

HOCKING COUNTY JUVENILE COURT
RULES OF COURT

Jonah M. Saving, Judge
Hocking County Common Pleas Court
Juvenile Division

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

LOCAL RULES OF COURT

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 - RECORDING OF PROCEDURES

Unless otherwise ordered by the Court, all matters of record shall be preserved by electronic recording. Anyone wishing to have a written transcript of a proceeding shall contact the court reporter and request the same in writing. The rates to be charged for transcribed proceedings are established by the court reporter. Persons requesting a CD of a hearing shall pay a fee of \$5.00 for the CD and a record shall be made of the hearing.

RULE 3 - MANDATORY APPEARANCE AND WRITTEN DENIALS

Any juvenile required to appear before this Court shall appear in person and be accompanied by a parent or legal custodian. A written denial may be filed by counsel in lieu of appearance of a juvenile for an arraignment. Said denial shall be filed prior to the scheduled arraignment.

EXCEPTION: The Court will not accept a written denial in lieu of appearance with regard to any sexual offense or OVI charge. Appearance by the juvenile and parent/legal custodian is mandatory.

RULE 4 - CONTINUANCES

Except in cases of emergency or by order of the Court, all requests for continuance of hearings shall be in the form of a written motion and accompanied by an entry for the same. Said entry shall be submitted to all parties for approval and a notation of approval or denial shall be noted on the same. A request for continuance may only be granted by the Court.

RULE 5 - MEDIA AND PUBLIC ACCESS TO HEARINGS

Any party to a juvenile court proceeding who wishes to have a hearing closed to the medial and/or general public, shall file a written motion requesting closure and setting forth with particularity the reasons for closure.

RULE 6 - PLEADINGS AND COURT FILINGS

All pleadings and papers filed with this Court shall be on 8 ½ by 11 inch paper, preferably double-spaced. All documents filed with this Court shall include counsel's Supreme Court registration number along with other identifying information such as address and phone number and the person counsel is representing.

RULE 7 - PLEADING SIGNATURES

All original pleadings filed with the Court shall be signed in blue ink.

RULE 8 - FILES

No files shall be removed from the Court without the written permission of the Court.

RULE 9 - APPEARANCE OF COUNSEL

ALL COUNSEL REPRESENTING A PARTY IN ANY PENDING CASE BEFORE THIS Court shall file an appearance in writing so that the same may be entered upon the record. Attorneys failing to file such written appearance shall forfeit notice of hearing, recognition as counsel for a party and other courtesies provide by the Court.

RULE 10 - VISITATION AND COMPANIONSHIP SCHEDULE
Attached hereto and made a part of these rules.

RULE 11 – COMPETENCY PROCEEDINGS

General Purpose: The purpose of this rule is to expedite proceedings under ORC§ 2152.51 to §2152.59, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

Expedited Hearings: When any party or the Court moves for a determination regarding the child’s competency to participate, juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

(A) Within fifteen business days after a motion is made under section 2152.52 of the Revised Code, the court shall do one of the following:

(1) Make a determination of incompetency under division (B) of section 2152.52 of the Revised Code;

(2) Determine, without holding a hearing, whether there is a reasonable basis to conduct a competency evaluation;

(3) Hold a hearing to determine whether there is a reasonable basis to conduct a competency evaluation.

(B) If the court holds a hearing, it shall make its determination within ten business days after the conclusion of the hearing.

Notice: 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.

Stay of Proceedings: Upon the filing of a motion for determination regarding a child’s competency or upon the court’s own

motion, the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent, but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

RULE 11 - WITHDRAWAL OF COUNSEL

A written motion and entry must be presented to the Court if counsel wishes to withdraw representation of a party. Counsel may not withdraw representation without permission being granted by the Court in writing.

RULE 12 - COURT APPOINTED COUNSEL

This Court shall appoint only attorneys on the general court-appointed list held by this Court. One-time appointments and special appointments shall not be granted.

All counsel appointed by the Court shall personally represent and appear at all hearings on cases in which they are appointed except when after good cause shown, and with approval of the party being represented, the Court excuses their appearance.

Any counsel appointed by the Court in an abuse, neglect or dependency cases shall remain as counsel during the entire pendency of the case unless the Court grants permission to withdraw as counsel. The Court reserves the right to request the parties, at any time, to complete a new application for counsel to determine any change in financial circumstances.

RULE 13- APPOINTED COUNSEL FEES

Appointed counsel shall submit an application for fees no later than 60 days from the date of disposition, or in post-adjudicatory matters, 60 days from the date of the last action. Any applications submitted after this deadline will be denied payment.

Said fee application shall have a copy of the application for attorney and entry of appointment attached. Counsel shall file the original, plus three copies with the Court.

In order to comply with the fee limits for juvenile cases as set forth by the Ohio Public Defender Office, the Court hereby establishes the following schedule of attorney fees for court-appointed counsel:

All services shall be billed at \$50 per hour for in-court appearances and \$40 per hour for out-of-court services, with the maximum amount as listed below:

Traffic (from appointment to disposition	\$ 500.00
Delinquency (from appointment to disposition)	\$ 1000.00
Adult Criminal (from appointment to sentencing)	\$ 1000.00
Abuse, Dependency, Neglect (from complaint until original disposition)	\$ 1000.00

The Court shall not reimburse for preparation of invoices, mileage or routine office expenses such as postage, phone charges or support staff time. Motions for extraordinary fees shall not be granted on a routine basis.

Applications for fees must be submitted within thirty (30) days of the last in-court action. For ongoing cases, applications may be submitted on an annual or bi-annual basis, but not more frequently than on a quarterly basis.

All applications for fees in ongoing cases shall include an itemized statement of services performed, listing date of service, a brief description of service performed or hearing attended and time worked, as well as a motion and entry for extraordinary fees, if applicable.

RULE 14- DUTIES OF THE GUARDIAN AD LITEM/ATTORNEY FOR THE CHILD

The Guardian Ad Litem shall comply with all requirements set forth in Rule 48(D), (E) and (F) of the Rules of Superintendence for the Court of Ohio, in addition to the following:

Before Adjudication and Disposition

1. Meet the child. If the child is of sufficient age to have communicative ability, interview the child.
2. Interview both parents if permitted by their counsel.
3. When possible, observe each parent with the child. Observe the interaction between parent and child, and be aware of the appropriateness of discipline, conversations, and activities.
4. Perform home visits of each parent to determine living conditions.
5. If the child is not residing with a parent, perform a home visit of child's current living condition. Ask the child's care givers for their assessment of the child's overall condition.
6. Determine whether there is a conflict in the dual appointment as Guardian Ad Litem and Attorney for the child. If there is a conflict, contact the Court immediately in writing.
7. Be prepared to summarize the extent as to which you have performed these duties if asked by the Court or any party.

If a Post Dispositional Motion has been filed interview the child again to determine whether there is a conflict in the dual appointment now that a post dispositional motion has been filed. If there is a conflict, contact the Court at least thirty days before the date of the hearing on the post-dispositional motion.

If a motion for permanent custody has been filed, comply with Ohio Revised Code Section 2151.414(C) which states that the written report of the Guardian Ad Litem shall be submitted to the Court prior to or at the time of the permanent custody hearing.

General Duties of the Guardian Ad Litem

The GAL shall attend all court hearings, court review, and semi-annual reviews.

The GAL will continue to serve as the GAL until the case is dismissed, terminated, or until specifically ordered by the Court. Counsel shall comply with the above duties unless specifically excused by the Court.

Abuse, Neglect, Dependent Custody	50.00 100.00
Traffic Moving Violations	71.00
Non-Moving Violations	37.00
Driver Seatbelt Violation	35.00 fine plus court costs
Passenger Seatbelt Violation	25.00 fine plus court costs
Delinquent	82.00
Unruly	53.00
One Time Probation Fee	50.00
Juvenile and Adult Rule 29 Fee	25.00
Adult	55.00
Child Support	60.00

RULE 16- CONDUCT IN COURT

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.

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.

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 taking of pictures, shall be permitted without the express consent of the Court in advance.

RULE 17- 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 17- 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 18- COMPLAINTS

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.

The prosecuting attorney, assistant prosecutor, or a duly appointed special prosecutor, shall file simultaneously with any complaint alleging abuse, neglect, dependency, or unruliness, 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, or 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.

RULE 19- CASE MANAGEMENT PLAN

A. Physical Inventory

All cases in Juvenile Court shall be physically inventoried each year. 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.

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

Each month an inventory of court cases that are filed, adjudicated, pending is reported to the Ohio Supreme Court.

B. Protective Order or Ex Parte Order

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.

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

If an admission to the cause is entered 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.

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

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

C. Time Procedure for Parentage Cases

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 the complaint. The initial appearance shall determine if service has been perfected, if an answer has been filed, or, a request for DNA testing.

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

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 pretrial with six (6) weeks from the date of granting the order for the DNA test.

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

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 pretrial and final hearing within ninety (90) days of the filing of the action.

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.

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.

D. Pretrial Statements

In abuse, neglect and dependency cases a pretrial statement shall be filed with the Court and delivered to all parties or their counsel at or before the beginning of any pretrial.

HOCKING COUNTY COMMON PLEAS COURT
JUVENILE DIVISION

RULE 10 VISITATION AND 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 for the herein.
2. Changes and modifications can be made by the Court if need for such is demonstrated by evidence.

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, the 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.

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/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.

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

FORM 1

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

IN RE: _____ : ID NO.

AN ALLEGED _____ : CAE NO.

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

1. I have read all written statement, 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. # _____)

RULE 11 – COMPETENCY PROCEEDINGS

Rule 11. Competency Proceedings

General Purpose: The purpose of this rule is to expedite proceedings under ORC§ 2152.51 to §2152.59, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

Expedited Hearings: When any party or the Court moves for a determination regarding the child’s competency to participate, juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

(A) Within fifteen business days after a motion is made under section 2152.52 of the Revised Code, the court shall do one of the following:

(1) Make a determination of incompetency under division (B) of section 2152.52 of the Revised Code;

(2) Determine, without holding a hearing, whether there is a reasonable basis to conduct a competency evaluation;

(3) Hold a hearing to determine whether there is a reasonable basis to conduct a competency evaluation.

(B) If the court holds a hearing, it shall make its determination within ten business days after the conclusion of the hearing.

Notice: 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.

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

Rule 12: Service by Publication

In accordance with Ohio Rule of Juvenile Procedure 16(A), publication service may be perfected by posting and mailing or by newspaper publication. When publication service is perfected by posting and mailing, the Clerk shall cause notices to be posted in a conspicuous place in the main lobby of the Hocking County Courthouse, the Logan-Hocking Public Library and at the Logan City Hall.