

**WASHINGTON COUNTY  
JUVENILE COURT  
LOCAL RULES  
OF PRACTICE**

**Effective Date: April 1, 2019**

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# **INTRODUCTION TO WASHINGTON COUNTY JUVENILE COURT LOCAL RULES OF PRACTICE**

Washington County Juvenile Court adopted these Local Rules of Practice to facilitate the prompt disposition of cases in our Court. The Rules create uniform policies and procedures to aid the Court in handling each case in a fair, impartial, and efficient manner. The Rules will also help minimize mistakes, delays, and misunderstandings by clearly describing Court requirements.

These Rules supplement the Rules of Superintendence for the Courts of Ohio and the Ohio Rules of Juvenile Procedure. It is important to understand that our Local Rules do not replace any statutory requirements, case law or other procedural rules relating to probate cases. These Local Rules reflect our Court's method of achieving legal compliance in a practical, effective way that enables the Court to fulfill its obligation to oversee probate proceedings.

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**WASHINGTON COUNTY COURT OF COMMON PLEAS  
JUVENILE DIVISION  
RULES OF PRACTICE**

**Effective April 1, 2019**

**LOCAL RULE 1  
GENERAL PROVISIONS**

**Local Rule 1.01      Term of Court**

The Court shall be in continuous operation for the transaction of judicial business. Each calendar year, beginning in January, shall constitute a separate term of court designated by the calendar year in which the term lies. This Rule is adopted pursuant to the provisions of Section 2301.05 of the Ohio Revised Code.

**Local Rule 1.02      Hours of Court**

The sessions of the Court generally shall be Monday through Friday from 8:00 a.m. to 4:00 p.m., except during lunch from 12:00 p.m. to 12:30 p.m., and legal holidays and such other occasions as may be specifically ordered by the Court. The Court shall be in session at such other times as the judge shall prescribe.

**Local Rule 1.1      Scope & Applicability of Rules**

The rules hereinafter set forth shall apply to the Juvenile Division of the Court of Common Pleas of Washington County, Ohio, except as otherwise provided. Additional Local Rules of the Court have been adopted by the General Division, and the Probate Division, and may be adopted by such other divisions of the Court as may be created, governing practice and procedure in those divisions. The Court of Common Pleas of Washington County consists of three divisions: the General Division, the Probate Division, and the Juvenile Division.

**Local Rule 1.2      Interpretation**

These Local Rules shall be interpreted to achieve the prompt, efficient, and fair resolution of cases. In the event that any portion of a rule is found to be ambiguous, the rule shall be interpreted as follows:

- To be consistent with the Ohio and United States Constitutions, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure and the Ohio Rules of Juvenile Procedure;
- To be practical and efficient in their operation;
- To be taken in context with the other portions of these rules.

**Local Rule 1.3 Citation**

These rules shall be known as the "Local Rules of Practice of the Washington County Common Pleas Court, Juvenile Division." These rules may be cited as "Loc.Juv.R. \_\_\_."

**Local Rule 1.4 Effective Date**

These rules shall be effective on April 1, 2019.

**RULE 2  
MAGISTRATES**

**Local Rule 2.01 Magistrate Jurisdiction**

Magistrates shall be appointed to hear all matters not otherwise acted upon by a judge of the Juvenile Division, including without limitation, delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, URESA, UIFSA, and determination of parentage matters and any other matters as referred by a judge of the Juvenile Division. A magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure.

**RULE 3  
FILES**

**Local Rule 3.01 Clerks**

The Juvenile Judge is the Clerk of Court for the Juvenile Division and shall appoint Deputy Clerks as needed. The term "Clerk" refers interchangeably to both the Judge and the Clerks, as appropriate.

**Local Rule 3.02 Filing Responsibility**

The Clerk of the Court of Common Pleas of Washington County, Ohio, Juvenile Division, shall file and carefully preserve all papers delivered to the Clerk's office in every action or proceeding. The Clerk promptly shall file all papers in chronological order and make the appropriate entry in the docket.

**Local Rule 3.03 Copies**

Upon request for copies of pleadings or other documents from a case file, the Clerk shall furnish said copies within the mandates of Ohio Revised Code §149.43 and other applicable laws, including those relating to juvenile privacy considerations, and upon receipt of the appropriate copying fee.

**Local Rule 3.04 Removal of Files**

No file, deposition, or transcript shall be removed from the Office of the Clerk of this Court by any person for any reason, except (1) the Clerk of this Court or any employee of said Clerk; (2) the Common Pleas Judges or any members of their staffs, including the Magistrates.

**Local Rule 3.05      Viewing of Files**

No file shall be taken apart for purposes of copying or for any other reason by any person, except the Clerk of this Court or any employee of the Clerk.

**Local Rule 3.06      No Unauthorized Copying**

No file or any portion thereof shall be copied by any person, except the Clerk of this Court, any employee of the Clerk, or court staff.

**Local Rule 3.07      Paper Size**

Every pleading, document, or other paperwork that is filed with the Clerk of Courts shall, as far as practicable, be on 8.5 inch by 11 inch paper.

**RULE 4  
DEPOSIT OF SECURITY FOR COSTS**

**Local Rule 4.01      Deposit for Costs**

No new or reactivated action or proceeding shall be accepted by the Clerk for filing unless the appropriate deposit has been paid. Upon termination of the case, if costs remain unpaid, appropriate orders will be imposed to collect the costs. Except as otherwise provided by law, the deposit shall be in accordance with a schedule of costs, prominently displayed in the Clerk's office. Upon the termination of a case, if funds totaling more than five dollars (\$5.00) remain on the balance of the case, those funds shall be refunded to the proper litigant(s). Upon the termination of a case, if funds totaling less than five dollars (\$5.00) remain on the balance of the case, those funds shall be transferred to County General fund.

**Local Rule 4.02      Applying Deposit to Costs**

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

**Local Rule 4.03      Affidavit of Indigency**

If the party initiating the action or proceeding is unable to pay, as set forth in Loc.R. 4.01, the party shall file an affidavit, signed before a Deputy Clerk of Court, reflecting the inability to post the required cost deposit.

**RULE 5  
TRIAL PROCEDURE**

**Local Rule 5.01      Trial Procedure**

Trial procedure shall be in accordance with applicable statutes or Rules of the Supreme Court of Ohio.

**Local Rule 5.02      Primary Trial Attorney**

Except with the permission of the judge or magistrate, only one attorney for each adverse party will be permitted to speak on any interlocutory motion, or upon any question arising in the trial of a case; and only one attorney for each adverse party will be permitted to examine the same

witness in any trial or proceeding before the Court. A *Guardian Ad Litem* appointed for a juvenile shall not be considered as an attorney for any party for the purposes of this rule.

## **RULE 6 CERTIFICATE OF SERVICE**

### **Local Rule 6.01      Service of Pleadings**

Every pleading, motion, brief, memorandum, or argument in writing filed with the Court shall be served upon all opposing counsel, a *Guardian Ad Litem*, if one is appointed, and upon all parties not represented by counsel. Except as provided for by law, proof of service, in writing, shall be attached to the pleading, motion, brief, memorandum, or argument in writing. No paper delivered to the Court without a certificate of service shall be considered by any judge or magistrate.

## **RULE 7 PLEADINGS AND MOTIONS**

### **Local Rule 7.01      Pleading Requirements**

Every pleading, motion and memorandum filed shall be legibly typewritten or printed on 8.5 inch by 11 inch paper, shall be securely bound, and shall have typed or printed the name, address, telephone number, and the Ohio Supreme Court attorney registration number of counsel having primary responsibility for the case. The name of the judicial officer shall appear beneath the case number.

### **Local Rule 7.02      New Parties**

When a new party Plaintiff or Defendant is added to a case after its commencement, the caption of subsequent pleadings shall contain the name and address of the new party, followed by the appropriate designation. If a name change occurs during the pendency of a case, the new name shall appear in parenthesis following the original name.

### **Local Rule 7.03      Memorandum in Support**

All motions, where appropriate, shall be accompanied by a memorandum in support of the motion, which shall set forth the specific grounds for the relief sought, along with citations to controlling authorities relied upon in requesting the relief, in accordance with Juvenile Rule 19. Where appropriate, all memoranda (in support of, contra to, and in reply) filed regarding a pending motion shall include page and document references to evidentiary material for all factual assertions. In addition, counsel shall attach copies of major and significant cases upon which counsel relies in requesting the relief or in opposing the motion.

### **Local Rule 7.04      Proposed Judgment Entry**

Except as otherwise ordered by the judge or magistrate, all motions (except motions for summary judgment) shall be accompanied by a proposed Judgment Entry or Order.

### **Local Rule 7.05      Non Oral Motions Hearings**

Except as otherwise ordered by the trial judge, all motions shall be considered upon non-oral hearing on a date to be set forth in an order by the magistrate or judge and shall include the dates for filing and service of any memorandum contra and reply memorandum.

### **Local Rule 7.06      Captions of Motions and Memorandums**

All motions, memoranda contra and replies shall be titled in the following manner:

- **MOTION:** Motion of (Plaintiff/Defendant/Juvenile) (party name) (to/for) (type of motion).
- **MEMORANDUM CONTRA:** Memorandum Contra of (Plaintiff/Defendant/Juvenile) (party name) to (Plaintiff/Defendant/Juvenile) (party name's) Motion (to/for) (type of motion) Filed (date of motion).
- **REPLY:** Reply of (Plaintiff/Defendant/Juvenile) (party name) to (Plaintiff/Defendant/Juvenile) (party name's) Memorandum Contra to Motion Filed (date of motion).

If an oral hearing on the motion is desired, the motion shall so request, with the anticipated length of the hearing, in the caption. If a case is styled, "In the Matter Of:", then the title of the movant (e.g. mother, father, custodian) shall be noted.

### **Local Rule 7.07      Memorandum Contra**

Once the initial motion has been filed, any memorandum contra to the motion shall be filed and served upon opposing counsel within the time set forth in the order issued pursuant to Loc. R. 7.05 or as otherwise provided by the Ohio Rules of Juvenile Procedure. Failure to file and serve a memorandum contra may result in the Court granting the motion as filed and served. A reply memorandum may be filed and served upon opposing counsel within seven days after the date stated in the certificate of service in the memorandum contra. The dates and time periods set forth in the order of the Court may be extended by the Court upon written application and for good cause shown. Where appropriate, the moving party shall submit a proposed Judgment Entry to this effect.

### **Local Rule 7.08      Page Length**

No memoranda, whether in support of or contra, shall exceed twenty pages, exclusive of supporting documents. Any memoranda exceeding twenty pages will not be accepted for filing without prior approval of the Court.

Reply memoranda shall not exceed ten pages and shall be restricted to rebuttal.

Requests for leave to file memoranda in excess of the page limits shall be made by motion no later than seven days prior to the time for filing the motion, except for good cause shown.

### **Local Rule 7.09      Copies**

All motions, briefs and memoranda (in support of, contra and reply) shall be filed with sufficient copies for service upon all parties. A motion delivered to the Court with an insufficient number of copies will not be accepted for filing.

**Local Rule 7.10 Pro Se Litigants**

Motions filed by *pro-se* litigants must, in all ways possible, comply with the provisions of Loc.Juv. Rule 7.

**Local Rule 7.11 Service**

When service is required to be made by the Court for pleadings other than (a) those for which service has been requested by properly filed instructions for service, or (b) those for which a specific method of service is designated within the filing or is designated by statute, then service shall be through delivery to the court mailbox of an attorney and upon all other individuals or entities by ordinary U. S. Mail sent to the last address reflected in the case file for the individual or entities being served unless the serving deputy clerk indicates that service has been made personally or by certified mail.

For the filings to which this rule applies, the deputy clerk shall place a signed certification on the filing indicating the date of service and any alternate means of service used for a given party.

Unless otherwise indicated on the filing, the certification represents that the default method of service used was either: (a) to the court mailbox for attorneys having a designated court mailbox, or (b) by ordinary U.S. Mail for all other individuals or entities.

**RULE 8  
FILING OF DISCOVERY MATERIALS**

**Local Rule 8.01 Filing**

Pursuant to Rule 5(D) of the Ohio Rules of Civil Procedure, the Clerk shall not accept for filing: depositions upon oral examination, interrogatories, requests for documents, requests for admissions and answers, or responses thereto, unless (1) the Court otherwise orders, (2) they are to be used as evidence, or (3) they relate to a pending motion.

**Local Rule 8.02 Depositions**

Depositions may be allowed pursuant to Juvenile Rule 25. All filings of depositions shall conform to the Ohio Rules of Civil Procedure. Only one deposition per sealed envelope will be accepted for filing. The Clerk shall not accept for filing a sealed deposition envelope containing more than one deposition.

Upon receipt of a sealed deposition, the Clerk shall file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. The envelope containing the deposition shall thereafter remain sealed, until any party to the case, counsel for any party to the case, or any member of the public, acting pursuant to and within the bounds of O.R.C. §149.43, or other applicable laws, wishes to view the deposition. Before the interested person views the deposition, the Clerk shall unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has requested to view the deposition. The interested person may then view the deposition in the presence of the Clerk. This rule is not intended to limit any person's lawful access to filed depositions, but to preserve the integrity of the depositions and exhibits appended thereto.

This rule applies unless a protective order is placed on the cover of the deposition, an order sealing the deposition is placed on the cover of the deposition, or the deposition is protected by any statutory provision.

## **RULE 9 RULE DAY EXTENSIONS**

### **Local Rule 9.01      Agreed Extension of Time**

By agreement of opposing counsel, any party may be permitted two leaves to plead, provided that the total extension of time does not exceed twenty-eight days. The agreement of counsel shall be evidenced by a Consent that has been signed by all parties to the action.

### **Local Rule 9.02      Additional Extension of Time**

Except as otherwise provided by these Local Rules, where a party needs additional time, beyond that provided in Loc.R. 9.01, or where the parties cannot agree upon an extension of time, the party desiring the extension shall file a written motion, supported by an affidavit that states facts which indicate the practical impossibility of pleading within rule and which demonstrate good cause for further extension. The motion and affidavit shall be filed on or before the expiration of the time to move or plead. The motion and affidavit shall be served upon opposing counsel, and the matter shall be heard at a time to be fixed by the judge or magistrate. The motion and affidavit will be required even though consent of opposing counsel is obtained if the extension is for a period of time beyond that permitted by Loc.R. 9.01.

## **RULE 10 RULE DAYS NOT FIXED BY LAW**

### **Local Rule 10.01      Time to Plead**

In all cases where the time for the filing of pleadings or amended pleadings is not fixed by law or other rule, the pleadings or amended pleadings shall be filed on or before the seventh day after the date of the entry requiring or granting leave for the filing of pleadings or amended pleadings, unless otherwise specified in the entry and approved by the assigned judge or magistrate. The opposing party shall move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after the pleadings or amended pleadings are filed.

### **Local Rule 10.02      Amendments of Pleadings**

No pleading or motion shall be amended by interlineation or obliteration except upon express prior leave of the judge or magistrate. Upon the filing of an amended pleading or motion, the original or any prior amendment shall not be withdrawn from the files.

## **RULE 11 TRIAL ATTORNEYS**

### **Local Rule 11.01      Signing of Pleadings**

All pleadings and motions, served and filed on behalf of any party represented by counsel shall be signed by one attorney in that attorney's individual name as required by Rule 11 of the Ohio Rules of Civil Procedure, as the trial attorney for that party. Such attorney shall be the attorney

who is to try the case, unless otherwise ordered by the Court, and shall be responsible for the action. Following that attorney's signature, office address, telephone number, and Supreme Court registration number, there shall be set forth the designation "Attorney for (Identifying Title)". Firm names and the names of co-counsel or associate counsel may appear on the pleadings and motions.

**Local Rule 11.02 Service of Pleadings**

All copies of pleadings or other court filings required by these Rules or Rule 5 of the Ohio Rules of Civil Procedure to be served upon other counsel in a case, shall be served upon the trial attorney, as designated in accordance with Loc.R. 11.01.

**Local Rule 11.03 Notices to Trial Attorney**

All notices and communications from the Court with respect to a pending case will be sent to the trial attorney(s) as designated in Loc.R. 11.01.

**Local Rule 11.04 Service on Pro Se Parties**

If a party to a case is unrepresented by counsel, all communication regarding a pending case will be sent to the party's address as stated in the pleadings.

**Local Rule 11.05 Entry of Appearance**

Compliance with Loc.R. 11.01 shall be sufficient to constitute an entry of appearance.

**Local Rule 11.06 Substitution of Counsel**

If the trial attorney designated in accordance with Loc.R. 11.01 withdraws from the case, as provided in Loc.R. 12, and a new attorney is substituted in his place, a written notice of substitution of counsel shall be filed.

**RULE 12  
WITHDRAWAL OF COUNSEL**

**Local Rule 12.01 Expectation of Trial Counsel**

It is contemplated that counsel who have entered an appearance in the case will remain in the case until it is concluded.

**Local Rule 12.02 Withdrawal of Counsel**

Counsel for any party may be permitted to withdraw from an action:

- Upon written motion with the written consent of the client and the entry and appearance of substitute counsel; or
- Upon written motion showing good cause, with the consent of the Court, after notice by certified mail, or regular mail with certificate of mailing if certified mail is returned or unclaimed, to the client stating the time, date, and place where such motion will be heard.

**Local Rule 12.03 Time Limitation**

Except for extraordinary circumstances, no attorney shall be permitted to withdraw from a case later than twenty days prior to trial or prior to a dispositive hearing or motion.

**RULE 13  
MOTION TO CONTINUE TRIAL DATE**

**Local Rule 13.01 Written Motion**

Except as permitted by the judge or magistrate, no party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance, endorsed in writing by the party as well as counsel, provided the trial judge or magistrate may waive this requirement upon good cause shown. A copy of such motion shall be served forthwith on all counsel of record.

**Local Rule 13.02 Motion at Trial**

If a party or counsel appears for trial, but shows good cause as to why the party or counsel is not ready for trial, the Court shall make such order or orders as it deems proper. If a party or counsel appears for trial but indicates the party or counsel is not ready for trial without showing good cause for unreadiness, the Court, if such party is one seeking affirmative relief, may enter an order dismissing the claim for want of prosecution, or if a party is defending a claim, order the party seeking relief to proceed with the case, determining all matters.

**Local Rule 13.03 Proposed Entry**

All motions to continue shall be accompanied by a Judgment Entry or Magistrate Order granting the same. The Entry or Order should be prepared for the signature of the Judge or Magistrate who has presided over any prior hearings in the matter or who presided over the immediately prior hearing if more than one Judicial Officer has presided.

**Local Rule 13.04 Timing of Motion**

The parties in each case shall make every effort to file a motion to continue at least seven days prior to the date of the hearing to be continued. If a motion to continue is filed less than seven days prior to the hearing for which the continuance is sought, the moving party shall contact all other parties of record to seek their approval or consent to the motion and shall, upon the face of the motion itself, indicate their approval or refusal to approve. The Court may deny a motion to continue if filed less than seven days.

**RULE 14  
NOTICE OF SETTLEMENT**

**Local Rule 14.01 Notification of Settlement**

Whenever the parties have reached a settlement agreement prior to the trial date, it shall be the duty of counsel for the Plaintiff or original moving party to immediately notify the trial judge or magistrate by telephone or motion, particularly if there are pending motions that would involve the Court's time.

**Local Rule 14.02 Settlement within 24 Hours of Trial**

If a settlement or dismissal occurs within twenty-four hours of the trial date, counsel for the Plaintiff or original moving party shall notify an appropriate employee of the Juvenile Court as soon as possible to maximize the opportunity for the Court to make use of the allotted time.

**RULE 15  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Local Rule 15.01 Proposed Findings of Fact**

Upon request of a party for findings of fact and conclusions of law, pursuant to Rule 52 of the Ohio Rules of Civil Procedure, or Rule 40(E)(2) of the Ohio Rules of Juvenile Procedure, the Court may require the parties to submit proposed findings of fact and conclusions of law for the Court's consideration.

**RULE 16  
ENTRIES AND DECISIONS**

**Local Rule 16.01 Preparation of Entries**

If the trial judge or magistrate directs, counsel for the party in whose favor a decision, order, decree, or judgment is rendered, within five days, shall prepare the proper judgment entry or decision and submit it to the counsel for the adverse party, who shall approve or reject the entry or decision within five days after receipt. The name of the counsel and of the assigned trial judge or magistrate shall be typed or printed upon the entry or decision. When the entry or decision is approved by counsel, it shall be signed and presented to the trial judge or magistrate for approval, and, if the trial judge or magistrate approves the entry or decision, it shall then be filed with the Clerk. If counsel are unable to agree upon the entry or decision, the matter shall be submitted to the trial judge along with a motion stating why counsel would not approve the entry or decision.

**Local Rule 16.02 Failure to File within 10 Days**

If counsel fails to present any entry order, decree or judgment within ten days after the hearing wherein the entry, order, decree, or judgment is rendered, the trial judge or magistrate may prepare and file the entry, order, decree or judgment with underlying decision.

**RULE 17  
OBJECTIONS**

**Local Rule 17.01 Time for Filing**

Objections to the magistrate's decision shall be filed within fourteen days of the filing of the decision itself. If a party should request findings of fact pursuant to Ohio Rule of Juvenile Procedure 40, the time for filing objections shall be fourteen days after the filing of the magistrate's findings of fact.

**Local Rule 17.02 Form of Objections**

Objections shall be filed with the Clerk of this Court in writing, and shall state with particularity the grounds of the Objection, so as to conform with Ohio Rule of Juvenile Procedure 19.

Objections shall in all other manners conform with the provisions of Ohio Rule of Juvenile Procedure 40.

## **RULE 18 JURIES AND JURORS**

Jury service is an obligation of all qualified citizens of Washington County. Failure to attend when summoned to jury duty is a violation of the Ohio Revised Code. *See* R.C. 2123 *et seq.* Employers are prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work when summoned to jury service.

### **Local Rule 18.01 Opportunity for Service**

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group or person in Washington County, Ohio.

Jury service shall be an obligation of all registered voters of Washington County, Ohio, who are not otherwise entitled to apply for a statutory excuse.

### **Local Rule 18.02 Jury Source List**

A jury source list shall be obtained from the Washington County Board of Elections' computerized list of all registered voters in Washington County, Ohio, and said computerized list shall be provided to the Washington County Jury Commissioners, in an automated form, on or before January 31 of each year.

The computerized jury source list shall be inclusive of all registered voters within Washington County, Ohio.

### **Local Rule 18.03 Random Selection Procedures**

Jurors shall be selected pursuant to the random selection procedures outlined in the local rules for the General Division of the Washington County Court of Common Pleas. All jurors shall be randomly selected.

The prospective juror lists shall be in conformity with the provisions of Section 2313.07(C), Section 2313.08(C) and Section 2313.21(C) of the Ohio Revised Code.

### **Local Rule 18.04 Eligibility for Jury Service**

Eligibility for jury service shall be in accordance with Standard 4 of the Ohio Trial Court Jury Use and Management Standards.

### **Local Rule 18.05 Statutory Excuse and Temporary Excuse**

Prospective jurors may be excused from jury service as provided in Section 2313.16 of the Ohio Revised Code.

Prospective jurors may be rescheduled for the following reasons: vacation, employment hardship, or student/educational hardship.

Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.

Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded.

**Local Rule 18.06 Juror Questionnaires**

The juror questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for: (1) determining whether a person meets the criteria for eligibility; (2) providing basic background information ordinarily sought during voir dire examination; and (3) efficiently managing the jury system.

Questionnaires shall be returned to the Court immediately following trial.

**Local Rule 18.07 Voir Dire**

In order to be of assistance to counsel and the parties, and to reduce the time required to select a jury in any given case, an alphabetical list of prospective jurors and copies of prospective jurors' questionnaires shall be provided to counsel, upon written request, one week prior to trial.

At the outset, the trial judge shall conduct a preliminary voir dire examination of the entire prospective jury panel called for jury service in any given case. Counsel for the parties shall then be permitted to conduct an appropriate voir dire examination of the entire prospective jury panel or of a more limited panel.

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. The trial judge shall ensure that the privacy of the prospective jurors is reasonably protected and that counsel's questions are consistent with the purpose of the voir dire process.

In all cases, the voir dire process shall be held on the record.

In all cases, the rules governing the voir dire examination shall be as follows, unless the trial judge otherwise orders:

- The case may not be argued in any way while questioning the jurors.
- Counsel may not engage in efforts to indoctrinate jurors.
- Jurors may not be questioned concerning anticipated instructions or theories of law.
- Jurors may not be asked what kind of verdict they might return under any circumstance.
- Questions are to be asked collectively of the entire panel whenever possible.

**Local Rule 18.08      Removal from the Jury Panel for Cause**

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel.

In criminal and serious youthful offender cases, prospective jurors may be challenged for cause for those reasons specifically set forth in Rule 24(B) of the Ohio Rules of Criminal Procedure.

**Local Rule 18.09      Peremptory Challenges**

Procedures for exercising peremptory challenges shall be in accordance with the Ohio Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority. See Rule 24(C) of the Ohio Rules of Criminal Procedure.

**Local Rule 18.10      Administration of the Jury System**

All procedures concerning jury selection and service should be governed by these rules and other applicable statutes and the Ohio Rules of Criminal Procedure.

**Local Rule 18.11      Jury Facilities**

The Board of County Commissioners of Washington County shall provide an adequate and suitable environment for jurors in accordance with Standard 14 of the Ohio Trial Court Jury Use and Management Standards.

**Local Rule 18.12      Juror Compensation**

Persons called for jury service shall receive a reasonable fee for their jury service, as determined by Resolution of the Washington County Board of Commissioners.

Petit Juror Fees shall be paid within two weeks of the completion of the term.

**Local Rule 18.13      Juror Orientation and Instruction**

Each trial judge or magistrate shall provide orientation and instruction to persons called for jury service that is in conformity with Standard 16 of the Ohio Trial Court Jury Use and Management Standards.

**Local Rule 18.14      Jury Deliberations**

Each trial judge shall provide for deliberations in accordance with Standard 18 of the Ohio Trial Court Jury Use and Management Standards.

**Local Rule 18.15      Sequestration of Jurors**

Sequestration of jurors shall be in accordance with Standard 19 of the Ohio Trial Court Jury Use and Management Standards.

**RULE 19**  
**CASE FLOW MANAGEMENT**

**Local Rule 19.01 Case Flow Rules**

These case flow management rules shall apply to all matters filed in the Juvenile Division of the Common Pleas Court unless:

- The case by its very nature requires a more rapid adjudication such as in equity matters;
- The case, because of court-imposed stays, interlocutory appeals, removal to federal court, and remand, etc., requires a different schedule; or
- The judge or magistrate, by written order, places the case on a different schedule for resolution based on good cause shown. Wherever possible cases will be resolved in the shortest amount of time. The deadlines set by the Ohio Rules of Superintendence for the Courts of Common Pleas shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules.

**Local Rule 19.02 Case Conclusion Goals**

It shall be the goal of these rules and the management of the docket by the Juvenile Division of the Common Pleas Court that ninety percent of all applicable cases should be concluded within twelve months of filing; ninety-eight percent within eighteen months of filing; and one-hundred percent within twenty-four months of filing, except for individual cases where the Court determines exceptional circumstances exist.

**RULE 20**  
**CALCULATION OF TIME**

**Local Rule 20.01 Calculation of Time**

The time limits in these case flow management rules shall be calculated from the date of filing of the initial document invoking the jurisdiction of the Juvenile Division.

**RULE 21**  
**ATTORNEY DECORUM**

**Local Rule 21.01 Expectation of Counsel**

Counsel for all parties shall be present and before the Court at the assigned hearing time. If counsel is not present in court at the assigned hearing time, the case may commence without counsel, may be continued, or may be dismissed, as the court shall decide is appropriate. If counsel is going to be late for a hearing, counsel must make a reasonable effort to notify the judge or magistrate as soon as is practical in order to explain the reason for his or her lateness. Repeated lateness or absences may result in fines or in the removal of counsel from the appointment of cases in the Washington County Juvenile Court.

**RULE 22**  
**EX PARTE ORDER PRACTICE**

**Local Rule 22.01 Ex Parte Orders**

The provisions of this rule shall set forth general guidelines to follow in the filing and processing of ex parte orders. The provisions of this rule shall be followed in conjunction with applicable statutory provisions and portions of the Ohio Rules of Juvenile Procedure, including Juvenile Rules 6 and 7, and Ohio Revised Code §§2151.31 and 2151.314.

**Local Rule 22.02 Showing of Irreparable Harm**

No ex parte order for restraint from removal from the jurisdiction or any other ex parte extraordinary relief sought from the Court, shall be granted without a specific showing or allegation that, if immediate relief is not granted, serious and/or irreparable harm would result prior to the oral hearing. The Court may grant an ex parte order without an initial hearing if deemed appropriate by the Court.

**Local Rule 22.03 Docket Preference**

Hearings both for Probable Cause to grant requests for ex parte orders (if deemed necessary by the Court) and for review of ex parte orders shall take preference on the docket as to scheduling. All hearings with respect to probable cause to grant and review of ex parte orders shall be recorded. The transcription of the record shall be provided upon request and the posting of reasonable costs therefore, and the Court shall expedite the production of such record when requested for purposes of the filing of responsive pleadings or preparation for review hearing.

**Local Rule 22.04 Motion Requirements**

All requests for ex parte orders shall be made by motion, and shall be supported by affidavit, stating with specificity the basis for the request for extraordinary relief, and setting forth with specificity the reasons for the necessity for the extraordinary relief requested. Said requests shall be reviewed by the Judge or Magistrate no later than the next Court day after filing.

**Local Rule 22.05 Proposed Entry**

Counsel for the moving party shall prepare and present to the Court a proposed order for the specific relief requested. The proposed order may be altered by interlineations at the direction of the Court, and shall also contain notice of the date and time of the review hearing.

**Local Rule 22.06 Motions to Terminate or Modify**

A motion to terminate or modify the ex parte order along with briefs and affidavits in opposition to the ex parte order may be filed within 7 days of the issuance of the ex parte order, together with any authorities or citations relied upon. Reply briefs and submissions may be filed with leave of Court.

**Local Rule 22.07 Presence of Moving Party**

Counsel requesting extraordinary relief shall produce the party seeking the relief to state on the record, under oath, why the relief is sought and why immediate relief is necessary. Presence of the moving party may be excused by the Court for extraordinary cause being shown and

specifically described in the proposed order presented to the Court. The moving party shall be subject to examination by the Court.

**Local Rule 22.08 Hearings**

Hearings under this section shall be conducted by the judge, or by a designated magistrate if the judge is unavailable. Hearings under this section may be conducted in camera, however the statement of the movant shall be on the record.

**Local Rule 22.09 Scheduling of Hearings**

A hearing on the merits of the ex parte order if requested by the opposing party should be held within fourteen (14) days of journalization of the ex parte order, unless waived by both parties or statutorily mandated to be heard at any earlier time. Hearings on the merits shall be conducted by the judge or by a designated magistrate, and shall be recorded.

**Local Rule 22.10 Hearing Procedure**

Merit hearings shall take precedence on the docket. The testimony presented and heard at the merit hearing provided under this rule shall be limited to whether the ex parte order was providently granted, whether there was basis for the extraordinary relief granted, whether the relief requested and granted was consistent with the nature of the emergency which existed and which was presented as the basis for the request for extraordinary relief by the Court, and whether the order shall be continued in its entirety, in part, or vacated.

**Local Rule 22.11 Order of Reference**

In the event that the Court designated a magistrate to conduct the merits hearing, the order of reference shall contain the authority to immediately set aside the ex parte orders should no just cause for their issuance be found, or otherwise be modified according to law.

**RULE 23  
PRETRIAL PROCEDURE**

**Local Rule 23.01 Pretrial Hearings**

The Court may, on its own motion, set any matter for pre-trial hearing. Any party may move, in writing, for a pretrial. If the judge or magistrate determines that a case warrants a pretrial, a date and time shall be set. All parties named in the action shall be present at the pretrial unless their presence is excused, in advance, by the judge or magistrate. In that event, the parties shall be available by telephone.

**Local Rule 23.02 Duty of Counsel**

It shall be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the judge or magistrate deems appropriate.

### **Local Rule 23.03 Pretrial Statements**

When so ordered by the judge or magistrate, all parties shall prepare and file a pretrial brief or statement. It shall generally be the practice of the Court that this order be made at the final pretrial. The pretrial brief or statement shall be filed on or before the date specified by the order.

The pretrial statement shall include the following:

- Identification of the chief trial counsel, who shall be fully authorized to act and negotiate on behalf of the party;
- The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
- A listing of all witnesses expected to testify;
- A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
- A description of the trial procedure to be requested, including:
  - whether a jury trial, if previously demanded, will now be waived;
  - the estimated number of days required for trial;
- A statement of the status of settlement negotiations.

## **RULE 24 DISCLOSURE OF WITNESSES**

### **Local Rule 24.01 Initial Joint Disclosure of All Witnesses**

Each party shall, pursuant to applicable rules of discovery, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

### **Local Rule 24.02 Supplemental Joint Disclosure of All Witnesses**

Each party shall, pursuant to applicable discovery rules, disclose all persons, whose factual or expert knowledge did not appear relevant until the witnesses were initially disclosed, whom the party reserves the option to call as witnesses at trial.

### **Local Rule 24.03 Scope of Disclosure**

Disclosure of witnesses under this rule shall include the following information:

- All Witnesses. Name, addresses, and business phone number (or home phone number, if no business number is available).
- Lay Witnesses. A brief description of witness' relevant knowledge.

- Experts. A brief description of the expert's qualifications and summary of the expert's opinions and the basis or theory of that opinion.

**Local Rule 24.04 Exclusion of Testimony**

Any witnesses not disclosed in compliance with this rule may not be called to testify at trial, unless the trial judge orders otherwise for good cause and subject to such conditions as justice requires.

**RULE 25  
CONTINUANCE OF THE TRIAL DATE**

**Local Rule 25.01 Modification**

In any case, any party may file a "Motion to Continue the Trial Date" with the Clerk of Court, pursuant to Local Juvenile Rule 15. The motion shall be in writing, signed by the attorney, setting forth good cause for continuing the trial date. The motion will not be granted unless it is supported by a showing of good cause.

In all cases, a copy of the "Motion to Continue the Trial Date" shall be served upon all counsel and any party not represented by counsel. A certificate of service shall be filed with the motion. The judge or magistrate, *sua sponte*, may continue the trial date, on reasonable notice to all counsel and parties.

Unless otherwise provided in these Rules, when a party seeks a continuance due to conflicting court assignments, the case that was assigned first shall have priority. When an attorney becomes aware of any assignment that might impose a conflict, the attorney shall endeavor to advise the Court and opposing counsel as soon as practicable. When a conflict arises between a trial court proceeding and an appellate proceeding, the appellate proceeding shall take precedence.

**Local Rule 25.02 Notice of Continuance of Trial Date**

In all cases, if the trial date is changed by the judge or magistrate, the party requesting the change shall within five days file with the Clerk of Court an "Entry Continuing Trial Date" with copies served upon all counsel, any party not represented by counsel, and the judge or magistrate. If the continuance of the trial date is initiated by the judge or magistrate, the Court shall prepare and file the "Entry Continuing Trial Date" and mail it within five days to all parties.

**RULE 26  
DISCOVERY**

**Local Rule 26.01 Informal Discovery**

Counsel will participate in discovery conferences with opposing counsel and shall freely exchange discoverable information and documents upon informal request. Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court. In all cases covered by the Rules of Juvenile Procedure, all counsel shall fully comply with Juvenile Rule 24(A).

**Local Rule 26.02 Motions**

Motions for protective orders or to compel discovery shall be accompanied by a statement reciting efforts made to resolve the matter and shall contain a request for oral hearing caption, if an oral hearing is desired.

**Local Rule 26.03 Discovery Documents**

Discovery documents shall not be filed with the court. Only a notice of response to discovery requests shall be filed with the court.

**RULE 27  
COMPETENCY**

**Local Rule 27.01 General Purpose**

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

**Local Rule 27.02 Expedited Hearings**

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

**Local Rule 27.03 Notice**

Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's *Guardian Ad Litem*, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

**Local Rule 27.04 Stay of Proceedings**

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

**RULE 28  
DEFAULT JUDGMENTS**

**Local Rule 28.01 Procedure**

If, in any case where a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party entitled to a judgment by default shall promptly apply in writing or orally to the judge or magistrate within thirty days after the date upon which the defaulting party should have pled or otherwise defended. No judgment by default shall be

entered against a minor or an incompetent person unless represented in the action by a guardian or other representative who has appeared. If the party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion along with the date and time fixed by the judge or magistrate shall be served upon that party. In order for the judge or magistrate to award damages and enter judgment, to establish the truth of any averment by evidence, or to make an investigation of any other matter, the judge or magistrate may conduct hearings or order references as necessary and proper and shall, when applicable, accord a right of trial by jury to the parties.

## **RULE 29 GUARDIANS AD LITEM**

### **Local Rule 29.01     Coordinator**

Pursuant to the provisions of Rule 48 of the Rules of Superintendence for the Courts of Ohio, the Court Administrator of the Washington County Juvenile Court, or such other person as the Court may designate, shall coordinate the appointment process, receive written comments and complaints regarding *Guardians ad litem*, and perform other duties as required under Sup. Ct. R. 48.

All appointments of *Guardians ad litem* will be made through the Washington County Juvenile Court. Every effort will be made to ensure an equitable distribution of the work load among approved *Guardians ad litem*, subject to attorney availability.

### **Local Rule 29.02     Application**

Upon completion of the required pre-service training, an attorney seeking to serve as a *Guardian Ad Litem* shall submit a resume, a copy of the applicant's criminal background check, and the applicant's Background Disclosure Statement as required under Sup. Ct. R. 48. The Court shall designate the acceptance of the request to serve as a *Guardian Ad Litem* by regularly issuing a list of designated persons who are qualified to serve as *Guardians ad litem* on an Approved Court Appointment List.

The Court, by its own motion or the motion of a party to a proceeding before the Court, may remove a *Guardian Ad Litem* from the Approved Court Appointment List. Following removal, the Court will revise the Approved Court Appointment List. If a *Guardian Ad Litem* is removed from the Approved Court Appointment List, the Court shall provide a letter to the removed *Guardian Ad Litem* specifically detailing the reason(s) for removal. After losing eligibility, a removed *Guardian Ad Litem* may seek reinstatement of eligibility no sooner than six (6) months after receipt of the Court's letter designating the reasons for removal. For reinstatement, the removed *Guardian Ad Litem* must demonstrate that he/she is again eligible to serve as a *Guardian Ad Litem* and has addressed the initial reasons for removal from the Approved Court Appointment List. If the *Guardian Ad Litem* is otherwise qualified and has addressed the initial reason(s) for removal, the Court may reinstate the removed *Guardian Ad Litem* to the Approved Court Appointment List and modify the Approved Court Appointment List to reflect the reinstatement.

**Local Rule 29.03 Fees**

The Court may fix compensation rates for the services of a *Guardian Ad Litem*. The *Guardian Ad Litem* shall submit an itemized statement for services to the Court.

**Local Rule 29.04 Comments and Complaints**

All comments and complaints regarding a *Guardian Ad Litem* shall be directed to the Court Administrator of the Washington County Juvenile Court, or such other person as the Court may designate. All comments and complaints must be in writing, include a case number, and describe the complaint in full detail.

**RULE 30  
CONDUCT OF TRIAL**

**Local Rule 30.01 Pre-Hearing Matters**

In all cases, the following matters shall be accomplished prior to trial, at a time that shall be specifically designated in the Court's trial or pretrial order:

- All exhibits shall be marked and exchanged by counsel. A list of those exhibits to be offered by each party shall be submitted to the Court and opposing counsel.
- All stipulations, except those necessarily arising in the course of the trial, shall be in writing, shall be approved by the parties and counsel and shall be filed with the Clerk.
- In cases to be tried to a jury, copies of the list of jurors and copies of jury questionnaires shall be made available to counsel one week prior to the commencement of the trial.
- If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering such deposition shall request the Court for a ruling upon each objection to allow its timely editing reflecting such rulings prior to trial. Counsel's objections, if any, shall be indexed, and the grounds for the objections shall be set forth clearly.
- When so ordered by the judge or magistrate, counsel shall file with the Clerk and serve upon opposing counsel a trial brief. The trial brief shall contain at least the following material:
  - A succinct statement of the kind of action;
  - A clear statement of the issues involved;
  - A summary of the factual situation in regard to each claim or defense;
  - An itemized list of the claimed special damages;

- A statement of the principles of law involved in the case supported by the citation of appropriate legal authority (with copies of major and significant case law).
- When applicable, counsel shall file with the Clerk and serve upon opposing counsel proposed jury instructions, which shall contain at least the following material:
  - If applicable, the specific section(s) of Ohio Jury Instructions upon which the party requests the Court to instruct, the complete text of the section(s) together with appropriate legal authority to support such instruction;
  - The complete text of any special jury instruction, together with appropriate legal authority to support such instruction.
- When applicable, counsel shall file with the Clerk and serve upon opposing counsel proposed verdict forms, and, if applicable, proposed jury interrogatories.

All counsel and all parties shall be present at least one-half hour prior to the time the trial is scheduled to commence.

During direct or cross-examination of a witness, counsel shall remain at the trial table or in a position not to obstruct the view or hearing of the Court or a jury, except when presenting an exhibit to a witness.

The Judge or Magistrate, shall be the official custodian of all exhibits offered during the trial of any case.

After judgment and appeal, or after appeal time has expired without appeal, counsel for each party shall, upon issuing a receipt to the custodian of the exhibits, obtain return of the exhibits introduced into evidence and cause them to be returned to the owner. In cases of doubtful ownership of the exhibits, counsel shall bring the matter before the Court for determination. In any event, the Rules of Superintendence shall apply. (Supreme Court Rule 26).

## **RULE 31 ELECTRONIC TRANSMISSIONS**

### **Local Rule 31.01      Equipment**

There shall be maintained in the Office of the Clerk of this Court an e-mail address for purposes of accepting documents for filing in all cases, as limited by this rule.

### **Local Rule 31.02      Fax and Electronic Filings**

Pleadings or other documents subsequent to the original Complaint or other initiating pleading, not more than ten pages in length or thirty (30) megabytes in size and not requiring a security deposit as addressed herein in Loc.R. 4, may be tendered to the Clerk for filing by means of electronic filing transmission.

**Local Rule 31.03 Acceptance as Original**

An electronic filing transmission will be accepted for filing as the original, and the signature contained thereon will be accepted as the original, in conformity with Rule 5(E) of the Ohio Rules of Civil Procedure, and in conformity with Rule 8(A) of the Ohio Rules of Juvenile Procedure. If a filing is made electronically, the Clerk shall not accept a filing of a separate “hard copy.”

**Local Rule 31.04 Filing**

The Clerk shall immediately notify the attorney if the transmitted document cannot be filed for any reason. All documents submitted will be considered filed when the date has been stamped by the Clerk. The date of filing is not determined by the electronic filing transmission received date stamp, but is determined by the Clerk’s date stamp. If any electronic filing transmission copy is received by the Clerk after 4:00 p.m. on a regular business day or anytime on a weekend or holiday, the electronic filing transmission copy shall be filed on the next regular business day for the Clerk.

**Local Rule 31.05 Filing Additional Copies**

The filing of documents by means of electronic filing transmission shall not relieve any requirements of filing additional copies as required by any applicable rules. All electronic filing transmissions tendered to the Court for filing pursuant to this rule shall conform to the requirements of Rules 10 and 11 of the Ohio Rules of Civil Procedure, or Rule 10 of the Ohio Rules of Juvenile Procedure. All electronic transmissions shall include the following information:

- Name of forwarding attorney;
- Address of forwarding attorney;
- Ohio Supreme Court registration number of attorney;
- Telephone number of attorney;
- Email address of attorney;
- Date and time of electronic filing transmission;
- Number of pages of electronic filing transmission.

**Local Rule 31.06 Fee for Electronic Transmissions**

The Clerk of this Court is expressly herein authorized to charge a fee for this service, both for the transmission itself together with a per page charge, in an amount or amounts as determined by said Clerk. Payment of fees shall be arranged in advance of the sending of the electronic filing transmission.

**Local Rule 31.07      Liability for Transmission Problems**

The risk of electronic filing transmission problems remains with the sender and the Clerk of this Court shall assume no new responsibilities or liabilities.

**Local Rule 31.08      Authority to Strike Filing**

In accordance with Rule 8(A) of the Ohio Rules of Juvenile Procedure, if it should be established that an electronic filing transmission was transmitted without authority, the Court shall order the filing immediately stricken.

**Local Rule 31.09      PDF Filing Requirement**

All electronic filing transmissions shall be in PDF format (portable document format). All electronic filing transmissions shall include the Case Number and Caption in the electronic filing transmission subject line.

**RULE 32  
PUBLIC ACCESS TO COURT PROCEEDINGS**

Juvenile proceedings represent a unique and particularly sensitive juncture in the life of any child. Public exposure and media attention can further complicate both the treatment of youth within the juvenile justice system, and the process of holding them accountable for their actions. This difficulty must be balanced with the inherent right to due process that each citizen possesses, and with the fundamental rights and freedoms of the press in our society. The Ohio Supreme Court has stated that delinquency proceedings are neither presumed to be open to the public nor closed to them. These rules shall attempt to provide a framework around which appropriate closure decisions may be made.

**Local Rule 32.01      Use of Television, Recording or Photographic Equipment**

Requests for permission to broadcast, televise, record, or photograph in the courtroom shall be made in writing to the assigned judge or magistrate as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the judge or magistrate. Requests shall be made in writing.

The judge or magistrate may grant the request in writing consistent with Canon 3(A)(c), Code of Judicial Conduct, Superintendence Rule 11, and this rule. Written permission shall be made a part of the record of the proceeding.

**Local Rule 32.02      Revocation of Permission**

Upon the failure of any media representative to comply with the conditions prescribed by the judge or magistrate, the Rules of Superintendence of the Supreme Court, or this rule, the judge or magistrate may revoke the permission to broadcast, photograph, or record the trial or hearing.

**Local Rule 32.03      Closure Hearings**

Upon the request of any party, or a *Guardian Ad Litem*, or *sua sponte* the judge or magistrate may conduct a closure hearing to determine if cause exists to exclude the public from the proceeding. Any interested person may present testimony or other evidence and argument during

the closure hearing to either support or oppose the closure of the hearing. The judge or magistrate may, at their discretion, limit the length of time each person has to present evidence and argument, or limit the number of persons who may make such presentations.

**Local Rule 32.04 Decisions to Close Hearings**

The judge or magistrate presiding over the closure hearing may order that the public should be excluded from the hearing if all of the following are found:

- That there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the adjudication;
- That the potential for harm outweighs the benefits of public access; and
- That there are no reasonable alternatives to closure. Pursuant to Juvenile Rule 26 Serious Youthful Offender proceedings may not be closed to the public.

**RULE 33  
POSSESSION OF GUNS**

**Local Rule 33.01 Prohibition on Guns in the Courthouse**

No person shall enter the Courthouse facility, located at 205 Putnam Street, Marietta, Ohio, 45750 while carrying a handgun, openly or concealed on the person's body. This rule shall not apply to the Judge or magistrates, to law enforcement officers acting in the scope of their duties, to bailiffs, prosecutors or to unloaded handguns being conveyed into the building for evidentiary purposes.

For the purposes of this rule, 'Courthouse Facility' includes all floors of the Building housing the Washington County Juvenile Court.

Pursuant to Ohio Revised Code §2923.123(C)(6) this rule prohibits persons from carrying a handgun into the Courthouse Facility even if they have a valid concealed carry permit under O.R.C. §§2925.125 and 2925.1213.

**RULE 34  
LANGUAGE INTERPRETERS**

**Local Rule 34.01 Interpreters**

Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with any existing Rules of Superintendence and in accordance with the Court Policy on Use of Interpretive Services.

Prior to serving as an interpreter each person shall be required to read and sign the written Interpreter's Oath.

Any person serving as counsel for any party, as *Guardian Ad Litem* or in any other official capacity on any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no case shall the need for interpretive services be communicated to the Court less than seven days prior to the hearing or trial at which the interpreter will be needed.

## **RULE 35 ATTIRE**

### **Local Rule 35.01 Proper Attire**

All parties and witnesses must wear proper attire when attending any hearing before the Court. All counsel shall wear business attire. For parties and witnesses, the following is a non-exhaustive list of attire that is not appropriate: bare feet, flip-flops, cutoffs, shorts, tank tops, crop tops, halter tops, visible undergarments including boxer shorts and bras, hats or any clothing containing drug/alcohol and tobacco slogans, profanity or racial/ethnic/religious slurs. Clothing that exposes excessive skin within the “privacy zone,” including cleavage, midriff, back, and below the waist, shall not be worn. The display of gang colors and symbols is also strictly prohibited.

### **Local Rule 35.02 Exclusion of Persons**

It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court. The Judge, Magistrate or any employee at their direction, may exclude a person in violation of this rule. The presiding judicial officer shall be final arbiter and failure to comply may result in appropriate sanctions, including continuance, dismissal or a finding of contempt.

## **RULE 36 SUBPOENAS**

### **Local Rule 36.01 Filing and Service of Subpoenas**

Except for good cause shown, neither the Clerk nor the Sheriff shall be required to issue subpoenas, unless requests are filed with the Clerk at least two days prior to the trial date. The form of subpoena shall be in accordance with Juvenile Rule 17(A) and service of the subpoena shall be in accordance with Juvenile Rule 17(C). The issuers of the subpoena shall comply with Juvenile Rule 17(D) and be responsible for attaching to each subpoena the text of Juvenile Rule 17(D) and (E).

## **RULE 37 DELINQUENCY/UNRULY/TRAFFIC AND CRIMINAL RULES**

### **Local Rule 37.01 Applicability of Rule**

These rules supplement existing Rules Governing the Courts of Ohio. In any case where the Criminal Rules of Procedure, Juvenile Rules or Local Rules do not resolve the issue before the Court, the Rules of Civil Procedure are to be consulted. These rules apply in all Delinquency, Unruly, traffic, and Criminal cases filed against juveniles and adults in the Juvenile Court.

**Local Rule 37.02 Speedy Trial**

Because delinquency and unruly proceedings are not criminal proceedings, speedy trial provisions are not applicable to them. This rule shall therefore apply only to criminal cases filed against adults in the Juvenile Court, and to youth charged as Serious Youthful Offenders. Upon the determination that a case must proceed to trial without delay due to compliance with speedy trial statutes and rules, the assigned judge or magistrate, if already in trial, shall request that a visiting judge or another magistrate be assigned to preside.

**Local Rule 37.03 Withdrawal of Counsel**

A withdrawal of representation by counsel after a case is set for trial is to be discouraged. In order to withdraw as counsel of record, counsel must present a motion setting forth the reasons for requesting withdrawal and certifying that a copy was served on the client. The motion and proposed entry shall be presented to the judge or magistrate. The request should be made no later than fifteen days before trial. The Court may decide the matter without a hearing or schedule an oral hearing with an order directing the client to be present if it deems it necessary to hold a hearing.

**Local Rule 37.04 Use of Restraints on Juveniles**

Restraints used on a juvenile shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following:

- The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
- There is a significant risk the child will flee the courtroom.

If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a child if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

**RULE 38  
GRAND JURY PROCEEDINGS****Local Rule 38.01 Serious Youthful Offender**

Grand Jury proceedings enter into the purview of the Court only for the purpose of bringing indictments against youth who are charged as Serious Youthful Offenders. The grand jury shall be presided over as provided in the rules of the General Division of the Washington County Court of Common Pleas.

**Local Rule 38.02 Transcripts**

The Court Reporter or any other transcriber shall not prepare transcripts of testimony of grand jury proceedings except upon order of the judge or magistrate, prosecuting attorney, or Attorney General, such as the case may be.

**RULE 39  
ARRAIGNMENTS**

**Local Rule 39.01 Service of Process by Sheriff**

In all cases involving criminal charges against adults in which the prosecuting attorney has requested service of process to be accomplished by means of a summons, the Sheriff of Washington County, Ohio, shall serve a copy of the judgment entry scheduling the arraignment and the notice of the right to appointed counsel upon the adult defendant at the time of the service of the indictment or complaint and summons.

**Local Rule 39.02 Service of Process by Warrant**

In all cases in which the prosecuting attorney has requested the service of process to be accomplished by means of a warrant, an arraignment shall be immediately scheduled, following the Sheriff's return of the warrant to the Clerk's office and the juvenile or the adult defendant's acquisition of counsel. The Sheriff's Department shall immediately notify the Clerk of Court's office of the arrest.

**Local Rule 39.03 Personal Appearance of Defendant**

Subject to Crim.R. 10(B), all adult Defendants are required to personally appear at the arraignment. All juveniles may submit a written denial.

**Local Rule 39.04 Personal Appearance of Traffic Offenders**

All juvenile traffic offenders shall personally appear with a parent or legal guardian.

**RULE 40  
INFORMAL PROCEEDINGS (DIVERSION)**

**Local Rule 40.01 Informal Case Handling**

As part of the Court's overall effort to conform with Rule 9 of the Ohio Rules of Juvenile Procedure, informal intake conferences may be conducted in lieu of formal actions for certain delinquency and status offense cases. Generally, informal conferences will be available only for first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.

**Local Rule 40.02 Role of Probation Department**

Discretion regarding the availability of an informal conference shall be exercised by the Probation Department. If, after review by the Probation Department, a request for an informal conference has been denied, the matter may still be handled informally if so ordered by the Court.

**RULE 41  
BAIL FORFEITURE**

**Local Rule 41.01 Procedure**

Notice of bail forfeiture shall be sent by the Clerk to the Defendant or the Serious Youthful Offender, and to the surety in a form as may be approved by the Court from time to time. The Defendant or Serious Youthful Offender and surety, on or before the date set forth, shall show good cause why judgment should not be entered against them. The Clerk shall promptly present the affidavit to the judge or magistrate. No oral hearing shall be held unless requested in writing and granted by the judge or magistrate. After judgment is entered against the Defendant or Serious Youthful Offender and surety, no surety shall be released nor shall any penalty be released or remitted, except upon the filing of a written verified application filed with the Clerk in the case in question, setting forth in detail the reasons why a release or reduction should be granted. The Clerk shall bring the application to the attention of the judge or magistrate.

**RULE 42  
INACTIVE CASES**

**Local Rule 42.01 Procedure**

Cases in which further proceedings are not presently possible shall be placed in an inactive file by the Clerk and considered closed for statistical purposes either upon motion of the Prosecuting Attorney or the Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from that list when the Defendant or juvenile is available and proceedings resume or when the case is dismissed. Cases to which this rule is applicable shall include those in which the Defendant or juvenile is not competent to stand trial, is confined in an institution in another state, has not been served, or cannot be found. A list of inactive cases shall be periodically be prepared and presented to the County Prosecutor. The Prosecutor shall file a report with the judge on the status of the inactive cases or shall dismiss those cases.

**RULE 43  
*NOLLE PROSEQUI* PROCEDURE**

**Local Rule 43.01 Procedure**

When the Prosecuting Attorney desires to enter a *nolle prosequi* in any criminal case pursuant to Crim.R. 48(A), or in any juvenile case pursuant to Juvenile Rule 19, a written application shall be filed, setting forth sufficient grounds for the requested relief; otherwise, an oral hearing will be scheduled.

**RULE 44  
MOTIONS**

**Local Rule 44.01 Applicable Rules**

The filing and consideration of motions in a delinquency, unruly, or criminal case is governed in general by Crim.R. 12 and Loc.Juv.R. 7. The filing of motions in a juvenile case is governed generally by Juvenile Rule 19 and Loc. Juv. Rule 7. A party may request a hearing in advance of trial to consider a motion. In the absence of showing good cause, no motions will be considered

on the day of trial. The absence of a witness regarding consideration of a motion will not be cause for continuance of the trial.

**Local Rule 44.02 Filing**

All motions and other written requests filed in criminal, juvenile and traffic cases shall be submitted to the office of the clerk. All motions, briefs and memoranda, pro and contra shall be filed in duplicate, with accompanying judgment entry or order as provided in Loc.R. 7.09.

**Local Rule 44.03 Discovery**

Pursuant to Crim.R. 16 and Juvenile Rule 24, discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it shall be the duty of a party to promptly respond to the request. In any event, discovery should be provided in fourteen days from the date of receipt of the demand. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

**RULE 45  
INDIGENT PARTIES**

**Local Rule 45.01 Procedure for Court Approved Counsel**

The Clerk's Office will refer an indigent child or adult who requests representation to the Public Defender's office. If the Public Defender cannot accept the case due to a conflict then the clerk will assign an attorney, from among the list of attorneys which is on file with the Clerk's Office, to represent said indigent adult or juvenile who is alleged to be delinquent, unruly, a traffic offender or a Serious Youthful Offender, and shall immediately inform the Judge or Magistrate of the appointed attorney.

Before counsel is appointed for an indigent party, that party must file a completed affidavit of indigency with the clerk's office. Qualifying, or determining the eligibility of a party for court assigned counsel is the responsibility of the Public Defender office unless the Court assigns the attorney on a conflict case. Eligibility shall be determined according to the Ohio Public Defender Commission's standards.

Attorneys who wish to be appointed to represent juveniles and indigent adults shall be approved by the Judge. The Judge maintains final authority to approve the attorneys who will be on the list for appointments and the experience and qualifications necessary for appointment. At a minimum attorneys wishing to receive court appointments shall meet the following criteria:

- Licensed to practice law in Ohio
- Good standing with the Ohio Supreme Court;
- Maintain an office in Washington County or has arranged to meet with clients at a law firm located in Washington County.
- Maintain professional liability insurance as required by the Ohio Rules of Professional Conduct.

Appointments shall be distributed as widely as possible among attorneys designed to pair the defendant's level of offense with an attorney who meets the qualifications for assignment as established by the Ohio Public Defender Commission standards.

Not more than one attorney per indigent defendant will be appointed, unless the Court otherwise orders.

Immediately upon selection of an attorney, the Clerk's Office shall notify the judge or magistrate of the suggested appointment, and the judge or magistrate will file the appropriate entry/order appointing the attorney, unless the judge or magistrate decides in good faith that the suggested attorney is not suitable for that particular defendant or that particular case.

Upon appointment, the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.

The attorney must personally represent the party for whom he or she was appointed and shall not, absent an emergency, allow substitute counsel to represent the party.

The attorney shall have a working phone with an administrative assistant and/or voicemail in order to respond timely to calls from the Court or represented party. The attorney shall also have a mailbox in the Courthouse and shall be responsible for checking the mailbox on a regular basis so as to remain informed of scheduling entries and other case related communication unless an alternative or electronic form of communication has been established and approved by the Court.

An attorney shall seek to withdraw from representing a court appointed litigant in a manner consistent with the Ohio Rules of Professional Conduct.

Attorneys approved for court assignments shall be reviewed at a minimum of every two years.

An attorney may be removed from the list for court appointment assignments for good cause, including but not limited to the following reasons:

- Failure to maintain licensure to practice law in the state of Ohio and to remain in good standing with the Supreme Court of Ohio.
- Failure to meet the criteria as established in Rule 45.01(B).
- Routine failure to respond timely to the Clerk's Office when attempting to assign cases or repeated refusal to accept assignment of cases without a valid reason, such as a conflicting interest.
- Routine failure to respond to a judge or magistrate's staff when attempting to schedule hearings.
- Routine failure to attend scheduled court hearings or to arrive timely.

- Routine failure to adequately prepare for court hearings.
- Routine failure to maintain appropriate contact with clients.
- Routine failure to timely submit the Motion, Entry, and Certification for Court Appointed Counsel Fees.

**Local Rule 45.02 Prohibition against Outside Compensation**

No attorney who received compensation or has been promised compensation from any source shall be appointed to represent that indigent party.

**Local Rule 45.03 Compensation per Fee Schedule**

Any attorney appointed to provide legal representation for an indigent party shall be compensated according to a schedule approved by the County Commissioners. Counsel shall maintain itemized time records for each appointed case showing the date of service, nature of services rendered, and hours worked. Counsel’s itemized time records shall be provided to the Court upon request.

**Local Rule 45.04 Expense Reimbursement**

An attorney shall be reimbursed for expenses in accordance with the Rules set forth by the Ohio Public Defenders Office. No allowance will be approved for fixed office overhead, daily copies of transcripts, or depositions, except as provided by law. All expenses must be documented with receipts.

**Local Rule 45.05 Extraordinary Fees**

An attorney's fees in excess of those set forth in Rule 45.03 may be granted by the Judge in Complex Cases or in other extraordinary circumstances.

“Complex Case” is a case designated by the Judge as a Complex Case because it involves multiple counts dealing with multiple separate incidents and the case involves an extraordinary amount of trial preparation, or trial time.

**Local Rule 45.06 Billing Forms**

Requests for compensation shall be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement shall meet the time guidelines established by the Ohio Public Defender Commission. An attorney may be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements.

**RULE 46  
STANDARDS OF PRACTICE FOR REPRESENTATION OF JUVENILES IN  
DELINQUENCY PROCEEDINGS**

**Local Rule 46.01 Applicable Standards**

The Court adopts the Ohio Public Defender’s Standards of Practice for Attorneys Representing Juveniles in delinquency cases, all as reprinted herein. This rule is adopted to provide a high

standard for representation by attorneys representing juveniles in delinquency cases in this Court. This rule shall be applied and interpreted to achieve that goal consistent with all applicable statutes and rules promulgated by the Supreme Court of Ohio and this Court.

## **RULE 47 NEGOTIATIONS**

### **Local Rule 47.01     Placing Agreements on Record**

For the purposes of securing absolute and unequivocal accuracy in the matter of the terms of negotiations conducted in adult criminal cases, delinquency and unruly cases, and matters in which the juvenile is alleged to be a Serious Youthful Offender, all matters agreed upon in negotiations shall be stated on the record at the time of any plea, admission or adjudication, including any matters, such as the lack of restitution, that have been agreed to be absent in any case.

### **Local Rule 47.02     Failure to Comply**

Failure to comply with Loc. Juv. R. 47.01 may result in the Court's refusal to proceed with any Guilty Plea Hearing or Adjudicatory Hearing.

## **RULE 48 DISCLOSURE OF PRE-DISPOSITIONAL/SENTENCE REPORTS**

### **Local Rule 48.01     Pre-Dispositional/Sentence Investigation Reports**

The judge and magistrates may allow the Probation Department adequate time between the acceptance of an admission or plea and the date set for disposition or sentencing in which to prepare a Pre-Dispositional Investigation Report.

The Probation Officer who prepares the Report shall have it completed no later than two court days prior to disposition or sentencing. When the Report is completed, it shall be provided, either in its entirety, or in summary form to the judge or magistrate and made available by the judge or magistrate, upon request, for review by the attorney for the Defendant or Juvenile (or by the Defendant or juvenile if not represented by an attorney) and the Prosecutor and/or the Assistant Prosecutor.

### **Local Rule 48.02     Non-Disclosure of Report**

If the judge or magistrate believes that any information in the Report should not be disclosed pursuant to Juvenile Rule 32(C), the judge or magistrate, in lieu of making the report or any part of the report available, shall state orally or in writing the reasons why the report or portion of the report is not being made available. In the case of adult Defendants and juveniles who are alleged to be Serious Youthful Offenders, if any portion of the Report is not made available, the judge or magistrate shall orally summarize the contents of that portion on the record and then allow the attorney for the adult Defendant or juvenile to rebut or comment on that portion of the Report.

**RULE 49**  
**POST CONVICTION PETITIONS**

**Local Rule 49.01 Filing**

Post-conviction petitions for a determination of a prisoner's Constitutional rights shall be filed and docketed by the Clerk in the original case in which the adult defendant or Serious Youthful Offender was sentenced. Upon the filing of a petition the Clerk shall issue written notice to the Prosecuting Attorney.

**Local Rule 49.02 Delivery to Judge**

When a waiver or the return of the notice is filed, the Clerk shall deliver all the papers in the case to the judge or magistrate who originally handled the case. If the judge or magistrate who originally handled the case is no longer a member of the Court, the case shall be assigned to the sitting judge.

**Local Rule 49.03 Time Requirement**

The Clerk shall deliver the post-conviction petition to the judge or magistrate one day after it has been filed.

**RULE 50**  
**SERIOUS YOUTHFUL OFFENDER PROCEEDINGS**

**Local Rule 50.01 Purpose**

Effective January 1, 2002, certain juvenile offenders are eligible to have a blended sentence imposed upon them. These offenders are referred to as Serious Youthful Offenders throughout the Ohio Revised Code, and throughout these rules. O.R.C. §2152.13 governs the imposition of such a sentence. Neither the Ohio Revised Code, nor the Juvenile Rules provide much in the way of guidance, however, as to the procedure to be used in processing these cases. These rules shall serve as that guide.

**Local Rule 50.02 Complaint and Indictment**

Pursuant to O.R.C. §2152.13, the Prosecuting Attorney may initiate a Serious Youthful Offender proceeding by alleging that the child is a Serious Youthful Offender, by filing a notice of intention to seek a Serious Youthful Offender disposition, or by seeking an Indictment from a duly impaneled Grand Jury. Regardless of the nature of the initiating document, the juvenile has a right to a determination of probable cause by a Grand Jury. Once an indictment is returned, it shall be transferred from the General Division of this Court to the Juvenile Division, pursuant to O.R.C. §2152.03, via motion prepared and filed by the Prosecutor's Office.

**Local Rule 50.03 Prep and Service of Summons**

Upon receipt of an Indictment from the Clerk of the General Division, the Clerk of this Court shall prepare an appropriate summons ordering that the juvenile and his or her parent or guardian appear in Court for the purposes of an arraignment on the charge. The notice shall include a copy of the Indictment and the Prosecutor's Notice of Intention to Seek a Serious Youthful Offender Disposition, if one has been filed. The Sheriff of Washington County, Ohio, shall serve a copy of the judgment entry or order scheduling the arraignment and the notice of the right to appointed

counsel upon the juvenile or the adult defendant at the time of the service of the indictment or complaint and summons.

**Local Rule 50.04 Appointment of Public Defender**

If an application for a public defender is made by a juvenile against whom a Serious Youthful Offender disposition is sought, and the juvenile is eligible for such representation, a public defender who is on the General Division's felony public defender list shall be appointed to represent the juvenile.

**Local Rule 50.05 Written Plea**

In any case where a juvenile, through negotiation, wishes to plead guilty to a charge seeking a Serious Youthful Offender disposition, all negotiations shall comply with Criminal Rule 11(F), and shall be presented to the judge or magistrate in written form, signed by the juvenile, the attorney for the juvenile and the representative of the Prosecutor's Office.

**Local Rule 50.06 Presentence Investigation**

Following a plea, or a conviction at trial, of a juvenile against whom a Serious Youthful Offender disposition is sought, a presentence investigation shall be conducted either by a representative of the Court or by a representative of the Ohio Adult Parole Authority. A copy of the presentence investigation report shall be made available subject to the rules and conditions set forth in Loc. Juv. R. 48 of these Local Rules.

**RULE 51  
COURT RECORDS MANAGEMENT AND RETENTION**

**Local Rule 51.01 Applicability**

This rule and Loc. Juv. R. 52 to 53 are intended to provide minimum standards for the production, maintenance, preservation, and destruction of records within the court and to authorize alternative electronic methods and techniques. Implementation of this rule and Loc. Juv. R. 52 to 53 is a judicial governmental function.

This rule and Loc. Juv. R. 52 to 53 shall be interpreted to allow for technological enhancements that improve the efficiency of the court and simplify the production, maintenance, preservation, and destruction of court records.

**Local Rule 51.02 Definitions**

As used in this rule and in Loc. Juv. R. 52 to 53:

- "Administrative record" means a record not related to cases of a court that documents the administrative, fiscal, personnel, or management functions of the court.
- "Case file" means the compendium of original documents filed in an action or proceeding in a court, including the pleadings, motions, orders, and judgments of the court on a case by case basis.
- "Index" means a reference record used to locate journal, docket, and case file records.

- "Journal" means a verbatim record of every order or judgment of a court.
- "OHS" means the Ohio Historical Society, State Archives Division.
- "Record" means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of a court that serves to document the organization, functions, policies, decisions, operations, or other activities of the court.

**Local Rule 51.03 Combined records**

Notwithstanding any other provisions of the law, a court may combine indexes, dockets, journals, and case files provided that the combination contains the component of indexes, dockets, journals, and case files as defined in this rule and Loc. Juv. R. 52 to 53. A court may replace any paper bound books with an electronic medium or microfilm in accordance with this rule.

**Local Rule 51.04 Allowable record media**

A court may create, maintain, receive, record, copy, or preserve a record on traditional paper media, electronic media, including digital images, or microfilm, including computer output to microfilm.

A court may create, maintain, receive, record, copy, or preserve a record using any nationally accepted records and information management process, including photography, microfilm, and electronic data processing, as an alternative to paper. The process may be used in regard to the original or a copy of a record if the process produces an accurate record or copy and the process complies with the American National Standards Institute (ANSI) standards and guideline, or, in the event that ANSI standards cease to exist, other nationally accepted records and information management process standards.

If the court creates, maintains, receives, records, copies, or preserves a record using a records and information management process in accordance with this rule and the record is required to be retained in accordance with the schedules set forth in Loc. Juv. R. 52 to 53, the court shall cause a back-up copy of the record to be made at periodic and reasonable times to insure the security and continued availability of the information. If Loc. Juv. R. 52 to 53 requires the record to be retained permanently, the back-up copy shall be stored in a different building than the record it secures.

Records shall be maintained in conveniently accessible and secure facilities, and provisions shall be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by an alternative records and information management process in accordance with division 51.04(2) of this rule shall be provided.

In accordance with applicable law and purchasing requirements, a court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by division 51.04(2) of this rule.

Paper media may be destroyed after it is converted to other approved media in accordance with this rule.

**Local Rule 51.05      Destruction of records**

Subject to the notification and transfer requirements of this rule, a record and any back-up copy of a record produced in accordance with division 51.04 of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Loc. Juv. R. 52 to 53.

If Loc. Juv. R. 52 to 53 sets forth a retention period greater than ten years for a record, or if a record was created prior to 1960, the court shall notify the OHS in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record.

After submitting a written notice in accordance with this rule, the court shall, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.

**Local Rule 51.06      Exhibits, depositions, and transcripts**

At the conclusion of litigation, including time for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:

- The court notifies the party that tendered exhibits, depositions, or transcripts that they will be destroyed within sixty days from the date of the written notification;
- The written notification required by this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;
- The written notification required by this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts;
- The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required by this rule.

**Local Rule 51.07      Extension of retention period for individual case files**

A court may order the retention period for an individual case file extended beyond the period specified in Loc. Juv. R. 52 to 53.

**RULE 52**  
**RETENTION SCHEDULE FOR ADMINISTRATIVE RECORDS**

The following retention schedule shall apply for the administrative records of the courts:

**Local Rule 52.01     Administrative journal**

Administrative journals that consist of court entries, or a record of court entries, regarding policies and issues not related to cases shall be retained permanently.

**Local Rule 52.02     Annual reports**

Two copies of each annual report shall be retained permanently.

**Local Rule 52.03     Bank records**

Bank transaction records, whether paper or electronic, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.04     Cash books**

Cash books, including expense and receipt ledgers, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.05     Communication record**

Communication records, including routine telephone messages on any medium where official action will be recorded elsewhere, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

**Local Rule 52.06     Correspondence and general office records**

Correspondence and general office records, including all sent and received correspondence, in any medium, may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

**Local Rule 52.07     Drafts and informal notes**

Drafts and informal notes consisting of transitory information used to prepare the official record in any other form may be destroyed in the normal course of business as soon as they are considered to be of no value by the person holding the records.

**Local Rule 52.08     Employment applications**

Employment applications for posted or advertised positions shall be retained for two years.

**Local Rule 52.09     Employee benefit and leave records**

Employee benefits and leave records, including court office copies of life and medical insurance records, shall be retained by the appropriate fiscal officer for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.10     Employee history and discipline records**

Records concerning the hiring, promotion, evaluation, attendance, medical issues, discipline,

termination, and retirement of court employees shall be retained for ten years after termination of employment.

**Local Rule 52.11 Fiscal records**

Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency, shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.12 Grant records**

Records of grants made or received by a court shall be retained for three years after expiration of the grant.

**Local Rule 52.13 Payroll records**

Payroll records of personnel time and copies of payroll records maintained by another office or agency shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.14 Publications received**

Publications received by a court may be destroyed in the normal course of business as soon as they are considered of no value by the person holding the publications.

**Local Rule 52.15 Receipt records**

Receipt and balancing records shall be retained for three years or until the issuance of an audit report by the Auditor of State, whichever is later.

**Local Rule 52.16 Requests for proposals, bids, and resulting contracts**

Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal shall be retained for three years after the expiration of the contract that is awarded pursuant to the request for proposal.

**RULE 53**

**RETENTION SCHEDULE FOR THE JUDICIAL RECORDS OF THE COURT**

**Local Rule 53.01 Definitions**

As used in sections 53.02 to 53.06, "division" means the Juvenile Division of the Court of Common Pleas of Washington County, Ohio.

As used in sections 53.02 to 53.06, "docket" means the record where the clerk of the division enters all of the information historically included in the appearance docket, the trial docket, the journal, and the execution docket.

**Local Rule 53.02 Required records**

The division shall maintain an index, docket, journal, and case files in accordance with Loc. Juv. R. 51.02, 53.01, and this section of Loc. Juv. R. 53.

Upon the filing of any paper or electronic entry permitted by the division, a filing stamp shall be placed on the paper or electronic entry to indicate the day, month, and year of filing.

**Local Rule 53.03      Content of docket**

The docket of the division shall be programmed to allow retrieval of orders and judgments of the division in a chronological as well as a case specific manner. Entries in the docket shall be made as events occur, shall index directly and in reverse the names of all parties to cases in the division, and shall include:

- Names and addresses of the parties in full;
- Names, addresses, and Supreme Court attorney registration numbers of all counsel;
- The issuance of documents for service upon a party and the return of service or lack of return;
- A brief description of all records and orders filed in the proceeding, the time and date failed, and a cross reference to other records as appropriate;
- A schedule for court proceedings for the division and its officers to use for case management;
- All actions taken by the division to enforce orders or judgments; and
- Any information necessary to document the activity of the clerk of the division regarding the case.

**Local Rule 53.04      Retention schedule for the index, docket, and journal**

The index, docket, and journal of the division shall be retained permanently.

**Local Rule 53.05      Judge, magistrate, and clerk notes, drafts, and research**

Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

**Local Rule 53.06      Retention schedule for case files**

Search warrant records shall be indexed and the warrant and returns retained in their original form for five years after the date of service or last service attempt.

Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency, and URESA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or for two years after the child who is the subject of the motion obtains the age of majority, whichever is later.

Delinquency and adult records shall be retained for two years after the final order of this Court or for one year after the issuance of an audit report by the Auditor of State, whichever is later. This rule applies regardless of the disposition of the case. Matters that are expunged or sealed shall be kept in their separate and appropriate sealed files but shall be otherwise retained in accordance with this rule.

Traffic, unruly and marriage consent records shall be retained for two years after the final order of this Court or one year after the issuance of an audit report by the Auditor of State, whichever is later.