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**Montgomery County Common Pleas Court**
**Juvenile Division**

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# MCJC LOCAL RULES

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****See Also: The "Forms Directory" located in the MCJC Website for fillable forms of these documents along with other documents.**

## RULE 1: TERM OF COURT; HOURS OF COURT SESSION

(A) The Court is in continuous operation for the transaction of judicial business. Each calendar year, beginning January, is a separate term of Court, in compliance with Section 2301.05 of the Ohio Revised Code.

(B) The Court is in session generally Monday through Friday from 8:30 a.m. to 4:30 p.m., except for legal holidays and such other occasions, including but not limited to the traffic docket, as may be specifically ordered by the Court.

## RULE 2: ADOPTION, SCOPE AND CONSTRUCTION

(A) These rules are effective December 2, 2024.

(B) These rules apply to the Juvenile Division of the Court of Common Pleas of Montgomery County, Ohio.

(C) The following Rules are intended to supplement the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, the Ohio Rules of Juvenile Procedure and any controlling statutes.

(D) Unless otherwise stated, all filings must comply in form and content with the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, and any local rules of this Court.

(E) Jurisdiction

1. "Juvenile cases" include all actions within the subject matter jurisdiction of the juvenile court including some adult misdemeanor criminal actions, delinquency, unruly, child protective services proceedings (abuse, neglect, and/or dependency actions filed by a public children services agency or a private citizen), juvenile traffic offender actions, parentage actions, visitation and child support proceedings including UIFSA actions pursuant to R.C. 3115. The provisions of this rule shall apply to all juvenile cases unless the context indicates otherwise or a rule of procedure is provided elsewhere in these rules to apply specifically to the particular kind of case.

2. Pursuant to R.C. 2151.233 a juvenile court shall not exercise jurisdiction in accordance with R.C. 2151.23(A)(2) to determine custody regarding a child where a domestic relations court should be involved: These provisions include:

   (a) If the child's parents are married;

   (b) If the child's parents are not married, but there is an existing order for custody over which the juvenile court does not have jurisdiction (i.e. any custody order issued by a domestic relations court); or

(c) If the determination of custody is going to be made as a part of pending action in a domestic relations court.

(d) When appropriate, the juvenile court, pursuant to R.C. 2151.235 may transfer a case to the domestic relations court.

**RULE 3: CONDUCT IN THE JUVENILE JUSTICE CENTER**

(A) All parties and witnesses must wear proper attire when attending any hearing before the Court and are expected to refrain from any action that may disrupt the Court proceeding.

(B) All persons and items entering any facility controlled or operated by the Juvenile Court shall be subject to search at any time by any authorized security personnel.

(C) No radio, television, digital transmission, voice recording device (other than the device used to record the proceedings for the purposes of the official record) film or digital photography shall be permitted in the Juvenile Justice Center (JJC) unless express consent is given to record by the assigned Judge or Magistrate.

(D) Food and beverages are prohibited in the Courtroom during all hearings. Smoking and vaping is prohibited throughout any facility controlled or operated by the Juvenile Court.

(E) No child shall be permitted to enter or remain in a Courtroom unless accompanied by an adult.

(F) All persons entering any Courtroom or other facility controlled or operated by the Juvenile Court shall conduct themselves at all times with proper decorum and act consistently with these local rules. Failure to do so may result in confiscation of personal devices, ejection from the Court, and any other consequence the Court may impose.

(G) Persons committing any violation of proper conduct shall be removed from the courtroom or waiting room area by security personnel charged with enforcement of this rule.

**RULE 4: SPECIAL NEEDS/INTERPRETER SERVICES**

The Court is committed to providing access to justice for individuals with special requirements.

(A) The Court shall make every effort to recognize the need for reasonable accommodations or language interpretation and may make arrangements for reasonable accommodations or language interpretation on its own motion or by request of any person requiring reasonable accommodations or language interpretation.

(B) Requests by individuals for reasonable accommodations or language interpretation may be made orally or in writing to the Office of the Clerk of Court and/or to the office of the presiding Judge or Magistrate and shall be made within a reasonable time, not less than three (3) days, prior to the scheduled hearing for which the services are requested.

(C) If the hearing for which the services are requested is canceled or continued, the person(s) requesting the services shall immediately notify the Clerk of Court and/or the office of the presiding Judge or Magistrate that the services are no longer required.

(D) Montgomery County Children Services (MCCS) shall notify the Office of Clerk of Court immediately, but no later than 11:00 a.m., if an interpreter is required for a Shelter Hearing.

**RULE 5: COURT RECORDS/RECORDINGS**

5.01 Non-Public Records. The following records will not be made available to the public including any party to the case:

(A) Child Abuse, Neglect and Dependency investigative records pursuant to R.C. 5153.17 and R.C. 2151.421(H)(1);

(B) Confidential law enforcement investigatory records pursuant to R.C. 2151.141(B)(2)(b) and R.C. 149.43(A)(1)(h);

(C) Victim Impact Statements pursuant to R.C. 2152.19(D)(3);

(D) Records relating to parental notification of abortion proceedings pursuant to R.C. 2151.85 and R.C. 149.43(A)(1)(c);

(E) Fingerprints or photographs of a child arrested or taken into custody pursuant to R.C. 2151.313;

(F) Sealed or expunged juvenile adjudications or arrests pursuant to R.C. 2151.356;

(G) Names, documentation and other identifying information regarding foster caregivers pursuant to R.C. 5101.29(D)(1);

(H) Reports and records of the Intake, Intervention Center, and Probation Department pursuant to R.C. 2151.14. The inspection of these records shall be governed by Juv. R. 32(C). No person shall be permitted to read Court records unless proper authorization is given by the presiding Judge.

(I) The release of confidential records is governed by R.C. 2151.14 and Juv. R 32(C).

(J) No person is permitted to inspect confidential records unless proper authorization is given.

5.02 Official Records/Public Records

(A) Pursuant to R.C. 2151.18 and R.C. 2152.71, the Court maintains an official file that may be inspected by any party to a case or by the party's attorney of record.

5.03 Review of Public Records

(A) Maintenance of Official Cases: The records of official cases shall be maintained as provided by R.C. 2151.18 and Sup. R. 26 and as provided by local rules of this Court.

(B) Inspection of Official Court Records: Records of cases involving juveniles shall be open for inspection by parents, custodians, guardians, and attorneys 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 or by legal process from a court of competent jurisdiction.

5.04 Transcripts and Recordings

(A) Pursuant to Juv. R. 37, a complete record of all testimony or other oral proceedings shall be taken in stenotype or by a mechanical or an electronic recording device.

(B) No public use shall be made by any person of any record or transcript, except in the course of an objection or an appeal or as authorized by the Court.

(C) A party may request an audio recording of any hearing by completing a form available within the Office of the Clerk of Court. The requesting party must pay an initial deposit of $10.00 per hearing. The fee for the audio recording must be paid in advance by the party requesting the audio recording, unless the party has been previously found to be indigent in which case the audio recording shall be provided at no cost. Completed audio recordings may be obtained during normal Court business hours from the assigned Judge's judicial assistant.

(D) Any party requesting a transcript of any proceeding shall file the request in writing with the Clerk of Court in accordance with Form I contained in the Appendix. All written requests for a transcript shall contain the case name, case number, assigned Judge and/or Magistrate, the date of the hearing, the reason for the request, the contact information (name, phone number, email and physical address) of the party responsible for payment of the cost of the transcript, along with the date of filing of the objection or appeal, if any. The cost per page of indigent, non-expedited, expedited and real-time transcripts is set by Court approved transcription vendor.

(E) The Court shall send the recording of the requested hearing to an approved vendor for transcription. Payment for the transcript shall be made as directed by the vendor.

(F) Except for civil actions that don't pertain to contempt allegations, if a request for a transcript is made by a party whom the Court has determined to be indigent, then the

Juvenile Court and/or the Montgomery County Children Services (MCCS) Agency shall pay the approved transcription vendor.

(G) All original transcripts shall be filed with the Office of the Clerk of Court and shall, along with duly admitted exhibits and other evidence, become the official record of the case.

(H) All transcripts used for motions/objections/appeals or responses to motions/objections/ appeals must be obtained from the Office of the Clerk of Court.

**RULE 6: INDIGENT LITIGANTS IN CIVIL ACTIONS & APPOINTMENT OF COUNSEL**

(A) The right to court-appointed counsel shall be as provided by law pursuant to Juv. R. 4 and R.C. 2151.352.

(B) A party does not have the right to court-appointed counsel in the following actions pursuant to R.C. 2151.23 (A)(2) and (3) and (A)(9)-(13); (B)(2)-(6); (C); (D); and (F)(1)-(2) and in traffic cases unless otherwise required by rule or statute.

6.01 Indigent Litigants in Civil Actions, Contempt and other Criminal Proceedings

(A) Civil Actions

1. Litigants must file a Financial Disclosure Form (see Appendix A) with the Office of the Clerk of Court.

2. If the litigant is found to be indigent pursuant to R.C. 2323.311, then the Court shall waive any filing fees (Appendix M) and the Court shall proceed with the civil action or proceeding.

3. If the application is denied, the Court will issue a decision granting the applicant 30 days to pay the required filing fee(s) pursuant to R.C. 2323.311(4). Failure to pay will result in a dismissal of the civil action or proceeding.

4. Any indigency finding shall excuse the litigant from the obligation to prepay any fee or cost arising from the civil action or proceeding except for any fees associated with the payment of a Guardian Ad Litem and/or mandatory fees as required by law.

(B) Contempt Proceedings

1. A party subject to a contempt action pursuant to R.C. 2705.031 who is requesting an appointment of counsel by the Court, must complete the Financial Disclosure Form.

2. If a party is found to be indigent in a contempt action pursuant to R.C. 2705.031, the indigent party shall be appointed counsel at no cost to the party.

(C) Criminal Proceedings

1. An adult defendant charged in a criminal action which may result in incarceration, who is requesting appointment of counsel by the Court, must complete the Financial Disclosure Form (Appendix A).

2. If an adult defendant is found to be indigent in a criminal action where the adult defendant is subject to incarceration, the adult defendant shall be appointed counsel at no cost to the defendant unless the adult defendant waives his/her right to counsel.

6.02 Abuse, Neglect and Dependency Proceedings

(A) Shelter Attorney-of-the-Week in Abuse/Neglect/Dependency Proceedings

1. The Office of the Clerk of Court will maintain an annual list of attorneys assigned to shelter hearings. Each year the Office of the Clerk of Court will submit a calendar to attorneys on the appointment list who then can select the preferred week(s) to be assigned to the shelter hearings.

2. The "Shelter Attorney" will be assigned for one-week intervals for shelter hearings assigned to the abuse, neglect, and dependency magistrates.

3. The "Shelter Attorney" will be appointed as counsel of record by the Office of the Clerk of Court for the parent/custodian from whom the child was removed.

4. The "Shelter Attorney" will not be appointed by the Office of the Clerk of Court when the parent has already been assigned counsel and there is an open case before the Court. In that case, the assigned counsel will be notified of the Shelter hearing and expected to attend. If the assigned counsel cannot attend then the assigned counsel is responsible for obtaining coverage but the attorney who substitutes for assigned counsel will not be assigned to that case.

5. The "Shelter Attorney" shall be responsible for ensuring that the client completes the Financial Disclosure Form and submits it to the Office of the Clerk of Court. If the Financial Disclosure Form is not completed and submitted to the Office of the Clerk of Court, on or by the date of the Initial Adjudicatory Hearing, the "Shelter Attorney" will be withdrawn by the Court from representing the party.

The Office of the Clerk of Court will continue the appointment of the "Shelter Attorney" for the party if the party meets the qualification requirements pursuant to the Standards of Indigency in Ohio Administrative Code 120-1-03.

If the party does not meet the financial requirements for court-appointed counsel, the Court will notify the party that the "Shelter Attorney" will no longer be appointed and the "Shelter Attorney" will be withdrawn by the Court from representing the party.

6. If the "Shelter Attorney" is not available for the Shelter hearing, the "Shelter Attorney" shall identify substitute counsel who shall appear at the Shelter hearing and who will then be assigned as counsel of record for the parent/custodian from whom the child was removed. In the event of a substitution, the "Shelter Attorney" shall notify the Office of the Clerk of Court.

7. Substitute Counsel must be listed on the Court's approved appointment list.

8. All shelter hearings will be conducted in-person unless approval is obtained from the hearing officer for good cause.

(B) Appointment of Counsel in Abuse/Neglect/Dependency Proceedings

1. The Office of the Clerk of Court will appoint counsel for every party who is entitled to appointed counsel pursuant to Juv. R. 4 and R.C. 2151.352.

2. The party requesting an appointment of counsel must complete the Financial Disclosure Form in Appendix A and submit it to the Office of the Clerk of Court.

   The Office of the Clerk of Court will appoint counsel for the party if the party meets the qualification requirements pursuant to the Standards of Indigency in Ohio Administrative Code 120-1-03.

   If the party does not meet the requirements, the Court will notify the party that counsel will not be appointed.

3. Any attorney substituting for Appointed Counsel must be listed on the Court's approved appointment list.

4. The appointment continues until a permanent disposition has been ordered. A permanent disposition occurs when the Court reunifies the child with a parent or grants legal custody, permanent custody, and/or PPLA. Unless the Court schedules a Review of Disposition hearing, counsel does not remain appointed during the period of protective supervision.

5. Appointed counsel shall only submit a fee request at the conclusion of the initial disposition and at the conclusion of disposition on any subsequent motion.

6.03 Delinquency Proceedings

(A) The Office of the Clerk of Court will appoint counsel for youth charged with a delinquency offense in accordance with Juv. R. 4 and R.C. 2151.352.

1. The Office of the Clerk of Court shall appoint counsel for a delinquent youth who is charged with a domestic violence offense, felony-level offense or a violation of a court order from a felony adjudication.

(A) In accordance with Juv. R. 3, a youth may waive the right to counsel only after consulting with their parent(s), guardian(s), or custodian(s) and the Court waiver of the right to counsel shall be made in open Court, recorded and in writing.

(B) Any attorney appearing for Appointed Counsel must be listed on the Court's approved appointment list and the attorney must meet the requirements of the Ohio Public Defender qualifications for delinquency cases pursuant to the Ohio Administrative Code 120-1-10. (See Appendix B)

## RULE 7: ATTORNEYS

7.01: Retained Counsel

(A) Notice of Appearance: Any attorney representing a party in any matter before this Court, unless by appointment, shall file a Notice of Appearance within seven (7) days of being retained by the client.

(B) Substitution: In the case of a substitution of new counsel as attorney of record, new counsel shall file a Notice of Substitution of Counsel within seven (7) days of the new attorney accepting the substitution. The attorney who is withdrawing shall provide to new counsel the client's file in accordance with Ohio Rules of Professional Conduct Rule 1.16.

7.02: Appointed Counsel

(A) The Court shall maintain one list of appointed counsel for all case types.

(B) Counsel that is appointed by the Office of the Clerk of Court is not required to file a Notice of Appearance. The Office of the Clerk of Court will submit to counsel an Entry of Appointment.

(C) Appointed counsel fees shall be based upon the Court's court-appointed counsel fee schedule as approved by the Montgomery County Commissioners which includes caps.

(D) Eligibility for court-appointed counsel shall be determined in accordance with the Indigent Client Eligibility Guidelines promulgated by the Office of the Public Defender and in accordance with the Standards of Indigency in Ohio Administrative Code 120-1-03.

(E) Appointed Counsel must meet the following standards:

1. Be an attorney of good standing with the Supreme Court of Ohio;

2. Inform the Court of any prior disciplinary complaints against the attorney which resulted in sanctions;

3. Maintain a working telephone with the ability to respond to calls from the Court or client;

4. Either maintain professional liability insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct (ORPC), or comply with ORPC 1.4(c) at the time of the appointment;

5. Maintain a working email account to receive and respond to messages and attachments from the Court or client;

6. Inform the Court of any changes in their status, address, phone number, and/or email;

7. Comply with the requirements outlined in the Ohio Administrative Code 120-1-10 (Appendix Form B) for the respective cases they wish to undertake;

8. Complete the Juvenile Court Attorney Certification Training;

9. Complete and return the following (Forms located at https://www.mcjcohio.org/forms-directory/):

   (a) Appointed Attorney and GAL application;

   (b) Background Disclosure Statement;

   (c) Addendum to Application for Placement of Appointment List (if applicable);

   (d) Annual Eligibility Report;

   (e) Attorney and/or GAL Training Certification;

7.03 Withdrawal of Counsel:

(A) An attorney of record, whether appointed or retained, will not be permitted to withdraw, nor may he/she be discharged within twenty-one (21) days of a pending trial or hearing except for good cause shown. Good cause shall mean a cause which was not known to the attorney prior to the twenty-one (21) days before the trial or hearing.

1. An attorney requesting to withdraw shall file a timely motion, along with a memorandum in support and shall serve all parties and opposing counsel in compliance with the ORPC 1.16.

2. A party and/or opposing counsel has seven (7) days to respond in opposition and to request a hearing on the matter. If no response is received by the Court, then the presiding judicial officer may proceed to consider the request. The presiding judicial officer may also request a hearing on the matter and the Office of the Clerk of Court shall notify all parties and counsel of a hearing date.

3. If appointed counsel is permitted to withdraw, the Office of the Clerk of Court shall appoint new counsel for the party. Appointed counsel shall not secure substitute counsel for the party.

7.04 Appointment Process for Appointed Counsel and GALs

(A) Upon motion of the Court or either party, the Court may appoint a Guardian ad Litem (GAL) to protect the best interest of the child and shall appoint a GAL when required pursuant to R.C. 2151.281, R.C. 3109.04 and Juv. R. 4.

(B) Attorneys and GALs will be appointed on the basis of a rotating schedule for child welfare and delinquency cases, which the Court has in place to ensure, to the extent possible, that each attorney on the list is provided with an opportunity to obtain an equitable share of appointments commensurate with their training and experience.

(C) Whenever appropriate, the same GAL shall be reappointed for a specific child in a subsequent case.

(D) In allocation of parental rights and responsibilities cases (civil custody cases) a GAL shall not be appointed in a dual role as GAL and as attorney for the child.

(E) In all case types, the GAL shall be considered a party to the proceedings in accordance with Juv. R. 2 and Supt. R. 8.

(F) Attorneys and GALs accepting appointments are responsible for providing proof annually of their qualifications.

(G) Acceptance of appointments to cases the attorney is not qualified to handle disqualifies the attorney from being compensated for the representation and may subject the attorney to removal from the appointment list, and could result in disciplinary actions.

(H) In the event an attorney is appointed to a case for which the attorney is not qualified, the attorney shall immediately notify the Office of the Clerk of Court and the Chief Magistrate and file a motion requesting removal from the case.

(I) The Court may deviate from the rotating schedule in order to assure the efficient and orderly administration of justice.

(J) In the interest of justice, the Court, for good cause, may remove appointed counsel and/or a GAL.

(K) Attorneys shall update their Certifications (eligibility documents), as needed, or at a minimum every year by January 30th in order to remain on the appointed counsel list pursuant to Local Rule 7.02.

(L) Legal interns and supervising attorneys must meet the requirements of Rule II of the Supreme Court Rules for the Government of the Bar of Ohio and have prior written approval of the Administrative Judge before practicing in the Court.

7.05 Fees for GALs and Appointed Counsel

(A) Fees for GALs in Civil Custody Cases:

1. Unless ordered otherwise, the party requesting the appointment shall be responsible for payment of the fees for the Guardian ad Litem and shall be required to deposit the fees in advance with the Guardian ad Litem. The court may reallocate such fees at a subsequent hearing. The appointed Guardian ad Litem will be entitled to compensation for services up to $1200.00 per case unless higher fees are approved by the Court. These fees shall be billed directly to the parties and paid directly to the appointed Guardian ad Litem.

2. The Court shall inform the parties of the amount of the fee before the Order of Appointment is issued by the Court.

3. Guardian ad Litem services exceeding the initial fee may require additional compensation. The Court, without an oral hearing, upon filing of a motion and affidavit by the Guardian ad Litem, may order additional fees.

4. The Court shall not delay or dismiss a proceeding solely because of a party's failure to pay the Court-ordered Guardian ad Litem fees and expenses.

(B) Fees for Apppointed Counsel GALs in Child Welfare and or Delinquency Cases

1. Appointed counsel or GALs seeking reimbursement shall complete and submit to Court Administration the following within thirty (30) days of the final entry:

   (a) Motion for Entry of Payment from the Ohio Public Defender.
   ▪ Appointed attorneys shall use the software programs and forms found at https://opd.ohio.gov/appointed-counsel/reimbursement

   (b) Entry of Appointment

   (c) Front page of the final entry/order

   (d) Financial Disclosure Form

   (e) Any receipts for necessary expenses

2. Untimely submission of fee applications and/or failure to comply with this rule may result in a denial of the fees or a partial payment of fees.

3. If fees are sought for services rendered after disposition and/or after the most recent hearing, the Court may require that the fee application be accompanied by a statement describing such services and their necessity.

4. Extraordinary Fees: An attorney or attorney/GAL may apply for extraordinary fees by request to the assigned Judge where appropriate due to special circumstances such as extraordinarily complex issues or other valid reasons.

**RULE 8: GUARDIANS AD LITEM**

8.01. Applicability

This rule shall apply in all cases involving the allocation of parental rights and responsibilities (civil custody cases); abuse, neglect, and dependency; and juvenile delinquency and unruly cases where the Court appoints a Guardian ad Litem (GAL) to protect and act in the best interest of a child in accordance with Rule 8 of the Rules of Superintendence for the Courts of Ohio.

In accordance with Supt. R. 8 and R.C. 3109.04(B)(2)(a), a party or parties to a case involving the allocation of parental rights and responsibilities (civil custody case) may move the Court for the appointment of a GAL for the child. In addition, the Court on its own motion may appoint a GAL for the child. The determination of whether to appoint a GAL is within the Court's discretion unless otherwise addressed by rule or statute.

8.02. Appointment of Guardians ad Litem

(A) Qualifications

1. A Guardian ad Litem may be an attorney or a Court Appointed Special Advocate (CASA).

2. An applicant seeking to serve as a Guardian ad Litem shall successfully complete a minimum of twelve (12) hours of pre-service education as prescribed in Rule 8.04 of the Rules of Superintendence for the Courts of Ohio (Sup.R. 8.04).

3. Upon completion of the required pre-service education, an applicant seeking to serve as a Guardian ad Litem shall submit to the Court the Application for the Guardian ad Litem Appointment List and shall complete the background process of the Court.

4. The application shall provide the following documents in addition to the application:

   (a) A resume stating the applicant's education, foreign language proficiency, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a Guardian ad Litem;

   (b) A copy of the applicant's criminal background check;

   (c) The applicant's Background Disclosure Statement;

   (d) For Attorneys/ Guardians ad Litem, a copy of malpractice insurance declaration page indicating current malpractice coverage;

   (e) For CASA/ Guardians ad Litem, proof of completion of the required education to become a CASA.

(B) Maintaining Appointment

1. To remain on the Court's appointment list, the Guardian ad Litem shall submit annually by January 30th both of the following:

   (a) The Annual Compliance Statement certifying qualifications and that the Guardian ad Litem is unaware of any circumstances that would disqualify the guardian ad litem from serving; See: https://www.mcjcohio.org/forms-directory/

   (b) Certificates of completion that the required annual six (6) hours of continuing education required by Sup.R. 8.05 have been satisfied.

   (c) In accordance with Sup.R. 8.07, the Court will review its list of Guardians ad Litem to ensure compliance and eligibility with all aspects of Sup.R. 8.

2. Pursuant to Sup.R.8.07(J), all complaints regarding the performance of a Guardian ad Litem shall be in writing in accordance with the form in Appendix C and shall be submitted to the Chief Magistrate.

3. If the Court determines an individual is no longer qualified to serve as a Guardian ad Litem, the individual will be removed from the list of approved Guardians ad Litem and shall not be eligible for any new appointments until further determination by the Court. The Court shall retain discretion to continue a current Guardian ad Litem appointment pursuant to Sup.R. 8.05(B).

8.03. Responsibilities of a Guardian ad Litem

(A) To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a Guardian ad Litem shall perform the responsibilities stated in this division, unless specifically relieved by the Court in the Order of Appointment.

1. A Guardian ad Litem shall represent the best interest of the child for whom the guardian is appointed.

2. A Guardian ad Litem shall maintain independence, objectivity, and fairness in dealings with parties and professionals, both in and out of the courtroom, and shall have no ex parte communications with the Court regarding the merits of the case.

3. A Guardian ad Litem is an officer of the Court and shall act with respect and courtesy to the parties at all times.

4. A Guardian ad Litem shall appear and participate in any hearing for which the duties of a Guardian ad Litem or any issues substantially within a Guardian ad Litem's duties and scope of appointment are to be addressed.

5. If the Guardian ad Litem is an attorney, they may file pleadings, motions, and other documents as appropriate. The Guardian ad Litem may call, examine, and cross-examine witnesses under the applicable rules of procedure. The Guardian ad Litem shall be entitled to participate in the hearing in the same manner as counsel.

6. If the Guardian ad Litem is not an attorney, the Guardian ad Litem may request the appointment of counsel to file pleadings, motions and other documents as appropriate and to call, examine, and cross-examine witnesses under the applicable rules of procedure.

7. When a Guardian ad Litem determines a conflict exists between the child's best interest and the child's wishes, the Guardian ad Litem shall, at the earliest

practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.

8. A Guardian ad Litem shall meet the qualifications for Guardians ad Litem for Montgomery County Juvenile Court and shall promptly advise the Court of any grounds for disqualification or unavailability to serve.

9. A Guardian ad Litem shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing education requirements. The compliance statement shall include information detailing the date, location, and number of credit hours received for any relevant education.

10. A Guardian ad Litem shall immediately identify themselves as a Guardian ad Litem when contacting individuals in the course of a particular case and shall inform these individuals about the guardian ad litem's role and that documents and information obtained may become part of court proceedings.

11. As an officer of the Court, a Guardian ad Litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a Guardian ad Litem. A Guardian ad Litem shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 11-09, or addresses where there are allegations of domestic violence or risk to a party's or a child's safety. A Guardian ad Litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the Guardian ad Litem was appointed in accordance with Sup.R. 11.10-11.14.

    The Court, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, may order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

12. A Guardian ad Litem shall perform responsibilities in a prompt and a timely manner, and, if necessary, a Guardian ad Litem may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

13. The Guardian ad Litem's appointment will terminate if custody is returned to the parent/custodian, legal custody is granted, or the child is adopted, or the child is emancipated from foster care unless otherwise determined by the Court. If an order of protective supervision is granted, the Guardian ad Litem shall remain appointed until protective supervision expires unless otherwise determined by the Court,

8.04. Specific Duties of a Guardian ad Litem

In accordance with Sup.R. 8, a Guardian ad Litem shall become informed about the facts of the case and contact all parties. To provide the Court with relevant information and an informed recommendation as to the child's best interest, a Guardian ad Litem shall, at a minimum, do all the following, unless specifically relieved by the Court:

(A) Meet with and interview the child; observe the child with each parent, foster parent, guardian, or physical custodian; and conduct at least one interview with the child where none of these individuals is present;

(B) Visit the child at the child's residence in accordance with any Court established standards;

(C) Ascertain the best interest of the child;

(D) Meet with and interview the parties, the foster parents, and other significant individuals who may have relevant knowledge regarding the issues of the case;

(E) Review pleadings and other relevant court documents in the case;

(F) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;

(G) Interview school personnel, medical and mental health providers, child protective services workers, and relevant Court personnel and obtain copies of relevant records;

(H) Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the Guardian ad Litem deems necessary or helpful to the Court;

(I) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

8.05 Reports of Guardians ad Litem

(A) A Guardian ad Litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this division or as otherwise ordered by the Court.

(B) The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in

reaching the Guardian ad Litem's recommendations and in accomplishing the duties required by statute, Court rule, or the Court's Order of Appointment.

The GAL report shall be in accordance with the Sample Report contained in Appendix D.

A supplemental report shall be titled as "1st Supplemental Report;" "2nd Supplemental Report,"etc. A supplemental report shall be a separate report that is accordance with the Sample Report contained in Appendix D. A supplemental report shall not be a continuation report from the initial Guardian ad Litem report.

(C) In proceedings involving the allocation of parental rights and responsibilities (civil custody cases), a written report shall be submitted to the Court not less than seven (7) days before the final hearing unless the Court extends the due date.

(D) In abuse, neglect, and dependency cases, a written report shall be submitted to the Court not less than seven (7) days prior to any dispositional hearing, Annual Review hearing, permanent custody hearing, any hearing upon a motion requesting a change in disposition, and any hearing where the Court requests a report. The court may alter the seven (7) day period as may be necessary for the administration of justice.

(E) All reports submitted to the Court shall include the following notice:

NOTICE : This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.

8.07. Conflicts of Interest

(A) A Guardian ad Litem shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A Guardian ad Litem shall avoid self-dealing or associations from which the Guardian ad Litem might benefit, directly or indirectly, except for compensation for services as a Guardian ad Litem.

(B) Upon becoming aware of any actual or apparent conflict of interest, a Guardian ad Litem shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court, or shall seek Court direction as necessary.

(C) Because a conflict of interest may arise at any time, a Guardian ad Litem has an ongoing duty to comply with this division.

**RULE 9: FAMILY INVESTIGATOR**

(A) The Family Investigator is a court employee who is assigned by the Court, at the Court's discretion, in a civil custody case to conduct an investigation into the living environment of the child and to prepare a report for the Court no later than seven (7) days prior to the hearing. The Court will distribute this report to the parties and counsel.

1. The Family Investigator is not a Guardian Ad Litem.

2. No costs will be assessed to a party for the services of the Family Investigator.

3. The Family Investigator shall not attend a hearing unless properly subpoenaed.

**RULE 10: MEDIATION**

(A) R.C. 2710, the "Uniform Mediation Action" (UMA), including all definitions in R.C. 2710.01 along with Sup. R. 6.02 through 6.06, are incorporated by reference and adopted by this Court through this local rule.

(B) This Court will follow Sup. R. 6.04 and 6.05 in determining the qualifications and suitability of mediators used it its cases.

(C) The Court will refer cases for mediation to a mediator who meets the requirements of Sup. R. 6.03 and 6.04. The mediator will determine the format of the mediation. All participants of the mediation shall comply with the process and procedures of the mediator. The mediator will notify the Court of the outcome of the mediation as soon as possible but no later than the next scheduled hearing.

(D) The Court has discretion to encourage parties to use mediation in any civil action, including an abuse, neglect and/or dependency action filed in this Court. The Court may refer unruly, truancy, and delinquency cases pre- and post-filing unless otherwise prohibited in this rule. A case may be submitted to mediation as provided in this rule at any point in a case which could include pre-filing. The Court may issue an order for mediation on its own, upon motion of counsel, upon the request of a party, or upon referral by a mediator.

(E) Cases Ineligible for Mediation:

1. As an alternative to the prosecution or adjudication of domestic violence;

2. In determining whether to grant, modify, or terminate a protection order;

3. In determining the terms and conditions of a protection order;

4. In determining the penalty for violation of a protection order.

(G) Confidentiality: All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. 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.

By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for the enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

All mediation communications are confidential with the following exceptions:

1. Parties may share all mediation communications with their attorneys;

2. Certain threats of abuse or neglect of a child or an adult;

3. Statements made during the mediation process to plan or hide an ongoing crime; or

4. Statements made during the mediation process that reveals a felony.

(H) Referral to Resources: The Court Administrator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as children services, domestic violence prevention, counseling, substance abuse, and mental health services.

(I) Attendance: Parties who are not represented by counsel shall attend mediation only if they have waived the right to counsel in open court. Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. A waiver may be rescinded at any time.

(J) Notification of Mediation: The Judge or Magistrate shall include any referral to mediation in the entry from the hearing, and the mediation office, as well as all parties and custodians, shall be copied on the distribution list.

(K) Stay of Proceedings: All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules unless agreed upon by the parties and approved by the Judge or Magistrate assigned to the case.

**RULE 11: MAGISTRATES**

Magistrates are appointed to hear cases and case types in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure, and Rule 4.20 of the Rules of Superintendence for the Courts of Ohio, and consistent with their General Order of Reference.

Once a matter has been assigned to a Magistrate, the same Magistrate will continue to hear the matter whenever possible.

11.01 Motions to Set Aside a Magistrate's Temporary Order

(A) Magistrates may enter temporary (interlocutory) orders effective without judicial approval. A party may file a motion to set aside a Magistrate's temporary order within ten (10) days from the date of the Magistrate's order. The party's motion to set aside an order shall be specific and state with particularity the grounds for the motion. The filing of a motion to set aside an order does not automatically stay the effectiveness of the Magistrate's order unless a stay is requested and granted by the presiding Judge or Magistrate.

(B) Motions to set aside an order must be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is unavailable. A request for a transcript must be made pursuant to Loc.R. 5.04.

11.02 Objections to a Magistrate’s Decision

(A) Any party may object to a Magistrate's Decision and Judge's Order by filing an objection within fourteen (14) days of the date of the order. The party's objection shall be specific and state with particularity the grounds for the objection.

(B) Objections to Magistrate's Decisions and Judge's Orders must be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is unavailable. A request for a transcript must be made pursuant to Loc.R. 5.04.

(C) The timely filing of an Objection to the Magistrate’s Decision operates as an automatic stay of execution of the decision until the Assigned Judge disposes of the objection or grants relief from the automatic stay. If the Objection is to a Magistrate’s Decision adjudicating a child abused, neglected, or dependent, the Assigned Judge may lift the automatic stay so that disposition can take place within the ninety (90) day jurisdictional period set forth in R.C. 2151.35(B)(1) subject to the ruling on the Objection by the Assigned Judge.

## RULE 12: CASE MANAGEMENT

12.01 Purpose of Rule

The purpose of the case management plan is to ensure the efficiency and readiness of cases for trial and pretrial, and to maintain and improve the timely disposition of cases. In order to maintain continuity of case assignments, the Court endeavors to keep cases assigned to the judicial officer that was initially assigned the case. The following case management plan is to be used in conjunction with the Ohio Revised Code, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure where applicable.

12.02 Juvenile Traffic Cases

(A) Pre-trials will be scheduled within twenty-one (21) days of the initial appearance.

(B) Trials will be scheduled within sixty (60) days of the initial appearance.

(C) Dispositions will be completed within ninety (90) days of filing of the citation.

12.03 Delinquency and Unruly Cases

(A) Detention hearings shall be held within twenty-four (24) hours after a youth's admission to the Juvenile Detention Center or on the next Court day.

(B) Adjudication and Disposition:

1. If Detention is continued after the Initial Detention Hearing/Initial Adjudicatory Hearing, the Preliminary Conference (PRC) will be scheduled fifteen (15) days from the filing of the complaint which may be continued for Good Cause shown.

2. If the youth is not detained, then the Initial Adjudicatory Hearing (IAH) will be scheduled within sixty (60) days of the filing of the complaint.

3. Whether or not the youth is detained, disposition must be completed within one hundred and eighty (180) days of the filing of the complaint, unless good cause shown.

    (a) If the youth admits to the charges or is found to be delinquent after trial, the Court may proceed to disposition or continue the matter for completion of a social history and investigation which should be scheduled as soon as possible.

(C) Competency Proceedings: All competency proceedings regarding alleged juvenile delinquents will follow the procedures outlined in R.C. 2152.51 to 2151.59.

12.04 Custody, Companionship/Parenting Time, Paternity and Child Support Cases

(A) These cases will be set for a pretrial conference as addressed in Local Rule 15 as soon as possible after the date of the filing of the complaint or motion.

(B) If service is not perfected on all parties within a reasonable time, the Court may dismiss the action after notice to the filing party for want of prosecution.

12.05 Abuse, Neglect, and Dependency Cases

(A) The Court adopts the Case Management Plan in Appendix E.

(B) Permanent Custody: A request for permanent custody shall be served on all parties. A hearing shall be held regarding a motion for permanent custody no later than one hundred and twenty days (120) days after the motion is filed but, for good cause shown, the hearing may be continued past the one hundred and twentieth (120th) day, so long as the order resolving the motion does not exceed two hundred (200) days from the filing of the motion pursuant to R.C. 2151.414.

(C) Case Plan Time Requirements: Pursuant to R.C. 2151.412, a public children services agency or a private child placing agency that is required to maintain a case plan shall file the case plan with the Court prior to the adjudicatory hearing, but no later than thirty (30) days after the earlier date on which the complaint was filed or the child(ren) was placed into shelter care.

Pursuant to R.C. 2151.412, any party can propose a change to a substantive part of the case plan. The party shall file the proposed change with the Court and give notice in writing before the end of the day of filing to all parties including the GAL. All parties including the GAL have seven (7) days from the date the notice is sent to object and to request a hearing on the proposed change.

If the Court receives the timely request for a hearing, a hearing will be held no later than thirty (30) days after the notice was received by the Court. If the Court does not receive a timely request for a hearing, the Court may approve the proposed change without a hearing and the Court shall journalize the change no later than fourteen (14) days after receipt of the proposed change. In the event that the Court does not approve the proposed change, the Court, on its own, shall schedule a hearing no later than thirty (30) days after the expiration of the fourteen (14) day time period.

(D) Requests for Emergency Orders during the pendency of an A/N/D case

If an abuse, neglect, and dependency case has commenced and a party other than MCCS, files a request for an emergency temporary order pursuant to Juv. R. 13(B)(2) and/or R.C. 2151.33, the Office of the Clerk of Court shall schedule a hearing the next court day at 3:30 p.m. with the assigned hearing officer and shall notify the parties and their counsel, including MCCS and the GAL unless otherwise determined by the Court.

In the event the Court grants the temporary order ex parte pursuant to Juv.R. 13(B)(3) as requested by a party other than MCCS, the Office of the Clerk of Court will schedule a hearing in accordance with Juv. R. 13(B)(3).

12.06 Agreed Orders

(A) In any case type where the parties have reached an agreement, unless otherwise determined by the Court, the parties shall submit an agreed signed order to be adopted by the Court.

(B) The agreed signed order must be submitted to the Court no later than twenty-eight (28) days from the date the agreement is read into the record. If the Court has not received the agreed signed order and has not granted any requests for extensions of time, the case will be dismissed by the Court.

(C) In the event one or more parties are not represented by counsel, then the parties and counsel shall appear before the Court to review the Agreed Order on the record and to consent to its adoption by the Court.

**RULE 13: PLEADINGS AND MOTIONS**

13.01 General Requirements

(A) All complaints filed with the Clerk of Court shall comply with the Ohio Juvenile Rules of Procedure, the Ohio Rules of Civil Procedure, and the Rules of Superintendence for the Courts of Ohio.

(B) All pleadings, motions, briefs and other documents filed with the Clerk of Court shall also conform with Rule 10 of the Ohio Rules of Civil Procedure and the Ohio Juvenile Rules of Procedure. The documents shall be legibly typewritten or printed on one side only on letter size paper (approximately 8 and 1/2" x 11"), without backing or cover. The face page of all filings shall provide a blank space of at least 2 and 1/2 inches at the top, sufficient to allow the Clerk of Court to add time-stamp imprints and each page shall be numbered.

(C) The caption of all complaints and motions as well as any other document filed with the Clerk of Court shall contain the name and date of birth of any minor children, if known. The caption must also contain the case number, the Judge and Magistrate assigned to the case and a title indicating the subject of the complaint or motion and the SETS number, if known.

(D) All documents filed by an attorney must contain the attorney's name, office address, telephone number, email address and Ohio Supreme Court registration number.

(E) The captions in every abuse, neglect, or dependency complaint or motion, shall state “In re” and the child’s initials. In addition, in conformance with, and pursuant to Sup. R. 11.09

and 11.10-11.14, all case documents submitted in these cases shall use the juvenile's initials and omit the juvenile's full name.

13.02 Service

(A) Service of the complaint and summons in a civil action shall be pursuant to Rules 15 and 16 of the Ohio Rules of Juvenile Procedure and Rule 4 and 5 of the Ohio Rules of Civil Procedure.

(B) Service of summons in delinquency and juvenile traffic actions shall be pursuant to Rule 15 of the Ohio Rules of Juvenile Procedure.

(C) Service of juvenile civil protection orders shall be pursuant to Rule 4 of the Ohio Rules of Civil Procedure.

(D) The form, service and return of the summons shall be pursuant to Rules 15 and 16 of the Ohio Rules of Juvenile Procedure and Rule 4 of the Ohio Rules of Civil Procedure.

(E) Service of motions or other documents, except for requests for permanent custody, filed subsequent to the initiation of the action shall be pursuant to Rule 20 of the Ohio Rules of Juvenile Procedure and Rule 5 of the Ohio Rules of Civil Procedure.

(F) All motions or other documents filed subsequent to the initiation of the action shall contain a proof or certificate of service which shall state the date and manner of service, pursuant to Civil Rule 5.

(G) Motions or other documents filed with the Court shall not be considered until proof of service is endorsed thereon or separately filed.

13.03 Documents Required for Filing

(A) All complaints and/or motions relating to child custody shall be accompanied by an Affidavit of Income, Expenses, Health Insurance (Appendix J), Financial Disclosure form (Appendix A), and a Parenting Proceeding Affidavit (Appendix K).

(B) All complaints and/or motions relating to child support shall be accompanied by an Affidavit of Income, Expenses, Health Insurance form (Appendix J) and a Title IV-D Application (Appendix L).

13.04 Electronic Filings (including email)

In conformity with the Ohio Revised Code, Ohio Rule of Juvenile Procedure 8, Ohio Rule of Civil Procedure 5(E), and Ohio Rule of Criminal Procedure 12(B), pleadings and other papers may be filed electronically with this Court, subject to the provisions in this rule. Unless otherwise modified by approved stipulation or court order, all Ohio Rules of Juvenile Procedure,

Civil, and Criminal Procedure and Local Rules and orders of the Court apply to all documents electronically filed.

(A) Any individual who wants to file electronically must first register with the e-services platform in order to e-file. To register, see: https: www.mcjcohio.org EFILE . Upon approval or denial of the request for access to the eservices platform, the filer will receive an email indicating the registration status. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any orders issued by the Court.

(B) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(C) A Montgomery County Juvenile Court clerk will review all documents submitted electronically for filing to ensure compliance with Court rules before officially accepting the documents for filing and generating a docket entry. Non-compliant documents filed electronically will be rejected by a clerk reviewer. A clerk shall send an electronic mail notice to the user who submitted the document when a document has been rejected.

(D) All pleadings submitted after 4:15 p.m. EST will be reviewed and date/time stamped for the next business day, upon approval.

(E) The Court will assess normal filing fees, and case deposits will be collected via a financial transaction device at the time the filing is processed. Under R.C 301.28(E) and (F), a 2.5 processing fee will be assessed on credit card payments. Said fee is voluntary and non-refundable. The Court will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for attorneys or law firms.

(F) Document Format, Attachments, and Exhibits

1. Documents must be submitted in Portable Document Format (PDF).

2. All pleadings or motions should comply with data format for the e-services portal and, where possible, be contained in one PDF file, not to exceed 20 megabytes. If the file size is too large to upload, documents can be filed in multiple parts, and labeled as such, with the type of the document being filed, followed by the section number (ex: Motion 1, Motion 2, Motion 3, etc).

3. Deposition transcripts must be filed in hard format pursuant to the local rules and may not be filed electronically.

4. Any documents filed electronically must be served by the filing party in accordance with Local Rules 13.02.

(G) Email Filing

1. Submit filings via email to **mcjcefile@mcjcohio.org** using the instructions below.

2. All filings will include a cover page with the following information:

   (a) Name and address of the parties

   (b) Any known contact information for the parties, including phone numbers/email address

   (c) For abuse, neglect and dependency cases, the name of the kinship caregivers and/or foster parents.

13.05 Dismissal for Want of Prosecution

Motions filed may be dismissed after a reasonable time for failure to perfect service pursuant to Rule 4(E) of the Ohio Rules of Civil Procedure or for want of prosecution pursuant to Rule 41(B)(1) of the Ohio Rules of Civil Procedure.

13.06 Failure to Appear at Hearing or Failure to Prosecute

If a moving party or his or her attorney fails to appear within fifteen (15) minutes of the scheduled hearing time, the presiding Judge or Magistrate may dismiss the action or motion or may proceed to hear and determine all issues.

**RULE 14: DISCOVERY**

14.01 Paternity/Child Support Actions

Discovery in paternity and related child support actions is governed by Rule 24 of the Ohio Rules of Juvenile Procedure and Rules 26-37 of the Ohio Rules of Civil Procedure. See R.C. 3111.08(A).

14.02 Abuse, Dependency, Neglect, Child Custody, Parenting Time and Delinquency Actions

Discovery in Abuse, Dependency, Neglect, Child Custody, Parenting Time and Delinquency actions is solely and exclusively governed by Rule 24 of the Ohio Rules of Juvenile Procedure.

14.03 Depositions

Depositions in all actions shall be governed by Rule 25 of the Ohio Rules of Juvenile Procedure and, where applicable, Rule 30 of the Ohio Rules of Civil Procedure.

## RULE 15: PRETRIAL CONFERENCES

(A) In all civil custody, parenting time and visitation/companionship actions the initial hearing shall be considered a pretrial conference.

(B) Unless otherwise ordered, trial counsel and all parties shall appear at the pretrial conference. At the pretrial conference, attorneys and/or parties shall be prepared for and have authority for settlement on all issues. In the event that all issues are not settled at the pretrial conference, the attorneys and/or parties shall be fully prepared to discuss all of the issues set forth below:

1. Those matters set forth in Rule 16 of the Ohio Rules of Civil Procedure;

2. Further discovery proceedings including a completion date;

3. Identification of witnesses and disclosure of their statements and potential testimony;

4. Status of the case for trial; and

5. Narrowing trial issues by stipulation.

(C) The attorneys and the parties shall have made at least one good faith attempt to settle the case prior to the pretrial conference. The failure of any attorney to make the required good faith effort to settle the case or to be prepared for the pretrial conference may result in the imposition of sanctions, attorney's fees and/or Court costs.

## RULE 16: CONTINUANCES

(A) Motions for continuances or advancements shall be made and considered in accordance with Rule 5.24 of the Rules of Superintendence for the Courts of Ohio and Rule 18 of the Ohio Rules of Juvenile Procedure.

(B) All requests for a continuance shall be made to the presiding Judge or Magistrate by written motion filed with the office of the Clerk of Court no later than seven (7) days before the day of the trial or hearing and after notice to opposing counsel, the GAL or any unrepresented party.

(C) All motions for a continuance shall contain the following information:

1. The date on which the need for the continuance arose;

2. The reasons for requesting the continuance;

3. The date on which all other attorneys of record, the GAL and any unrepresented party or parties were contacted, and whether there is an agreement on the need for a continuance; and

4. The earliest date that all parties and attorneys will be ready to proceed.

(D) Motions for a continuance made subsequent to seven (7) days prior to the day of the trial or hearing may be granted, but only for good cause shown. Good cause shall mean a cause which was not known to the party and/or attorney prior to seven (7) days before the trial or hearing and that the party and/or attorney have made diligent efforts to be ready for trial and to notify the opposing party or attorney of the necessity to request a continuance. This rule may not be waived by agreement of counsel.

**RULE 17: WITNESS LISTS**

(A) Each party shall submit to the opposing party or attorney of record a list with the names and addresses of all witnesses, including expert witnesses, expected to be called at trial. A copy of each list shall be filed with the Clerk of Court. Unless otherwise ordered by the Court, the witness lists shall be exchanged no later than fourteen (14) days prior to trial.

(B) The Court, at its discretion, may not allow a witness to testify, except in rebuttal, if that witness was not identified on the witness list.

**RULE 18: EX PARTE ORDERS IN CIVIL ACTIONS**

(A) An ex parte order in a civil action is an emergency order made pursuant to Rules 13(A), 13(B)(1), 13(C) and 13(D) of the Ohio Rules of Juvenile Procedure. This Rule does not apply to shelter care actions pursuant to Rule 13(B)(2) of the Ohio Rules of Juvenile Procedure or ex parte requests filed under R.C. 2151.34 or R.C. 3113.31.

(B) All requests for ex parte orders in a civil action shall be accompanied by an affidavit which states with particularity the factual basis for the request.

(C) The Court will schedule a hearing on all requests for ex parte orders. The movant and his or her attorney, if any, must be present for the hearing or the Court may summarily deny the ex parte request.

(D) An ex parte order shall be issued only when it appears to the Court that the child's interest and welfare require that action be taken immediately pursuant to Juv. R.13 (D).

(E) If the request for an ex parte order is granted, the Court shall set a hearing to review the matter within a reasonable time but no later than ten (10) days after the ex parte order has been granted.

## RULE 19: CHILD SUPPORT ORDER REQUIREMENTS

(A) In all cases resulting in a child support order, a child support computation worksheet that complies with R.C. 3119.021, R.C. 3119.022 and/or R.C. 3119.023 shall be completed prior to or at the time of the hearing.

(B) The child support computation worksheet shall be attached to and incorporated by reference in every judgment entry in which child support is ordered.

(C) In any case type where the court issues a minimum support order or a support order less than the minimum order pursuant to R.C. 3119.06, a child support computation worksheet is not required.

## RULE 20: PARENTING/COMPANIONSHIP TIME

20.01 Standard Order of Parenting Time

(A) The best parenting/companionship schedule is one to which the parties agree.

(B) In the event the parties cannot agree, the Court has designed and adopted a Standard Order of Parenting Time ("SOPT") to ensure that the child will have frequent and consistent contact with both parents when appropriate. This Court's SOPT is attached hereto as Appendix F which may be adopted by the Court when the parties are unable to agree.

20.02 Required Language in Parenting Time Orders in All Case Types

The following provisions shall be included in all specific parenting time orders that do not incorporate the SOPT:

Relocation: If the custodial parent, non-parent legal custodian, or non-residential parent who has an existing child support order and/or parenting time order intends to relocate, the relocating party must file a "Notice of Intent to Relocate" contained in Appendix G with the Clerk's Office and serve a copy to the other parties and the Child Support Enforcement Agency.

If the relocating party is relocating within Montgomery County, Ohio, the "Notice of Intent to Relocate" shall be filed and served upon all parties with custodial/parental/visitation rights and the CSEA not less than thirty (30) days prior to relocation.

If the relocating party is relocating outside of Montgomery County, Ohio, the "Notice of the Intent to Relocate" shall be filed and served upon all other parties with custodial/parental/ visitation rights and the CSEA no less than sixty (60) days prior to relocation.

Any party seeking a modification of custody, visitation, child support or parental rights and responsibilities due to relocation shall file a motion with the Court and request a hearing.

Access to Records: The nonresidential parent shall have access to the same records, school activities and any child-care center which the child(ren) attends on the same basis that access is available to the residential parent or the non-parent legal custodian, unless otherwise ordered by the Court.

## RULE 21: JUVENILE TRAFFIC VIOLATIONS

21.01 Non-Mandatory Appearance Offenses

(A) 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:

1. The child and his/her parent, legal guardian, or legal custodian may appear at the Montgomery County Juvenile Court, 380 W. Second St., Dayton, OH 45422, during the regular hours of the Court no later than the day before the scheduled court date and provide the Court with the following:

   (a) Copy of the ticket/citation

   (b) Proof of insurance at the time of the ticket/citation

   (c) Driver's License and/or Temporary Permit

2. The child must enter an admission to the offense charged in writing by signing the appropriate admission and waiver form which must also be signed by the child's parent, legal guardian, or legal custodian.

3. The child and his/her parent, legal guardian, or legal custodian must pay the scheduled fine and court costs in the case, or the Court will not accept the admission and a court appearance shall be required.

21.02 Mandatory Appearance Offenses

(A) A court appearance is required for any violation that involves an accident.

(B) A court appearance is required for a second or more traffic violation of any kind which occurs prior to the age of eighteen (18) years.

(C) A court appearance is required if more than one moving traffic violation is charged from a single incident or series of incidents.

(D) A court appearance is required if the child is less than seventeen (17) years of age AND the child has had his/her license for less than six (6) weeks.

(E) The following specific offenses require a formal court appearance:

1. Offenses which would be indictable;

2. Operating a motor vehicle while under the influence of alcohol or drugs;

3. Driving while under the suspension or revocation of a driver's license;

4. Driving without being licensed to drive;

5. Failure to stop and remain stopped upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;

6. Drag racing;

7. Reckless operation;

8. Failure to maintain reasonable control;

9. Speeding (in excess of twenty (20) mph over the posted limit);

10. Speeding in a school zone;

11. Permitting an unlicensed driver to operate a motor vehicle;

12. Operating a motor vehicle under a temporary instruction permit unaccompanied by a licensed operator;

13. Leaving the scene of an accident otherwise known as Hit and Skip;

14. Offenses charging a violation under Chapter 29 of the Ohio Revised Code;

15. Resisting/interfering with an officer;

16. Presenting a 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.

21.03 Electronic Submission of Traffic Tickets

(A) The use and filing of a traffic ticket that is produced by electronic means is hereby authorized for use in this Court. The electronically produced ticket shall conform with the Ohio Uniform Traffic Ticket.

(B) The schedule of fines and costs which shall be charged for traffic violations is available from the office of the Clerk of Court.

**RULE 22: JURY MANAGEMENT PLAN**

The selection of jurors for the Montgomery County Common Pleas Court, Juvenile Division, shall be in accordance with the Montgomery County Court of Common Pleas Local Rule 1.23.

**RULE 23: JURY DEMAND**

(A) The Court will hear and determine all cases involving juveniles without a jury except for the adjudication of a serious youthful offender complaint, indictment or information in which a trial by jury has not been waived.

(B) In cases where an adult has been charged with a criminal offense over which the Juvenile Court has jurisdiction, except in cases alleging a violation of R.C. 3321.38, the defendant is entitled to a jury trial pursuant to Rule 23 of the Ohio Rules of Criminal Procedure. An adult charged with a misdemeanor offense may demand a jury in writing. The demand shall be filed no later than fourteen (14) days prior to the date set for trial or before the third day following the receipt of the notice of the date set for trial, whichever is later. A defendant's failure to demand a jury trial as stated in this rule will be deemed a complete waiver of that right.

**RULE 24: PHYSICAL RESTRAINTS**

(A) Physical restraints shall not be used on any juvenile appearing for Court proceedings unless the Judge or Magistrate before whom the juvenile is appearing issues a finding on the record of both of the following:

1. The use of physical restraint is necessary due to either of the following factors:

   (a) The behavior of the juvenile represents a current threat to the safety of the juvenile or other persons in the Courtroom;

   (b) There is a significant and imminent risk that the juvenile will flee the Courtroom.

(B) If physical restraint is found necessary by the Court, the restraint shall be the least restrictive necessary in order to meet the risk requiring the restraint and will be completed in a manner which does not unnecessarily restrict the movement of the juvenile's hands.

## RULE 25: YOUTH PARTICIPATION IN ABUSE, NEGLECT, AND DEPENDENCY CASES

(A) A youth or child who is the subject of an abuse, neglect or dependency case is a party to his/her case and has the right to notice of adjudicatory and dispositional hearings in accordance with the Ohio Rules of Juvenile Procedure.

(B) A youth or child who is the subject of an abuse, neglect or dependency case has the right to attend and is to be encouraged to attend or otherwise participate in any and all hearings related to his/her case if he/she so desires.

(C) At the Court's discretion, a youth or child may participate in such hearings by: attending all or part of the hearing; speaking with the Court in the presence of all parties; speaking to the Court in camera; observing the hearing; otherwise participating by submitting a letter, drawing and/or photograph to the Court and all parties through a Guardian ad Litem or Court Appointed Special Advocate, kinship caregiver, or the child's attorney.

(D) The Court has discretion to excuse a child or youth from any hearing or any portion of a hearing in the case if the Court finds that to be in the child's or youth's best interest based on factors such as the age of the child, the child's capacity for understanding and participating in the hearing, the nature of the proceeding, and other relevant factors aligned with the child's best interest in the case.

(E) Any youth who is in the Planned Permanent Living Arrangement (PPLA) of MCCS shall be provided an opportunity to participate in any Annual Review and/or Reviews of Disposition.

(F) Any youth who is fourteen (14) years of age, or older, and is in the Permanent Custody (PC) of MCCS, shall be provided an opportunity to participate in any Annual Review and/or Review of Disposition.

(G) Any youth, excluding youth who have reached the age of twenty-one (21), shall be present for the hearing to terminate Agency custody so long as the youth's attendance can be reasonably attained by the caseworker. The caseworker shall review with the youth the "Acknowledgment of Emancipation" form (attached hereto as Appendix H) prior to the hearing. The youth can elect on the form whether or not the youth intends to attend the hearing. In the event the caseworker cannot locate the child and/or obtain the child's signature on the "Acknowledgment of Emancipation" form, the caseworker shall indicate such on the form. This form shall be presented to the Court by the caseworker at the termination hearing.

## RULE 26: PROCEDURES FOR TERMINATION AND EXTENSIONS OF AGENCY CUSTODY WHEN THE YOUTH IS EIGHTEEN TO TWENTY-ONE (18 - 21) YEARS OF AGE

(A) MCCS may file a motion to terminate custody of a youth with the Court and/or the Court may address termination on its own.

(B) All motions to terminate from MCCS care may be set for a hearing or scheduled with an existing hearing. In certain instances, the Court may elect to proceed administratively.

(C) The caseworker will review with the youth the "Acknowledgment of Emancipation" form prior to the hearing and the form will be provided to the Court prior to the hearing.

(D) Whenever possible, a caseworker shall ensure that the youth is notified of the hearing and is present. If the youth cannot or will not attend, this should be indicated by the caseworker on the Acknowledgment of Emancipation form.

(E) In the case of youth who are emancipating from MCCS care at age twenty-one (21), MCCS may file a motion requesting termination unless the Court proceeds on its own. An administrative entry shall be prepared granting the emancipation no later than the youth's twenty-first birthday.

(F) The Court may conduct a hearing regarding any motion to terminate custody filed by MCCS. The hearings shall include the youth (whenever possible), the APA, the MCCS caseworker, and the youth's GAL and attorney for the youth if one has been appointed. Any other person important to the youth's transition plan including a probation officer, a Bridge's representative, and any relative or other support person may also attend the hearing. The youth's GAL shall submit a report for all termination hearings as ordered by the Court. The Court shall conduct an in camera interview with the youth upon request.

(G) At the hearing, the Court shall review the youth's transition or emancipation plan and any other relevant information with the youth and the youth's attorney if one has been appointed.

(H) The Court shall provide to the youth a certified copy of the order which originally granted MCCS custody, if possible. The Court shall also provide a copy of the certified entry to MCCS for the youth's records along with the order terminating the youth's custody either by hand delivery or by mail/email. A certified copy of the original custody order and the order terminating custody shall also be maintained by MCCS for future access by the youth.

(I) When MCCS requests that the Court extend its' custody of a youth past the youth's 18$^{th}$ birthday, the Court may hold a hearing prior to the youth's 18$^{th}$ birthday to address the matter unless the Court has addressed the extension administratively or during a hearing.

(J) An attorney may be appointed for the youth at the request of the youth, or the request of any party, including the GAL, or at the discretion of the Court regarding requests for extensions or terminations.

**RULE 27: SERVICE MEMBERS CIVIL RELIEF ACT**

(A) The Court shall comply with procedures addressing military service providers in accordance with the Service Members Civil Relief Act 50 U.S.C. App Sec. 501-597.

(B) In any action or proceeding commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to advise that party pursuant to 50 U.S.C. 501, et seq.

(C) The Court may stay the proceedings pending the military member's availability for trial. During that stay, the military member will be ordered to cooperate in all discovery procedures and notify the Court upon his/her return. 50 U.S.C. 521. The military member will be advised of the right to obtain counsel and will be directed to file any motion or responsive pleading with respect to jurisdiction or any other issues.

(D) In any case in which child support payments are owed by a military member, the Court may require that individual to make an allotment from his/her pay and allowances for such support. 42 U.S.C. Sect. 665.

**RULE 28: SPECIAL PROCESS SERVERS**

28.01 Standing Orders for Special Process Servers

(A) Persons requesting a standing order to be appointed as a special process server must file an application motion with this Court supported by an affidavit. The procedure is as follows:

1. The motion must include the name, address and telephone number of the applicant;

2. The applicant agrees not to accept service of process in any case(s) wherein he/she is named as a party or counsel for a party;

3. The applicant agrees to follow Rules 4 through 4.6 of the Ohio Rules of Civil Procedure;

4. The applicant affirms that he/she is eighteen (18) years of age or older;

5. The application motion must be filed at the office of the Clerk of Court and the applicant must pay any applicable filing fee;

6. The application motion must be accompanied by a proposed order granting the motion;

7. The order must be signed by the Administrative Judge to be effective;

8. The office of the Clerk of Court shall retain the original application motion and order and maintain a file of all standing orders;

9. The appointment will remain in effect for one (1) year and the applicant must reapply annually; and

10. The standing special process server must also comply with Local Rule 13.03.

28.02 Motion to be Appointed as a Special Process Server/Specific Case

(A) Persons requesting to be appointed as a special process server in a specific case must file a motion in the office of the Clerk of Court. The procedure is as follows:

1. The motion must include the name, address and telephone number of the applicant;

2. The applicant agrees not to accept service of process in any case(s) wherein he/she is named as a party or counsel for a party;

3. The applicant agrees to follow Rules 4 through 4.6 of the Ohio Rules of Civil Procedure;

4. The applicant affirms that he/she is eighteen (18) years of age or older;

5. The application motion must be filed at the office of the Clerk of Court and the applicant must pay any applicable filing fee;

6. The motion must be accompanied by a proposed order granting the motion;

7. The order must be signed by the Administrative Judge;

8. Once the order has been signed and journalized, the office of the Clerk of Court will prepare the summons, notice, pleading, etc., to be served;

9. The special process server will pick-up the service packet; and

10. The special process server will file the return of service in the office of the Clerk of Court.

## RULE 29: SEALING AND EXPUNGEMENT OF RECORDS

(A) Application for Sealing and Expunging of Records

1. Any juvenile who has been found to be delinquent, unruly, or a juvenile traffic offender, may be eligible to have his or her record sealed and expunged in accordance with R.C. 2151.356 and R.C. 2151.358.

2. The juvenile shall submit the Application for Sealing and Expungement located in Appendix H to the Court at no cost.

3. An adult offender who has been convicted may be eligible to have his or her record sealed and expunged in accordance with R.C. 2953. The adult shall file a written request to the Court at no cost.

## RULE 30: REQUIREMENTS FOR PATERNITY COMPLAINT

(A) A paternity action is initiated by the filing of a complaint pursuant to R.C. 3111.04.

1. A paternity complaint shall not contain multiple claims for relief but shall only state a single cause of action for paternity and any related request for the payment of birthing costs or the establishment of a child support order. R.C. 3111.13.

2. After entry of any judgment for paternity, the father may file for custody and/ or parenting time in a proceeding separate from any action to establish paternity.

(B) An acknowledgment of paternity made pursuant to R.C. 2151.232, R.C. 3111.25 or R.C. 3111.821 is considered a final and enforceable determination of paternity unless the acknowledgment is rescinded under R.C. 3111.28 or R.C. 3119.962. Accordingly, if the father has signed an acknowledgment of paternity that was not rescinded then any complaint for paternity that is subsequently filed in this Court by the father may be dismissed as moot. (See Loc.R. 31).

## RULE 31: RELIEF FROM PATERNITY DETERMINATION

(A) The establishment of paternity by acknowledgment, administrative action, or Court order may only be challenged by motion pursuant to R.C. 3119.961 and not by the filing of a paternity complaint.

1. A person who files a motion for relief from paternity determination must provide to the Court a DNA test taken no more than six (6) months prior to the date of filing that excludes the person from paternity. See R.C. 3119.962(A)(1)(a).

2. A person who files a motion for relief from paternity determination who does not provide to the Court a DNA test taken no more than six (6) months prior to the date of filing that excludes the person from paternity shall not be entitled to the requested relief.

## RULE 32: SPECIAL IMMIGRATION JUVENILE STATUS REQUESTS

(A) Any party requesting that the Court address findings regarding "Special Immigration Juvenile Status" must file a motion with said request separate from the underlying complaint/petition for custody. The Court will address this request separate from the underlying complaint/petition and schedule a hearing with a Magistrate assigned to hear such matters.

(B) If MCCS requests "Special Immigration Juvenile Status" findings as part of its underlying Abuse, Neglect, and Dependency Complaint, MCCS shall file a motion requesting said finding and the motion will be assigned to the Magistrate assigned to address the underlying complaint in accordance with the statutory time frames set out R.C. 2151.35.

## RULE 33: CONVEYANCE OF PRISONERS/MOTION FOR REMOVAL

(A) It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a witness who is incarcerated, to file a Motion for Removal to transport the person who has been subpoenaed to the hearing.

(B) A Motion for Removal must be filed at least three weeks prior to the hearing date if the party or witness is incarcerated in any facility other than the Montgomery County Jail, and at least a week prior to the hearing date if the party or witness is incarcerated at the Montgomery County Jail.

(C) The motion for removal should include the incarcerated party/witness's name, the name and address of the institution where the incarcerated person is being held, and the inmate number if the person is incarcerated in a state prison.

## RULE 34: INTERVIEW OF CHILD BY THE COURT (IN CAMERA)

All Interviews of children shall be pursuant to the criteria set forth in R.C. 3109.04 (B)(2) and R.C. 3109.051(C). The transcript of the child's interview shall be sealed and not available to any party or attorney without a court order.

## RULE 35: SPECIALIZED DOCKETS

35.01 Juvenile Treatment Court

(A) The Montgomery County Juvenile Treatment Court (MCJTC) began serving its target population of adjudicated, non-violent, drug-involved youth in 1997. The current program serves moderate to high-risk youth who have been adversely affected by a substance abuse disorder with the ability to serve seventy-five (75) annually. In collaboration with the Juvenile Court, Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County (ADAMHS), the Ohio Department of Youth Services (ODYS), and several treatment providers, the program reduces substance abuse and recidivism by providing judicially supervised treatment, strength-based case management, drug testing, community supervision and use of incentives sanctions.

(B) Placement in the Juvenile Treatment Court Docket

While participation in Juvenile Treatment Court begins post-adjudication, as part of the dispositional orders of the case, identification of the youth for possible participation on the docket may be employed at any stage of the proceedings. Referrals may come from a variety of sources including a Judge or Magistrate, probation officers, prosecutors, defense counsel, and treatment providers. All referrals will be sent to the case to the program supervisor. The judicial officer hearing the case through adjudication and disposition would then issue a court order referring the case to the Juvenile Treatment Court. The treatment team makes a recommendation to accept or deny the youth entrance into the program, but the ultimate decision is left to the discretion of the specialized docket judge. The judicial officer hearing the case through adjudication and disposition would then issue a court order referring the case to the Juvenile Treatment Court.

In order to be admitted to the program, the youth must be a resident of Montgomery County, as well as have been diagnosed with a substance abuse disorder, be adjudicated on the complaint, and the youth, as well as the parent/guardian, must be willing and able to cooperate with court requirements and the treatment program. Youth with current adjudications for violent felony offenses or offenses of sexual nature will not be permitted to participate in the program. Youth with dual diagnoses will be admitted to this docket when the primary concern is substance abuse. Youth with a history of fire-starting behaviors or animal cruelty are prohibited from participating in the program.

(C) Case Assignment

All Juvenile Treatment Court cases shall be transferred to the docket of the presiding judge of the program. The presiding judge will be responsible for the case through final disposition.

(D) Juvenile Treatment Court Docket Case Management

Each youth shall sign an agreement that he or she will comply with the rules of the program and that he or she has received a copy of the participant handbook that details the rights and responsibilities of the Juvenile Treatment Court, the benefits that will result from participating in the program, the resources available to the participant, the list of requirements of the Juvenile Treatment Court and the specific legal and clinical eligibility criteria for participating in the program.

(E) Termination from the Juvenile Treatment Court Docket

When a youth completes all the treatment and court requirements of his or her program to the satisfaction of the treatment team, he or she will successfully graduate from the Juvenile Treatment Court program and his or her case will be closed. Youth who successfully complete the program also get their records sealed and expunged. If a youth is under eighteen (18) years of age at graduation, they may have their record sealed, and expunged at either six (6) months after graduation or upon attainment of eighteen (18)

years of age, whichever is earlier. If a youth is eighteen (18) years of age or older at graduation, they may have their record sealed and expunged at graduation.

When a youth is unable to complete all the treatment and court requirements through no fault of his or her own, he or she will be neutrally discharged from the Juvenile Treatment Court. The dispositional orders upon a neutral discharge will be determined on a case-by-case basis.

When a youth chooses not to comply with the treatment or court requirements, he or she will be unsuccessfully discharged from the Juvenile Treatment Court upon the recommendation of the treatment team and at the discretion of the judge. When a youth is unsuccessfully terminated from the program, the Juvenile Treatment Court judge will determine docket assignment or reassignment on a case-by-case basis.

35.02 Juvenile Mental Health Wellness Court Docket

(A) The Montgomery County Juvenile Mental Health Court, referred to as Wellness Court began serving its target population of adjudicated mental health diagnosed youth in 2017. The current program serves moderate to high risk youth who have been adversely affected by persistent mental health issues, with the ability to serve up to 45 youth annually. The goal of Wellness Court is to support youth and their families in addressing the mental health issues that brought them into the juvenile justice system. This is done by collaborating with the treatment providers using close monitoring and rewards and sanctions for the youth (and his or her family).

The mission of Wellness Court is to enhance public safety by preventing recidivism, while assisting participants in taking responsibility for their behavioral health issues, using effective, evidence-based interventions and treatments in a holistic, accountability-based and community supported program.

(B) Placement on the Juvenile Mental Health Court Docket

While participation in Wellness Court begins post-adjudication, as part of the dispositional orders of the case, identification of the youth for possible participation on the docket may be employed at any stage of the proceedings.

Referrals may come from a variety of sources including a judge or magistrate, probation officers, prosecutors, defense counsel, and treatment providers. All referrals will be sent to the program supervisor. The judicial officer hearing the case through adjudication and disposition would then issue a court order referring the case to Wellness Court.

The treatment team makes a recommendation to accept or deny the youth entrance into the program, but the ultimate decision is left to the discretion of the specialized docket judge. In order to be admitted to the program, the youth must be a resident of Montgomery County, as well as have been diagnosed with a significant mental illness,

be adjudicated on the complaint, and the youth, as well as the parent/guardian must be willing and able to cooperate with court requirements and the treatment program. Sex offenders and youth younger than twelve will not be permitted to participate in the program. Youth with dual diagnoses will be admitted to this docket when the primary concern is the mental illness.

(C) Case Assignment

All Wellness Court cases shall be transferred to the docket of the presiding judge of the program. The presiding judge will be responsible for the case through final disposition.

(D) Wellness Court Docket Case Management

Each youth shall sign an agreement that he or she will comply with the rules of program and that he or she has received a copy of the participant handbook that details the rights and responsibilities of the Wellness Court, the benefits that will result from participating in the program, the resources available to the participant, the list of requirements of the Wellness Court and the specific legal and clinical eligibility criteria for participating in the program.

(E) Termination from the Wellness Court Docket

When a youth completes all the treatment and court requirements of his or her program to the satisfaction of the treatment team, he or she will successfully graduate from Wellness Court and his or her case will be closed. Youth who successfully complete the program also get their records sealed and expunged. If a youth is under eighteen (18) years of age at graduation, they may have their record sealed, and expunged at either six (6) months after graduation or upon attainment of eighteen years of age whichever is earlier. If a youth is eighteen (18) years of age or older at graduation, they may have their record sealed and expunged at graduation.

When a youth is unable to complete all the treatment and court requirements through no fault of his or her own, he or she will be neutrally discharged from Wellness Court. The dispositional orders upon a neutral discharge will be determined on a case-by-case basis. When a youth chooses not to comply with the treatment or court requirements, he or she will be unsuccessfully discharged from Wellness court upon the recommendation of the treatment team and in the discretion of the judge. When a youth is unsuccessfully terminated from Wellness court, the Wellness court judge will determine docket assignment or reassignment on a case-by-case basis.

35.03 Family Treatment Court Docket

(A) The Montgomery County Family Treatment Court (FTC) began serving its target population of child welfare-involved parents with substance use disorders in 2016.

The current program serves residents of Montgomery County that are parents or caregivers of children and who are alleged or who have been determined by the Montgomery County Juvenile Court (MCJC) in official (adjudicated) status to be responsible in a dependency, abuse or neglect referral involving a child or children of whom they are the parent or caregiver. FTC has the ability to serve seventy-five (75) families annually.

In current collaboration with the Alcohol, Drug Addiction and Mental Health Services Board of Montgomery County (ADAMHS), Samaritan Behavioral Health/Crisis Care, Help Me Grow Brighter Futures, the Public Health Department of Dayton/Montgomery County (PHDM), Children Matter Montgomery County (CMMC), Samaritan Behavioral Health's Young Children's Assessment & Treatment Services (YCATS) and Case Western Reserve University (CWRU), the primary goal of the FTC is to promote the health, safety and welfare of children in the child welfare system dependency actions by actively intervening to address the drug, alcohol and other service needs of families through integrated, culturally competent and judicially managed collaboration that facilitates timely reunification or an alternative permanency plan. Achieving this goal should increase the number of family reunifications; ensure children have safe and permanent homes, enable parents or caregivers to have the ability to better care for themselves and their children and how to seek resources to do so, while reducing the cost to society. Similar outcomes are expected to be achieved regardless of the race and ethnicity of the participants.

(B) Placement on the Family Treatment Court Docket

While participation in Family Treatment Court begins post-adjudication, identification of the parents or caregivers for possible participation on the docket may be employed at any stage of the child welfare proceedings. Referrals may come from a variety of sources including a Judge or Magistrate, child welfare workers, prosecutors, defense counsel, and treatment providers. All referrals will be sent to the program supervisor. The Family Treatment Court team makes a recommendation to accept or deny the client entrance into the program, but the ultimate decision is left to the discretion of the assigned judicial officer.

In order to be admitted to the program, the parent or caregiver must be a resident of Montgomery County. A MCJC Judge or Magistrate, an attorney or Montgomery County Department of Jobs and Family Services-Children Services Division (CSD) staff identifies Montgomery County resident families that may benefit from the intensive case management and treatment the court provides and makes a referral to the FTC Coordinator.

The FTC coordinator schedules and completes the screening process which includes an explanation of the program and participant expectations, identification of family needs, the completion of all necessary paperwork and the Texas Christian University Drug Screen (TCUDS II), the collection of a urine sample from the parent(s) or caregiver(s), and a dual diagnosis assessment. The FTC coordinator will review the assessment and all other pertinent information, and make a decision to accept or deny the case.

**RULE 36: USE OF GENERATIVE ARTIFICIAL INTELLIGENCE**

This rule is established to govern the use of Generative Artificial Intelligence ("GenAI") by attorneys or self-represented litigants in the preparation of materials submitted to the Court, and to ensure the ethical use of GenAI.

(A) Definitions

"Artificial Intelligence" is technology which uses computer systems to imitate human intelligence and perform tasks. Artificial Intelligence relies on pre-defined rules and algorithms to perform tasks.

"Generative Artificial Intelligence" is a branch of Artificial Intelligence which is trained on large datasets and generates new content, such as documents, images, or evidence.

(B) Disclosure of the Use of Generative Artificial Intelligence

GenAI shall not be treated as a substitute for legal research or judgment. If an attorney or self-represented litigant uses GenAI in the preparation of materials submitted to the Court, such use shall be disclosed to the Court. The disclosure must be made at the time of the submission, and must include a general description of the GenAI used and its role in the preparation of the materials.

The disclosure shall be made in a certification which verifies that the materials have been reviewed by the filer for accuracy, validity, and relevancy, and which certifies that the materials meet all legal and ethical standards. The certification shall be attached to the materials submitted.

(C) Review of Materials

An attorney or self-represented litigant who has used GenAI in the preparation, including the editing, of materials submitted to the Court is responsible for reviewing the accuracy, validity, and relevancy of the materials, and for ensuring the materials meet all legal and ethical standards, including any standards set forth in these Rules, the Ohio Rules of Procedure and the Ohio Rules of Professional Conduct.

(E) Court Discretion

The Court may request additional information regarding the use of GenAI in the preparation of any filing.

The Court may strike or disregard a filing in which GenAI was used if the use of GenAI resulted in: (i) a procedural irregularity; (ii) a material misrepresentation; or (iii) a violation of court rules, including, these Rules, the Ohio Rules of Procedure, and the Ohio Rules of Professional Conduct.

(F) Sanctions

Any attorney or self-represented litigant who violates this Rule may be subject to sanctions, including but not limited to any sanction provided for in Civ.R. 11, such as imposing monetary sanctions, striking the submission, or dismissing the lawsuit. For attorneys, this may include a professional grievance being submitted to the Office of Disciplinary Counsel or a Local Certified Grievance Committee.

## RULE 37: RESPONSIBILITY OF A PARTY

While parties will receive copies of court entries and pleadings filed by others involved in the case through the mail and/or via email, every person who has become a party to a case has an affirmative duty to monitor the progress of the case and stay informed as to the proceedings. This includes court entries, pleadings filed by others involved with the case and dates of hearings. It is the responsibility of each party to ensure that they stay informed of their case. Inquiries can be made to (937) 496-3003, (937) 496-3004 and/or records@mcjcohio.org.

## RULE 38: REPORTING TO LAW ENFORCEMENT AND COMPLIANCE PLAN

(A) The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

(B) The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.

(C) The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:

1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2151.311, 2151.313, and 2152.71(A)(2);

2. Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2151.34 and 3113.31 and Sup.R. 10(A);

3. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;

4. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, the Bureau of Criminal Investigation, or state or local auditors; and

5. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2151 and R.C. 2930.171and 3113.31.

(D) The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

# APPENDIX A- FINANCIAL DISCLOSURE FORM

($25.00 application fee may be assessed—see notice on reverse side)

## I. PERSONAL INFORMATION

| Applicant's Legal Name | Applicant's Preferred Name and Pronoun | D.O.B. |
|---|---|---|
| | | |

| Mailing Address | City |
|---|---|
| | |

| State | Zip Code | Case No. | Phone | Cell Phone |
|---|---|---|---|---|
| | | | ( ) - | ( ) - |

| SSN Last 4 | Gender | Race (double-click to de-select) |
|---|---|---|
| | | ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander<br>☐ Spanish or Latino ☐ White ☐ Other |

## II. OTHER PERSONS LIVING IN HOUSEHOLD

| Name | D.O.B. | Relationship | Name | D.O.B. | Relationship |
|---|---|---|---|---|---|
| 1) | | | 3) | | |
| 2) | | | 4) | | |

## III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veterans' Benefits: ____ Food Stamps: ____

Refugee Settlement Benefits: ____ Incarcerated in state penitentiary: ____ Committed to a Public Mental Health Facility: ____

Other (please describe): _____ Juvenile: ____ *(if juvenile, please continue at Section VIII)*

## IV. INCOME AND EMPLOYER

| | Applicant | Spouse (Do not include spouse's income if spouse is alleged victim) | Total Income |
|---|---|---|---|
| Gross Monthly Employment Income | $ | $ | $ 0.00 |
| Unemployment, Worker's Compensation, Child Support, Other Types of Income | $ | $ | $ 0.00 |
| | | **TOTAL INCOME** | $ 0.00 |

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 | Amount | Type of Expense | 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) | $ |
| **EXPENSES** | $ 0.00 | **EXPENSES** | $ 0.00 |

## VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.
For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.
If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.
If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

## VIII. $25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable $25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

## IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

_____ _____

Signature Date

## X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: _____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

_____ _____

Judge's Signature Date

## XI. NOTICE OF RECOUPMENT

R.C. 120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for **part** of the cost of services rendered, if he or she can reasonably be expected to pay. See R.C. 2941.51(D)

## XII. JUVENILE'S PARENTS' INCOME* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

| | Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim) | Total |
|---|---|---|
| Employment Income (Gross) | $ | $ 0.00 |
| Unemployment, Workers Compensation, Child Support, Other Types of Income | $ | $ 0.00 |
| | **TOTAL INCOME** | $ 0.00 |

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

# APPENDIX B

## Attorney Qualifications for County Reimbursement, Juvenile Cases

Pursuant to Ohio Administrative Code section 120-1-10, appointed counsel must meet these requirements in order to qualify for state reimbursement. The state public defender may refuse to reimburse the county for cases on which appointed counsel do not meet these requirements.

| Juvenile cases | Training* | Experience ** |
|---|---|---|
| Unruly, truancy, violation of court order, and misdemeanors cases | Within two years prior to the appointment, completed minimum six hours CLE in juvenile delinquency practice and procedure<br>**OR**<br>Successful completion of clinical education program on juvenile law | In lieu of required training, one year of experience as an attorney |
| Juvenile OVI cases | Within two years prior to the appointment, completed minimum six hours CLE focused on OVI practice and procedure | |
| Juvenile cases involving 3rd, 4th, and 5th degree felonies | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure | At least one year of experience as attorney practicing in juvenile delinquency law |
| Juvenile cases involving 1st and 2nd degree felonies | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure | At least two years of experience as attorney practicing in juvenile delinquency law<br>**AND**<br>Within 10 years preceding the appointment, prior experience as trial counsel in at least two bench trials in juvenile court, at least one of which was as lead counsel |
| Bindover and serious youthful offender cases | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure | Requisite experience to be appointed to a juvenile case based upon the highest degree of charge in the case<br>**AND**<br>Requisite experience to be appointed to an adult case based upon the highest degree felony charged **OR** Co-counsel who meets the adult-case training and experience requirements must also be appointed |
| Juvenile cases involving murder and aggravated murder cases | Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure | At least three years of experience as attorney practicing in juvenile delinquency law<br>**AND**<br>Within 10 years preceding appointment, prior experience as lead trial counsel in at least three bench trials in juvenile court, at least two of which involved a felony-level charge |

*CLE hours must be certified by the Ohio Supreme Court commission on continuing legal education.

** Attorneys appointed to represent indigent clients in felony cases must meet the applicable requirements. Where an attorney within ten years prior to the appointment successfully completed a trial training program, consisting of 30 hours of instruction or more, the training program will satisfy any requirement in OAC 120-1-10 to serve as: lead counsel in one criminal jury trial and lead counsel in one delinquency bench trial.

**APPENDIX C**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN RE:

_____ JC#_____
_____ JC# _____
_____ JC# _____
Minor child(ren)

Judge _____

GAL Name: _____ Magistrate_____

Please describe the nature of the comment or complaint against the Guardian ad Litem below:
_____

_____

_____

_____

_____

_____

_____

Respectfully submitted,

_____
Signature

_____
Print Name

_____
Address

_____
City, State, Zip

_____
Telephone

**APPENDIX D**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

| | | |
|---|---|---|
| | * | **CASE NO. JC** |
| | * | |
| | * | |
| | * | |
| | * | **Judge** |
| | * | **Magistrate** |
| | * | |
| **IN RE:** | * | |
| **DOB:** | * | |
| | * | |
| | * | |
| | * | |
| | * | **REPORT AND RECOMMENDATIONS** |
| | * | **OF GUARDIAN AD LITEM** |
| | * | |

---

Now comes the Court-appointed Guardian ad Litem for the above referenced minor child/children and respectfully submits the following report and recommendations, which are of a confidential nature for the benefit of the Court.

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 fine and/or incarceration.

**MOTHER:**
**FATHER:**
**DATE OF HEARING:**
**TYPE OF HEARING:**
**GAL LAST SAW CHILD:**

**HEARINGS GAL HAS ATTENDED:**

**CASE HISTORY:**

**MATERIALS/RECORDS/DOCUMENTS REVIEWED:**

**LIST INDIVIDUALS INTERVIEWED/OBSERVED:**

**CHILD:**
**MOTHER:**
**FATHER:**
**GUARDIAN/CUSTODIAN:**
**SIGNIFICANT OTHERS:**
**EXPERTS, IF ANY:**

**SUMMARY OF INDIVIDUAL INTERVIEWS/OBSERVATIONS:**
**CHILD:**
**MOTHER:**
**FATHER:**
**GUARDIAN/CUSTODIAN:**
**SIGNIFICANT OTHER(S):**
**EXPERTS, IF ANY:**

**CHILD'S WISHES (if unable to provide, please explain):**

**GAL CONCERNS:**

**GAL RECOMMENDATIONS (must include basis and why in best interest of the child):**

Respectfully submitted,

By: _____
Your name typed here under signature
Guardian ad Litem
Address
City, State, Zip
Telephone
Email address

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon, Attorney for, Address, Dayton, Ohio Zip Code and, Attorney for, Address, Dayton, Ohio Zip Code by ordinary U.S. mail service, and facsimile transmission, on the same day of filing.

By: _____

Your name typed here under signature

# REPORT WRITING

## A. MINIMUM CONTENT REQUIREMENTS FOR WRITTEN REPORT

- All activities performed
- Persons interviewed
- Documents/records reviewed
- Hearings attended
- Experts consulted
- Recommendation(s)

Persons interviewed should include the parties, the child(ren), school personnel, medical or mental health providers, child protective workers, significant other persons, such as step-parents or partners and may also include other lay witnesses, such as neighbors and other relatives or friends. It may also include any professional connected to the case, or even babysitters or daycare providers.

Documents or records reviewed may include child protective agency records, court records, court dockets, police reports, drug test results, school records, medical records, any expert records or evaluations, and may even include pictures.

Any information specifically provided by an expert should be distinguished as such.

Recommendation(s) in Abuse, Neglect, Dependency cases will address pending dispositional motions, placement issues, and even case plan modifications or additions, as well as recommendations necessary for the educational, medical, and mental health needs of the child. In Domestic Relations or private custody dispute cases, recommendations will address custody and parenting time, but may also address counseling, parent exchange issue, timing of visits, issues surrounding the child's activities, and issues for the education, medical, and mental health of the child.

**BEST PRACTICE TIPS**

Including the dates of contacts can prove very helpful and educational to the Court.
Including information regarding failed contacts and reasons for same is likewise often very instructive to the Court.

***Your court should provide guidance relative to any policy of including the child's wishes in the report itself.***

**APPENDIX E**

**MONTGOMERY COUNTY JUVENILE COURT**

**ABUSE/NEGLECT/DEPENDENCY CASE MANAGEMENT PLAN**

## STEP ONE: INITIAL HEARINGS

### 1. Shelter Care/Ex Parte Hearing

a. A Shelter Care Hearing or an Ex Parte Review Hearing will be scheduled for an in-person hearing within 72 hours of the filing of the complaint/motion. The Court, upon request, may permit a participant to appear virtually.
b. A GAL may be appointed for the Shelter Care/Ex Parte Review hearing.
c. The Shelter Attorney-for-the-Week will be appointed for the person from whom the child(ren) was removed.
d. The appointed counsel shall ensure that the client completes the Financial Disclosure Form and submits it to the Court.
e. At the Shelter Care/Ex Parte Review Hearing, the Court will schedule an Initial Adjudicatory Hearing (IAH) within 45 to 75 days of the filing of the complaint/motion.
f. At the IAH hearing, the Court will also schedule an adjudicatory and dispositional hearing(s) within 90 days of the filing of the complaint.
g. If the Financial Disclosure Form is not submitted to the Court by the conclusion of the Initial Adjudicatory Hearing then the Court will terminate the appointment of the attorney unless an extension has been granted.
h. The IAH hearing will be scheduled for 30 minutes unless otherwise determined by the Court. The hearing officer may designate a specific day of the week to schedule IAH hearings.
i. Participants in the IAH hearing scheduled after the Shelter Care/Ex Parte Review hearing may be permitted to appear virtually unless otherwise determined by the Court.
j. The adjudicatory and disposition hearing will be scheduled for 60 minutes unless otherwise determined by the Court. Participants in the adjudicatory and disposition hearing will be required to attend in-person unless otherwise determined by the Court.
k. The Court may schedule a Final Pre-trial hearing about 7 to 14 days prior to the adjudicatory and disposition hearing if needed. Participants in the Final Pre-trial hearing may be permitted to appear virtually unless otherwise determined by the Court.
l. Unless otherwise determined by the Court, the GAL report will be due for the Final Pre-trial Hearing if one is scheduled.

**2. Interim Temporary Custody Hearing (ITC)**

a. An ITC hearing will be scheduled by the Office of the Clerk of Court for an in-person hearing, within 10 to 14 days of the filing of the complaint/motion.
b. The ITC hearing will be an in-person proceeding and will be scheduled at 3:00 p.m. unless otherwise determined by the Court. The Court, upon request, may permit a participant to appear virtually.
c. The GAL will be appointed for the ITC hearing.
d. Prior to the ITC hearing, a party may request the appointment of counsel and counsel will be appointed after the party has submitted the Financial Disclosure Form to the Court.
e. If counsel has not been appointed for a party for the ITC hearing, the party may appear at the ITC hearing and request the appointment of counsel and counsel will be appointed so long as the party submits the Financial Disclosure Form. The Court may proceed with the ITC hearing or may schedule the hearing for another date.
f. The Court will schedule an IAH hearing at the ITC hearing the Court within 45 to 75 days of the filing of the complaint/motion.
g. The IAH hearing will be scheduled for 30 minutes unless otherwise determined by the Court. The hearing officer may designate a specific day of the week to schedule IAH hearings.
h. At the IAH hearing, the Court will also schedule an adjudicatory and dispositional hearing(s) within 90 days of the filing of the complaint.
i. Participants in the IAH hearing may be permitted to appear virtually unless otherwise determined by the Court.
j. The adjudicatory and disposition hearing will be scheduled for 60 minutes unless otherwise determined by the Court. Participants in the adjudicatory and disposition hearing will be required to attend in-person unless otherwise determined by the Court.
k. The Court may schedule a Final Pre-trial hearing about 7 to 14 days prior to the adjudicatory and disposition hearing if needed. Participants in the Final Pre-trial hearing may be permitted to appear virtually unless otherwise determined by the Court.
l. Unless otherwise determined by the Court, the GAL report will be due for the Final Pre-trial Hearing if one is scheduled.

3. **NON-EMERGENCY FILINGS (No shelter care/ex parte and No ITC)**
    a. An IAH will be scheduled by the Office of the Clerk of Court for an in-person hearing, within 20 to 45 days of the filing of the complaint/motion. The Court, upon request, may permit a participant to appear virtually.
    b. The IAH hearing will be scheduled for 30 minutes unless otherwise determined by the Court. The hearing office may designate a specific day of the week for these hearings.
    c. A party may request the appointment of counsel prior to the IAH hearing by submitting the Financial Disclosure Form.
    d. If counsel has not been appointed for a party for the IAH hearing, the party may appear at the IAH hearing and request the appointment of counsel and counsel will be appointed so long as the party submits the Financial Disclosure Form.
    e. The GAL will be appointed for the IAH hearing.
    f. At the IAH hearing, the Court will also schedule an adjudicatory and dispositional hearing(s) within 90 days of the filing of the complaint which will be scheduled for 60 minutes unless otherwise determined by the Court.
    g. The Court may schedule a Final Pre-trial hearing about 7 to 14 days prior to the adjudicatory and disposition hearing if needed. Participants in the Final Pre-trial hearing may be permitted to appear virtually unless otherwise determined by the Court.
    h. Unless otherwise determined by the Court, the GAL report will be due for the Final Pre-trial Hearing if one is scheduled.

## STEP 2: ADJUDICATORY AND DISPOSITION HEARINGS

1. The Adjudicatory and Disposition hearing must be held within 90 days of the filing of the complaint.
2. The Court may proceed immediately to disposition following the adjudication absent any objection. If a party requests bifurcation, disposition must be completed within 90 days.
3. Disposition can be continued for 45 days past the 90 day requirement with good cause shown pursuant to R.C. 2151.35 so long as the complaint has not been refiled.
4. An adjudicatory and disposition hearing will be scheduled for 60 minutes unless otherwise determined by the Court.
5. In the event the child was previously adjudicated, disposition of a motion must be completed no later than 9 months from the filing of the motion unless the motion is requesting permanent custody.
6. In the event the child was previously adjudicated and a motion is filed recommending permanent custody, disposition must be completed within 200 days of the filing of the motion. A hearing on the permanent custody motion must be scheduled within 120 days of the filing of the motion which can be continued with good cause shown.
7. Unless otherwise determined by the Court, the GAL report shall be filed 7 days prior to the disposition hearing in accordance with Sup.R. 48.
8. At the initial disposition hearing, the 1st Annual Review will be scheduled within 11 months of the filing of the complaint/motion. The Annual Review will be scheduled for 30 minutes and the hearing officer may designate a specific day of the week to hold the Annual Reviews.
9. At the initial disposition hearing, any Reviews of Disposition will be scheduled. The Review of Disposition will be scheduled for 30 minutes and the hearing officer may designate a specific day of the week to hold the Review of Disposition.
10. Annual Reviews and Reviews of Disposition will be scheduled with the same APA so long as possible.
11. The GAL will continue to be appointed until the child the child is returned to the parent, legal custody is granted, or the child is adopted or emancipated from foster care unless otherwise determined by the Court. If an order of protective supervision is granted, the GAL shall remain appointed until protective supervision expires unless otherwise determined by the Court.
12. All counsel will remain appointed until a permanent disposition. A permanent disposition is when the Court reunifies the child with a parent, or grants legal custody, permanent custody, and or PPLA. Counsel does not remain appointed during the period of protective supervision unless the Court schedules a Review of Disposition hearing and indicates that the appointment continues until after all Review hearings are completed.

## STEP 3: ANNUAL REVIEWS AND POST-DISPOSITIONAL MOTIONS

1. The 1st Annual Review will be held within 11 months of the filing of the complaint/motion. The Annual Review will be scheduled for 30 minutes and the hearing officer may designate a specific day of the week to hold the Annual Reviews. Participants are permitted to attend the Annual Review virtually unless otherwise determined by the Court.
2. In the event a 2nd Annual Review is held, it will be scheduled within 23 months of the filing of initial complaint/motion.
3. In the event the Court places a child in the Agency's permanent custody or PPLA, Annual Reviews will continue to be scheduled annually.
4. In the event the Court grants a 1st extension of temporary custody of MCCS, a Review of Disposition hearing will be scheduled at least 30 days prior to the expiration of the 1st extension.
5. GAL reports are required to be filed at least 7 days prior to the Annual Review in accordance with Sup. R. 48.
6. MCCS shall file the Court Report at least 7 days prior the Annual Review.
7. Any motion filed at least 90 days prior to the Annual Review hearing, will be scheduled for an IAH hearing and held with the Annual Review unless otherwise determined by the Court.
8. Any motion filed more than 90 days prior the Annual Review, will be scheduled for an IAH hearing, 20 to 45 days from the date of the filing unless otherwise determined by the Court. If an interim order hearing is requested, the interim order hearing will be scheduled within 10 to 14 days of the filing unless otherwise determined by the Court.
9. The Court may resolve a disposition motion(s) at the Annual Reivew/IAH hearing if service has been perfected and the parties are in agreement.
10. If disposition of the motion(s) cannot be completed at the IAH hearing, then the Court will schedule a motion hearing for 1 hour unless otherwise determined by the Court.
11. Disposition of the motion must be completed within 9 months of the filing unless permanent custody is requested.
12. Disposition for permanent custody but must completed within 200 days of the filing.
13. The Court may schedule a Final Pre-trial hearing 7 to 14 days prior to the motion hearing.
14. If the motion hearing is scheduled for a ½ day for full-day hearing, then the Court will schedule a Final Pre-trial hearing 7 to 14 days prior to the motion hearing.

**SCHEDULING OF HEARINGS:**

1. The Office of the Clerk of Court will schedule the following:
    a. Shelter Care/ Ex Parte Review Hearings
    b. Interim Order Hearings pursuant to Juvenile Rule 13
    c. IAH hearing when there is no emergency removal or no ITC hearing
    d. IAH hearings filed for motions filed after the initial disposition
    e. Administrative initial QRTP reviews

2. Hearings to be scheduled In-Court:
    a. IAH hearings following a Shelter Care/Ex Parte Review
    b. Adjudicatory Hearings
    c. Disposition Hearings
    d. Motion hearings
    e. Permanent Custody trials
    f. Final Pre-trial hearings
    g. Annual Reviews
    h. Reviews of Disposition

**PRESENCE AT HEARINGS (Virtual vs. In-person):**

1. Participants must appear in-person for Shelter Care/Ex Parte Review hearings and ITC hearings unless permission is granted by the Court to appear virtually.
2. Participants may appear virtually for an IAH hearing that is scheduled after the Shelter Care/Ex Parte Review hearing or ITC hearing unless otherwise determined by the Court.
3. Participants may appear virtually to the Annual Review hearing and the IAH hearing scheduled with the Annual Review unless otherwise determined by the Court.
4. Participants must appear in-person at an IAH hearing scheduled for a non-emergency filing unless otherwise determined by the Court.
5. Participants may appear virtually for any Reviews of Dispositions and Final Pre-trial hearings unless otherwise determined by the Court.
6. The Court may grant permission for a party and/or witness to appear virtually and/or to testify virtually in accordance with Juvenile Rule 41.
7. If the parties are in agreement with adjudication and/or disposition, the Court may permit the participants to appear virtually.
8. In camera hearings will be in-person unless otherwise determined by the Court.

**APPENDIX F**

**MONTGOMERY COUNTY, OHIO JUVENILE COURT**
**STANDARD ORDER OF PARENTING TIME**

Parents are encouraged to agree on a fair written parenting time schedule that fits their circumstances and their children's lives, with the following serving as a schedule when the parents cannot agree. The parents may change this schedule by agreement. In the event of conflicting dates and times, the following is the order of priority: Children's Birthdays; Mother's/Father's Day; Holidays; Summer/Breaks; Weekends; then Weekdays. If the parents have more than one child, the parenting time will be exercised with all children together. Each parent has a duty to facilitate and encourage the other parent's parenting time with the children.

1. **WEEKENDS:** The non-residential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m. (Exception – not applicable during summer vacation)

2. **WEEKDAY:** The non-residential parent shall have parenting time from 6:00 p.m. to 9:00 p.m. each Wednesday evening or another weekday evening by agreement. (Exception – not applicable during summer vacation)

3. **HOLIDAYS:** The father shall have the children on the holidays in Column 1 in odd-numbered years and the holidays in Column 2 in the even-numbered years. The mother shall have the children on the holidays in Column 1 in even-numbered years and the holidays in Column 2 in odd-numbered years:

| ***COLUMN 1*** | ***COLUMN 2*** |
|---|---|
| Martin Luther King, Jr. Day | Presidents Day |
| Easter Sunday | Memorial Day |
| Fourth of July | Labor Day |
| Beggar's Night (6:00 to 9:00 p.m.) | Thanksgiving Day |

Parenting time shall be from 9:00 a.m. the day of the holiday until 9:00 p.m., except for Beggar's Night as observed in that parent's community. When the holiday falls on a Monday immediately following a non-residential parenting time weekend, the non-residential parent shall be entitled to keep the children continuously from 6:00 p.m. Friday to 6:00 p.m. Monday.

4. **MOTHER'S/FATHER'S DAY:** On Mother's Day and Father's Day, no matter the parenting time schedule, the children shall be with the appropriate parent on those days from 9:00 a.m. to 9:00 p.m.

5. **CHRISTMAS BREAK:** In all even-numbered years, the mother shall have the children from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the children are not in school), until 9:00 p.m. December 24 and the father shall have the children from 9:00 p.m. December 24 through 6:00 p.m. January 1. In all odd-numbered years the reverse shall apply.

6. **BIRTHDAYS:** In odd-numbered years, the father shall have all the children on each child's birthday from 6:00 p.m. until 9:00 p.m. In even-numbered years, mother shall have all the children on each child's birthday from 6:00 p.m. until 9:00 p.m.

7. **SPRING BREAKS:** In odd-numbered years the father shall have all the children for the spring break from school, starting at 9:00 a.m. the day after school recesses to 6:00 p.m. the Sunday before school resumes. The mother shall have the children for spring break in the even-numbered years. If all the children are not of school age, the Saturday before Easter through the Friday after Easter shall be substituted.

8. **SUMMER VACATION:** The parties shall exercise summer parenting time in alternating one week increments beginning the first Friday after the last day of school. Each period shall begin on Friday at 6:00 p.m. until the following Friday at 6:00 p.m. The alternate parenting week schedule shall continue until the children are scheduled to return to school. In the odd numbered years, the father shall start the first week. In the even numbered years, the mother shall start the first week.

If either party is employed by an employer that has an annual mandatory shut-down, that party shall have priority for parenting time during that period. If both parents have an identical shut-down period, the non-residential parent shall have priority. If the mandatory shut-down period creates a conflict with the alternating week schedule, the parties shall trade an equal amount of time as make-up for the lost shut-down parenting time.

Mid weekday and alternating weekend parenting time shall be suspended during summer vacation parenting time. Child support will not be reduced during summer parenting time.

Each parent shall provide the other parent with destination, time of departure and arrival, phone number for emergency purposes, and mode of travel and flight numbers.

In all cases, this summer vacation schedule ends at 6:00 p.m. the Friday before classes resume. That Friday the children shall be returned to the residential parent. Effective that Friday, the weekend and weekday parenting times pursuant to paragraphs 1 and 2 above shall resume. The non-residential parent’s first alternating weekend shall begin the following weekend.

9. **LATE PICK-UP:** The residential parent shall have the children ready for pick-up at the start of all parenting time. The children and the residential parent have no duty to wait for the non-residential parent to arrive for parenting time more than thirty (30) minutes, unless notified. The non-residential parent who arrives more than thirty minutes late without prior notification for a particular parenting time forfeits that parenting time, unless the residential parent agrees otherwise.

10. **DROP-OFF:** The non-residential parent will not return the children early from parenting time unless the parents agree to a different drop-off time in advance. The residential parent or other adult well-known to the children must be present when the children are returned from parenting time.

11. **CANCELING NON-RESIDENTIAL PARENTING TIME:** Except in emergency situations, the non-residential parent must give at least 24 hours advance notice when canceling any parenting time.

12. **MAKE-UP NON-RESIDENTIAL PARENTING TIME:** Make-up days shall be given if an emergency prevents scheduled parenting time. When requested by non-residential parent, all make-up parenting time shall be rescheduled and exercised within sixty (60) days of that emergency.

13. **MEDICAL TREATMENT AND EMERGENCIES:** If the children become seriously ill or injured, each parent shall notify the other parent as soon as practicable. If the children become ill or injured during their time with the non-residential parent, said parent, shall contact the residential parent to secure treatment unless the situation is a medical emergency.

14. **TELEPHONE/MAIL OR ELECTRONIC:** Neither parent shall interfere with written, voice, or electronic communications between the children and the other parent. Long-distance calls from an out of town parent shall be at that parent's expense. Non-emergency phone calls should be limited to one per day before 8:00 p.m. EST**.**

15. **TRANSPORTATION:** The non-residential parent has responsibility for transportation of the children to and from their home for parenting time with them and may use another adult well-known to the children for picking up or dropping off the children when necessary. Any person transporting the children may not be under the influence of alcohol or drugs, and must be a licensed, insured driver. All child restraint and seat-belt laws must be observed by the driver. Car seats should be exchanged when required.

16. **SCHOOL WORK:** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. The residential parent is responsible for providing the non-residential parent all of the school assignments and books. Summer school which is necessary for a child must be attended; regardless of which parent has the child during the summer school period.

17. **EXTRACURRICULAR ACTIVITIES:** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. It shall be the responsibility of the parent with whom the children are residing at the time to discuss the scheduling of such activities with the children and to provide transportation to the activities. Each parent shall provide the other parent with notice of all extracurricular activities, complete with schedules and the name, address and telephone number of the activity leader, if available.

18. **RELOCATION:** If the custodial parent, non-parent legal custodian, or non-residential parent who has an existing child support order and/or parenting time order intends to relocate, the relocating party must file a "Notice of Intent to Relocate" contained in Appendix G of the MCJC Local Rules with the Clerk's Office and serve a copy to the other parties and the Child Support Enforcement Agency.

If the relocating party is relocating within Montgomery County, Ohio, the "Notice of Intent to Relocate" shall be filed and served upon all parties with custodial/parental/visitation rights and the CSEA not less than thirty (30) days prior to relocation.

If the relocating party is relocating outside of Montgomery County, Ohio, then the "Notice of the Intent to Relocate" shall be filed and served upon all other parties with custodial/parental/visitation rights and the CSEA no less than sixty (60) days prior to relocation.

Any party seeking a modification of custody, visitation, child support or parental rights and responsibilities due to relocation shall file a motion with the Court and request a hearing.

19. **ACCESS TO RECORDS:** The non-residential parent shall have access to the same records, same school activities and to any day-care center which the children attend on the same basis that said records or access is legally permitted to the residential parent, unless a restrictive order has been obtained from the Court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.

20. **NOTICE OF CHANGE OF ADDRESS: Both parents shall give written notice to the other parent immediately upon any change of address and/or phone number, unless a restrictive order has been obtained from the Court. A copy of the notice, including the parties' name and case number, shall also be provided to the Juvenile Court, 380 W. 2nd St., Dayton, Ohio 45422, Attention: Chief Deputy Clerk.**

**APPENDIX G**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN RE:

_____ JC#_____
_____ JC# _____
_____ JC# _____
Minor child(ren)

SETS#_____

Judge _____

Magistrate _____

_____
Name

_____ _____
Street Address

_____
City, State, and Zip

Petitioner

vs/and

_____
Name

_____
Street Address

_____
City, State, and Zip

Respondent

**NOTICE OF INTENT TO RELOCATE**

The Petitioner/Respondent (circle one) in this case hereby gives notice of his/her intent to relocate with the following child(ren) effective _____(date).

Name: _____ DOB_____
Name: _____ DOB_____
Name: _____ DOB_____

The Petitioner/Respondent's (circle one) current address is:

_____

_____

The Petitioner/Respondent's (circle one) intended new address is:

_____

_____

A brief statement of the reason for the proposed relocation of the child(ren) is as follows:

_____

_____

_____

_____

_____

Respectfully submitted,

_____
Signature

_____
Print Name

_____
Address

_____
City, State, Zip

_____
Telephone

**APPENDIX H**

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

| | | |
|---|---|---|
| IN RE: | * | CASE NO. |
| | * | JUDGE WALLACE/BRUNS |
| DOB: | | |
| | * | APPLICATION TO |
| ID NO.: | * | SEAL RECORD(S) |

* * * * * * * * * * * * * * * * * * * * * * *

Now comes _____ who does hereby make application pursuant to ORC 2151.356 to have the record(s) in the above numbered case(s) sealed.

_____ _____
DATE APPLICANT

NOTICE OF APPLICATION

The Montgomery County Prosecutors Office, Juvenile Division is hereby notified of the above Application To Seal Record(s) this date of filing.

BY:_____
Deputy Clerk

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

| | | |
|---|---|---|
| IN RE: | * | CASE NO. |
| | * | JUDGE WALLACE/BRUNS |
| DOB: | | |
| | * | APPLICATION TO |
| ID NO.: | * | EXPUNGE RECORD(S) |

* * * * * * * * * * * * * * * * * * * * * * *

Now comes _____ who does hereby make application pursuant to ORC 2151.358 to have the record(s) in the above numbered case(s) expunged.

_____ _____
DATE APPLICANT

NOTICE OF APPLICATION

The Montgomery County Prosecutors Office, Juvenile Division is hereby notified of the above Application To Expunge Record(s) this date of filing.

BY: _____
Deputy Clerk

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

| | | |
|---|---|---|
| IN RE: | * | CASE NO. |
| | * | JUDGE WALLACE/BRUNS |
| DOB: | | |
| | * | APPLICATION TO |
| ID NO.: | * | SEAL AND EXPUNGE RECORD(S) |

* * * * * * * * * * * * * * * * * * * * * * * *

Now comes _____ who does hereby make application pursuant to ORC 2151.356 and ORC 2151.358 to have the record(s) in the above numbered case(s) sealed and expunged.

_____ _____
DATE APPLICANT

NOTICE OF APPLICATION

The Montgomery County Prosecutors Office, Juvenile Division is hereby notified of the above Application To Seal and Expunge Record(s) this date of filing.

BY:_____
Deputy Clerk

**APPENDIX I**

# JUVENILE COURT PERSONAL INFORMATION SHEET
# ORIGINAL ONLY FOR THE COURT NO COPIES REQUIRED

Note: a certified copy of the child(ren)'s birth certificate is required when filing a new complaint

If you have a VALID PROTECTION ORDER (the Court will need a copy) you still must write your address on this page, as this is for court records only. DO NOT write your address on the attached pages.

**Are / Were the parents of this child ever married? (check one)** ☐ **Yes** ☐ **No**

**PLEASE PRINT LEGIBLY OR TYPE THE FOLLOWING INFORMATION:**

**SETS # (if applicable)**_____

1. **Child(ren) this Complaint/Motion is being filed on:**

**CHILD 1:** Name: _____ **JC#** _____

DOB _____ SSN (if known) _____

**CHILD 2:** Name: _____ **JC#** _____

DOB _____ SSN (if known) _____

**CHILD 3:** Name: _____ **JC#** _____

DOB _____ SSN (if known) _____

**Child(ren)'s current residence** (street address): _____

(City, State, Zip) _____

2. **Filing party:** _____

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

Social Security Number: _____ Date of Birth: _____

Email Address: _____ Cell Phone #: _____

☐ yes ☐ no **Opt-in to receive text message/email reminders and notifications about upcoming court dates. You may cancel at any time by replying STOP.**

3. **Respondent:** _____

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

SSN (if known): _____ Date of Birth: _____

# JUVENILE COURT INFORMATION SHEET (PAGE 2)

4. **Respondent: _____**

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

SSN (if known): _____ Date of Birth: _____

**ADDITIONAL PARTIES**

5. **Additional Party: _____**

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

SSN (if known): _____ Date of Birth: _____

6. **Additional Party: _____**

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

SSN (if known): _____ Date of Birth: _____

7. **Additional Party: _____**

Relationship to the child (mother/father/grandparent, etc.): _____

Mailing address: (Street Address): _____

(City, State, Zip) _____

SSN (if known): _____ Date of Birth: _____

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN THE MATTER OF:

_____ JC#_____

_____ JC# _____

_____ JC# _____

Minor child(ren)

SETS _____

Judge _____

Magistrate _____

[Check One]

_____ Objection to Judge's Decision and Magistrate's Order

_____ Motion to Set Aside Magistrate's Interim Order

_____ Rule 60(A) Objection (Clerical Error)

_____ Motion to Remove Magistrate

---

[Type or print the specifics of your objection / motion below and on the following page. If you request a transcript, you may supplement (add to) this information after the transcript is completed.]

Respectfully Submitted,

_____
Your Signature

_____
Your Printed Name

_____
Your Street Address

_____
Your City, State, and Zip Code

_____
Your Phone Number

**Certificate of Service**

I hereby certify that a copy of the foregoing was served on the following parties by certified mail, return receipt requested and / or by personal service on (file date) _____.

**T E PART FILING T IS DOCUMENT IS RESPONSI LE FOR SER ING A COP ON ALL PARTIES TO T E CASE AND PRO IDING PROOF OF SER ICE TO T E COURT**

**List names and complete addresses for all parties to be served.** [Attach additional sheets if needed]

_____ _____
Other Party's Name Additional Party's Name

_____ _____
Street Address Street Address

_____ _____
City, State, Zip Code City, State, Zip Code

☐ **If checked, please send Notice Only copy to:** *(check if case involves child support)*
Montgomery County CSEA, 1111 S. Edwin C. Moses Blvd., Dayton, OH 45417

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN THE MATTER OF:

_____ JC#_____

_____ JC# _____

_____ JC# _____
Minor child(ren)

SETS _____

Judge _____

Magistrate _____

**MOTION REQUESTING TRANSCRIPT FOR**
**OBJECTION / MOTION TO SET ASIDE**

---

**REQUEST:**

I am requesting a transcript to be filed along with the [choose one]

_____ Objection _____ Motion to Set Aside

**HEARING:**

The transcript should be prepared for the hearing before _____
(Judge or Magistrate)

on _____ at _____ AM / PM
(Date of Hearing) (Time of Hearing)

**PAYMENT:**
[choose one]

_____ My case is not one of the cases listed below (Criminal, Children Services or Dependency); therefore, I understand that I am responsible for the cost of the transcript. I understand that the Court will issue an Entry granting or denying my transcript request. If the Court grants my transcript request, I understand that it is my responsibility to contact the Court Reporter and to pay for the transcript. I WILL COMPLETE THIS WITHIN 14 DAYS of the time stamped date on the Entry granting my transcript request.

_____ CRIMINAL / DEPENDENCY / CHILDREN SERVICES CASES ONLY
I am indigent. An affidavit has already been filed in this case, and I request that the transcript be provided at the state's expense.

## NOTICES:

**I understand that if I do not have a transcript prepared (OR PAID FOR), it will NOT be attached to my objections or motion to set aside. Without a transcript, the Court will accept the Magistrate's findings of fact to be true when deciding my case.**

**I understand that I may supplement my objection, in writing, within 14 days of the transcript being completed and filed.**

Respectfully Submitted,

_____

Your Signature

_____

Your Printed Name

_____

Your Street Address

_____

Your City, State, and Zip Code

_____

Phone Number

_____

Email address

**APPENDIX J**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN RE:

_____ **JC#** _____

_____ JC# _____

_____ JC# _____
Minor Child(ren)

_____ **SETS** _____
Plaintiff/Petitioner

**Judge** _____

v./and

**Magistrate** _____

_____
Defendant/Respondent

**Instructions:** Check local court rules to determine when this form must be filed. This affidavit is used to make complete disclosure of income, expenses, and money owed. It is used to determine child support. Do not leave a category blank. For each item, if none, put "NONE". If you do not know the exact figures for any item, give your best estimate, and put "EST". If you need more space, use additional pages.

## AFFIDAVIT OF INCOME, AND EXPENSES

**Affidavit of** _____
Print Your Name and Relationship To The Child

### SECTION I – BASIC INFORMATION

**Plaintiff/Petitioner 1**

Date of Birth: _____

Health: ☐ Good ☐ Fair ☐ Poor

If health is not good, please explain:

**Plaintiff/Petitioner 2 (if filing jointly)**

Date of Birth: _____

Health: ☐ Good ☐ Fair ☐ Poor

If health is not good, please explain:

**Plaintiff/Petitioner 1 (if filing jointly)**

Education: (Check highest level achieved)

☐ Grade School ☐ High School ☐ Associate

☐ Bachelor's ☐ Post Graduate

Other Technical Certifications:

Active Member of the U.S. Military

☐ Yes ☐ No

**Plaintiff/Petitioner 2 (if filing jointly)**

Education: (Check highest level achieved)

☐ Grade School ☐ High School ☐ Associate

☐ Bachelor's ☐ Post Graduate

Other Technical Certifications:

Active Member of the U.S. Military

☐ Yes ☐ No

**SECTION II - INCOME**

| | **Plaintiff/Petitioner 1** | **Plaintiff/Petitioner 2** |
|---|---|---|
| Employed | ☐ Yes ☐ No | ☐ Yes ☐ No |
| Date of Employment | _____ | _____ |
| Employer | _____ | _____ |
| Payroll address | _____ | _____ |
| Payroll city, state, zip | _____ | _____ |
| Scheduled paychecks per year | ☐ 12 ☐ 24 ☐ 26 ☐ 52 | ☐ 12 ☐ 24 ☐ 26 ☐ 52 |

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

| | | | | | |
|---|---|---|---|---|---|
| Base yearly income (employment income) | $ _____ | 3 years ago | 20 ____ | $ _____ |
| | $ _____ | 2 years ago | 20 ____ | $ _____ |
| | $ _____ | Last year | 20 ____ | $ _____ |
| Yearly overtime, commissions and/or bonuses | $ _____ | 3 years ago | 20 ____ | $ _____ |
| | $ _____ | 2 years ago | 20 ____ | $ _____ |
| | $ _____ | Last year | 20 ____ | $ _____ |

B. COMPUTATION OF CURRENT INCOME

| | | |
|---|---|---|
| Base yearly income (employment income) | $ _____ | $ _____ |
| Average yearly overtime, commissions and/or bonuses over last 3 years (from part A) | $ 0.00 | $ 0.00 |

| | | |
|---|---|---|
| Unemployment compensation | $ | $ |
| Disability benefits<br>☐ Workers' Compensation<br>☐ Social Security<br>☐ Other: | $ | $ |
| Retirement benefits<br>☐ Social Security<br>☐ Other: | $ | $ |
| Spousal support received | $ | $ |
| Interest and dividend income (source) | $ | $ |
| Other income (type and source) | $ | $ |
| **TOTAL YEARLY INCOME** | **$** 0.00 | **$** 0.00 |

| | | |
|---|---|---|
| Supplemental Security Income (SSI) or public assistance | $ | $ |
| Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship | $ | $ |

**SECTION III – CHILDREN AND HOUSEHOLD RESIDENTS**

Minor and/or dependent child(ren) who is/are adopted by or born from this marriage or relationship:

| Name | Date of birth | Living with |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

In addition to the above children:

Plaintiff/Petitioner has _____ other minor biological or adopted child(ren).

Defendant/Respondent has _____ other minor biological or adopted child(ren).

There are _____ adults in your household.

**SECTION IV – EXPENSES**

List monthly expenses below for your present household.

A. CHILD RELATED EXPENSES

| | | |
|---|---|---|
| Court ordered child support paid for other children | $ | |
| Cost for child care | $ | |
| Special and unusual needs of child(ren) (not included elsewhere) | $ | |
| Unusual parenting time travel | $ | |
| | $ | |
| Other: _____ | $ | |
| _____ | $ | |
| **TOTAL MONTHLY :** | $ | 0.00 |

B. MANDATORY PAYROLL DEDUCTIONS

| | | |
|---|---|---|
| Mandatory retirement plan contribution | $ | |
| Union Dues | $ | |
| Uniform Fees | $ | |
| Other: _____ | $ | |
| _____ | $ | |
| **TOTAL MONTHLY :** | $ | 0.00 |

C. INSURANCE PREMIUMS

| | | |
|---|---|---|
| Medical | $ | |
| Dental | $ | |
| Vision | $ | |
| Other _____ | $ | |
| **TOTAL MONTHLY** | $ | 0.00 |

D. MONTHLY HEALTH CARE EXPENSES
(not covered by insurance)

| | | |
|---|---|---|
| Physicians | $ | |
| Dentists | $ | |
| Optometrists/opticians | $ | |
| Prescriptions | $ | |
| Other _____ | $ | |
| _____ | $ | |
| **TOTAL MONTHLY:** | $ | 0.00 |

E. MISCELLANEOUS MONTHLY EXPENSES

| | | |
|---|---|---|
| Extraordinary obligations for other minor/handicapped child(ren) (not stepchildren) | $ | |
| Child support for children who were not born of this affiant | $ | |
| Spousal support paid to former spouse(s) | $ | |
| **TOTAL MONTHLY:** | | 0.00 |
| **GRAND TOTAL MONTHLY EXPENSES (Sum of A through E):** | $ | 0.00 |

**OATH OR AFFIRMATION**

*(Do not sign until Notary Public is present)*

I, (name) _____ , swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate, and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

State of _____ )
) SS
County of _____)

Sworn to or affirmed before me by _____ this _____ day of _____, 20_____.

_____
Notary Public

_____
Printed Name of Notary Public

(Affix seal here) Commission Expiration Date: _____

**APPENDIX K**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO**
**JUVENILE DIVISION**

IN THE MATTER OF:

_____ **JC#** _____

_____ JC# _____

_____ JC# _____
Minor Child(ren)

_____ **SETS** _____
Plaintiff/Petitioner

**JUDGE** _____

v./and

**MAGISTRATE** _____

_____
Defendant/Petitioner/Respondent

**Instructions:** Check local court rules to determine when this form must be filed. By law, an affidavit must be filed and served with any Complaint, Petition or Motion regarding the allocation of parental rights and responsibilities, parenting time, custody, or visitation. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

# PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

**Affidavit of** _____
(Print Your Name and Relationship to Child)

**ONLY CHECK THE FOLLOWING BOX IF YOU BELIEVE THAT THE HEALTH, SAFETY, OR LIBERTY OF YOURSELF OR YOUR CHILD(REN) WOULD BE JEOPARDIZED BY THE DISCLOSURE OF YOUR ADDRESS OR IDENTIFYING INFORMATION. YOU ACKNOWLEDGE THAT THE COURT MAY CONDUCT A HEARING REGARDING THE BASIS FOR YOUR REQUEST.**

☐ Pursuant to R.C. 3127.23 (D), I allege that my health, safety, or liberty or that of my child(ren) would be jeopardized by the disclosure of identifying information to my spouse or the public. Therefore, I request that my address be placed under seal. I have marked the corresponding box next to each address I am requesting to be sealed.

**1. (Number): _____ Minor child(ren) is/are subject to this case as follows:**

Insert the information requested below for all minor or dependent children of this relationship. You must list the residences for all places where the children have lived for the last **FIVE** years.

**a. Child's Name:** _____ **Place of Birth:** _____

**Date of Birth:** _____ **Sex:** ☐ Male ☐ Female

| Period of Residence | | | Check if Confidential | Person(s) With Whom Child Lived (name & address) | Relationship |
|---|---|---|---|---|---|
| _____ | to | present | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |

**b. Child's Name:** _____ **Place of Birth:** _____

**Date of Birth:** _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

| Period of Residence | | | Check if Confidential | Person(s) With Whom Child Lived (name & address) | Relationship |
|---|---|---|---|---|---|
| _____ | to | present | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |

**c. Child's Name:** _____ **Place of Birth:** _____

**Date of Birth:** _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

| Period of Residence | | | Check if Confidential | Person(s) With Whom Child Lived (name & address) | Relationship |
|---|---|---|---|---|---|
| _____ | to | present | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |
| _____ | to | _____ | ☐ Address Confidential? | _____ | _____ |

d. Additional children are listed on Attachment 1(d). (Provide requested information for additional children on an attachment labeled 1(d).

**2. Participation in custody case(s):** ***(Check only one box)***

☐ **I HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time) with, any child subject to this case.

☐ **I HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time) with, any child subject to this case.

*Explain:*_____

_____

a. Name of each child: _____

b. Type of case: _____

c. Court and State: _____

d. Date and court order or judgement (if any): _____

**3. Information about custody case(s):** ***(Check one box only)***

☐ **I HAVE NO INFORMATION** concerning cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect or abuse allegations; or adoptions concerning a child subject to this case.

☐ **I HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect or abuse allegations; or adoptions concerning a child subject to this case other than listed in Paragraph 2.

*Explain:*_____

_____

e. Name of each child: _____

f. Type of case: _____

g. Court and State: _____

h. Date and court order or judgement (if any): _____

**4. Information about criminal convictions:**

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

| Name | Case Number | Court/State/County | Charge |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

**5. Persons not a party to this case:** ***(Check only one box)***

☐ **I DO NOT KNOW OF ANY PERSON** not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

☐ **I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name / Address of Person: _____

☐ has physical custody ☐ claims custody rights ☐ claims visitation rights

Name of each child: _____

b. Name / Address of Person: _____

☐ has physical custody ☐ claims custody rights ☐ claims visitation rights

Name of each child: _____

c. Name / Address of Person: _____

☐ has physical custody ☐ claims custody rights ☐ claims visitation rights

Name of each child: _____

**OATH**

(Do Not Sign Until Notary is Present)

I, (print name) _____ , swear or affirm that I have read this Affidavit and, to the best of my knowledge and belief, the facts and information stated in this Affidavit are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

Sworn before me and signed in my presence this ____ day of _____ , _____ .

_____
Notary Public

_____
Printed Name of Notary

(Affix seal here) Commission Expiration Date: _____

# APPENDIX L

Montgomery County CSEA
1111 S. Edwin C. Moses Blvd.
Dayton, OH 45417

## APPLICATION FOR CHILD SUPPORT SERVICES
## NON-PUBLIC ASSISTANCE APPLICANT/RECIPIENT

IMPORTANT: If you are receiving ADC or Medicaid, do not complete this application because you became eligible for child support services when you signed the ADC/Medicaid application.

I, _____, request child support services from the Montgomery Co CSEA (Child Support Enforcement Agency). I understand and agree to the following:

A. I am a resident of the county in which services are requested and no other Ohio county has jurisdiction over support – OR –I am requesting services from the Ohio county of jurisdiction.

B. The only fee that can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.

C. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).

D. In providing IV-D services, the CSEA and any of its contracted agents (e.g., prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the state of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

The Child Support Enforcement Agency can assist you in providing the following services:

1. **Location of Absent Parents.**
   The agency can assist in finding where an absent parent is currently living, in what city, town, or state. The applicant can request 'Location Only Services', if the sole need is to find the whereabouts of the absent parent.

2. **Establishment or Adjustment of Child Support and Medical Support.**
   The CSEA can assist you to obtain an order for support if you are separated, have been deserted, or need to establish paternity (fatherhood). The CSEA can also assist you in changing the amount of support orders (adjustment), and to establish a medical support order.

3. **Enforcement of Existing Orders.**
   The CSEA can help you collect current and past-due child support.

4. **Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.**
   The agency can collect past-due support (arrearages) by intercepting a payor's federal and state income tax refunds in some cases.

5. **Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.**
   The agency can help you get payroll deductions for current and past-due child support and can intercept unemployment compensation to collect child support.

6. **Establishment of Paternity.**
   The agency can obtain an order for the establishment of paternity (fatherhood), if you were not married to the father of the child. An absent parent may request paternity services.

7. **Collection and Disbursement of Payments.**
   The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Past-due support collected will be paid to you until all of the past-due support you are owed is paid.

8. **Interstate Collection of Child Support.**
   The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

## APPLICANT INFORMATION

Name: _____ Date of Birth: _____

Home Address: _____ Mailing Address: _____

_____ _____

_____ _____

Home Phone #: _____

Social Security #: Sex: _____

Race: _____ ☐ Single ☐ Married

Relationship to Children: _____ ☐ Divorced ☐ Separated

Military Service (Branch, Dates): _____ Ever been on Public Assistance? (When and Where) _____

_____ _____

_____ _____

## EMPLOYER INFORMATION

Employer Name: _____ Employer Phone #: _____

Employer Address: _____ Is Medical Insurance Available? _____

_____

| | CHILD 1 | CHILD 2 | CHILD 3 |
|---|---|---|---|
| Name: | | | |
| Sex: | | | |
| Race: | | | |
| Social Security #: | | | |
| Date of Birth: | | | |
| Home Address: | | | |

| | | | |
|---|---|---|---|
| Location of Birth: (Country, State, City) | | | |
| Has Paternity (Fatherhood) been Established? | | | |
| Name(s) of Absent Parent(s): | | | |
| Is there an Order for Support? | | | |
| Is the Child covered by Medical Insurance? | | | |

## ABSENT PARENT INFORMATION

| | PARENT 1 | PARENT 2 | PARENT 3 |
|---|---|---|---|
| Name (and alias): | | | |
| Home Address: | | | |
| Mailing Address: | | | |
| Social Security #: | | | |
| Date of Birth: | | | |
| Location of Birth (Country, State, City): | | | |
| Race: | | | |
| Sex: | | | |
| Height / Weight: | | | |
| Hair / Eye Color: | | | |
| Identifying Marks (Tattoos, scars, etc.): | | | |
| Names of Children: | | | |
| Name and Address of Employer: | | | |
| | | | |

| | | | |
|---|---|---|---|
| | | | |
| Employer Phone #: | | | |
| Medical Insurance Provided? | | | |
| Support Order #: | | | |
| Date of Support Order: | | | |
| Amount of Support: | $ | $ | $ |
| Order Frequency: | Per | Per | Per |
| Location where Order was issued: | | | |
| Military Service (Branch, Dates): | | | |
| Ever Incarcerated? (Location, Dates): | | | |
| Arrest Record (Location, Dates): | | | |
| Name, Address Current Spouse: | | | |
| | | | |
| Father's Name: | | | |
| Mother's Name (Maiden): | | | |
| Ever been on Public Assistance? (Location, Dates) | | | |

Type(s) of Service(s) Requested:

- ☐ All services listed
- ☐ Location of absent parent only
- ☐ Other (please explain)

I understand that the Child Support Agency within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant: _____ Date: _____

# APPENDIX M

## MONTGOMERY COUNTY JUVENILE COURT

## FILING FEES

Any filing that requires a hearing will require a filing fee, with the exception of ex parte motions. To determine the proper filing fee, determine what the filing is in regards to. If it is regarding custody or visitation, use the fees listed under custody and visitation. If it is regarding support, use the fees listed under child support. Paternity will always be a new case.

We accept cash, credit cards** (except American Express), money orders. Personal checks will be accepted **from attorney's only.**

| | |
|---|---|
| **PATERNITY** | $135 per child |
| **CUSTODY/VISITATION** | |
| NEW CASE | $135 first child |
| NEW CASE SIBLING (same legal custodian) | $85 per child |
| ADDITIONAL MOTION(S) TO NEW CASE | $85 |
| EXISTING CASE (one fee per legal custodian) | $85 |
| **CHILD SUPPORT** | |
| NEW CASE | $120 first child |
| NEW CASE SIBLING (same legal custodian) | $70 per sibling |
| EXISTING CASE (one fee per obligee) | $70 |
| OBJECTION TO ADMINISTRATIVE SUPPORT ORDER | $0 |
| **MISCELLANEOUS** | |
| RE-ISSUE OF SERVICE | $25 |
| PUBLICATION | $50 per person |
| SUBPOENA (service and prep) | $45 per person |
| SUBPOENA (service only) | $25 per person |
| SUBPOENA (attorney service and prep) | $0 |
| AUDIO REQUEST | $10 per hearing |
| CERTIFIED COPIES | $2 each |
| OBJECTION TO MAGISTRATE DECISION/JUDGE'S ORDER | $0 |
| MOTION FOR STAY | $0 |
| MOTION TO SET ASIDE | $0 |
| CONTINUANCE | $0 |
| TRANSCRIPT REQUEST | $0 |
| MOTION FOR GAL | $0 |
| MOTION FOR IN-CAMERA INTERVIEW | $0 |

**There will be a 2.5% processing fee on all credit card payments

**A $5 COPY FEE IS ADDED TO EACH FILING FOR ANY ONE NEEDING COPIES**