- 16. Is there other litigation involving the child?
(ie Divorce, Criminal , CPO)

- 17. Are settlement negotiations possible? Yes _____ No _____
Position _____

- 18. Dispositional goals

- 19. Possible relative placement: (names and addresses)

- 20. GAL _____
Requested _____

21. Family Team Members Yes _____ No _____
Agencies _____

22. Trial date? _____

23. Would another Pre-Trial be helpful? _____
Why? _____

_____ attorney