

RULES OF COURT

**ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION**

Judge Karen DeSanto Kellogg

Proposed Effective Date: September 1, 2026

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RULE 1 : HOURS OF THE COURT

The regular business hours of the court shall be Monday through Friday, from 8:00 A.M. until 4:00 P.M., and as needed to meet special situations. The Court shall be closed on Saturdays, Sundays and all legal holidays as set by the Ashland County Commissioners.

RULE 2 : INTERPRETATION, APPLICATION and CITATION

- 2.01 INTERPRETATION AND APPLICATION:** Unless otherwise provided under these Rules, all documents filed with the Court shall comply, in form and content, with these Rules of Court, the Ohio Rules of Civil Procedure, the Rules of Superintendence of Courts of Common Pleas, the Ohio Rules of Juvenile Procedure and Ohio law. If there is a conflict between these Rules and any rule adopted by the Ohio Supreme Court, the rule adopted by the Ohio Supreme Court shall control. Regardless of any reference to a statute of the State of Ohio in these Rules, all documents filed with the Court shall comply with the existing Ohio law.
- 2.02 CITATION:** These Rules shall be known as the “Local Rules of Practice in the Ashland County Court of Common Pleas, Juvenile Division.” These rules may be cited as “Loc. Juv. R. ____.”
- 2.03 EFFECTIVE DATE:** These rules shall be effective on the date they are journalized by the Court.

~~RULE 3: RESERVED STAFF ASSIGNMENTS RELATING TO LOCAL RULES~~

~~————— In addition to specific duties set forth in any applicable job description maintained by the Court for a position, the following positions shall have specific authority relevant to these rules, as follows:~~

~~**A. COURT ADMINISTRATOR:** The Court Administrator shall function as the Chief Deputy Clerk of the Court and Assignment Commissioner.~~

~~**B. MAGISTRATES:** Magistrates may hear and decide any matter before the Court, unless precluded by law. The Magistrate shall have all powers set forth in Juvenile Rule 40 and Criminal Rule 19, and any other applicable provision of the Ohio Revised Code or any state court rules. A Magistrate shall also maintain the Court Appointed Counsel List and the Guardian Ad Litem List, and have the responsibilities set forth in Sup. R. 46(G).~~

~~C. — **PROBATION OFFICERS:** In addition to the duties set forth in R.C. 2151.14, Juvenile Probation Officers shall be responsible for the administration of the Diversion Program and any other program assigned by the Judge.~~

~~D. — **DEPUTY CLERKS:** Deputy Clerks appointed by the Court shall be responsible for the administration of the records of the Court, as directed by the Court Administrator, Judge or Magistrate, and as provided for in these rules. If required by the Judge, a deputy clerk shall provide a bond before entering into performance of his or her duties.~~

~~E. — **BAILIFF:** The Court's bailiffs shall be responsible for the electronic recording of all proceedings conducted in the Courtrooms, retention of exhibits, and implementation of security for the Court.~~

RULE 4: COSTS

4.01 SCHEDULE: The Court shall maintain a schedule of costs and filing fees. **A copy of the Court's current schedule shall be published on the Court's website and shall be posted in the Clerk's Office.**

4.02 FILING FEE DEPOSITS FEES:

A. Payment: A filing fee deposit is required to be paid by the filing party in all new or re-activated **cases actions** filed in this Court, except delinquent, unruly, traffic, tobacco offense, dependent, neglect, abuse, adult criminal actions and actions filed by the Ashland County Child Support Enforcement Agency. The filing fee deposit shall be paid at the time the pleadings are filed, unless **a Waiver request is submitted with the pleadings pursuant to Rule 4.02(C)** ~~the filing fee is waived under Division (A)(3) of this rule.~~ The Court may refuse to file a party's pleadings if a filing fee **deposit** in the proper amount is not tendered with the pleadings.

B. Additional Deposits for Costs:

(1) **Additional Deposits for Subpoenaes:** All praecipes for personal or residence service of a subpoena shall be accompanied by an additional deposit of \$35.00 per subpoena, unless the filing party has previously been found indigent for purposes of payment of filing fee deposits. This deposit is for the process server costs and does not excuse the filing party from tendering witness fees or mileage as required by law.

(2) The court, in its discretion, may require additional deposits toward court costs.

C. **Waiver of Filing Fee Deposit Court Costs-Based on Indigency:** The Court will accept any pleadings filed without a filing fee **deposit**, if a Request for Waiver of Filing Fee Deposit and Financial Disclosure Form (OPD-1027R) are submitted with the pleadings. **The Request for Waiver of Filing Fee Deposit and Financial Disclosure forms are contained in the Appendix of these rules.** Those documents are **also** available on the Court's web page, ~~on the filing fee page~~. Upon review of the Waiver and Financial Disclosure Form, the Court may determine the filing party is not indigent and may require payment of **all or a portion of** the filing fee **deposit** ~~under Division (A)(1) above~~. **The grant of a Waiver of payment of the filing fee deposit** ~~filing of a Financial Disclosure Form~~ does not relieve a party from liability for court costs upon conclusion of the case. Nothing herein shall be construed to prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

4.03 **ORDER FOR COSTS:** All final judgment entries shall contain a provision for the payment of costs. The Court's clerks shall apply the deposit for costs in the case, regardless of the party against whom the costs are ordered. The clerk shall thereafter assess court costs against the party **or parties** specified by order ~~and the court cost depositor shall be reimbursed upon receipt of costs from the other party.~~

4.04 **COPYING COSTS:** Copying costs shall be paid at the time that the copies are furnished to the requestor.

4.05 **TRANSCRIPT COSTS:**

A. **Non-Indigent Parties:** Upon the filing of a written request for a transcript, **the Court will appoint** a court reporter and ~~selected by the Court shall provide~~ a written estimate of the cost of a transcript to the party making the **transcript** request. Thereafter, within fourteen (14) days of the date of the written estimate, the party who requested the transcript shall deposit the cost of the transcript with the Court. ~~unless that party is not required to make a deposit or pay the cost of the transcript.~~ **Upon payment of the deposit, the Clerk shall transmit the electronic recording to the appointed court reporter for transcription. The appointed court reporter shall file the transcript with the Court within thirty (30) days of transmission by the Clerk, or such other time allowed by the Court on application of the court reporter.** ~~The court reporter shall prepare the transcript when the deposit has been made, or following the request if no deposit is required.~~ Failure to pay the deposit for a transcript in a timely fashion shall be considered a withdrawal of the request for transcript.

B. **Indigent Parties:** Upon the filing of a written request for transcript, the Court will appoint a court reporter and thereafter, the Clerk shall immediately transmit the electronic recording to the appointed court reporter for transcription. The appointed court reporter shall file the transcript with the Court within thirty (30) days of

transmission by the Clerk, or such other time allowed by the Court on application of the court reporter.

RULE 5: COURT RECORDS

5.01 INSPECTION: The inspection of court records shall be governed by law and shall be available during regular business hours.

5.02 INSPECTION RESTRICTED: No person, other than necessary court staff or as permitted by law, court rule or the Court, shall be permitted to inspect any of the following:

- ~~1. Court records regarding delinquent, unruly, abused, neglected and dependent children;~~
 - A. A document or information in a document exempt from disclosure under state, federal, or the common law;
 - B. Personal identifiers, as defined in division (H) of this rule;
 - C. A document or information in a document to which public access has been restricted by Court order;
- ~~2. Except as relevant to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history;~~
 - D. Notes, drafts, recommendations, advice, and research of judicial officers and court staff;
 - E. Forms containing personal identifiers, as defined in division (H) of this rule, submitted or filed pursuant to division (D)(2) of Sup. R. 45;
 - F. Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;
 - G. Health, psychological health, psychiatric health, mental health, and counseling documents;
 - H. Drug and alcohol use assessments and pre-disposition treatment facility reports;

- I. Guardian *Ad Litem* and CASA reports, including collateral source documents attached to or filed with the reports;
- J. Home investigation reports, including collateral source documents attached to or filed with the reports;
- K. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
- L. Domestic violence risk assessments;
- M. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
- N. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
- O. Asset appraisals and evaluations;
- P. Probation Department records;
- Q. Victim Impact Statements;
- R. Abuse, neglect, dependent, and law enforcement investigatory records;
- S. Parental Notification Abortion proceedings;
- T. Fingerprints and photographs of child arrested or taken into custody; or
- U. *In Camera* interviews of a child;
- V. Sealed and expunged records; and
- W. Mediation Records which are not contained in the Court's case file.

5.03 REDACTION OF CONFIDENTIAL VICTIM INFORMATION FROM PUBLIC RECORDS REQUESTS UNDER MARSY'S LAW: Any victim or victim's representative seeking redaction of personal identifying information from case documents in this Court shall file a motion (under seal) on the Court's standard form contained in the Appendix. If the Ashland County Prosecutor learns from an Ohio Victim's Rights Request Form that a victim is seeking redaction of information from case documents, the Prosecutor may refer the victim to the Court's website to obtain the

form. In the absence of the filing of that form, the Clerks shall not be under any obligation to redact the personal identifying information of any victim.

~~**B. CHILD SUPPORT SUB-FILE:** A separate child support sub-file shall be established upon disposition in any delinquent, unruly, abuse, neglect or dependency case in which the Court enters a child support order. The first pleading in that file shall be a copy of the dispositional order establishing/modifying/redirecting child support. Thereafter, any pleadings relating to child support shall be placed in that sub-file. If a pleading relates to child support and another matter, then a copy of the pleading shall be placed in the child support sub-file and the original shall be maintained in the main file. The sub-file shall be labeled with the name of the child and the child's I.D. No. The file label shall also state "CS sub-file." The main file shall be marked "See CS sub-file" when a CS sub-file is established, so that court staff knows of the existence of a CS sub-file.~~

RULE 6: GENERAL COURTROOM PROCEDURES

- 6.01 ACCESS:** All courtroom proceedings shall be open to the public, unless the court has issued a closure order.
- 6.02 CONDUCT IN COURT:** Proper decorum in the court is necessary for the administration of the court's business. Chewing gum/tobacco, food, and beverages (with the exception of water in a closed container) are prohibited in the courtroom. Children who are not cited to appear before the Court are not permitted in the Courtroom without consent of the Judge or Magistrate. Children in the lobby must be supervised by an adult at all times. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.
- 6.03 SEARCHES:** Any person entering the Juvenile Court area is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom until the Court has inspected such bag, case or parcel, if Court personnel request the opportunity to conduct such an inspection.
- 6.04 WEAPONS:** No person, with the exception of court security staff, law enforcement officers, and prosecutors, who are on duty and performing their assigned responsibilities, may enter or remain in the Courthouse while in the possession of a deadly weapon. This prohibition applies even if the person has a valid concealed carry permit. Knives, tasers, pepper spray, or any other item deemed to be a potential threat to persons by court security staff, may not be brought into the Courtroom.
- 6.05 DRESS CODE:** All attorneys, **observers**, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal

legal proceedings. No individual shall appear in the courtroom **or in a video conference hearing**, dressed inappropriately, as determined by the Court. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court. **The Court may deny entrance or participation in Court proceedings to any individual whose manner of dress is inconsistent with this rule.**

6.06 EXHIBITS:

- A. Marking Exhibits:** All exhibits shall be marked in advance of any hearing, unless doing so is not possible. **The Plaintiff shall use numbers and the Defendant shall use letters.** In addition to marking the exhibit with a number or letter, counsel **also** shall mark the exhibit sticker with the date of the hearing and the Case Number.
- B. Exchange of Exhibits:** No later than the start of any hearing or trial, the parties shall exchange copies of all exhibits, and shall inform the Court as to which exhibits will be admitted by stipulation and which exhibits will be contested.
- C. Exhibits for Video Conference Hearings:** If the hearing is conducted by video conference, counsel or an unrepresented party shall **submit upload** the proposed exhibits to **the Court Sharefile** in advance of the hearing, if they can be put in digital format. **If the Court has not provided a link for the upload, the party or counsel shall request a link in advance of the hearing. Additionally,** During the hearing, counsel or an unrepresented party shall be prepared to use any digital exhibits **contained in Sharefile** during the hearing via desktop share. **The Sharefile version of the exhibit must be used during the hearing to assure authenticity of the exhibit, because that is the version that will be admitted by the Court.** If an exhibit cannot be put in digital format and the hearing is by video conference, counsel shall notify the Court in advance so that the method of use of the exhibit can be discussed and resolved prior to the hearing.

6.07 ELECTRONIC DEVICES: ~~No electronic device, including but not limited to a voice recording device (other than the Court's equipment), video or photography equipment, cellular telephones, pagers, beepers or other devices which could disrupt the Court's proceedings, shall be permitted in the Courtroom without approval of the Court. If the owner is permitted to retain such a device during a Court hearing, the device shall remain off, unless otherwise permitted by the Court.~~

- A.** ~~All persons shall turn off their cell phones or place them in "airplane" mode before entering the Courtrooms. The cell phone shall remain off or in "airplane" mode unless the person is granted permission to use the device in the Courtroom by the Judge or Magistrate.~~
- B.** ~~No person shall make any audio or video recording of any proceedings in the Courtroom without the express permission of the Judge or Magistrate.~~

- C. Parties and their attorneys may bring computers or tablets into the Courtroom without permission of the Court. However, those devices shall only be used for case-related purposes in the Courtroom. This includes, but is not limited to, accessing digital evidence, documents and work product in the Courtroom, and conducting legal research. Those devices shall not be used for recording the proceedings, communicating with persons outside of the Courtroom, or “surfing” the internet in the Courtroom.
- D. The Court may, upon request, permit a party or an attorney to use the Court’s public Wi-Fi for internet connection. However, if permitted, that connection shall not be used for any purpose which is not related to court matters.

6.08 MEDIA: Requests by the media to attend Court proceedings shall be made in writing, unless sufficient notice is not permitted for a written request, in which case an oral request may be made. The Court will consider such requests on a case-by-case basis.

RULE 7: REQUIREMENTS FOR COUNSEL OF RECORD

- 7.01 REGISTRATION:** All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.
- 7.02 OUT-OF-STATE ATTORNEYS:** Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court, unless first granted leave to do so by the Court.
- 7.03 WRITTEN APPEARANCE OF COUNSEL:** Any attorney retained in any case in this Court shall enter a written appearance in the case as counsel of record, within three (3) days of accepting the representation. An attorney who is retained less than three (3) days prior to a scheduled hearing shall promptly enter a written appearance in the case. No attorney shall appear at a hearing, on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, unless otherwise authorized by the Court.
- 7.04 WITHDRAWAL OF COUNSEL:** Any attorney seeking to withdraw as counsel of record from a case, without concurrent substitution of counsel, shall file a written motion and submit a proposed Judgment Entry to the Court. The Motion shall state with particularity the reason(s) for the requested withdrawal of counsel, **information about all upcoming court hearings (including date, time and location)**, and shall include the address and telephone number where the client may be personally contacted by the Court. The motion shall be served on the client by the attorney requesting to withdraw **and a certificate of service attached to the motion shall confirm the date and manner of service on the client.**

The Court may permit withdrawal of counsel at hearing, without a written motion, for good cause shown.

7.05 APPOINTED COUNSEL:

- A. Application for Court-Appointed Counsel:** Any party claiming to be indigent and desiring court-appointed counsel shall complete a Financial Disclosure Form OPD-1027R and thereafter, the Court shall approve or deny the request. **If the party is a minor, the Court may require the child's parent(s) to complete additional documentation for recoupment purposes.** The Court reserves jurisdiction to order the party to pay the legal fees of court-appointed counsel, if it is later discovered that the party was not eligible for appointed counsel.
- B. Scope of Representation:** Court-appointed counsel shall not take any legal action on behalf of their client which is beyond the scope of the Court's original appointment, without first seeking Court approval for such additional representation.
- C. Court Appointed Counsel List:** The Court shall maintain a list of qualified attorneys willing to serve as court-appointed counsel. Any attorney may seek to be added to that list by filing an Application for Appointed Counsel List (see Form 6.00 in Appendix). The Court shall assure an equitable distribution of appointments, while considering the skill and expertise of each attorney on the list, in conjunction with the seriousness and complexity of the cases for which court-appointed counsel is needed. When making appointments, the Court will comply with the considerations in Sup. R. 8(D). The Court will review its process for appointment of counsel once per year and maintain records of the appointment of counsel.
- D. Fees and Expenses:** Court-appointed counsel shall submit applications for payment of fees and expenses on the forms required by the Office of Ohio Public Defender. The applications must be filed **in a timely manner within thirty (30) days of the final Judgment Entry in the case.** Failure to timely file an application for payment may result in non-payment.
- E. Reimbursement for Transcripts and Experts:** Appointed counsel shall submit requests for reimbursement of transcripts and experts through separate motion. See OAC 120-1-17. Those items cannot be included on the application for payment of fees and expenses.
- F. Application Fee for Court-Appointed counsel:** Unless otherwise waived by the Court, the applicant for court-appointed counsel shall pay the application fee specified by the Ohio Public Defender's Office.

- 7.06 FILING OF PLEADINGS BY PERSONS REPRESENTED BY COUNSEL:** The Court will not accept any pleadings from represented persons which are not signed by counsel of record for that party. This Rule DOES NOT APPLY to the filing of Semi-Annual Administrative Reviews, “Foster or Kinship Caregiver Forms” or change of contact information forms filed by the Ashland County Department of Job and Family Services.

RULE 8: GUARDIAN *AD LITEMS* and CASA

- 8.01 GUARDIANS *AD LITEM* APPOINTMENT LIST:** The Court shall maintain a list of qualified attorneys willing to serve as court-appointed Guardian *Ad Litem*. Any attorney may seek to be added to that list by filing an Application for Guardian *Ad Litem* List (see Form 7.00 in Appendix).
- 8.02 APPOINTMENT IN CIVIL CUSTODY/PARENTING TIME CASES: POLICY OF THE COURT:**
- A. Appointment on the Court’s Motion:** The Court may appoint a Guardian *Ad Litem* upon its own motion **at any time** ~~or upon the motion of either party~~. The Court will prepare the Judgment Entry/Magistrate's Order **when it** ~~to~~ appoints on its own motion.
 - B. Appointment on Motion of a Party:** If a party desires **appointment of** a Guardian *Ad Litem*, the party must file a motion requesting appointment. **Any such motion must be filed within ninety (90) days of the filing of the case.** Any motion for appointment of a Guardian *Ad Litem* **or CASA** shall be accompanied by a proposed Judgment Entry/Magistrate's Order. The Judgment Entry/Magistrate's Order shall substantially comport with Form 5.00 contained in the Appendix to these Rules.
 - C. Selection and Duties:** The Court will select and appoint a qualified individual to serve as Guardian *Ad Litem*. ~~All~~ **Any** appointed Guardian *Ad Litem* shall comply with the provisions of Sup. R. 48 through 48.07.
- 8.03 NOTICES TO GUARDIAN *AD LITEM*/CASA:** Upon appointment, counsel for both parties and the Court shall notify the Guardian *Ad Litem* **and CASA** of all proceedings. It shall be the responsibility of ~~counsel~~ **the filing party** to serve the Guardian *Ad Litem* **and CASA** with copies of all pleadings filed after the appointment. Any additional expense incurred by the Guardian *Ad Litem* **or CASA** due to counsel's failure to notify, including the cost of transcripts, may be charged to the party responsible for the failure.

8.04 PAYMENT OF FEES:

- A. **Private Cases:** The Guardian *Ad Litem*'s fees shall be deposited, billed and paid in accordance with the Judgment Entry/Magistrate's Order Appointing the Guardian *Ad Litem* and Rule 48.02 (Divisions (H) and (I)) of the Ohio Rules of Superintendence for Courts. Failure to make any required deposit for Guardian *Ad Litem* fees could result in discharge of the Guardian *Ad Litem*.
- B. ~~Dependent/Neglect/Abuse~~ **Juvenile Cases Initiated by the Government:** Attorney Guardian *Ad Litem*s in cases initiated by the government shall be paid at the rate set by the County Commissioners and the Ohio Public Defender. The Guardian *Ad Litem* shall submit a fee bill for services in a timely fashion. Failure to submit a bill in a timely manner may result in non-payment of the fees. ~~rendered with thirty (30) days of the dispositional hearing or any review hearing in a case.~~

8.05 REPORTS OF GUARDIAN AD LITEM or CASA:

- A. Pursuant to Sup. R. 48.06, no later than seven (7) days before a final pretrial or evidentiary hearing on the matter regarding which the Guardian *Ad Litem* or CASA has been appointed, the Guardian *Ad Litem* or CASA shall submit a written report to the Court which contains his or her recommendations regarding any disputed matter relating to the child for whom he or she was appointed ~~Guardian Ad Litem~~. The Court may grant exceptions to this requirement upon written request and for good cause shown.
- B. In the event the child's wishes or concerns are in opposition to the Guardian *Ad Litem*'s or CASA's recommendation, the Guardian *Ad Litem* or CASA shall specifically notify the Court of that fact in the report.
- C. All Guardian *Ad Litem* or CASA reports shall contain the warning in Rule 48.03(A)(2) on the first page of the report. The Guardian *Ad Litem* shall be responsible for filing the report with the Court and serving a copy of the report on counsel of record and all unrepresented parties. **The CASA shall file the report with the Court and the Clerk shall thereafter serve the report on parties and counsel.**

8.06 DURATION OF APPOINTMENT:

- A. **Private Cases:** Absent a specific court order otherwise, the duties of the Guardian *Ad Litem* terminate upon journalization of a Judgment Entry finalizing the matter for which the Guardian *Ad Litem* was appointed.
- B. ~~Dependent/Neglect/Abuse~~ **Juvenile Cases Initiated by the Government:** **Unless otherwise ordered by the Court,** the duties of the Guardian *Ad Litem* or CASA shall

continue until the child is returned to the legal custody of a parent or third-party without an order of protective supervision, or for a child who is in planned permanent living arrangement or permanent custody of the Ashland County Department of Job and Family Services, until the child is adopted or emancipated.

8.07 LEGAL REPRESENTATION OF COURT APPOINTED SPECIAL ADVOCATE (CASA): A CASA is a volunteer *Guardian Ad Litem*. A child's *Guardian Ad Litem* is designated as a party to the child's case under Juvenile Rule 2(BB) and as such, is entitled to legal representation and advice. Further, pursuant to R.C. 2151.281:

"The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the child, and shall file any motions and other court papers that are in the best interest of the child in accordance with rules adopted by the supreme court."

A CASA may perform all duties required by Rules 48 without seeking the assistance of counsel. In the event a CASA determines he or she ethically requires court-appointed counsel in order to avoid the unauthorized practice of law, the CASA shall file a Motion for Appointment of Counsel (form contained in the appendix to these Rules.)

A. ~~CASA PROGRAM:~~ ~~When a volunteer Guardian ad Litem is available and the appointment of a volunteer is deemed appropriate by the court, an approved and qualified participant of Ashland County's CASA Program shall be appointed.~~

RULE 9: PLEADINGS - GENERAL REQUIREMENTS

9.01 PAPER SIZE: All documents filed with the Court shall be ~~typewritten or computer-generated~~ on letter-size paper (approximately 8 1/2" x 11"), and shall be ~~securely stapled at the top left-hand corner and unfolded.~~ All pages shall be numbered in the following format: "Page ___ of ___." The Court may grant exceptions to this rule for good cause shown.

9.02 MARGINS: All pleadings shall have a minimum 1 1/2" margin at the top, a minimum 1/2" margin on the right ~~and left edges,~~ and a minimum 1/2" ~~1"~~ margin at the bottom of the first page ~~and a minimum 1" margin at all other edges,~~ except as specifically permitted by these Rules.

9.03 CAPTIONS OF PLEADINGS:

- A. **Civil Cases:** The caption at the top of the Complaint and any initial pleading in a ~~post-decree action~~ **re-activated case**, in addition to stating the name of the Court and the County and State, shall state the name, **email, telephone number** and mailing address of each party and the SETS No. If there is no existing SETS No. for the parties, the caption should state "No number assigned yet." **The caption on pleadings subsequent to the Complaint or motion filed to re-activate the case shall contain the name of the first Plaintiff and First Defendant, and need not contain the addresses, email addresses and telephone numbers of the parties.**
- B. **Juvenile Cases:** The caption at the top of the pleading shall **include the name and address of the child and** ~~indicate~~ both a Case No. an I.D. No. for the child. On an initial Complaint, a blank for that information is sufficient.
- C. **Name Changes during a case:** Once a case is filed with the Court, the case **caption** shall retain the names ~~in~~ **on** the initial Complaint. If a party's name changes from that contained in the original complaint, that party's original name and new name (listed as "nka") shall be listed in the caption.
- D. **Deceased Party:** **If a party is deceased, the word "deceased" shall be typed after that party's name in the caption of any pleadings.**

9.04 **SPACE FOR TIME-STAMP:** Every pleading filed with the Court shall contain sufficient **blank** space ~~on~~ **at the top of** the first page of the pleading for the time-stamp. The area required is approximately 1 ½" square.

9.05 **ATTORNEY/PARTY INFORMATION:** All pleadings shall contain the name, address, telephone number, **email** and registration number of the attorney filing the pleading. If the party is **unrepresented by counsel** ~~appearing pro se~~ in the action, the pleading shall contain the party's name, address, **email** and telephone number.

9.06 **GENERAL PLEADING REQUIREMENTS:** Documents which do not comply with this Rule may be refused for filing by the Court. All pleadings shall comply with the following:

- A. When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together.
- B. **All pleadings shall be completed by typed language in a font of 10 point or greater.** All documents must be accurately and fully completed, ~~in typewritten or computer-generated form. Pleadings completed in pencil~~ **Handwritten pleadings** will not be accepted by the Court.

- C. All pleadings requiring or citing exhibits shall have the exhibits attached to that pleading.
- D. There shall be no staples in any original, multi-page pleading submitted to the Court for filing.
- E. All pleadings shall be single-sided.
- F. All multiple page pleadings shall have the pages numbered with "Page __ of __".
- G. An individual case must be filed for each child. The Supreme Court does not permit the filing of cases which include multiple children in Juvenile Court.

9.07 COPIES OF PLEADINGS:

- A. **Number of Copies of Complaints, Motions Re-activating a Case and Final Entries Prepared by Counsel:** The party filing a complaint or motion re-activating a case, or submitting a final entry prepared by counsel, ~~responsible for providing pleadings or documents to the Court,~~ shall provide copies to the Court for service on all parties who have not waived service, including a copy for the Ashland County CSEA, except when the case is electronically filed with the Court. ~~make sufficient copies of all pleadings, which shall (at a minimum) include sufficient copies for service of process and a copy for CSEA in any support-related proceeding.~~
- B. **Grouping Copies:** When multiple pleadings or documents ~~are filed on paper with~~ **are filed on paper with** transmitted to the Court at the same time, the original and all copies of each pleading shall be grouped together. For example, when transmitting a Motion and Judgment Entry together, the original and all copies of the Motion shall be grouped together, and the original and all copies of the Judgment Entry shall be grouped together.

9.08 SERVICE OF DOCUMENTS:

- A. **BY A PARTY OR COUNSEL:** All pleadings subsequent to the Complaint shall contain a certificate of service, signed by the serving party or attorney, certifying that a copy of the document filed with the Court was served on the opposing party, or counsel for the opposing party, if represented. The Certificate of Service shall indicate ~~what document~~ **who** was served, when ~~the document~~ **it** was served, ~~and how it was served and the address it was sent to.~~ **The Court will not consider any document filed with the Court which does not contain a properly completed certificate of service.**
- B. **COURT SERVICE OF COPIES OF DOCUMENTS SUBSEQUENT TO INITIAL COMPLAINT OR MOTION:**

- (1) **Docket Entry on Service:** All orders, opinions, notices, judgments, and decisions of the Court shall be served pursuant to Civil Rule 5. The method of service on the party or counsel shall be noted on the docket of the Court and that docket entry shall be considered proof of service. The date of service shall be noted on the docket only if it is different from the date the actual document being served is docketed.
- (2) **Service on Counsel for a party:** If a party is represented by counsel, the service shall be sent to that party's attorney, unless otherwise designated by the Court. It shall be the responsibility of counsel to notify the client of the documents received.
- (3) **Methods of Service:** Court service may be made by any of the following means permitted by Civil Rule 5:
- Hand-delivery;
 - Leaving it at the person's office with a clerk or other person in charge, or if no one is in charge, in a conspicuous place in the office;
 - If the person has no office, or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;
 - Mailing it to the person's last known address by US mail, in which case service is complete upon mailing.
 - Delivery by commercial carrier to the person's last known address within three calendar days, in which case service is complete on delivery to the carrier;
 - Email to the address provided by the party or counsel;
 - Facsimile to the telephone number provided by the party or counsel;
- (4) **Additional Method of Service by the Court for Attorneys Maintaining a Courthouse "Box":**
- (a) Any attorney may elect to maintain a "box" for receipt of documents from the Court by annually executing Form 9 contained in the Appendix to these Rules. By executing that form, the attorney is consenting to service of pleadings by the Court in that manner, in lieu of any other method specified by the Ohio Rules of Juvenile Procedure and the Ohio Rules of Civil Procedure.
- (b) After establishing a "box", the Court may serve or deliver any documents to the attorney by placing a copy of the document in the attorney's "box" maintained in the Clerk's Office of the Court. It

shall be the responsibility of the attorney to timely retrieve documents from his or her “box.”

- (c) Courthouse “box” service shall also be noted on the docket. The service shall be effective as of the date the document is physically placed in the “box” and that is the date that shall be noted on the docket. The Clerk may use shorthand notations such as “CHB” in making docket entries, to note the Courthouse “box” service.
- (d) The fact that an attorney maintains a “box” at the Courthouse does not limit the discretion of the Court to serve documents on that attorney by other methods permitted by the Ohio Rules of Juvenile or Civil Procedure.

9.09 ELECTRONIC FACSIMILE FILINGS: ~~The Court does not generally accept facsimile filings, but exceptions may be made by the Court pursuant to a Court Order.~~ (NOTE: Below is taken from existing standing order)

- A. Electronic Filing of Pleadings:** The electronic filing of pleadings in the Ashland County Juvenile and Probate Court shall be permitted by sending the document to the Court by fax at 419-281-5699 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except for legal holidays or days the Court is not open for business. The date and time imprinted on the document by the Court's fax machine shall control when the document was received by the Court. If the Court receives a document ~~in an untimely fashion~~ **outside of the hours set forth above**, the Court will notify the sender by fax that the document has been rejected and that it will not be retained by the Court or be filed with the Court.
- B. Cover Sheet Required:** The faxed document shall be accompanied by a fax cover sheet form which is contained in the Appendix. The cover sheet may be completed and executed by a person other than counsel for the party, or the party if unrepresented.
- C. Fax Considered Original Document:** The faxed document received by the Court, with the exception of any document which is required by law to be filed in the original (ie. A Last Will and Testament), shall be accepted by the Court and considered as the effective original document, provided it bears the signature of counsel or the *pro se* party filing the document and an executed certificate of service on the opposing party or parties.
- D. Transmission of Original Document:** The filing party SHALL NOT transmit the original of any document faxed to the Court for filing. The filing party shall, however, maintain the original of the document in his or her records and shall make

the original available for inspection at any time upon request of the Court or an opposing party. That original shall be retained until the case is closed and all opportunities for post-judgment appeal are exhausted.

- E. Responsibility for Errors:** It is the sole responsibility of the filing party to make sure that the entire document was received by the Court. The Court will not review every document and check for missing pages.
- F. Filing Fee Deposits:** Any person filing a document electronically which requires the payment of a filing fee deposit shall comply with the provisions below. The Court will not accept any documents which do not comply. Documents which do not comply will be rejected by the Court and will be shredded and not considered for any purpose.
- (1) The filing fee deposit shall be paid by the filing person by credit card, over the phone (419-282-4205), by 4:00 p.m. of the day the document is faxed to the Court; or
 - (2) The faxed document shall include a financial disclosure statement and a motion on the Court's form requesting modification or waiver of the required filing fee. That form is available on the Court's website.
- G. Time of Filing:** All documents faxed to the Court for filing under this Order and accepted by the Court shall be date-stamped with the date that: (1) the Court receives the faxed document, if a filing fee is not required; or (2) the date the filing fee is paid, if a filing fee is required. Documents shall not be faxed to the Court during days or times the Court is not open for business. Any document faxed to the Court during days or times the Court is not open for business shall not be filed with the Court.
- H. Copies of Documents Filed by Electronic Filing by Facsimile:** Since no original document is being provided to the Court, if copies of the document are required for any purpose, the Court shall make those copies and shall charge \$.10 per page for court costs for all copies made, including date-stamped copies provided to the person filing the document by fax. Any person who desires to receive a date-stamped copy of the electronically filed pleadings shall: (1) provide a self-addressed stamped envelope to the Court for return or (2) physically pick up the copy at the Courthouse. The Court will not provide copies via fax or email.
- I. Cost of Electronic Filing:** There shall be no cost for electronically filing pleadings which do not exceed ten (10) pages. There shall be a court cost of \$.10 per page for each page in excess of ten (10) pages for pleadings filed on the same day by the same party.

9.10 SIGNATURE ON PLEADINGS FILED WITH THE COURT: (Note: verbatim from existing court order on signatures)

- A. Except as set forth below, all pleadings filed in the Ashland County Juvenile and Probate Court, whether physically or electronically, shall bear the actual signature of counsel of record or the party, preferably in blue ink. **The Court will not accept documents signed by persons on behalf of counsel of record, \s\ typed names on the signature line of a pleading, or signature stamps.**
- B. The Court will accept pleadings for physical filing which bear a digital version of the actual signature of counsel of record or the party. It is the responsibility of the signer to secure access to application of his or her digital actual signature.
- C. The Court will also accept pleadings for physical filing which have been executed using Docusign.
- D. The signature, whether physical, digital or electronic, of an attorney or pro se party constitutes a certificate by the attorney or party that the attorney or party has read the document; that to the best of the attorney's or party's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the document had not been served. For a willful violation of this rule, an attorney or pro se party, upon motion of a party or upon the court's own motion, may be subjected to appropriate action, including an award to the opposing party of expenses and reasonable attorney fees incurred in bringing any motion under this rule. Similar action may be taken if scandalous or indecent matter is inserted.
- E. Any electronic signature shall be considered to be that of the attorney or pro se party for all purposes, including but not limited to perjury or contempt of Court.

9.11 PERSONAL IDENTIFIERS:

- A. Pursuant to Sup. R. 44(H), “Personal identifiers” means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile’s name in an abuse, neglect, or dependency case, except for the juvenile’s initials or a generic abbreviation such as “CV” for “child victim.”
- B. Parties shall file the Personal Identifier Form **contained in the Appendix** (see ~~Appendix Form _____~~) whenever personal identifiers are omitted from a pleading pursuant to Sup. R. 45(D).

- 9.12 FILINGS BY REPRESENTED PARTIES:** The Court will not accept pleadings from any person who is represented by legal counsel, unless the pleading is signed by legal counsel and properly served according to the Ohio Rules of Juvenile Procedure.
- 9.13 CHANGE OF CONTACT INFORMATION FORM:** Any case participant in a civil case shall promptly notify the Court of any change in contact information on the form in the Appendix.

RULE 10: SERVICE OF PROCESS

- 10.01 PROVISION OF ADDRESSES:** A party filing an initial action or motion which requires service shall be responsible for providing addresses to the Court for service of process upon all necessary parties.
- 10.02 SERVICE BY PUBLICATION BY POSTING:** Any request for service by publication which does not comply with this rule shall be treated as a request for service by publication in a newspaper.
- A. Required Pleadings:** A party seeking service by publication through posting shall file the following documents:
- (1) A Motion requesting service by publication by posting;
 - (2) Affidavit **for Service By Publication substantially in conformity with the form in the Appendix** ~~in compliance with Juvenile Rule 16;~~
 - (3) A Judgment Entry authorizing service by publication by posting;
 - (4) The summary statement required by Juvenile Rule 16 for posting.
- B. Place for Posting:** Notices shall be posted in a conspicuous location near the main entrance to the following buildings:
- (1) Ashland County Courthouse;
 - (2) Ashland Municipal Court;
 - (3) Ashland County Department of Human Services.
- 10.03 ELECTRONIC RETURN RECEIPT:**
- A.** The Clerk of the Ashland County Court of Common Pleas - Juvenile Division shall accept service of process methods as outlined in Civil Rule 4.1 Process: Methods of

Service, which methods shall include electronic return receipt service of process utilizing technology developed by the United States Postal Service for service by certified mail. This technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for electronic technology in the sending of certified mail and receipt of confirmation to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.

- B. All service of process of complaints or other documents served with electronic return receipt services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's Office.

RULE 11: REQUIREMENTS FOR AGREED JUDGMENT ENTRIES

- 11.01 CASES SETTLED PRIOR TO HEARING:** If a matter that is set for hearing or trial is settled by the parties before the hearing, counsel shall reduce the agreement to a Judgment Entry, **and the agreed Judgment Entry shall be submitted to the Court on or before the hearing date.** The Judgment Entry shall reflect that the terms set forth in said Entry are by agreement of the parties and approval of the Court. Except for good cause shown, the parties and counsel shall be required to appear for the scheduled hearing or trial, unless the Judgment Entry is approved by the Court prior to the hearing or trial.
- 11.02 CASES SETTLED AT HEARING:** If a case is settled during the course of a hearing, counsel shall reduce the settlement agreement to writing, place the agreement on the record, or both, as directed by the Court. Counsel for the Plaintiff shall prepare a Judgment Entry which fully comports with the parties' in-court agreement, and shall file the same with the Court within thirty (30) days of **the hearing** ~~notifying the Court that a disputed matter has been resolved by agreement.~~ In the event the parties encounter unforeseen difficulties with the timely preparation and submission of the Judgment Entry, the parties shall promptly notify the Court of that fact, and shall seek an extension of time in which to timely file the Judgment Entry.
- 11.03 SIGNATURES REQUIRED:** All **Agreed** Judgment Entries shall be signed by both parties and counsel of record, except that a party need not sign an Agreed Judgment Entry if:
- A. The party waived signature in writing or on the record;

- B. The party previously signed an agreement reflecting the terms contained in the Judgment Entry;
- C. The Judgment Entry affects only procedural aspects (except continuances) of the case;
- D. The Judgment Entry adopts or approves a Magistrate's Decision; or
- E. The party has filed no responsive pleading or otherwise appeared in the case.

RULE 12: CONTINUANCES

12.01 ~~RULE 41 OF THE OHIO RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO~~ **MANDATORY REQUIREMENTS:** This rule establishes strict guidelines pertaining to continuances of court proceedings. All requests for continuance shall **include:** ~~comply with that Rule.~~

- A. A written motion stating the reason for the continuance;
- B. The signature of the party requesting continuance, as well as counsel for that party;
- C. If the continuance is requested due to a scheduling conflict, evidence of the scheduling conflict;
- D. A statement that the opposing counsel or *pro se* party was contacted or a good faith attempt to contact was made, and a statement of opposing counsel/party's position with regard to the continuance request; and
- E. A proposed entry containing a new hearing date previously obtained by the moving party from the ~~Assignment Commissioner~~ **Court** and cleared with opposing counsel or party's calendar.

~~12.02~~ ~~ADDITIONAL REQUIREMENTS:~~ In addition to the requirements of Sup. R. 41, all ~~continuance requests shall include:~~

- ~~A. A statement that the opposing counsel or pro se party was contacted or a good faith attempt to contact was made, and a statement of opposing counsel/party's position with regard to the continuance request; and~~
- ~~_____ B. a proposed entry containing a new hearing date previously obtained by the moving party from the Assignment Commissioner Court and cleared with opposing counsel or party's calendar.~~

- 12.02 CONTINUANCE REQUESTS BY NEWLY RETAINED COUNSEL:** Newly retained counsel should not assume that the Court will grant a continuance of an existing hearing when entering an appearance in a case. The fact that counsel is not available on the date a hearing is scheduled should be discussed with the client and considered in deciding whether to undertake the representation.

RULE 13: GENERAL MOTION PRACTICE

Requirement for Written Motion and Supporting Memorandum: Juvenile Rule 19 states: “An application to the court for an order shall be by motion. A motion other than one made during trial or hearing shall be in writing unless the court permits it to be made orally. It shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. It shall be supported by a memorandum containing citations of authority and may be supported by an affidavit.”

- 13.01 ORAL MOTIONS GENERALLY:** Oral motions made during trial or hearing shall be limited to subjects which are urgent and which could not have been addressed by the filing of a written motion in advance of the hearing, or matters which are agreed by the parties.
- 13.02 ORAL MOTION TO DISMISS A CASE:** An oral motion to dismiss a case may be made in open court, but the movant shall also file a written motion requesting dismissal within twenty-four (24) hours or the next court date after the hearing, whichever occurs first. A written dismissal motion based upon an oral motion need not be supported by a memorandum or affidavit unless otherwise required by the Court. No dismissal of a case is effective on oral or written motion until the Court has journalized a dismissal order. A journalized dismissal order terminates all temporary orders previously entered by the Court and terminates all appointments of counsel, GAL or CASA.
- 13.03 MOTION TO AMEND A COMPLAINT:** Motions to amend a Complaint which comport with Juvenile Rule 22 may be made orally in a hearing. Unless otherwise required by the Court, a motion to amend need not be filed in writing after the hearing. While the amendment is legally not effective until journalized by the Court, the Court may proceed to adjudication based upon only an oral motion to amend the Complaint.
- 13.04 PROPOSED ORDER ON WRITTEN MOTION:** All written motions shall be accompanied by a proposed Order of the Court granting the motion.
- 13.05 HEARINGS ON SUBSTANTIVE MOTIONS:** Unless otherwise ordered by the Court, all substantive motions (other than written motions following an oral motion in court) shall be set for hearing by the Court. If the Court determines that an oral hearing is not required

on a substantive motion, the Court will establish a schedule for briefs in support of and opposition to the motion.

13.06 PROCESS FOR PROCEDURAL/NON-EVIDENTIARY MOTIONS:

- A. Hearings:** Generally, the Court will not set hearings on purely procedural or non-evidentiary motions, including but not limited to continuance requests, requests for mediation referral, requests for appointment of a Guardian *Ad Litem* and requests to adopt administrative orders of the CSEA.
- B. Briefing of Procedural Motions:** Unless otherwise established by order of the Court, any memorandum in opposition to a procedural motion shall be filed with the Court within fourteen (14) days of the date of service of the motion by the movant. Further, the movant shall have seven (7) days from service of any memorandum in opposition to the motion to file a reply to the memorandum in opposition. If no memorandum in opposition to a procedural motion is filed, the motion is deemed submitted for decision by the Court.
- C. Time for Filing a Procedural Motion which Affects a Hearing Date:** Given the above briefing schedule of twenty-one (21) days, procedural motions which affect a hearing shall be filed no less than twenty-eight (28) days prior to hearing, absent good cause shown. Any procedural motion which affects a hearing and which is filed less than twenty-eight (28) days prior to hearing may be ruled upon by the Court without allowing the briefing schedule set forth above.

13.06 MOTION TO SET ASIDE MAGISTRATE’S ORDER: These motions shall not be routinely set for hearing by the Court. If the movant desires a hearing, the motion shall request a hearing and state the reasons for a hearing. If no hearing is requested or set by the Court, the parties may support and oppose the motion under the schedule set forth in Rule 13.05(B) above.

- ~~A. ACCOMPANYING JUDGMENT ENTRY/ORDER:~~ All procedural motions shall be accompanied by a proposed Judgment Entry/Order. Motions requesting substantive relief do not need to be accompanied by a proposed Judgment Entry/Order, except as otherwise set forth in these Rules.
- ~~B. MEMORANDUM IN SUPPORT:~~ All motions requesting substantive relief shall include a memorandum in support either within the motion or separate from the motion, which states the specific relief sought, the grounds for the relief sought and citations to law and facts which support the relief sought.

RULE 14: INTAKE PROCEDURES

A. ~~ASHLAND COUNTY PROSECUTOR DESIGNATED SCREENING AGENCY:~~

~~The Court recognizes the guidance set forth in Juvenile Rule 9 which states “In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court”. In the absence of an intake department for the Court, and pursuant to Juvenile Rule 9(B) which states “Information that a child is within the court’s jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interests of the child and public”, the court requires that delinquent, unruly, abuse, neglect and dependency complaints be screened by the Office of the Ashland County Prosecuting Attorney, and shall not be accepted for filing unless approved by that office.~~

- 14.01 DESIGNATION OF TRACK RECOMMENDED FOR DELINQUENT AND UNRULY CASES:** Juvenile delinquency and unruly cases may be handled informally, be referred to diversion upon filing, or be handled on a full adjudicatory track. If the Prosecutor recommends that a case be handled on any other track other than a full adjudicatory track, the Prosecutor shall include a written recommendation in the body of the Complaint or in a separate pleading filed with the Court. Additionally, if required by Marsy’s Law, the Prosecutor shall include a statement of the victim’s position with regard to the recommended track. The Court will consider, but is not bound, by that recommendation when proceeding on the Complaint.

RULE 15: DISCOVERY

In all cases, and without the prior express request of any party, the prosecutor and defense shall each timely provide full Ohio Juv. Rule 24 discovery ~~to all parties the opposing party~~ at least seven (7) days prior to the ~~next~~ scheduled ~~hearing in the case~~ ~~pretrial conference~~. If no ~~pretrial hearing~~ is scheduled, the prosecutor and defense shall each provide full discovery pursuant to this rule ~~to all parties the opposing party~~ at least fourteen (4) days prior to the scheduled trial. Each party shall timely provide supplemental discovery as may be required to effectuate good-faith compliance with this rule.

RULE 16: DEPOSITIONS

- 16.01 FILING AND WITHDRAWAL:** Any deposition filed with the Clerk of this Court shall not be withdrawn except by leave of the Court.
- 16.02 USE OF DEPOSITIONS:** The use of videotaped depositions and testimony is permissible, provided that the following guidelines are met:

- A. When testimony is recorded on videotape pursuant to Civil Rule 40, C.P. Sup. R. 11 and 13, it will be the responsibility of counsel to instruct the person before whom the testimony is taken in accordance with Civil Rule 28(A), to note by the use of a digital counter or other clock device connected with the tape, the point on the videotape where objections consecutively are made. The notary will then number the objections consecutively and attach this record to the certification filed with the Clerk.
- B. Objections must be made at the conclusion of the questions and answers only. Counsel shall state the basis for the objection, and may read citations into the record at this time. However, additional citations may be provided to the Court at a later time. Any objections made prior to the completion of an answer may, in the Court's discretion, be disregarded and overruled.
- C. When cases are assigned for videotape trial pursuant to Civil Rule 40 and C.P. Sup. R. 13(B), a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A copy of the transcript of the testimony or such portion thereof as is necessary to rule on any objections shall accompany a videotape deposition. The transcript shall be certified by the transcriber to be a true and accurate transcription.
- D. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to C.P. Sup. R. 13(D).
- E. If videotape depositions are to be used in the trial of a case, the tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than seven (7) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown, the Court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of C.P. Sup. R. 13(A). Except for good cause shown, there will be no trial continuances for inability of a medical expert to be present to testify.
- F. Videotape Trials: The Court may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with C.P. Sup. R. 13(B).
- G. Pursuant to Civil Rule 54(D) and in compliance with C.P. Sup. R. 13(D), deposition costs, including costs of video depositions, shall be taxed as costs and shall be recoverable by the prevailing party. This shall apply only to depositions used in lieu of testimony at trial.

RULE 17: SUBPOENAS

- 17.01 COURT ISSUED SUBPOENA:** ~~Subpoena~~ forms ~~for a Precipe for a Subpoena and a Precipe for a Subpoena Duces Tecum~~ are available on the Court's website ~~on the "Forms" page~~ **and in the Appendix of these Rules.** The Court strongly recommends that any Precipe for a subpoena be filed **a minimum of** ten (10) days prior to the date the witness is to appear in Court. The Court reserves the right to deny a continuance due to the lack of service, unless the Precipe was timely filed.
- 17.02 SUBPOENA SERVED BY COUNSEL:** Before the hearing applicable to a subpoena, counsel shall file, with the Clerk of the Court, a copy of any subpoena served by counsel pursuant to the Ohio Rules of Civil Procedure or the Ohio Rules of Juvenile Procedure. The copy filed shall indicate the manner of service and date of service of the subpoena **and it shall contain a certificate of service on the opposing party or counsel, if the opposing party is represented.**
- 17.03 SERVICE OF SUBPOENA BY PROCESS SERVER (OTHER THAN SHERIFF):** The Court's Bailiff does not serve subpoenas issued by parties. If a party desires that a subpoena be served by a process server other than a Sheriff, the party shall provide a Motion for Appointment of Process Server, an Affidavit of the proposed process server which complies with Civil Rule 4.1(D) and a proposed Order of Appointment which complies with Civil Rule 4.1(E).

RULE 18: PRETRIALS

- 18.01 SCHEDULING PRETRIALS:** The Court may, on its own motion, set any matter for a pretrial 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 or video conference.
- 18.02 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.
- 18.03 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 all of the following:

- A. Identification for the chief trial counsel, who shall be fully authorized to act and negotiate on behalf of the party;
- B. The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
- C. A listing of all witnesses expected to testify;
- D. A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
- E. A description of the estimated number of days for trial; and
- F. A statement of the status of settlement negotiations.

18.04 PRETRIAL STATEMENTS IN PERMANENT CUSTODY ACTIONS: All parties shall file a pretrial statement in permanent custody actions. A pretrial statement for use in Permanent Custody actions is contained in the Appendix of these rules.

RULE 19: *IN CAMERA* INTERVIEWS

- 19.01 REQUEST FOR INTERVIEW:** Any party may request that the Court conduct an *in camera* interview of a minor child in any action concerning allocation of parental rights and responsibilities or parenting time, by filing a written request prior to hearing. UNDER NO CIRCUMSTANCES SHALL THE PARTIES BRING A MINOR CHILD TO THE COURT FOR AN *IN CAMERA* INTERVIEW, OTHER THAN AT THE TIME SCHEDULED BY THE COURT FOR AN *IN CAMERA* INTERVIEW.
- 19.02 PERSONS PRESENT DURING INTERVIEW:** No person, other than the Judge or Magistrate conducting the interview, the child, and any other person specified by the Judge or Magistrate, shall be present during the *in camera* interview of a minor child, pursuant to O.R.C. Section 3109.04.
- 19.03 RECORD OF THE INTERVIEW:** A record of all *in camera* interviews shall be made by electronic means. Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order.

RULE 20: MEDIATION

~~intentionally left blank for future rule by the Court~~

20.01 GENERAL PROVISIONS APPLICABLE TO ALL MEDIATIONS

- A. Uniform Mediation Act and Definitions** - The provisions of R.C. Chapter 2710, "Uniform Mediation Act" (UMA), are incorporated by reference and adopted by this Court through this local rule.
- B. Confidentiality:** Except as provided in Superintendence Rules 44-47, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator prior to the start of mediation and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.
- C. Non-Party Participants:** The participation of non-parties in mediation shall be within the discretion of the mediator to decide. If a non-party is permitted to participate in mediation, that person submits to the jurisdiction of the Court to the extent necessary for the enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.
- D. Resource Referrals:** The mediator shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as children services, domestic violence prevention, counseling, substance abuse, and mental health services.
- E. Presence at Mediation:**
- (1) **Counsel:** Counsel shall be present at all mediation sessions when required by the Court.
 - (2) **Parties:** All parties shall participate in all mediation sessions scheduled by the mediator. Failure to appear for mediation may be punishable as contempt of Court. Parties to mediation by type of case are specified below.
- F. Referral to and Requests for Mediation:**
- (1) **By the Court:** The Judge or Magistrate may refer or order a case to mediation at any time. No party may object to the referral to mediation by the Court.

- (2) **By a Party:** Any party may request to participate in mediation by filing a Motion for Mediation. A party objecting to a Motion for Mediation shall file a written objection to that motion with ten (10) days of the filing of the motion. The objection shall specifically state the reasons that party opposes mediation.

G. Exceptions to mediation: Mediation is prohibited in the following:

- (1) As an alternative to the prosecution or adjudication of domestic violence;
- (2) In determining whether to grant, modify or terminate a protection order;
- (3) In determining the terms and conditions of a protection order; or
- (4) In determining the penalty for violation of a protection order.

H. Notice of Mediation: The mediator shall file a notice of mediation, which includes the date, time and place for mediation, with the Court. That notice shall be distributed by the clerk to all parties, counsel and non-party participants approved by the mediator.

I. Mediation Sessions: The mediator may meet with parties individually, prior to conducting a mediation session with all participants present, for any reason, including screening the case for mediation. The mediator may schedule as many sessions of mediation as the mediator deems necessary to facilitate a resolution of the issues being mediated.

J. Continuances of Mediation: Continuances of mediation shall only be granted for good cause shown and after a mutually acceptable new date has been agreed upon by all mediation participants.

- (1) **Continuances of less than 30 days:** If the rescheduled mediation date will occur less than 30 days after the originally scheduled mediation session, the continuance request shall be made of and approved by the mediator.
- (2) **Continuances of more than 30 days:** If the rescheduled mediation date will occur more than 30 days after the originally scheduled mediation session, a motion to continue shall be filed with the Court and the continuance will not be effective until it is approved by the Court.

K. Mediation Report: At the conclusion of mediation, the mediator shall file the Mediator's Report with the Court, and serve a copy on all parties and counsel. If an agreement is reached in mediation, the Mediator shall prepare an addendum to the

Mediator's Report which contains a summary of any agreement reached at mediation and that addendum shall be served on all parties and counsel.

20.02 DELINQUENCY/TRAFFIC/ UNRULY MEDIATION

The purpose of Juvenile Mediation in delinquency/traffic/unruly cases is to offer an opportunity for first time offenders to understand their offenses and receive consequences for their actions without having their charges formalized in the court. Juvenile Mediation is also an opportunity for offenders to express concern for their actions and choices with others involved and explore better decision making for the future.

Victim Mediation is designed to bring the victim and their offender together in a safe environment. The goal is to give the victim a voice and also give the victim the opportunity to have input in the mediated terms and outcome of the case.

A. Evaluation of Cases for Mediation:

- (1) General Eligibility:** The Court will determine appropriate cases for mediation. If determined appropriate for mediation, the Court will refer the case to mediation for screening. The types of cases in which the Court may make a mediation referral include, but are not limited to:

 - Assault
 - Criminal damaging
 - Criminal trespass
 - Disorderly conduct
 - Home/school unruly
 - Minor theft
- (2) Screening by Mediator:** If the mediator concurs that mediation is appropriate, the mediator shall contact the victim and explain the mediation process. If the victim agrees to participate in mediation, the mediator shall proceed.
- (3) Mediation Time Frame:** The mediation should be conducted within four weeks of referral.
- (4) Parties to Mediation:** The required parties to mediation include: the child, the child's Guardian *Ad Litem*, the child's parent(s) or legal custodian(s), a representative of the law enforcement agency that filed the Complaint, counsel for any party, and an assistant prosecutor representing the State of Ohio.

(5) **Goals of Mediation:** The goals of mediation are to reach an agreed-upon disposition for the juvenile under terms which would make the victim feel whole. Mediated agreements may include but are not limited to letter of apology, community service, victims awareness class, restitution, voluntary no-contact, and non-violence agreements.

(6) **Mediation Preparation:**

- (a) The parties shall produce any information or materials requested by the mediator, at the time and place requested by the mediator.
- (b) If mediation involves a restitution issue, the victim shall provide documentation of the amount of damages in advance of mediation.

20.03 ABUSE/NEGLECT/DEPENDENCY MEDIATION

The purpose of mediation in abuse/neglect/dependency cases is to facilitate the preparation of meaningful case plans to guide the path to reunification of a child with a parent.

A. Evaluation of cases for mediation: The Court will determine which abuse cases are amenable for mediation on a case by case basis. All neglect and dependency cases with no identified domestic violence issue will be referred for mediation screening and case plan mediation, if accepted for mediation. Once a case has been accepted and approved for mediation, all subsequent case plan modifications which are not 100% agreed will be referred to mediation. Additionally, any party may request mediation of a case plan issue at any time.

B. Mediation time frame:

- (1) **Initial Case Plans:** Mediation referrals will be made upon the filing of the Complaint and mediation of the initial case plan shall be completed prior to the adjudicatory hearing.
- (2) **Amended Case Plans:** Mediation of an amended case plan shall be completed within thirty (30) days of referral, unless otherwise ordered by the Court.

C. Parties to Mediation: The required parties to mediation include: the parents of the child, if known and if the participation of that parent can be facilitated; the child's attorney, GAL and/or CASA; the Ashland County Department of Job and Family Services; any temporary legal custodian of the child; any person from whom the child was removed, if that person is not a parent of the child; any person specifically added as a party to the case; the foster parent(s) or kinship caregiver(s) of the child; and

counsel for any of those persons. The Court may require the participation of the child in the mediation on a case-by-case basis.

- D. Goals of Mediation:** The goal of mediation is to reach an agreed upon case plan for the child. To that end, the Ashland County Department of Job and Family Services shall be prepared to prepare an executable case plan during the mediation, which can be signed by all parties to the case, if an agreement is reached.
- E. Preparation for Mediation:** All discovery shall have been exchanged prior to the first mediation session. Any materials requested by the mediator shall be provided to the mediator.

20.04 CUSTODY/PARENTING TIME/CHILD SUPPORT MEDIATION

Mediation facilitates the early resolution of disputed matters without unnecessary expense and emotional strain which can be involved in litigation.

- A. Evaluation of cases for mediation:** All custody/parenting time/child support modification and establishment cases will be referred to mediation upon filing, unless the pleadings establish a reason mediation should not occur. Upon receipt of a referral for mediation, the mediator shall screen the case for mediation. If the case is appropriate for mediation, mediation session(s) shall be scheduled by the mediator.
- B. Mediation time frame:** Mediation shall be completed within sixty (60) days of referral, unless the Court grants an extension of that time period. An extension may be requested by the mediator or a party to the case.
- C. Parties to Mediation:** The required parties to mediation include: the parents of the child; the child's attorney, GAL and/or CASA; any temporary legal custodian of the child; any person specifically added as a party to the case; and counsel for any of those persons. The Court may require the participation of the child in the mediation on a case-by-case basis.
- D. Goals of Mediation:** The goal of mediation is to reach an agreed upon order on the disputed issue.
- E. Preparation for Mediation:** All discovery shall have been exchanged prior to the first mediation session. Any materials requested by the mediator shall be provided to the mediator.

RULE 21: LANGUAGE INTERPRETERS

- 21.01 USE OF 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 of Use of Interpretive Services.
- 21.02 OATH:** Prior to serving as an interpreter, each person serving shall **be administered an** ~~required to read and sign the written~~ Interpreter's Oath **by the Court.**
- 21.03 NOTICE OF NEED FOR INTERPRETER:** Any person serving as counsel for any party, as Guardian *Ad Litem* or in any other official capacity in 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 (7) days prior to the hearing or trial at which the interpreter will be needed.

RULE 22: DELINQUENCY/UNRULY CASES

22.01 CHILD RESTRAINTS

- A. This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
- B. Physical restraints, including, but not limited to, handcuffs, chains or shackles, shall not be used on a juvenile during court proceedings unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:
- (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
 - (2) There is a significant risk the child will flee the courtroom.
- C. The judge or magistrate shall permit any party, as defined in Juv. R.2(Y), to be heard on the issue of whether the use of a physical restraint is necessary for that particular child at that particular proceeding. If restraints are thought to be appropriate, the "Court Security Determination" form adopted by this Court shall be completed and filed with the Court in advance of any hearing where the juvenile's appearance is required.

- D. When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
- E. In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

22.02 DETENTION HEARINGS:

- A. A child may be admitted to detention upon approval of the Court. When seeking approval, law enforcement shall first attempt contact with the ~~Judge Court Administrator~~. If contact cannot be made with the ~~Judge Court Administrator~~, then law enforcement shall contact the **person designated as an alternative contact by the Judge**.
- B. A child may be released from detention only upon approval of the Judge or Magistrate.
- C. Detention hearings shall be held within the time limits provided by law and the arresting officer shall be responsible for providing the Court with the names, addresses and telephone numbers of the parents, legal custodians or guardians of the child at the time detention approval is sought.

22.03 DIVERSION: If the Court determines, in its sole discretion, that it is in the best interests of a child and of the community that a matter be processed informally pursuant to Ohio Juv. Rule 9(A), the child may be referred to **informal status/** diversion, in lieu of formal court action. Referral to informal status/diversion may occur either pre-filing or post-filing of any complaint. If a **referral to informal status/**diversion is ordered, the following will apply:

- A. COMPLAINT HANDLED INFORMALLY:** If a Complaint is to be handled informally, the case shall be docketed as a miscellaneous case (5000 case number). Informal cases shall not be a part of the delinquency/unruly record of a child and they shall not be provided in response to any request for delinquency or unruly cases of a child, even if the Complaint alleged such a status;
- 2. ~~No person, except for designated court staff, shall have access to records of informal matters or cases without the consent of the Court; and~~
- 3. ~~Informal cases processed to successful completion are subject to automatic sealing pursuant to R.C. 2151.356.~~

B. POST-COMPLAINT DIVERSION: If a diversion is ordered post-filing, the following shall apply:

- (1) The Court shall enter an order referring the child to the diversion program of the Court. Such an order may be entered prior to or after the child's entering a plea to the Complaint.
- (2) Upon receipt of that order, the Diversion Officer shall conduct an assessment of whether the child is amenable to the diversion program.
- (3) If the child is deemed amenable to diversion by the Diversion Officer, the Diversion Officer shall establish terms for the child's diversion and supervise the child until those terms and conditions have been fulfilled. The diversion terms and conditions shall not include any restitution. If there is a restitution issue, the Probation Department shall seek a specific order of the Court with regard to restitution.
- (4) If the child is not appropriate for diversion in the opinion of the assessing Diversion Officer, that officer shall notify the Court of that conclusion and the Court will conduct further proceedings with regard to the Complaint.

22.04 CHILD SUPPORT: All child support matters in delinquency and unruly cases shall be handled as set forth in Rule 25.01 below. ~~When child support is to be ordered in a delinquency case, financial information as required shall be submitted directly to the court and the court shall prepare the necessary orders to insure payment and proper distribution. All child support payments received by the Court shall be deposited in Fund #15. No payments shall be receipted in a case or deposited in the Court's cashbook account.~~

22.05 SEALING AND EXPUNGEMENT: If permitted by law, any person seeking sealing or expungement of a juvenile record shall use the application contained in the Appendix of these Rules. No court cost deposit shall be charged for filing and application to seal or expunge a juvenile record.

22.06 INTAKE ASSESSMENT: All juveniles and their parent shall complete an intake assessment following the filing of any Complaint alleging the juvenile is a delinquent or unruly child. At a minimum, the assessment shall include an ACES questionnaire and a substance use assessment.

22.07 CASE MANAGEMENT:

- A. Summons in delinquency and unruly cases shall be issued by the Court within seven (7) ~~five (5)~~ days of filing. The summons shall require the juvenile and a parent,

guardian or custodian to appear for an assessment prior to the first Court appearance on the Complaint.

- B. Initial Appearance shall be scheduled within **twenty-one (21)** ~~fourteen (14)~~ days of the filing of the Complaint.
- C. Pre-trial, if necessary, shall be scheduled within fourteen (14) days of initial appearance;
- D. Adjudicatory hearing shall be held within sixty (60) days of filing.
- E. Dispositional hearing for delinquency cases shall be held within 180 days of filing; dispositional hearing for unruly cases shall be held within ninety (90) days of filing, although this time may be extended by court order to allow for evaluation and testing (i.e., substance abuse assessment, psychological testing, placement records.)

RULE 23: JUVENILE COMPETENCY PROCEEDINGS

- 23.01 GENERAL PURPOSE:** The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Ohio 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.
- 23.02 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.
- 23.03 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.~~
- 23.04 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 24: JUVENILE TRAFFIC CASES

~~A. WAIVER OF HEARING IN CERTAIN TRAFFIC CASES:~~

- ~~1. The Court has not established a Juvenile Traffic Violations Bureau.~~
- ~~2. Ohio Revised Code Section 2151.01, and the Ohio Rules of Juvenile Procedure permit the Court to establish a procedure for the waiver of appearance and entry of a plea of admission in writing and acceptance of a predetermined disposition for certain juvenile traffic offenders. The allowance of a waiver in lieu of a personal appearance is within the discretion of the Court. At present, the Court may allow a waiver as follows:~~
 - ~~i. First offense speed, less than 15 MPH over the speed limit;~~
 - ~~ii. First offense seat belt violation; and~~
 - ~~iii. Any other minor violation but only upon approval by the Court.~~
- ~~3. If the Court permits a waiver, then the deputy clerk will notify the juvenile and a parent in writing and will provide written instructions as to the procedure.~~
- ~~4. A waiver of hearing and admission will constitute an admission to the offense alleged in the complaint and a waiver of the child's right to hearing before the Judge or Magistrate, to cross-examination of witnesses, to subpoena witnesses on behalf of the child and to representation by an attorney.~~
- ~~5. If the child and parents, guardian or custodian avail themselves of the waiver privileges, they must do so in strict compliance with the written instructions and this rule.~~

24.01 ~~B. ELECTRONICALLY PRODUCED TRAFFIC TICKETS~~

- A. Traffic tickets produced by computer or other electronic means may be filed in lieu of a **paper** Ohio Uniform Traffic Ticket, provided that the computer generated or electronic ticket conforms in all substantive respects, including layout and content, to the Ohio Uniform Traffic Ticket. The provisions of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.
- B. If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by Ohio Traffic Rules 3(E). A law enforcement

officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other traffic tickets issued pursuant to the Ohio Traffic Rules.

- C. A ticket produced by computer or other electronic means shall not require the signature of the defendant.
- D. A law enforcement officer who issues an automated traffic ticket is considered to have signed the ticket, for purposes of Traffic Rule 3(E), if the issuing officer properly authorizes the appearance of his or her facsimile signature on the ticket. The phrase "electronically affixes the officer's signature thereto" may include a cursive signature, officer's unit number, or a typed name applied by computer or other electronic means.
- E. Any electronic ticket used or filed in the Ashland County Juvenile Court shall substantially comply with all requirements of Ohio Traffic Rule 3 except as amended herein.

24.02 OHIO UNIFORM TRAFFIC CITATION ON PAPER:

- A. Officers shall use the Ohio Uniform Traffic Citation and that form shall contain the name, address and telephone number of the Court, as follows: Ashland County Juvenile Court, 142 West Second Street, Ashland, Ohio 44805 (Telephone: 419-282-4205).
- B. Any law enforcement officer issuing an Ohio Uniform Traffic Citation on paper shall file a copy of the citation with the Court within three (3) days of issuance of the citation.

24.03 HEARINGS IN JUVENILE TRAFFIC OFFENDER CASES:

- A. The Court has not established a Juvenile Traffic Violations Bureau, and therefore juveniles and a parent must appear for hearing on all traffic complaints.
- B. Traffic cases are heard by the Court every Thursday at 9:00 a.m., unless otherwise scheduled by the Court.
- C. An officer issuing an Ohio Uniform Traffic Citation to a juvenile shall place a hearing date on that citation for the next Thursday after the date of the offense that is MORE THAN three (3) days from the date of the offense. Example: If a citation is issued on Tuesday, the 5th, the hearing shall be scheduled for the following week on Thursday the 14th.

24.04 DRIVING PRIVILEGES: Any youth seeking driving privileges shall pay the required filing fee deposit and file a request for driving privileges on the driving privileges forms contained in the Appendix to these Rules. The youth shall submit to an alcohol screen, drug screen and nicotine screen if applying for driving privileges. The Court will not order privileges for any youth failing a screen.

24.05 C. CASE MANAGEMENT OF TRAFFIC CASES (NON-WAIVERABLE)

1. ~~Summons shall issue within five (5) days of filing.~~
2. ~~Initial Appearance shall be scheduled within thirty (30) days of filing.~~
 - A. Pre-trial, if necessary, shall be scheduled within **thirty (30)** ~~fourteen (14)~~ days of initial appearance.
 - B. Adjudicatory hearing shall be held within sixty (60) days of filing **of the Complaint.**
 - C. Dispositional hearing shall be held within ninety (90) days of filing **of the Complaint.**

RULE 25: ABUSE, NEGLECT, DEPENDENCY CASES
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25.01 CHILD SUPPORT ORDERS

- A. Whenever temporary legal custody is awarded to the Ashland County Department of Job and Family Services in an abuse, neglect or dependency case, or as set forth in Local Rule 22, the Ashland County Child Support Enforcement Agency (ACCSEA) shall conduct an investigation for the purpose of establishing a support order for the parents or redirecting support already payable by a parent. The ACCSEA shall forward its investigation to the Court for the establishment of a child support order or redirection of any existing order for support. **Upon receipt, the recommendation shall be docketed in a civil case (4000 Case Number with Supreme Court designation of "H") for the child. Thereafter, all matter relating to the support of the child shall be handled in that civil case and not in the child's abuse, neglect or dependency case.**
- B. A copy of the investigation furnished by the ACCSEA and any accompanying request of the ACCSEA shall be served on the affected parent(s) or counsel for the parent(s) if represented.
- C. A parent shall have fourteen (14) days from service of the ACCSEA investigation to object to the amount of support recommended by that investigation.
- D. If an objection is made, the Court will conduct a hearing with regard to child support.

- E. If no objection is made, the Court will enter a child support order in accordance with the ACCSEA investigation.

25.02 REVIEW HEARINGS

- A. **Annual Review Hearing:** Any necessary Annual Review Hearing shall be scheduled in the dispositional order of an abuse, neglect or dependency case.
- B. **Eighteen Month Review Hearing:** If deemed necessary by the Court, an Eighteen Month Review Hearing shall be set in the Annual Review Judgment Entry.
- C. **Two Year Annual Review Hearing:** A Two Year Annual Review Hearing shall be scheduled in either the Annual Review Judgment Entry (if no Eighteen Month Review Hearing was ordered) or in the Eighteen Month Review Hearing Judgment Entry.
- D. **Scheduling:** Generally, review hearings will be conducted on ~~Wednesday~~ **Thursday** mornings. Since **annual or eighteen month** review hearings will be set several months in advance, the Court will not check on the availability of counsel before scheduling a review hearing. **All other review hearings shall be scheduled in advance with counsel, if time permits.**

25.03 CONTACT INFORMATION AND SERVICE INSTRUCTIONS FOR CASE PARTICIPANTS IN ABUSE/NEGLECT/DEPENDENCY CASES: The Ashland County Department of Job and Family Services shall provide the following contact information for case participants in abuse/neglect/dependency cases in this Court, in the manner described below:

- A. All initial Complaints in abuse/dependency/neglect cases shall contain the following information in the body of the Complaint:
 - (1) The full name(s), address(es), telephone number(s) and email address(es) of each parent of the child.
 - (2) The full name(s), address(es), telephone number(s) and email address(es) of any person that the child was living with at the time of removal, if that person is not a parent of the child.
 - (3) Paternity status of the child:
 - (a) If a father is identified for a child in the Complaint, information about the basis for the statement that a man is the child's father (i.e. acknowledgment, court order, marriage, etc).

- (b) If an alleged father is identified for a child in the Complaint, information about the status of any pending paternity proceedings relating to the child.
 - (c) If no father has been identified for the child, a statement concerning how it was determined that the paternity of the child is undetermined.
 - (4) Service instructions for any parent/legal custodian at the time of removal pursuant to Juvenile Rule 16. This requirement includes service instructions for the “Unknown Father” of the child if paternity of the child has not been established.
- B. All initial Complaints shall be accompanied by the “Foster or Kinship Caregiver Informational Form” contained in the Appendix of these Rules.
- C. All initial Complaints shall be accompanied by a digital upload of a photograph of the child to the Court’s Sharefile and a written notice of that upload on the form contained in the Appendix of these Rules.
- D. After a case has been initiated and continuing until the case is closed, the Department shall:
 - (1) File a new “Foster or Kinship Caregiver Informational Form” with the Court, on the next business day after any change in the child's placement.
 - (2) File a “Change of Contact Information Form” contained in the Appendix of these Rules with the Court, on the next business date of receipt of new contact information for a parent/legal custodian of a child.
 - (3) Upload a current photograph of the child on the annual anniversary of the filing of the Complaint.

25.04 CASE PLANS - ORIGINAL AND AMENDED

A. ORIGINAL OR AMENDED BY THE ASHLAND COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES:

- (1) The Ashland County Department of Job and Family Services shall timely file all original and amended case plans with the Court through its counsel of record. Counsel for the Department shall prepare and file the certification on the form contained in the Appendix of these Rules.

- (2) The Department shall prepare and submit the appropriate certification on the forms contained in the Appendix of these Rules with all original and amended case plans. Additionally, the Department shall provide a copy of the notice it has given to the parties of the deadline of time to object and request a case plan hearing, whenever it files an original or amended case plan with the Court. The Department shall use the form contained in the Appendix for providing that notice.
- (3) The Department shall provide the Court and the parties with a verbal notice of any emergency case plan amendment within 24 hours of or on the next business day after making any emergency case plan amendment. The Department shall follow-up that notification by formally filing an emergency case plan amendment in a timely manner.
- (4) The Department shall invite all parties to the case to a case planning meeting to develop the initial case plan. That meeting must be conducted at least seven (7) days prior to adjudicatory hearing, because of the deadline for filing the case plan with the Court. Following that meeting, the Department shall submit a proposed case plan to the Court in a timely manner.
- (5) The Department shall serve a copy of all case plans approved by the Court (not proposed amendments) on all service providers for the family. The Department shall certify its compliance with this Rule by filing the form contained in the Appendix of these Rules.
- (6) The Department shall personally review all case plans with a child who is age 14 or older and obtain the child's signature on the case plan verifying that review has occurred.

B. PROPOSED AMENDMENT BY A PARTY: Any party to an abuse/neglect/dependency case may propose a case plan amendment by filing a written request for amendment with the Court. The request shall contain details concerning exactly what portion of the case plan should be amended and the exact amendment proposed. If the party is represented by counsel, the request must be filed by counsel for that party. The party filing the proposed amendment shall serve a copy on all parties. The statutory procedures in R.C. 2151.412 will fully apply to such amendment requests.

C. CASE PLAN APPROVALS: All case plans filed with the Court shall be approved by the parties (which includes the CASA or GAL) to the case and any persons assigned responsibilities in the case plan (i.e. caregivers, named relatives, etc.), or that person's refusal to approve the case plan shall be noted in the signature box. If the person's approval was secured by electronic means, it is not necessary to attach

the electronic communication approving the case plan, but the signature box shall state the manner of approval (i.e. approved via email, approved via text message, etc.). The electronic communication approving the case plan shall be preserved by the Department as a part of its case file. Verbal approvals plans are not permitted. No person may approve a case plan on behalf of a child age 14 or older.

24.05 QRTP PROCEEDINGS

A. Policy of the Court:

- (1) **Due Process:** It is the policy of the Court that all parties, including the child (if age 14 or older), have the right to notice of a proposed QRTP level of care for the child and the right to be heard with regard to that level of care.
- (2) **Hearings:** Unless specifically ordered by the Court, the Court will conduct a hearing on all requests of the Ashland County Department of Job and Family Services for approval of QRTP requests. At the hearing, the Department bears the burden of proving, by a preponderance of the evidence, the matters upon which the Court is required to make findings. The filing of the report of the “Qualified Individual” does not constitute the admission of that report as evidence by the Court. The Court further will not take “judicial notice” of that report.
- (3) For children placed in QRTP placements, the Department shall follow all statutes and rules pertaining to case plan amendment and notices of change of placement required by law.

B. QRTP REPORT AND HEARING:

- (1) Upon receipt of a “Foster or Kinship Caregiver Informational Form” which indicates that the child was placed in a QRTP, the Court will schedule a hearing on the first available business day occurring thirty (30) days after the filing of the form. The Court will attempt to schedule the hearing date with counsel of record. However, because the Court has strict time limits in which it must conduct a hearing and approve or disapprove of a QRTP placement, the Court will set a hearing even if the Court cannot obtain approval of the hearing date from all attorneys.
- (2) The Court hereby adopts the Qualified Residential Treatment Program (QRTP) Report Form contained in the Appendix. The purpose of this form is to establish consistency in the QRTP report, since reports are prepared by different individuals. Further, this form is designed to comply with O.A.C.

5101:2-42-12 and it shall be completed within the time frame set forth in that rule.

- (a) The CANS assesment required by the rule is for purposes of gathering information in order to arrive at an opinion, which is then stated in the QRTP Report. For that reason, the CANS assessment shall not be filed with the Court, although it may be used as an exhibit during hearing.
 - (b) The Court is aware that there is a suggested “QRTP CANS ASSESSMENT REPORT created by Case Western University which purports to create some sort of presumption for or against placement of a child in a QRTP based upon the ratings assigned by the assessor in the CANS domains. This report form is NOT required by Ohio law and the Court has not ascertained that the decision support model has been validated. While a QI may choose to complete that decision support model, that decision support model should not be the basis for the QI’s decision and report. The model DOES NOT make the decision for the QI and the QI must still reach an independent conclusion which he or she will rationalize in his or her report.
- (3) The Department shall file the assessor’s QRTP Report with the Court within three (3) business days of issuance of the report, and serve a copy of that report on any unrepresented party or counsel for any represented party. The Department is not required to serve a copy of the report on the child, if the child is not represented by counsel.
 - (4) If the Department determines that it is not seeking court-approval of QRTP placement, it shall file a request to cancel the QRTP hearing.
 - (5) Any party who has not filed a written consent to the QRTP placement, and that party’s attorney, shall appear for the QRTP hearing. Any party who has filed a consent to the QRTP placement, and that party’s attorney, are excused from appearing for the QRTP hearing. The Court hereby adopts the attached “Consent to QRTP and Waiver of Hearing Form” for the purpose of QRTP proceedings.
 - (6) All children ages 14 years of age or older shall appear for the QRTP Hearing. The Court will notify the Department in the notice or order setting the hearing whether the child’s appearance at the hearing is required, if the child is under the age of 14.

- (7) All QRTP Hearings shall be conducted via Zoom video conference, unless otherwise specified by the Court.

24.06 FORMS FOR SIGNATURE BY PARTICIPANTS IN ABUSE, NEGLECT, DEPENDENCY CASES. The forms listed below and contained in the appendix shall be used when applicable in cases filed with this Court:

- A. Parental Stipulation to Permanent Custody**
- B. Parental Stipulation to Legal Custody**
- C. Parental Stipulation to Temporary Legal Custody**
- D. Statement of Understanding by Proposed Legal Custodians**

24.07 CASE MANAGEMENT:

- A. Summons shall issue immediately or as soon as possible (no more than three (3) days) upon filing of the complaint.
- B. Initial Appearance shall be scheduled within fourteen (14) days of filing. Initial Appearance shall not be scheduled if the Court has entered pleas of denial on behalf of the parent(s) during a shelter care hearing.
- C. Adjudicatory hearing shall be held within sixty (60) days of filing, unless specifically extended for good cause shown, by Court Order.
- D. Without exception, dispositional hearing shall be held no later than ninety (90) days after the complaint was filed.

RULE 26: ADULT CRIMINAL CASES

26.01 CASE MANAGEMENT:

- A. All criminal cases shall be scheduled for arraignment within fourteen (14) days of the filing of the complaint.
- B. If the defendant wishes to have counsel, a pre-trial shall be scheduled within fourteen (14) days of arraignment, and thereafter the case shall be scheduled for trial in accordance with the statutory time limits.

- C. All criminal cases shall be disposed of no more than ninety (90) days from the filing of the complaint unless an appropriate waiver of time is filed and the court approves an extended schedule.

26.02 JURY MANAGEMENT: All provisions of the Jury Management Plan adopted by the Ashland County Court of Common Pleas, General Division, shall apply to this Court.

RULE 27: SPECIFIC ISSUES IN ADULT CIVIL CUSTODY/PARENTING TIME/CHILD SUPPORT CASES
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27.01 PARENTING TIME SCHEDULE:

- A. All parenting time orders of the Court shall state that parenting time shall occur at the times agreed by the parties, but the order shall include a specific parenting time schedule which will be applicable if there is no other agreement between the parties.
- B. The Court adopts the standard parenting time schedule contained in the Appendix of these Rules. That schedule is not mandatory and may be modified on a case-by-case basis, as is in the best interests of the child.

27.02 TIME LIMITS IN PARENTAGE/SUPPORT CASES:

- A. Pursuant to O.R.C. Section 3125.58, all actions for parentage or establishment/modification of support must be completed as follows: 75% of all actions shall be completed within six (6) months of filing and 90% of all actions shall be completed within twelve (12) months of filing.
- B. The Court may make temporary support orders in such actions upon its own motion or the motion of any party, if the issues are so complex as to require full judicial review or in other appropriate circumstances.
- C. Where necessary to comply with this rule and the statutory mandate, the Court may give priority to parentage and support actions.
- D. Counsel of record, as officers of the Court, shall expeditiously fulfill all professional responsibilities, so as to assist the Court with complying with the aforementioned time limits.

27.03 PATERNITY TESTING:

A. EVIDENCE OF PATERNITY:

- (1) All civil complaints filed with the Court shall include a statement that paternity of the child HAS NOT been established, or evidence that paternity is established. The acceptable forms of evidence of establishment of paternity include, but are not limited to: a copy of the child's birth certificate listing the father of the child; a copy of the central paternity registry record for the child; or a copy of the administrative order establishing paternity.
- (2) If paternity of the child has been established, the father of the child is a necessary and required party to the case and shall be served with all pleadings.
- (3) If paternity of the child has not been established, the Court will proceed to handle the case as an action to establish paternity under R.C. Chapter 3113.

B. PATERNITY TESTING: Procedure: Upon motion of any party in an action to establish paternity, DNA testing by the ACCSEA will be ordered immediately and without hearing. The original results shall be provided directly to the court by ACCSEA. Thereafter, the Court shall serve with copies on to the parties and counsel. Upon receipt of the results, the court will set a paternity hearing. If there are costs for the paternity testing, the ACCSEA shall notify the Court of the amount of the costs when it files the results and thereafter the Court will make an order for payment of those costs. ~~Costs for genetic testing will be prepaid by the moving party, or the Ashland County Child Support Enforcement Agency if it initiated the case, and then be taxed as costs.~~ Any order for paternity testing shall substantially comport with the form Form 9.00 contained in the Appendix to these Rules.

27.04 REQUIRED PLEADINGS BY FILING PARTY: In order to open a new paternity/custody/parenting time case for a child, a filing party must file the forms set forth below. The pleadings must comply with all portions of these rules, and particularly with Rule 9 above. The Court is required to maintain one case per child. Therefore, if the parent is filing for paternity/custody/parenting time for different children, the parent must file a set of pleadings for EACH CHILD. Every case must be accompanied by a filing fee deposit or a request for waiver of filing fee deposit. Any pleadings which do not conform to these rules will be accepted for filing and the filing party will be given an opportunity to amend or supplement the pleadings to comply with these rules. The failure to timely amend or supplement inadequate pleadings will be deemed a failure to prosecute the case and could result in dismissal of the case. The Supreme Court's forms are available by link at this Court's website: acjuvenileprobate.org ~~The Plaintiff or movant in any action involving custody or child support shall file these forms with the Complaint or Motion. Thereafter, the Defendant or non-movant shall file these forms with the Court prior to the first scheduled hearing in the case.~~

~~A. IV-D APPLICATION: All Complaints or Motions which involve an allocation of parental rights and responsibilities, child support or determination of parentage shall be accompanied by a completed IV-D Application or a statement by the CSEA that an application has already been filed, and listing the existing SETS No.~~

A. CASES FILED BY A NONPARENT: The Ohio Supreme Court has not established any uniform forms for use by nonparents. For that reason, a nonparent must draft their own pleadings or have an attorney draft them on his or her behalf. Nonparents are not required to file an income affidavit or health insurance affidavit when initiating a case. They are required to file a IV-D Application (in the Appendix) or provide the SETS NO. for the support case for the child; a Parenting Proceeding Affidavit; and a Request for Service.

B. NEW PATERNITY/CUSTODY/PARENTING TIME CASE FILED BY A PARENT:

- (1) Complaint for Parentage, Allocation of Parental Rights and Responsibilities, and Parenting Time (Supreme Court Juvenile Form 2.0), with evidence of paternity if established;
- (2) IV-D Application (see the appendix) or the caption the case shall list the existing SETS Number assigned support case for the child;
- (3) Parenting Proceeding Affidavit (Supreme Court Uniform Domestic Relations Form Affidavit 3);
- (4) Affidavit of Basic Information, Income and Expenses (Supreme Court Uniform Domestic Relations Affidavit 1);
- (5) Health Insurance Affidavit (Supreme Court Uniform Domestic Relations Affidavit 4)
- (6) Request for Service on the other parent and Ashland County CSEA (Supreme Court Juvenile Form 10). Do not request service on the filing party. If the filing party desires date-stamped copies of his or her pleading, the party shall provide a copy for return by the court, or pay for a copy at a cost of \$.10 per page.
or
Waiver of Service of Summons (Supreme Court Juvenile Form 9) executed by the non-filing parent
- (7) Notice of Hearing (see form in appendix). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.

- (8) If there is an agreement:
 - (a) A signed Parenting Plan (See Sole Parenting Plan and Shared Parenting Plan in the appendix);
 - (b) A proposed Parenting Judgment Entry (See Parenting Judgment Entry in the appendix);
 - (c) A Child Support Computation Worksheet (short form is sufficient);
 - (d) Dependent Health Care Order (see form in the Appendix) - do not incorporate any dependent health care language in any Entry or Plan drafted by counsel or the party.

C. MODIFICATION OF CHILD SUPPORT, TAX EXEMPTION OR OTHER CHILD-RELATED EXPENSES BY A PARENT:

- (1) Motion for Change of Child Support, Medical Support, Tax Exemption or Other Child-Related Expenses (Supreme Court Juvenile Form 7);
- (2) Affidavit of Basic Information, Income and Expenses (Supreme Court Uniform Domestic Relations Affidavit 1);
- (3) Health Insurance Affidavit (Supreme Court Uniform Domestic Relations Affidavit 4); and
- (4) Request for Service on the other parent and Ashland County CSEA (Supreme Court Juvenile Form 10). Do not request service on the filing party. If the filing party desires date-stamped copies of his or her pleading, the party shall provide a copy for return by the court, or pay for a copy at a cost of \$.10 per page.
or
Waiver of Service of Summons (Supreme Court Juvenile Form 9) executed by the non-filing parent
- (5) Notice of Hearing (see form in appendix). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.;
- (6) If there is an agreement:
 - (a) A signed Parenting Plan (See Sole Parenting Plan and Shared Parenting Plan in the appendix);

- (b) A proposed Parenting Judgment Entry (See Parenting Judgment Entry in the appendix);
- (c) A Child Support Computation Worksheet (short form is sufficient);
- (d) Dependent Health Care Order (see form in the Appendix) - do not incorporate any dependent health care language in any Entry or Plan drafted by counsel or the party.

D. MODIFICATION OF EXISTING CUSTODY ORDER BY PARENT:

- (1) Motion for Change of Parental Rights and Responsibilities (Custody) (Supreme Court Juvenile Form 6);
- (2) IV-D Application (see the appendix) or the caption the case shall list the existing SETS Number assigned support case for the child;
- (3) Parenting Proceeding Affidavit (Supreme Court Uniform Domestic Relations Form Affidavit 3);
- (4) Affidavit of Basic Information, Income and Expenses (Supreme Court Uniform Domestic Relations Affidavit 1);
- (5) Health Insurance Affidavit (Supreme Court Uniform Domestic Relations Affidavit 4)
- (6) Request for Service on the other parent and Ashland County CSEA (Supreme Court Juvenile Form 10). Do not request service on the filing party. If the filing party desires date-stamped copies of his or her pleading, the party shall provide a copy for return by the court, or pay for a copy at a cost of \$.10 per page.
or
 Waiver of Service of Summons (Supreme Court Juvenile Form 9) executed by the non-filing parent.
- (7) Notice of Hearing (see form in appendix). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.;
- (8) If there is an agreement:
 - (a) A signed Parenting Plan (See Sole and Shared Parenting Plan forms in the appendix);

- (b) A proposed Parenting Judgment Entry (See Parenting Judgment Entry in the appendix);
- (c) A Child Support Computation Worksheet (short form is sufficient);
- (d) Dependent Health Care Order (see Court's form in the Appendix) - do not incorporate any dependent health care language in any Entry or Plan drafted by counsel or the party.

E. MODIFICATION OF PARENTING TIME:

- (1) Motion for Change of Parenting Time (Supreme Court Juvenile Form 5);
- (2) Parenting Proceeding Affidavit (Supreme Court Uniform Domestic Relations Form Affidavit 3); and
- (3) Request for Service on the other parent and Ashland County CSEA (Supreme Court Juvenile Form 10). Do not request service on the filing party. If the filing party desires date-stamped copies of his or her pleading, the party shall provide a copy for return by the court, or pay for a copy at a cost of \$.10 per page.
or
 Waiver of Service of Summons (Supreme Court Juvenile Form 9) executed by the non-filing parent
- (4) Notice of Hearing (see form in appendix). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.;
- (5) If there is an agreement:
 - (a) A signed Parenting Plan (See Sole and Shared Parenting Plan forms contained in the Appendix);
 - (b) A proposed Parenting Judgment Entry (see Parenting Judgment Entry form contained in the Appendix).

F. ENFORCEMENT OF A COURT ORDER BY A PARENT:

- (1) Motion for Contempt, Affidavit, and Instructions for Service (Supreme Court Juvenile Form 3);
- (2) Show Cause Order and Notice (Supreme Court Juvenile Form 4). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.;

- (3) Memorandum in Support of the Motion (Required by Rule 13) identifying the action taken which allegedly violated the Court's order(s); the date(s) of the violation(s); and the portion(s) of the Court's order that were allegedly violated;
- (4) If the contempt motion alleges a failure to pay a health care bill, an Explanation of Health Care Bills (Supreme Court Juvenile Form 8).

G. ANY OTHER TYPE OF MOTION TO RE-OPEN A CASE BY A PARENT:

- (1) A Motion and Memorandum in Support in compliance with Rules 9 and 13;
- (2) Instructions to the Court on how to serve the motion or a waiver of service of the motion executed by the opposing party
- (3) Notice of Hearing (see form in appendix). Prior to filing, any attorney filing the case shall comply with Rule 27.05 below.;
- (4) Additionally, if there is an agreement, an Agreed Judgment Entry executed by the parties shall be submitted with the Motion.

- ~~1. Uniform Domestic Relations Affidavit 3 (Parenting Affidavit): The Plaintiff or movant in any action involving custody or parenting time shall file this form with the Complaint or Motion.~~
- ~~3. Uniform Domestic Relations Forms 17 and 18, and Uniform Juvenile Forms 1 - 10: Any person who is unrepresented by counsel shall utilize these forms, as applicable to his or her case. Counsel representing persons in this Court may, but are not required to use the forms. Should counsel decide not to use the forms, the pleadings provided by counsel shall at a minimum contain all of the substantive portions of the Supreme Court's forms.~~

27.05 CHILD SUPPORT JUDGMENT ENTRIES: All Judgment Entries which contain a child support order shall contain or be accompanied by the following:

- A. Mandatory Withholding Language and Notices:** All Judgment Entries and Shared Parenting Decrees (not plans) establishing or modifying child support shall contain the mandatory child support language contained in the Appendix to these rules.
- B. Deviation Language:** If there is an agreed upon deviation in the child support amount, the Entry or Decree shall contain the mandatory deviation language contained in the Appendix to these rules. ~~The following documents shall accompany all Entries/Decrees relating to child support:~~

- C. **Child Support Guidelines Computation Worksheet** (a “short form” is acceptable in lieu of the full statutory form); and
- D. **Separate Dependent Health Care Order** (contained in Appendix). **The parties shall not include health care language within the body of the Entry or Decree establishing or modifying child support because the accuracy of that language cannot be readily ascertained by the Court.**

27.06 DOCUMENTS REQUIRED WHEN THE PARTIES HAVE AGREED TO MODIFIED ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES:

To the extent any of these documents were NOT previously filed by the parties in the pending action, the parties shall file the following documents:

- A. Written motion (joint or by one party) for modification of allocation of parental rights;
- B. A Waiver and Consent signed by both parties (At a minimum, the Waiver and Consent shall contain a waiver of notice of hearing; waiver of hearing on the motion; waiver service of process; and a statement that each party is consenting to a reallocation of parental rights and responsibilities and personally submitting to the jurisdiction of the Court);
- C. Uniform Domestic Relations Affidavits 1, 3 and 4 for each parent;
- D. Child Support Worksheet (short form satisfactory);
- E. Dependent Health Care Order (see Appendix);
- F. Parenting Plan signed by both parents (if applicable); and
- G. A proposed Judgment Entry OR Decree of Shared Parenting, signed/approved by both parties/counsel, which addresses all issues relating to the child, including parenting time, health care, and allocating of income tax exemption for the child, and which includes appropriate O.R.C. 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

27.07 AMENDMENTS TO SHARED PARENTING PLANS: A Shared Parenting Plan may not be amended by Agreed Judgment Entry only, unless the only provision which is modified is the support provision and the support modification results from action taken by the Ashland County Child Support Enforcement Agency. All other amendments to Shared Parenting Plans shall be accomplished by filing an Amended Shared Parenting Plan and Proposed Amended Shared Parenting Decree.

27.08 MANDATORY REQUIREMENTS FOR SHARED PARENTING PLANS: All initial or amended Shared Parenting Plans shall contain all of the following:

- A. A statement indicating the names of the parents and the child(ren) and the child(ren)'s date of birth.
- B. A statement that: (1) each parent believes the other parent to be a fit parent, and that each recognizes the unique contributions that each has to offer the child; (2) the parents wish to share legal responsibility for the child, as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interests of the minor child; and (4) shared parenting is in the best interest of the minor child.
- C. Provisions covering all required statutory factors relevant to the care of the child, including physical living arrangements, child support obligations, child's health care, income tax exemptions for the child, and school placement. The plan may also include optional provisions concerning the child's education, religious upbringing, child care, removal of the child from the state, the child's name, the specific authority of each parent, dispute resolution procedure, and any other matter related to the best interests of the child.
- D. A designation that both parents are "residential parents and legal custodians" of the child.
- E. A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan; that he or she has voluntarily signed the Plan, and that each party requests that the Court adopt the Plan as the Judgment and Order of the Court.

****If Uniform Domestic Relations Form 17 is used by the parties, the statements in Items B and E above may be contained in a separate document.**

27.09 MANDATORY LANGUAGE IN SHARED PARENTING DECREE: An initial or amended Shared Parenting Decree shall contain one of the following findings, as appropriate:

- A. Any Amended Shared Parenting Decree must include appropriate O.R.C. Section 3109.04(E)(2) language as to the legal conclusions made by the Court, as follows:

"Based upon the representations of the parties, the Court finds that a modification of the existing Shared Parenting Plan is in the best interests of the minor child."

- B. Any Shared Parenting Decree modifying a prior allocation of sole or split parental rights and responsibilities, to shared parenting, shall include appropriate O.R.C. Section 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

- C. Any initial Shared Parenting Decree, in a case which does not contain any prior allocation of parental rights and responsibilities, shall include appropriate O.R.C. Section 3109.04(D) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that adoption of the attached Shared Parenting Plan is in the best interests of the minor child."

27.10 HEARING/PRETRIAL:

- A. **Preparation of Notice/Order to Appear:** Prior to filing a Complaint or motion with the Court, the attorney filing the case shall contact the Court Administrator and obtain a appropriate hearing dates for the case. Thereafter, counsel shall prepare a Notice of Hearing/~~Pretrial~~ or an Order to Appear which contains the hearing/~~pretrial~~ date supplied by the Court. ~~; a description of all matters to be heard at the scheduled hearing, and shall specify whether the hearing is or is not an evidentiary hearing.~~ If a Complaint or motion is filed by a party *pro se*, **the party shall submit a Notice of Hearing or an Order to Appear which contains a blank hearing date and the Court will complete that date.** ~~Court will prepare any necessary Notice of Hearing/~~Pretrial~~ or an Order to Appear.~~
- B. **Agreed Judgment Entries:** In its discretion, the Court may schedule a hearing prior to approving any agreed order. In the event the Court schedules a hearing, both parties shall appear at the hearing. The failure of either party to appear at the scheduled hearing may result in dismissal of the pending matter.

27.10 CASE MANAGEMENT:

- A. ~~If requested by the filing party, a~~ A pretrial **hearing** shall be ~~held~~ scheduled within thirty (30) days after the filing of the Complaint or Motion, **if service is waived by the opposing party or if personal service is requested. The pretrial shall be held no earlier than forty-five (45) days after the filing of the Complaint or Motion, if certified mail service is requested.**
- B. An **evidentiary** hearing on a Complaint or Motion shall be scheduled as promptly as possible given the specific time needed for the case, but in all cases within ~~sixty (60)~~ **nine (9) months** after the filing of the Complaint or Motion.

RULE 28: EX PARTE MOTIONS

An *ex parte* order allocating or reallocating parental rights and responsibilities or granting parenting time, will be granted only upon affidavit(s) which comply with Division (A)(4) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an *ex parte* order is in the best interests of the child(ren). In the event the Court overrules the motion on an *ex parte* basis (i.e., without notice), the Court may consider granting or reallocating parental rights and responsibilities or granting parenting time rights on a temporary basis, after the opposing party has been given notice and an opportunity to respond to the motion.

28.01 REQUIRED PLEADINGS: Any *ex parte* pleadings shall include:

- A. **Statement Regarding Counsel:** All *ex parte* motions shall include a statement as to whether the nonmoving party is presently represented by counsel, whether or not that attorney has entered an appearance in the case. If the nonmoving party is represented, the motion shall state the name of the nonmoving party's attorney.
- B. **Disclosure of Other Orders:** All *ex parte* motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped copy of any relevant and current order shall be attached to the *ex parte* motion.
- C. **Efforts to Give Notice:** All *ex parte* motions/affidavits shall disclose the efforts, if any, which have been made by the Movant or counsel to give notice of the issue(s) raised in the motion, or the reasons supporting any claim that notice should not be given. The motion/affidavit(s) shall state whether or not the Movant knows the present residence of the nonmoving party and, if not, what efforts the Movant has made to discover the present address of the nonmoving party.

- D. Affidavit(s):** All *ex parte* motions shall be supported by affidavit(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.

28.02 HEARINGS ON *EX PARTE* MOTIONS: In the event the Court grants an *ex parte* motion, the Court shall set a hearing on an expedited basis, as soon as the Court's docket may permit. The moving party shall bear the burden of proof at an *ex parte* hearing, and shall present sufficient, competent evidence to establish that continuation of the *ex parte* order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the *ex parte* motion, except as otherwise permitted by the Court.

RULE 29: ATTORNEY FEES

29.01 CHILD SUPPORT AND PARENTING TIME CONTEMPT ACTIONS:

- A. Ordinary Fees:** An award of attorney fees is mandatory in child support, ~~spousal support~~, and parenting time contempt actions pursuant to O.R.C. Section 3109.05, 3109.051 and 3105.18. Counsel need not make a written motion requesting an award of attorney fees in those types of actions. Generally, the Court considers attorney fees not in excess of ~~\$250~~ **\$300.00** to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of ~~\$250.00~~ **\$500.00** in those cases. The Court may require evidence, however, if it deems such evidence necessary in the case.
- B. Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of ~~\$250.00~~ **\$500.00** in these types of contempt actions. In order to obtain an award of fees in excess of ~~\$250.00~~ **\$500.00**, counsel must present evidence and testimony as described in the Division (B)(2) of this rule.

29.02 AWARD OF NON-MANDATORY ATTORNEY FEES:

- A. Motion Required:** Any request for attorney fees shall be made by written motion, filed at least seven (7) days prior to the final hearing in the case.
- B. Evidence Supporting the Motion:** The following evidence shall be presented at any hearing regarding attorney fees:
- (1) An affidavit signed by counsel verifying the method by which the fees requested were calculated, including the services rendered, the time

expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).

- (2) Testimony from the client as to whether the services billed were actually rendered;
 - (3) If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues; and
 - (4) Evidence of the parties' respective incomes and expenses, if such evidence is not otherwise disclosed during the course of the hearing.
- C. Expert Testimony:** Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert evidence in support of or in opposition to a motion for attorney fees.
- D. Failure to Comply:** Failure to comply with the provisions of this rule may result in a denial of the motion for attorney fees.

29.05 COURT-APPOINTED COUNSEL:

- A. The Court has no authority to appoint counsel for any party in a non-contempt civil case. If a party desires to be represented by counsel on any Complaint or Motion that does not allege contempt, that party must retain counsel.**
- B. Any request for court-appointed counsel in a contempt action shall be made within seven (7) days after service of the order to appear, or prior to the hearing if service occurs less than seven (7) days before the hearing. The request for court-appointed counsel shall be made by filing the Ohio Public Defender Financial Disclosure Form available on the Court's website or upon request, from the Court.**
- C. Any request for payment of fees by court-appointed counsel shall be accompanied by all documents required by the Public Defender's office and the request shall be submitted within thirty (30) days of the last court activity in the case. Failure to submit a timely request for payment of fees could result in the disallowance of all or part of the fee requested.

RULE 30: CONSENT TO MARRY

- 30.01 AGE:** The minor to be married must be age 17; minors under the age of 17 cannot be married.
- 30.02 AGE DIFFERENCE:** If the minor is to be married to an adult, the difference in age cannot be more than four (4) years.
- 30.03 APPLICATION:** Each minor must file an application for court consent to marry and pay the filing fee. The application form is contained in the appendix of these Rules.
- 30.04 GUARDIAN *AD LITEM*:** The Court is required to appoint a Guardian *Ad Litem* for each minor requesting the Court's consent to marry. The Guardian *Ad Litem* will investigate the request and make a written or oral recommendation to the Court. The minor must make a deposit for the fees of the Guardian *Ad Litem* in the amount ordered by the Court.
- 30.05 PARENTS/LEGAL CUSTODIANS OF MINOR APPLICANT:** The parents/egal custodians of the applicant will be required to either sign a Waiver of Notice indicating they are aware that the application for marriage consent has been filed, or they will be sent notice of the hearing via certified mail or personal service. If there is a particular reason a parent/legal custodian should not be notified of the hearing (i.e. existence of a protection order, etc.), the minor applicant must request exemption from the notice requirement.
- 30.06 HEARING:** The Court will conduct a hearing on all requests seeking consent to marry made by a minor. The minor, the minor's parents/legal custodians, and the prospective spouse shall attend the hearing unless excused by the Court. The minor and prospective spouse shall bring proof of their dates of birth to the hearing. Acceptable forms of proof include: a certified copy of the minor's birth certificate, a driver's license, a passport or another official photo form of identification.

RULE 31: GRANDPARENT POWER OF ATTORNEY AND CAREGIVER AUTHORIZATION AFFIDAVIT

31.01 GRANDPARENT POWER OF ATTORNEY

- A. Who Can File?** The Grandparent Power of Attorney may only be completed by a parent, guardian or custodian of a child.
- B. Forms:** The Court requires the filing of a Child Custody Affidavit (Supreme Court Form 3) and a Party Information Form, for EACH CHILD, in addition to the statutory

Grandparent Power of Attorney Form. The forms required by the Court are contained in the Appendix.

- C. Filing Fee:** There is no filing fee for filing a Grandparent Power of Attorney.
- D. Case Number and ID Number:** A miscellaneous case number and I.D. number shall be assigned by the Court when the Power of Attorney is filed with the Court.
- E. Copies:** If the filing party desires a date-stamped copy of the documents filed with the Court, he or she shall provide the copy, or pay \$.10 per page for a copy, if no copy is provided.

31.01 CARETAKER AUTHORIZATION AFFIDAVIT

- A. Who Can File?** The Caretaker Authorization Affidavit may only be completed by a grandparent after reasonable attempts have been made to locate or contact the child's parent(s), guardian or custodian.
- B. Forms:** The Court requires the filing of a Child Custody Affidavit (Supreme Court Form 3) and a Party Information Form, for EACH CHILD, in addition to the statutory Caretaker Authorization Affidavit Form. The forms required by the Court are contained in the Appendix.
- C. Filing Fee:** There is no filing fee for filing a Caretaker Authorization Affidavit.
- D. Case Number and ID Number:** A miscellaneous case number and I.D. number shall be assigned by the Court when the Caretaker Authorization Affidavit is filed with the Court.
- E. Copies:** If the filing party desires a date-stamped copy of the documents filed with the Court, he or she shall provide the copy, or pay \$.10 per page for a copy, if no copy is provided.

RULE 32: COURT TECHNOLOGY PLAN

- 32.01** Pursuant to Rule 5(E) of the Rules of Superintendence for Courts of Ohio, each division of a Court must establish a technology plan for purposes of ensuring the efficient and effective use of technology in the delivery of services of the Court and procedures for notifying and providing instructions to the public on how to use the technology solutions implemented by the Court. The technologies in this plan include technologies available to external court participants and to staff of the Court. This plan does not include information about technology infrastructure for security reasons.

A. EXISTING SOFTWARE LICENSES OF THE COURT:

- (1) Henschen Case Management System: The Court uses a case management system developed by and maintained through Henschen & Associates. That case management system includes, but is not limited to document imaging, online marriage licenses application and cashbook application. That case management system is for the exclusive use of the Court's staff, except that the Court does permit public access to the case docket entries in non-confidential probate division cases and to marriage licenses applications through its website. The website includes instructions on how to access case information and complete an online marriage application. There is no other public use of the case management system, therefore there are no instructions for the public on the use of the system. Employees are trained in the use of the system by the provider.
- (2) BIS Digital Recording Software: The Court uses DCR Recording program from BIS Digital to record proceedings in each of its courtrooms. This software is for the exclusive use of the Court's staff, although the Court does provide copies of recordings pursuant to public records requests. Since is no public use of this software, the Court does not have instructions for the public. Employees are trained internally by staff.
- (3) Word processing and Spreadsheet Applications: The Court uses WordPerfect and Microsoft WORD for word processing. The Court uses Excel for spreadsheets. These applications are for the exclusive use of the Court's staff and therefore no public instructions are maintained. Employees are trained internally.
- (4) PDF Software: The Court has a variety of PDF programs in use because those programs have been acquired at different times, for different purposes. The Court has one license for NitroPDF and and two licenses for Adobe PDF Standard. These programs are used by Court staff exclusively and therefore no public instructions for use of the programs has been created. Employees are trained internally.
- (5) Calendaring Software: The Court maintains its official court calendar through the Henschen Case Management System. The Court also maintains a web-based calendar through TeamUp. The calendar is not available for any public use and therefore instructions are not maintained for the public. Employees are trained internally.
- (6) Court Check-in Kiosk: The Court uses The Receptionist on Ipads for the check-in of participants in court hearings and for probation appointment check-ins. The public's instructions for using those check-in processes is

maintained on the Ipad since those systems are used by the public. Employees are trained internally.

- (7) Zoom: The Court utilizes Zoom for video conferencing hearings. This software is used by both Court staff and by court participants. It is also used for meetings and trainings by Court staff. The Court maintains instructions which are sent to litigants and posted on the Court's website for use of Zoom for video conference hearings. Employees are trained internally.
- (8) Email: The Court's email is currently provide by Armstrong which is the internet provider for the Court. Internally, the email is maintained through Microsoft Outlook. This software is not used by the public and therefore no public instructions are maintained for the software. Employees are trained internally.
- (9) Child Support Calculation: The Court has two (2) licenses for Puritas Springs Child Support Calculation software. Those licenses are for the use of the Judge and Magistrate. No public use of those licenses is permitted and therefore no public instructions are maintained for the software. Employees are trained internally.
- (10) Court Website: The Court has a website. All website design and update services are provided by Henschen and Associates and the Court does not maintain any software programs for website design.
- (11) Citrix Sharefile: The Court uses Sharefile for evidence management and for exchange of large digital files which cannot be emailed. The Court maintains written instructions for use of that software by external, non-court users.
- (12) LexisNexis Court Payments: Court cost payments are accepted over-the-counter and by telephone through LexisNexis Court payments. Instructions are not maintained for this system as public users are "walked through" the process by court staff, as a payment is being made. The Court's staff receives training as needed from the vendor.
- (13) Polycom: The Court uses a Polycom system for video conference hearings. This is a hardware system with a tablet interface. This system is exclusively used by court staff and no public instructions are maintained.
- (14) Online Applications not available to the public and used by limited Court staff:
 - (a) OCN: The Court uploads information to share with other Courts through OCN and accesses information contained in OCN.

- (b) OYAS: The Court reports data to DYS through this system and accesses information contained in DYS records.
- (c) BMV: The Court uploads information to share with the BMV for reporting purposes.
- (d) Estats: The Court accesses this program on the Ohio Supreme Court's website to file its monthly case management reports.
- (e) Ohio Treasurer: The Court accesses this website to do monthly pay-ins of fees collected by the Court.
- (f) LexisNexis Legal Research: The Court accesses this website through the Ashland County Law Library to conduct legal research.
- (g) RemotePC: The Court utilizes this software to conduct court business remotely as necessary.

B. Future Technology Plans

- (1) E-filing: The Court plans to implement e-filing through its current case management system.
- (2) Public Computer Kiosk: The Court currently maintains a public computer with access to the Court's website. The Court plans to expand that public use terminal to permit public access to and preparation of Supreme Court standard forms, videos prepared by the Court and historical public records of the Court which have been preserved in digital format.
- (3) Conversion of existing microfilm and microfiche to digital PDF files: The Court has extensive preserved probate records on microfilm/microfiche. That particular format is not readily accessible by court staff or the public because the Court does not have a microfilm/microfiche reader. Conversion of these documents to PDF format would allow access to the documents in a modern usable format.
- (4) Internal website/learning solution and internal communications: With the advent of remote working and a wealth of internal procedures requiring staff training, the Court needs a better solution for communication than telephone and email and the Court has no solution for a learning environment. The Court is exploring these solutions.

RULE 33: BCI, NCIC and BMV REPORTING

FINGERPRINTING

- 33.01** The Bureau of Criminal Investigations Automated Fingerprint Identification System (AFIS) is the state repository of biometric fingerprint information. This system is associated with arrest and dispositional information on arrest, including with regard to juveniles. The Computerized Criminal History (CCH) is the repository of fingerprint based criminal arrest records submitted by law enforcement agencies and dispositional information submitted by courts which corresponds to arrest information.
- 33.02** This Court has an obligation to inquire whether juveniles with certain specified charges have been fingerprinted. Juveniles are fingerprinted by law enforcement either: (1) prior to the filing of a Complaint; or (2) after the filing of a Complaint, pursuant to court order. Upon the filing of a complaint alleging an offense which requires fingerprinting, the Clerk will determine if the juvenile has been fingerprinted or not. If the juvenile has already been fingerprinted, the Clerk will obtain a copy of the BCI 2-71 form from law enforcement. If the juvenile has not yet been fingerprinted, the Clerk will prepare and process an order for fingerprinting of the juvenile.
- 33.03** After the juvenile has been fingerprinted, the Court will obtain a copy of BCI Form 2-71 which will state the Incident Tracking Number (ITN) for the particular offense. The ITN number is used to report corresponding disposition information for that offense.
- 33.04** Ashland County Juvenile Court does not presently report dispositions electronically through its case management system. Accordingly, following disposition in a juvenile case which requires fingerprinting of a juvenile, the Clerk completes BCI Form 2-71 and transmits that form to BCI, with a copy of the dispositional Judgment Entry. BCI does not require the Judge's signature on the BCI 2-71 if the dispositional entry is also transmitted with the form. The BCI Form 2-71 shall be completed in accordance with the instructions of BCI at: <https://www.ohioattorneygeneral.gov/Files/PublicationsFiles/Background-Check-Publications/2-71-form-with-field-descriptions.aspx>
- 33.05** BCI Form 2-71 shall be transmitted by the Clerk to BCI within seven (7) days of disposition.

PROTECTION ORDERS

- 33.06** Within twenty-four (24) hours of the issuance of a protection order, the Court shall transmit an NCI Form (10-A) to the Ashland County Sheriff so that the protection order can be entered in the LEADS system.

BUREAU OF MOTOR VEHICLES

- 33.07** With seven (7) days of issuance of any order of disposition of a juvenile traffic offender or order suspending the operator's license of any individual, the Court shall transmit an abstract of that record to the Ohio Bureau of Motor Vehicles on a form designated by that agency.

NOTICE TO BCI OF SEALED AND EXPUNGED RECORDS

- 33.08** Within three (3) days of issuance of any order sealing or expunging a juvenile delinquency or adult criminal conviction, the Court shall transmit a copy of the order to the Ohio Bureau of Criminal Investigation (BCI).

RULE 34: NEUTRAL EVALUATION

- 34.01 Introduction.** Through Rule 39, the Court incorporates by reference Rules 16.50 - 16.55 of the Rules of Superintendence for the Courts of Ohio. Should the Court establish a neutral evaluation program, the program shall comply with that rule and these local rules of Court.

34.02 Definitions.

- A. "Neutral Evaluation" is a process in which the parties to a dispute present their claims or defenses and describe the principal evidence on which their claims or defenses are based to a neutral third-party who then shares impressions about the strengths and weaknesses and probable outcome of each matter.
- B. "Neutral Evaluator" ("evaluator") means a court-appointed individual who conducts the neutral evaluation session.
- C. "Neutral Evaluation Communication" means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a neutral evaluation session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a neutral evaluation session.

- 34.03 Purpose.** It is the policy of this Court to utilize neutral evaluation to promote greater public satisfaction through the facilitation of a fair and efficient resolution for custody/parenting time cases.

- 34.04 Scope.** Neutral evaluation may be chosen as an appropriate method of resolution for a case. A case may be referred to neutral evaluation for the resolution of either parenting or financial issues. Should a case be referred and accepted for both parenting neutral evaluation and financial neutral evaluation, the issues may not be combined without prior

approval of the Court. Instead, two separate neutral evaluation sessions and procedures shall typically be conducted.

34.05 Case Selection and Referral.

- A. The Court, upon its own motion or upon the motion of a party, may refer a case to neutral evaluation.
- B. If a case is deemed appropriate for neutral evaluation, a neutral evaluation session may be scheduled and two neutral evaluators will be assigned by the Court.
- C. Unless otherwise ordered by the Court:
 - (1) For parenting neutral evaluation sessions, the evaluators will consist of one magistrate and a mental health professional.
 - (2) For financial neutral evaluation sessions, the evaluators will consist of one magistrate and either a second magistrate or a financial professional and/or attorney.
 - (3) Specific appointments may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the evaluators in addition to the type, complexity, requirements of the case, and other relevant factors.

34.06 Participation. The neutral evaluation session requires the participation of each party, his or her respective attorney, if represented, and the guardian ad litem. No other person shall be permitted to participate without prior approval of the Court.

34.07 Pre-Session Procedure.

- A. Briefs.
 - (1) Unless otherwise ordered by the Court, at least 14 days prior to the neutral evaluation session, each party is required to submit a Parenting Perspective Brief and/or a Financial Perspective Brief. The guardian ad litem, if appointed, is not required to submit a brief. Copies shall be served on opposing parties or counsel, if represented. The brief shall not be filed with the Court, but it shall be served on the neutral evaluators.
 - (2) The evaluators will review the briefs to gain a preliminary understanding of the concerns, interests, and issues currently present between the parties.
 - (3) If either party fails to timely submit the brief, the neutral evaluation session may be cancelled.

- (4) The files maintained by an evaluator, but not filed with the Clerk of Court or submitted to the Court shall not be available for public access under Sup.R. 44 through 47.

B. Fees.

- (1) The fee for parenting neutral evaluation shall be set by the Court. Unless otherwise ordered by the Court, the neutral evaluation fees shall be shared equally between the parties. Fees may be waived or reduced for those participants who are found to be indigent.
- (2) In the event the case requires more than one neutral evaluation session, the Court may order the parties to pay an additional sum for neutral evaluation. The Court shall take into consideration the parties' financial circumstances when ordering additional fees.
- (3) Fees shall be paid by the deadline set by the Court. Failure to timely pay the fee in advance may result in cancellation of the neutral evaluation session.
- (4) Should the parties resolve the contested issues prior to the neutral evaluation session, the parties may submit a signed agreement to the judge or assigned magistrate. If the agreement is acceptable to the Court and if the agreement is submitted to the judge or assigned magistrate at least 14 days prior to the scheduled neutral evaluation session, the neutral evaluation may be cancelled and fees may be refunded.

34.08 Neutral Evaluation Session Procedure.

- A. A team of two evaluators shall be appointed to conduct the neutral evaluation session. The magistrate assigned to the underlying case shall not be an evaluator in the neutral evaluation process.
- B. At the neutral evaluation session, the evaluators will oversee the discussion to allow each party and/or attorney the opportunity to be heard in an atmosphere of cooperation and respect.
- C. Unless otherwise permitted by the evaluators:
 - (1) When a party is represented by an attorney, the party shall have 15 minutes to present his or her case/issues to the evaluators. The party's attorney is then allowed 5 minutes to present.
 - (2) A self-represented party and the guardian ad litem, if appointed, shall each be allotted the entire 20 minutes to present.

- (3) The evaluators may ask each party questions to clarify the issues, if necessary.
- D. After the parties' presentations, the evaluators will consult privately to discuss the strengths and weaknesses of each party's position and to discuss probable outcomes for the parties. The evaluators will then present their feedback and recommendation to the parties and their attorneys, if represented.
- E. The parties will be given an opportunity to consult privately with their attorneys to review and discuss the evaluators' feedback. The parties will then reconvene to discuss the results and attempt resolution.
- F. If the parties come to a full or partial agreement, the evaluators may require the agreement to be reduced to written form and submitted to the judge or assigned magistrate. The matter may be referred to other dispute resolution programs if some issues still need resolved.
- G. Evaluators are prohibited from offering legal advice. However, evaluators may encourage referrals to legal counsel and other support services for all parties.
- H. A party or counsel who has a comment or complaint regarding the performance of an evaluator shall file a written comment or complaint with the Judge.

34.09 Domestic Abuse and Domestic Violence.

- A. All cases shall be screened for domestic abuse and domestic violence by the evaluators before the commencement of the neutral evaluation session and during the neutral evaluation session.
- B. When violence or fear of violence is alleged, suspected, or present, neutral evaluation may proceed only if one of the evaluators has specialized training as set forth in "Specialized Domestic Abuse Issues and Mediation Training" (including "Fundamentals of Mediation Training") of this Rule and the evaluators have done all of the following:
 - (1) Informed the person who is or may be the victim of domestic abuse or domestic violence about the neutral evaluation process, the right to decline participation in the neutral evaluation process, and the option to have a support person, in addition to an attorney, present at the neutral evaluation session.
 - (2) Assessed and determined that the parties have the capacity to participate in the neutral evaluation session without fear of coercion or control.

- (3) Implemented procedures to provide for the safety of the person who is or may be the victim of domestic abuse or domestic violence and all other persons present at the neutral evaluation session.
 - (4) Implemented procedures for the evaluators to terminate the neutral evaluation session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.
- C. Evaluators may encourage referrals to legal counsel and other support services for victims of and suspected victims of domestic abuse or domestic violence.
- D. Neutral evaluation shall not be used in any of the following:
 - (1) As an alternative to the prosecution or adjudication of domestic violence;
 - (2) In determining whether to grant, modify or terminate a protection order;
 - (3) In determining the terms and conditions of a protection order; and
 - (4) In determining the penalty for violation of a protection order.
- E. Nothing in this division of this Rule shall prohibit the use of neutral evaluation in a subsequent divorce or custody case even though the case may result in the termination of the provisions of a protection order under R.C. 3113.31.

34.10 Qualifications and Continuing Education.

A team of evaluators, whether employed by the Court, or with whom the Court is contracted, or to whom the Court makes referrals, shall have the following minimum qualifications:

- A. At least one evaluator shall be licensed to practice law in Ohio and have a minimum of five years of experience in domestic relations law. "Experience in domestic relations law" includes mediation, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.
- B. The second evaluator may also be licensed to practice law in Ohio and have a minimum of five years of experience in domestic relations law. Alternatively, the second evaluator must possess a master's degree in the fields of psychology, social work, sociology, counseling, finance, or a related field acceptable to the Court and have a minimum of five years of experience working with children and families. Experience "working with children and families" includes mediation, counseling, casework, legal representation in family law matters, or equivalent experience that is satisfactory to the Court.

- C. At least one evaluator shall have completed the following courses approved by the Supreme Court Dispute Resolution Section in accordance with the standards established by the Commission on Dispute Resolution:
 - (1) Fundamentals of Mediation Training or be a qualified Mediator in accordance with Rule 31.09;
 - (2) Specialized Family or Divorce Mediation Training; and
 - (3) Specialized Domestic Abuse Issues and Mediation Training.
- D. Additionally, an evaluator shall complete at least three hours per calendar year of continuing education relating to neutral evaluation, negotiation, mediation, or the area of law in which the evaluator evaluates, i.e., counseling or financial analysis. If an evaluator fails to comply with the continuing education requirement, the evaluator shall not be eligible to serve as an evaluator until the continuing education requirement is met.
- E. The Court will maintain a list of qualified evaluators. All individuals interested in being on the list of qualified evaluators shall submit on or before January 1st of each year to the Court an updated curriculum vitae (including a list of training related to the field of dispute resolution and profession or association memberships) and continuing education certificates.
- F. At the request of a party to the neutral evaluation, the evaluator shall disclose his or her qualifications to evaluate the subject matter in dispute.

34.11 Neutrality of Evaluators.

- A. If at any time during the neutral evaluation process an evaluator or a party becomes aware of a conflict of interest or an issue with respect to the neutrality of the evaluator(s), the evaluator, the party, or the party's counsel, when applicable, shall disclose the facts of the purported conflict. A party may agree to waive the conflict after a full disclosure of the facts. If a party requests that the evaluator withdraw, or if the evaluator believes it necessary that he or she withdraw from the case, the Court may appoint another evaluator.
- B. An evaluator shall not serve as a witness, consultant, attorney, or expert in any pending or future action relating to a dispute for which the evaluator conducted a neutral evaluation session.

34.12 Confidentiality.

- A. Neutral evaluation communications are confidential.

- B. Exceptions to confidentiality include, but are not limited to, the following:
- (1) Parties may share neutral evaluation communications with their attorneys;
 - (2) Allegations of abuse or neglect of a child;
 - (3) Certain threats of harm to other people or oneself;
 - (4) Statements made during the neutral evaluation process to plan or to hide an ongoing crime; and
 - (5) Statements made during the neutral evaluation process that reveal a felony.
- C. The foregoing confidentiality requirements shall not preclude evaluators and participants in a neutral evaluation session from testifying as to a crime committed in their presence, nor shall they be construed to exempt any person from the statutory duty to report child abuse pursuant to R.C. 2151.421 or to limit any exceptions contained in R.C. 2710.05.
- D. Neutral evaluation sessions shall NOT be recorded.

34.13 Privileged Communications.

- A. A neutral evaluation communication is privileged and not subject to discovery or admissible as evidence in a judicial proceeding. An evaluator shall not be deposed or subpoenaed to testify about any neutral evaluation communication unless an exception applies.
- B. Exceptions to privilege include the following:
- (1) The neutral evaluation communication is otherwise discoverable;
 - (2) The neutral evaluation communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
 - (3) The neutral evaluation communication is intentionally used to plan, to attempt to commit or to commit a crime, or to conceal an ongoing crime or ongoing criminal activity; and
 - (4) The neutral evaluation communication is required to be disclosed pursuant to R.C. 2921.22.

34.14 Sanctions. The Court may impose sanctions for any violations of this Rule which may include, but are not limited to, attorney fees and other costs, contempt, and any other appropriate sanctions at the discretion of the Court.

RULE 35: PARENTING COORDINATION

35.01 Definitions: As used in this rule:

- A. Domestic Abuse. “Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- B. Domestic Violence. “Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).
- C. Parenting Coordination. “Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
- D. Parenting Coordinator. “Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

35.02 Purpose. This rule allows for the resolution of disputes related to parental rights and responsibilities or companionship time orders outside of Court.

35.03 Scope. The Court may appoint a parenting coordinator upon the filing of a parental rights and responsibilities or companionship time order.

35.04 Limitations of Parenting Coordinator. A parenting coordinator may not determine the following:

- A. Whether to grant, modify, or terminate a protection order;
- B. The terms and conditions of a protection order;
- C. The penalty for violation of a protection order;
- D. Changes in the designation of the primary residential parent or legal guardian;
- E. Changes in the primary placement of a child.

35.05 Parenting Coordinator Qualifications, Continuing Education, Reporting

- A. The Court may appoint an individual as a parenting coordinator who has all of the following qualifications:

- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
- (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:
 - (a) At least twelve (12) hours of basic mediation training;
 - (b) At least forty (40) hours of specialized family or divorce mediation training;
 - (c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;
 - (d) At least twelve (12) hours of specialized training in parenting coordination.

B. Continuing Education.

- (1) To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.
- (2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 1.05(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

C. Reporting. A parenting coordinator shall submit to the Judge:

- (1) A resume documenting compliance with division 1.05(B); and
- (2) An updated resume in the event of any substantive changes; and
- (3) Notification of any changes to name, address, and telephone number and, if available, electronic mail address.

35.06 Appointment

- A. The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:
- (1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
 - (2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
 - (3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
 - (4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
 - (5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
 - (6) Any other factor as determined by the Court.
- B. Parenting Coordinator Appointment Order. The appointment order shall set forth all of the following:
- (1) The name, business address and business telephone number of the parenting coordinator;
 - (2) The specific powers and duties of the parenting coordinator;
 - (3) The term of the appointment;
 - (4) The scope of confidentiality;

- (5) The fees and expenses to be charged for the services of the parenting coordinator as set forth in division 1.08(G) of this rule;
 - (6) The parties' responsibility for the payment of fees and expenses for services rendered by the parenting coordinator;
 - (7) The parenting coordinator has the right to suspend all services until payment of any unpaid balances;
 - (8) The terms and conditions of parenting coordination;
 - (9) Any other provisions specifically agreed to by the parties not in conflict with the definition of parenting coordination as set forth in division 1.01 (C) of this rule.
- C. Selection of Parenting Coordinator for Appointment. The parenting coordinator may be selected using one (1) of the following methods:
- (1) By the Court randomly from the Court's roster of parenting coordinators; or
 - (2) By the Court based on the type of case, and the qualifications and caseload of the parenting coordinator; or
 - (3) By agreement of the parties from the Court's roster of parenting coordinators; or
 - (4) By any other method approved by the Court.
- D. Prohibited Parenting Coordinator Appointments. The Court shall not appoint a Parenting Coordinator who does not possess the qualifications in division 1.05 of this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate, guardian ad litem, custody evaluator, therapist, consultant, coach, or other mental health provider to any family member, or attorney for either party. Parties may not waive this prohibition.
- E. Termination or Modification of Parenting Coordinator Appointment. Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

35.07 Parenting Coordinator Responsibilities

- A. Ability to Perform Duties. A parenting coordinator shall report in writing to the Director of the Parenting Coordination Program any factor that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

- B. Compliance with Appointment Order. A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.
- C. Independence, Objectivity, and Impartiality. A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
- D. Conflicts of Interest.
 - (1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.
 - (2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Director of the Parenting Coordination Program and the parties in writing of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court through the Director of the Parenting Coordination Program.
- E. Ex parte Communications. A Parenting Coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.
- F. Legal advice. A Parenting Coordinator shall not offer legal advice.
- G. Parenting Coordination Agreements, Reports, and Decisions.
 - (1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
 - (2) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be promptly filed with the Court and include all of the following:
 - (a) Case caption, including the case number;

- (b) Date of the decision;
 - (c) The decision of the parenting coordinator;
 - (d) Facts of the dispute and facts upon which the decision is based;
 - (e) Reasons supporting the decision;
 - (f) The manner in which the decision was provided to the parties;
 - (g) Any other necessary information.
- (3) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge shall issue a ruling on the objections within thirty (30) days from the date of the last objection filed.
- (4) Upon request of the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:
- (a) Dates of parenting coordination session(s);
 - (b) Whether the parenting coordination session(s) occurred or was terminated;
 - (c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and whether the request was approved;
 - (d) Whether an agreement was reached on some, all, or none of the issues;
 - (e) Who was in attendance at each session(s);
 - (f) The date and time of a future parenting coordination session(s);
 - (g) Whether any decisions were written, and if so, the date(s).

35.08 Parenting Coordination Procedures

A. Screening for and Disclosure of Domestic Abuse and Domestic Violence.

- (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
 - (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
 - (3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
 - (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
 - (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
 - (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.
- B. Disclosure of Abuse, Neglect, and Harm. A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.
- C. Attendance and Participation.
- (1) The parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
 - (2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.
- D. Referrals to Support Services. A parenting coordinator shall provide information regarding referrals to other resources as appropriate.

E. Parenting Coordinator Evaluations.

- (1) A parenting coordinator shall provide parties with the parenting coordinator evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment. The evaluation form shall be completed by the parties and submitted to the Director of the Parenting Coordination Program.
- (2) The Director of the Parenting Coordination Program shall complete a review of the parenting coordinators on the Court's roster in January of each year.

F. Complaint of Parenting Coordinator Misconduct.

- (1) A party to a case in which a parenting coordinator has been appointed may file a complaint regarding misconduct of the parenting coordinator within one year from the termination of the appointment. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.
- (2) The complaint shall be submitted to the Judge, and include all of the following:
 - (a) The case caption and case number;
 - (b) The name of the parenting coordinator;
 - (c) The name and contact information for the person making the complaint;
 - (d) The nature of any alleged misconduct or violation;
 - (e) The date the alleged misconduct or violation occurred.
- (3) The Judge shall provide a copy of the complaint to the parenting coordinator;
- (4) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Judge.
- (5) A Court designee shall conduct an investigation into the allegations and shall issue a response.

- G. Fees. A parenting coordinator shall be paid \$125.00 per hour, unless otherwise ordered by the Court or agreed to by the parties and the parenting coordinator. If the Court determines that the parties are indigent, some of the fees associated with the parenting coordinator may be waived. The parenting coordinator has the right to suspend all services until payment of any unpaid balances.

- 35.09 Confidentiality and Privilege.** Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.
- 35.10 Public Access.** The files maintained by a Parenting Coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.
- 35.11 Model Standards.** The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for Parenting Coordination” and this rule, this rule shall control.
- 35.12 Court Reporting Requirements.** On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:
- A. Any updates of this rule;
 - B. A copy of the Court’s current roster of parenting coordinators;
 - C. A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
 - D. A copy of each list of continuing education training received by the Court from each parenting coordinator.
- 35.13 Sanctions.** The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

RULE 36: CUSTODY EVALUATION

- 36.01** “Custody evaluation” means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting visitation is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting visitation shall include allocation of parental rights and responsibilities, companionship, and visitation.

36.02 When Appointed. The court may appoint an evaluator to aid the court in evaluating the best interest of a child in a contested custody or parenting time case.

36.03 Eligibility to Serve.

A. To qualify to serve, a custody evaluator must be either:

- (1) An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis
- (2) An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with a equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;
- (3) A physician licensed in any state and board certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate medical Education or a successor to that Council; or
- (4) A court employed evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

B. A custody evaluator must also:

- (1) Complete 40 hours of pre-appointment training that complies with Sup.R. 91.08;
- (2) Complete six hours of continuing education annually that complies with Sup.R. 91.09.

36.04 Applications

- A. Individuals seeking to be placed on the Court's approved list must submit an application on a court-approved form with required supporting documents, to the Judge that document the applicant's qualifications and completion of the initial training program under Sup.R.91.08(B).
- B. Approved custody evaluators must certify annually to the Judge. that they are unaware of any circumstances that would disqualify them from serving and must report the training they have attended to comply with Sup.R. 91.08.

- C. Proof of compliance with pre-service training and continuing educational requirements must include information detailing the provider, title, date, location, contents, and credit hours received for any relevant education.
- D. Approved custody evaluators must immediately notify the Judge, in writing, of any arrest, indictment or conviction, including pleas of guilty, for any criminal offense involving any action that resulted in a child being abused or neglected, or of violation of O.R.C. 2919.25, or any sexually oriented offense involving a child; all civil cases in which the guardian is a named party including civil protection order cases; any pending professional disciplinary actions; and any issues affecting the ability to serve.

36.05 Appointments.

- A. When needed, the court may, in its discretion, appoint a court employed custody evaluator or a private custody evaluator.
- B. The court will make appointments so as to ensure an equitable distribution of workload among the private custody evaluators on the approved list. Equitable distribution means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among substantially all private custody evaluators on the list maintained by the court. The court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of the available private custody evaluators.
- C. The court will issue an Order of Appointment. Appointments may be for a partial evaluation that is limited in either time or scope. The Order of Appointment will include all of the following information:
 - (1) the name, business address, licensure, and telephone number of the evaluator;
 - (2) the purpose and scope of the appointment;
 - (3) the term of the appointment;
 - (4) a provision that a written report is required and oral testimony may be required;
 - (5) any deadlines pertaining to the submission of reports to the court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;
 - (6) a provision for payment of fees, expenses, and any hourly rate or fee that will be charged;

- (7) any provision the court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed;
 - (8) any other provisions the court deems necessary.
- D. The Order of Appointment will also do both of the following:
 - (1) Grant the custody evaluator the right to access information as authorized by the appointment;
 - (2) Require the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.
- E. A custody evaluator may communicate with the court when necessary to amend the scope or time frame of the order of appointment.

36.06 Responsibilities and Authority of Custody Evaluator. A custody evaluator shall do all of the following:

- A. Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;
- B. Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner;
- C. Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the court or statute;
- D. Immediately identify himself or herself as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings;
- E. Refrain from an ex parte communications with the court regarding the merits of the case;
- F. Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;
- G. Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts.

- H. Not pressure children to state a custodial preference;
- I. Inform the parties of the evaluator's reporting requirements, including, but not limited to, suspected child abuse and neglect and threats to harm one's self or another person;
- J. Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;
- K. Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;
- L. Upon discovery, notify the court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

36.06 Description of Custody Evaluation

- A. A custody evaluation may be a full evaluation or a partial evaluation. A partial evaluation is an examination of the best interest of a child that is limited in either time or scope.
- B. Unless contraindicated in the judgment of the custody evaluator or limited by the Order of Appointment, a custody evaluation shall include but is not limited to all of the following:
 - (1) Information obtained through interviews, joint or individual, with each party seeking custody or parenting time;
 - (2) Information obtained through interviews with each child;
 - (3) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home;
 - (4) Information obtained through interviews with step or half siblings residing in the home;
 - (5) Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardian ad litem, and law enforcement agencies;
 - (6) Information from home visits or observations of each child with the appropriate adults involved;

- (7) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system;
 - (8) Investigation into any other relevant information about the child's needs.
- C. When one party resides in another jurisdiction, a custody evaluator, upon order of the court, may rely upon another qualified neutral professional for assistance in gathering information.

36.07 Additional Responsibilities. A custody evaluator shall also do all of the following:

- A. Prepare and file a written report with the court at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child as well as a comparative analysis of different parenting or companionship plans under consideration.
- B. Include in the written report the statement, "The custody evaluator's report shall be provided to the court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.";
- C. Provide a copy of the custody evaluator's report to the parties and their counsel when the report is filed;
- D. Establish a record keeping system that shall include active control of records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.
- E. Prohibition against Dissemination. Custody evaluation reports and recommendations shall not be disseminated to anyone nor placed on social media. Reports or the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.

36.08 Complaints, Removal, and Resignation.

- A. Complaints. In the event of comments or complaints regarding the performance of a custody evaluator, the Judge will do all of the following:
 - (1) Provide a copy of the comments and complaints to the custody evaluator;
 - (2) Issue a timely disposition of the comment or complaint;

- (3) Notify the person making the comment or complaint of the disposition;
- (4) Maintain a written record in the file of the custody evaluator regarding the nature and disposition of the comment or complaint.

B. Removal from a case

- (1) The court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.
- (2) A custody evaluator may be removed from the approved list for failing to meet failing to meet the qualifications and/or responsibilities established in this rule and Sup. R. 91.01-91.09.

C. Resignation. A custody evaluator appointed to perform an evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the court.

36.09 Fees and Expenses. The cost of a private custody evaluator shall be as charged by the evaluator and approved by the Court.

36.10 Allocation of Costs of Evaluator

- A. The parties have a right to be heard on the issue of the allocation of fees and expenses before a custody evaluator is appointed.
- B. The court will inquire as to the rate and terms of compensation required by the custody evaluator and shall make a determination of the ability of any party to the case to pay for the likely fees and expenses of the evaluator. In making this determination the court will consider all of the following:
 - (1) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the court, or evidence of qualifications for any means-tested public assistance;
 - (2) The complexity of the issues;
 - (3) The anticipated fees and expenses of the custody evaluator including any fees or expenses related to potential testimony.

36.11 Payment

- A. Upon determining that the appointment of a custody evaluation should proceed, the court will issue an order regarding allocation of payment of the evaluator's fees and expenses.
- B. The court may approve additional fees or expenses, reallocate fees or expenses, or require a party to reimburse another party in part or in whole for fees or expenses paid.
- C. Payment for a private evaluation shall be made directly to the custody evaluator.

36.12 Access to Report. The court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

36.13 Testimony and Report at Hearing or Trial.

- A. The court will admit the custody evaluator's report into evidence on the court's motion. The admitted report will be considered the direct testimony of the custody evaluator.
- B. A party challenging the report must subpoena the evaluator to appear for cross-examination not less than fourteen days before the hearing or trial.
- C. The evaluator must be available to testify on cross-examination regarding the report if timely subpoenaed by a party.

APPENDIX TO ASHLAND COUNTY LOCAL RULES

Form Name	Form #
Rule 4: Costs	
Request for Waiver of Filing Fee and Financial Disclosure	4.02
Rule 5: Court Records	
Records Request Form	5.01
Request to Redact Victim Information - Adult Criminal Case	5.03(A)
Request to Redact Victim Information - Juvenile Delinquency/Unruly	5.03(B)
Rule 7: Requirements for Counsel of Record	
Application for Placement on Court-Appointed Counsel List	7.05
Rule 8: Guardians <i>Ad Litem</i> and CASA	
Application for Placement on Court-Appointed GAL List	8.01
Order Appointing GAL in Civil Case	8.02
CASA Motion to Appoint Counsel	8.07
Rule 9: Pleadings - General Requirements	
Attorney Consent to "Courthouse Mailbox" Service	9.08
Fax Coversheet for Electronic Filing	9.09
Personal Identifiers Form	9.11
Change of Contact Form by Litigant in Civil Case	9.13
Rule 10: Service of Process	
Affidavit for Service by Publication	10.02
Rule 11: Requirements for Agreed Entries	
Waiver of Magistrate's Decision	11.00
Rule 13: General Motion Practice	
Blank Motion Form	13.00
Rule 17: Subpoenaes	
Praecipe for Subpoena - Adult Civil Case	17.01(A)(1)

Subpoena - Adult Civil Case	17.01(A)(2)
Praecept for Subpoena - Adult Criminal Case	17.01(B)(1)
Subpoena - Adult Criminal Case	17.01(B)(2)
Praecept for Subpoena - Juvenile Case	17.01(C)(1)
Subpoena - Juvenile Case	17.01(C)(2)
Rule 18: Pretrials	
Pretrial Statement in Permanent Custody Action	18.04
Rule 22: Delinquency and Unruly Cases	
Application to Seal and/or Expunge a Juvenile Record	22.05
Q & A on Sealing of Records in Juvenile Court	22.05(A)
Rule 24: Juvenile Traffic Cases	
Driving Privileges Packet	24.04
Rule 25: Abuse, Neglect, Dependency Cases	
Foster or Kinship Informational Form	25.03(A)
Photograph Upload Form	25.03(B)
Change of Contact Information Form	25.03(C)
Counsel Certification for Case Plans Filed With Court	25.04(A)
Initial Case Plan - Caseworker/Supervisor Statement	25.04(B)
Non-Emergency Case Plan - Caseworker/Supervisor Certification and Notice to Party/Case Plan Participant	25.04(C)
Emergency Case Plan - Caseworker/Supervisor Certification and Notice to Party/Case Plan Participant	25.04(D)
Right to Case Plan Hearing Notice	25.04(E)
QRTP Report	25.05
Permanent Custody Stipulation of Parent	25.06(A)
Legal Custody Stipulation of Parent	25.06(B)
Temporary Legal Custody Stipulation of Parent	25.06(C)
Statement of Legal Understanding for Legal Custody Cases	25.06(D)

Rule 27: Custody/Parenting Time/Child Support Cases	
Standard Parenting Time Schedule of the Court	27.01
Order for Paternity Testing	27.03
IV-D Application	27.04(A)
Notice of Hearing	27.04(B)
Standard Dependent Health Care Order	27.04(C)
Mandatory Child Support Language	27.05(A)
Deviation Language for Child Support	27.05(B)
Rule 30: Consent to Marry	
Application for Consent to Marry	30.03
Rule 31: Grandparent Power of Attorney and Caregiver Authorization Affidavit	
Grandparent Power of Attorney and Caregiver Authorization Packet	31.00

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT**

_____, : Case No. _____

Plaintiff, : SETS No. _____

VS. :

_____, :

Defendant. : **Request for Waiver of Filing Fee Deposit**

Now comes _____ and moves this Court for a finding of indigency for purposes of filing a _____ without the deposit required pursuant to Local Rule 4. I have attached a Financial Affidavit in support of my request.

The reason I am unable to prepay the costs of this action is:

Signature: _____
Name: _____

ORDER

After considering the foregoing Request, it is ORDERED that: _____

It is SO ORDERED.

Judge / Magistrate

FINANCIAL DISCLOSURE FORM FOR REQUEST TO WAIVE FILING FEE

I. PERSONAL INFORMATION									
Applicant's Legal Name				Applicant's Preferred Name and Pronoun				Date of Birth	
Mailing Address			City			Email Address			
State		Zip Code		Case No.		Phone		Cell Phone	
SSN Last 4	Gender	Race (double-click to de-select)							
		☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ Spanish or Latino ☐ White ☐ Other							
Name 1)		DOB		Relationship		Name 3)		DOB	
2)						4)			
The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an "X" if: Ohio Works First/TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veteran's Benefits: ____ Food Stamps: ____ Refugee Settlement Benefits: ____ Incarcerated in State Penitentiary: ____ Committed to a Public Mental Health Facility: ____ Other (please describe): _____ Juvenile: ____ (If juvenile, please continue at Section VIII)									
		Applicant		Spouse (Do not include spouse's income if spouse is alleged victim)				Total Income	
Gross Monthly Employment Income		\$		\$				\$ 0.00	
Unemployment, Worker's Compensation, Child Support, Other Types of Income		\$		\$				\$ 0.00	
Employer's Name: _____		Phone Number: () _____		TOTAL INCOME				\$ 0.00	
Employer's Address: _____									
Type of Asset				Estimated Value					
Checking, Savings, Money Market Accounts				\$					
Stocks, Bonds, CDs				\$					
Other Liquid Assets or Cash on Hand				\$					
TOTAL LIQUID ASSETS				\$ 0.00					
Type of Expense		Amount		Type of Expense		Amount			
Child Support Paid Out		\$		Telephone		\$			
Child Care (if working only)		\$		Transportation/Fuel		\$			
Insurance (medical, dental, auto, etc.)		\$		Taxes Withheld/Owed		\$			
Mental/Dental Expenses or Associated Costs of caring for Infirm Family Member		\$		Credit Card/Other Loans		\$			
Rent/Mortgage		\$		Utilities (gas, electric, water, sewer, trash)		\$			
Food		\$		Other (specify)		\$			
TOTAL EXPENSES				\$ 0.00					

*** ATTACH DOCUMENTATION OF YOUR INCOME - FAILURE TO DO SO MAY RESULT IN A DENIAL OF WAIVER**

I hereby certify that the information I have provided above is complete and true to the best of my knowledge and that I am unable to prepay the filing fee required in this case.

Signature

JUVENILE DIVISION

ASHLAND COUNTY COURT OF COMMON PLEAS

PUBLIC RECORD COPY REQUEST

A written request is not mandatory. A requestor may decline to reveal the requestor's identity or the intended use. The Court may ask for a written request, or disclosure of the identity of the requestor or intended use when that would enhance the ability of the Court to identify, locate or deliver the records.

Certain juvenile records must be personally picked up. Other records can be delivered to you by mail or other type of delivery. If you choose to have the records sent to you by other means, the Court will require pre-payment of the cost of the copies and delivery charges. The Court may require additional information to fulfill your request.

COSTS OF COPIES OF RECORDS: \$.10 per page for uncertified copies and \$1.00 per page for certified copies of documents in a case file AND \$1.00 PER CD (# OF CD'S required will depend on the size of the digital file), plus delivery costs.

NAME OF REQUESTOR: _____

CONTACT PHONE NUMBER: _____

CONTACT EMAIL: _____

DATE OF REQUEST: _____

☐

MAILING OF DOCUMENTS REQUESTED

MAILING ADDRESS: _____

RECORDS REQUESTED

☐

COPY OF CASE FILE (CASE NO. _____ & JUVENILE'S NAME _____)

☐

COPY OF ENTIRE FILE REQUESTED

☐

PARTIAL COPY OF FILE REQUESTED (list specific documents you desire copies of)

☐

COPY OF RECORDING OF HEARING (CASE NO. _____ & JUVENILE'S NAME _____)

DATE(S) OF HEARING: _____

☐

OTHER: _____

For Court use only:

Date Received: _____ Date Records Made Available: _____

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

STATE OF OHIO,

Case No. _____

Plaintiff,

vs.

Defendant.

**SEALED MOTION FOR REDACTION OF CONFIDENTIAL VICTIM
INFORMATION FROM PUBLIC RECORDS REQUESTS UNDER MARSY'S LAW**

The undersigned is the ☐ Victim in a case filed with the Court or ☐ the parent or legal custodian of a minor victim in a case filed with the Court. Pursuant to R.C. 2930.07, the undersigned hereby requests redaction of personal identifying information for all case documents related to the case, prior to public release. "Personal Identifying Information" includes name, date of birth, social security number, alias names, address(es), employer, employer contact information, personal telephone no(s), personal email address(es) and photographs of the individual. "Case documents" include "information or information in a document, or audio or recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation . . . prepared or created by a court, clerk of court or law enforcement agency or officer, or a prosecutor regarding a case." R.C. 2930.07(A)(1)(a). If the Court grants redaction, it does not prohibit the Court from allowing another public office to access or obtain copies of its unredacted records.

I request redaction of **ALL** personally identifying information regarding the **VICTIM** whose name is: _____. I also request redaction of personal identifying information which may be contained in the Court's file regarding the following persons: ☐ Victim's parent(s) ☐ Victim's children. The names of those persons are:

Victim's parent(s)

Victim's Children and Dates of Birth:

Printed Name: _____

Signature: _____

Relationship to the Victim: _____

Date: _____

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

STATE OF OHIO,

Case No.

Plaintiff,

vs.

Defendant.

**JUDGMENT ENTRY ON SEALED MOTION FOR REDACTION OF
CONFIDENTIAL VICTIM INFORMATION FROM PUBLIC RECORDS REQUESTS
UNDER MARSY'S LAW**

This case is before the Court on the Motion for Redaction of Confidential Victim Information Under Marsy's Law filed by _____.

The Court finds that the Motion is well-taken and it is ORDERED that the personal identifying information of the following persons shall be redacted from any case documents released by the Court on a public records request:

Victim _____
Victim's Parent(s): _____
Victim's Child(ren): _____

This order does not prohibit the release of personal identifying information for the above-named persons on a release for access to or copies of case documents made by another public office.

It is ORDERED that a copy of this Judgment Entry shall be served on the persons listed below.

It is SO ORDERED.

Judge Karen DeSanto Kellogg

cc: Prosecutor
Filing Law Enforcement Agency
Juvenile and Parent of Juvenile
Counsel for parties, if any

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

IN THE MATTER OF:

Case No. _____

I.D. No. _____

A Delinquent Child.

**SEALED MOTION FOR REDACTION OF CONFIDENTIAL VICTIM
INFORMATION FROM PUBLIC RECORDS REQUESTS UNDER MARSY'S LAW**

The undersigned is the ☐ Victim in a case filed with the Court or ☐ the parent or legal custodian of a minor victim in a case filed with the Court. Pursuant to R.C. 2930.07, the undersigned hereby requests redaction of personal identifying information for all case documents related to the case, prior to public release. "Personal Identifying Information" includes name, date of birth, social security number, alias names, address(es), employer, employer contact information, personal telephone no(s), personal email address(es) and photographs of the individual. "Case documents" include "information or information in a document, or audio or recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation . . . prepared or created by a court, clerk of court or law enforcement agency or officer, or a prosecutor regarding a case." R.C. 2930.07(A)(1)(a). If the Court grants redaction, it does not prohibit the Court from allowing another public office to access or obtain copies of its unredacted records.

I request redaction of **ALL** personally identifying information regarding the **VICTIM** whose name is: _____. I also request redaction of personal identifying information which may be contained in the Court's file regarding the following persons: ☐ Victim's parent(s) ☐ Victim's children. The names of those persons are:

Victim's parent(s): _____

Victim's Children and Dates of Birth: _____

Printed Name: _____

Signature: _____

Relationship to the Victim: _____

Date: _____

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

IN THE MATTER OF:

Case No.

I.D. No.

A Delinquent Child.

**JUDGMENT ENTRY ON SEALED MOTION FOR REDACTION OF
CONFIDENTIAL VICTIM INFORMATION FROM PUBLIC RECORDS REQUESTS
UNDER MARSY'S LAW**

This case is before the Court on the Motion for Redaction of Confidential Victim Information Under Marsy's Law filed by _____.

The Court finds that the Motion is well-taken and it is ORDERED that the personal identifying information of the following persons shall be redacted from any case documents released by the Court on a public records request:

Victim _____

Victim's Parent(s): _____

Victim's Child(ren): _____

This order does not prohibit the release of personal identifying information for the above-named persons on a release for access to or copies of case documents made by another public office.

It is ORDERED that a copy of this Judgment Entry shall be served on the persons listed below.

It is SO ORDERED.

Judge Karen DeSanto Kellogg

cc: Prosecutor
Filing Law Enforcement Agency
Juvenile and Parent of Juvenile
Counsel for parties, if any

APPLICATION FOR APPOINTED COUNSEL LIST
ASHLAND COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

Name:	Attorney Registration No.
Firm Name and Address:	Telephone No(s).
	Fax No.
	Email Address:
Date Admitted to Practice in Ohio:	Other Courts served as appointed counsel:
☐ I maintain professional liability (malpractice) insurance in the amount at least equal to the minimum coverage required by the Ohio Rules of Professional Conduct.	
☐ I am willing to attend any training required by the Court to obtain court-appointment on indigency cases.	

I AM REQUESTING APPOINTMENT IN THE FOLLOWING CASES:	
Type of Case:	State your qualification to handle under OAC 120-1-10:
☐ Unruly, truancy, probation violation and delinquency with misdemeanor charge	☐ Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in juvenile delinquency practice and procedure; OR ☐ Successfully completed a clinical education program focusing on juvenile law; OR ☐ At least one year of experience as an attorney.
☐ OVI cases	☐ Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure
☐ Delinquency with felonies of the third, fourth, and fifth degree	☐ Within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND ☐ At least one year of experience as an attorney practicing in the area of juvenile delinquency law
☐ Delinquency with felonies of the first and second degree	☐ Within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND ☐ At least two years of experience as an attorney practicing in the area of juvenile delinquency law; AND ☐ Within ten years preceding the appointment, prior experience as trial counsel in at least two (2) bench trials in juvenile court, at least one (1) of which was as lead counsel.

☐ Delinquency with Murder and Aggravated Murder	☐ Within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND ☐ At least three years of experience as an attorney practicing in the area of juvenile delinquency law; AND ☐ Within ten years preceding the appointment, prior experience as lead trial counsel in at least three (3) bench trials in juvenile court, at least two (2) of which involved a felony-level charge.
☐ Bindover and serious youthful offender cases for ☐ F4, F5, F3 ☐ F2, F1 ☐ Murder / Agg Murder	☐ The requisite experience under this rule to be appointed to a juvenile case based upon the highest degree of the charge in the case; AND ☐ The requisite experience under this rule to be appointed to an adult case based upon the highest degree felony charged; OR ☐ Co-counsel who meets the adult-case training and experience requirements must also be appointed.

QUALIFYING EXPERIENCE	
List education completed which complies with the above requirements or attach CLE certificates	
List years when you have practiced juvenile law	
List court, case number, case name, charge level, and whether lead or co-counsel for any trials which complies with the above requirements	
List any other relevant experience or training you think the Court should consider	

I have reviewed the Qualifications, Regulations and Standards of the Ohio Public Defender's Commission and OAC 120-1-10 and certify that I meet the minimum requirements to be appointed to represent indigent persons, as requested above. I am willing to serve as counsel in accordance with and subject to all applicable rules, guidelines, and statutes that govern appointed counsel. I will notify the Court of any changes in my contact information or personal or professional status that would affect my ability to provide representation. I understand that all applications for payment as appointed counsel must be submitted within thirty (30) days from the final entry in the case and that each application for payment must include a Financial Disclosure Form executed by the client.	
Signature:	Deliver application to: Ashland County Juvenile Court 142 West Second Street Ashland, Ohio 44805
Printed Name:	
Date:	
FOR INTERNAL USE ONLY - Approved for:	
☐ Unruly, truancy, violation of court order and delinquency by reason of commission of a misdemeanor ☐ OVI cases ☐ F5, F4, F3 ☐ F2, F1 ☐ Murder and aggravated murder cases ☐ Bindover and serious youthful offender cases for ☐ F4, F5, F3 ☐ F2, F1 ☐ Murder/Agg Murder	

APPLICATION FOR GUARDIAN AD LITEM LIST
ASHLAND COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION

Name: _____

Attorney Registration No. _____

Business Address: _____

Date Admitted to Practice in Ohio: _____

Business Telephone No(s). _____

Business Email Address: _____

Business Fax No. _____

Please note: The above contact information will be a public record, so do not list personal information which you do not wish to have disseminated publicly.

☐ I am willing to attend any training required by the Court to maintain my appointments as a Guardian *Ad Litem*.

I AM REQUESTING APPOINTMENT IN THE FOLLOWING CASES:

☐ Dependent ☐ Neglect ☐ Abuse ☐ Delinquent ☐ Unruly ☐ Parenting Time Only ☐ Allocation of Parental Rights and Responsibilities ☐ Custody by Non-parents

QUALIFYING EDUCATION and EXPERIENCE:

(Only list training provided by Ohio Supreme Court or Ohio CASA/GAL Association)

☐ Pre-Service Training Certificate is attached hereto

☐ Certificates for all Annual Guardian *Ad Litem* Continuing Education Courses completed since pre-service training are attached hereto

List other Courts served as Guardian *Ad Litem*:

List any other experience relevant to service as a Guardian *Ad Litem*:

I have reviewed the provisions of Rule 46 of the Ohio Rules of Superintendence of Courts of Ohio. I am willing to serve as Guardian *Ad Litem* in accordance with and subject to all applicable rules, guidelines, and statutes that govern Guardian *Ad Litem*s. I will notify the Court of any changes in my contact information or personal or professional status that would affect my ability to serve as a Guardian *Ad Litem*. I understand that when I am appointed as counsel for a child, as well as Guardian *Ad Litem* for the child, my fee statement must be submitted to the Court within thirty (30) days from the final entry in the case and that each application for payment must include a Financial Disclosure Form executed by Court on behalf of the child.

Date: _____

Signature

Deliver application to: Ashland County Juvenile Court, 142 West Second Street, Ashland, Ohio 44805

FOR INTERNAL USE ONLY -

☐ Civil and Criminal Background check completed

Approved for: ☐ Dependent ☐ Neglect ☐ Abuse ☐ Delinquent ☐ Unruly ☐ Parenting Time Only

☐ Allocation of Parental Rights and Responsibilities ☐ Custody by Non-parents

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

_____, : **Case No.** _____

Plaintiff, :

vs. :

_____, :

☐ **JUDGMENT ENTRY**

Defendant. : ☐ **MAGISTRATE'S ORDER**

It is hereby ORDERED that Attorney _____, Address: _____
_____, Telephone No. _____ be and hereby is
appointed as Guardian *Ad Litem* for _____ (DOB: _____) in this
cause. This is a ☐ sole guardian *ad litem* appointment ☐ dual guardian *ad litem* and attorney appointment.

IT IS FURTHER ORDERED that:

- A. Upon presentation of a copy of this Order to any agency, hospital, organization, school, person, or office, including, but not limited to, the Clerk of Courts, human service agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, or law enforcement agencies, the Guardian *Ad Litem* shall be permitted to inspect and copy any records relating to the child, without the consent of the child or parent.
- B. The Guardian *Ad Litem* assigned to this cause shall maintain any information received from any such source as confidential, and will not disclose the same except to report to the Court or as the Court directs or law permits.
- C. The Guardian *Ad Litem* shall be given notice of all hearings and proceedings and be provided with a copy of all pleadings, motions, notices, and other documents filed in the case.
- D. The Guardian *Ad Litem* report shall include the following language: "The guardian ad litem report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."
- E. This appointment shall remain in effect until a final order is entered in this case, or until other order of the Court.

- F. All deposits for GAL fees shall be paid to the Guardian *Ad Litem*, to be held in the trust account of the Guardian *Ad Litem* until ordered disbursed by the Court. The Guardian *Ad Litem* shall notify the Court when his or her fees equal the deposit and request that the Court order additional deposits, if needed. The Guardian *Ad Litem* shall be compensated at the rate of \$125.00 per hour. The deposit for GAL fees shall be paid as follows: _____.
- G. The Guardian *Ad Litem* shall comply with Rules 48 to 48.06 of the Ohio Rules of Superintendence for the Courts of Ohio.

IT IS SO ORDERED.

Judge/Magistrate

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT

IN THE MATTER OF: : Case No. _____
: ID No. _____
_____, :

A _____ Child. : **MOTION FOR APPOINTMENT OF
COUNSEL**

I am the court-appointed special advocate (CASA) for the above-named child. During the course of my investigation, I have determined that I require the assistance of counsel to represent me in the child's case. I therefore request that the Court appoint an attorney to represent me in my capacity as CASA in this case.

I have contacted Attorney _____
(name, address and phone number), who has agreed to take an appointment as counsel for myself in my capacity as CASA in this case, at the hourly rate of \$75.00 per hour, through billing submitted on Ohio Public Defender billing forms.

Signature: _____

Name: _____

Mailing Address: _____

Contact Telephone: _____

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

142 West Second Street
Ashland, Ohio 44805

**ATTORNEY CONSENT TO SERVICE OF DOCUMENTS
BY THE COURT THROUGH A "MAILBOX"
IN THE CLERK OF COURT'S OFFICE**

I understand that under Civil Rule 5, the Court is required to serve me with documents in cases in which I am counsel of record or a GAL by certain specified methods which DO NOT include service through a Courthouse "mailbox." I also understand that the Ashland County Juvenile Court maintains "mailboxes" for attorneys, behind the Clerk's counter, and that it will put copies of documents being served by the Court in that mailbox if I consent to being served under Civil Rule 5 by that method.

I hereby CONSENT to the Clerk serving documents upon me pursuant to Civil Rule 5 by placing documents in my "mailbox" behind the counter in the Clerk's office. I understand that it is my responsibility to regularly pick up documents placed in my "mailbox". I further understand that the effective date of service upon me will be the date that the Clerk notes on the docket as the date the document was placed in my mailbox, regardless of when I pick up the document.

I understand that this is an annual election and that the Court will require me to renew this consent each year. I understand that if I do not renew the consent, that the Court will only deliver documents to me through one of the methods approved in Civil Rule 5. I further understand that this consent remains in effect during the year following my signature below, unless I revoke it.

Signature of Counsel

Counsel's Name (Typed)

Dated: _____

**FAX COVER SHEET FOR ELECTRONICALLY FILED PLEADINGS IN THE
ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE AND PROBATE DIVISIONS**

**Only to be transmitted during regular business hours of the Court which are
Monday through Friday from 8:00 a.m. to 4:00 p.m., except for legal holidays**

TO: ASHLAND COUNTY COURT OF COMMON PLEAS
JUVENILE AND PROBATE DIVISIONS
FAX NUMBER: 419-281-5699

FROM: NAME: _____
ADDRESS: _____
TELEPHONE NUMBER: _____
FAX NUMBER: _____
EMAIL: _____

DATE AND TIME OF FAX TRANSMISSION: _____

I hereby tender the pleadings listed below for filing by electronic means with the Court. I understand that if a filing fee deposit is required by the Court, that I must pay that filing fee deposit on or before 4:00 p.m. of the day the documents are faxed to the Court. I understand that if the filing fee deposit is not made, and no request for waiver of the filing fee deposit by completing the Court's forms has been made, that the pleadings will not be accepted by the Court and will be shredded. I also understand that if I tender the pleadings during hours the Court is not open for business, the pleadings will not be accepted for filing.

List of Pleadings Tendered for Electronic Filing:

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT**

In Re:

_____, : Case No. _____

Plaintiff, :

vs. :

_____, :

Defendant. :

PERSONAL IDENTIFIERS FORM

Sup. R. 45(D)

Pursuant to Sup. R. 44(H) of the Rules of Superintendence for the Courts of Ohio, "personal identifiers" are defined as social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card and credit card numbers; employer and employee identification numbers; abbreviation such as "CV" for "child victim." Personal identifiers are required to be omitted from any case document filed with the Clerk. Sup. R. 45(D)(1). The responsibility for omitting personal identifiers from a case document filed with the Clerk rests solely with the party.

THIS FORM IS NOT FOR PUBLIC ACCESS

Now comes _____ and hereby provides the Court with the following personal identifiers that have been omitted from pleadings filed with the Court on:

Reference or Abbreviation in Pleading	Complete Personal Identifier

Signature: _____

Name: _____

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

_____ : Case No. _____
Plaintiff(s), : SETS No. _____
vs. :
_____ :
Defendant(s), : **CHANGE OF CONTACT**
INFORMATION FORM

Name of Case Participant: _____

New Address Case Participant: _____

New Telephone No. of Case Participant: _____

New Email of Case Participant: _____

Source of New Contact Information: _____

Date New information Received: _____

Name of Person Completing this form: _____

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

Plaintiff

Case Number: _____

vs.

Defendant

Affidavit for Publication

Affiant, _____ being sworn, says that _____ has, after diligent and reasonable efforts to do so, been unable to find an address or post office box for service of notice or summons upon _____ the _____ of the child in this case. The efforts by the affiant to locate this person included the following:

- ☐ Checked statewide records (BMV, Vehicle Registration, CSEA)
- ☐ Checked Internet telephone directories
- ☐ Contacted family members and requested additional information
- ☐ Checked public court records
- ☐ Other:

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete and accurate. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury (O.R.C. 2921.11).

Affiant

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
Juvenile and Probate Divisions

Case No. _____
ID No. _____
SETS No. _____

WAIVER OF MAGISTRATE'S DECISION, TIME LIMITS AND OBJECTIONS

On _____, the Court conducted a hearing on the _____ Complaint/Motion.
The following persons were present for the hearing: _____

This case was heard by the Magistrate and the parties hereby request, consent and agree to the following:

1. The Court immediately approve the Judgment Entry submitted with this waiver, and accept the same as the written decision of the Magistrate in this case.
2. The Court waive the filing and service of a separate Magistrate's Decision in this case, preparation of a transcript of the hearing, and the time limits set forth in Juvenile Rule 40 for objections to the Magistrate's Decision.
3. The parties and their respective counsel, pursuant to their signatures below, hereby waive the time limits set forth in Juvenile Rule 40, waive any defect in the proceedings and consent to the Court's adoption of the Judgment Entry accompanying this waiver, without objection.

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

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

IN THE MATTER OF:

Case No. _____

Child's Name

I.D. No. _____

If this is a civil or criminal case, insert the
Plaintiff's and Defendant's names below:

Plaintiff's Name

Plaintiff,

VS

Defendant's Name

Defendant.

MOTION OF: _____

I hereby ask the Court for the following:

☐ An Order converting the hearing on _____ to a Zoom hearing.

☐ A continuance of the hearing on _____ because:

REQUIRED: I have complied with Local Rule 12 and contacted the other party or parties to the case, or their attorney(s), if represented.

☐ There was no objection to my request.

☐ There was objection to my request by:

☐ Dismissal of this case because:

- ☐ Appointment of a Guardian *Ad Litem* for the child.
- ☐ Appointment of counsel for myself. I have completed Ohio Public Defender Form OPD-206R and it is attached to this Motion.
- ☐ Other relief described below or attach an explanation on a separate sheet if space is insufficient:

Printed Name

Signature

Address

Telephone No.

Email Address

CERTIFICATE OF SERVICE

IF YOU DO NOT PROVIDE A COPY OF YOUR MOTION TO THE ATTORNEY(S) IN THE CASE AND UNREPRESENTED PARTIES AND COMPLETE THE CERTIFICATE OF SERVICE BELOW, THE COURT WILL NOT CONSIDER YOUR MOTION. You MUST list the name of each person served, the date you served that person and the method and address of service.

I hereby certify that a true copy of this Motion was served on the persons listed below:

Printed Name

Signature

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

_____, : Case No. _____
Plaintiff, :
vs. :
_____, :
Defendant. : **PRAECIPE FOR SUBPOENA**

To the Clerk of Court:

Please issue the attached subpoena(s) to the following individual(s) for the hearing scheduled in
this case on _____ at _____.

Name and Address of Witness(es):

Signature: _____
Name: _____
Address: _____

Telephone No. _____
Email: _____

Counsel for: _____
Supreme Court #: _____

VS.	Plaintiff	:	Case No. _____
		:	<u>PERSONAL SERVICE REQUESTED</u>
			☐ Subpoena Duces Tecum
	Defendant	:	☐ Subpoena

To: _____
(List Name and Address of Person to Serve the Subpoena)

You are commanded to subpoena the below-named person by serving a copy of this subpoena upon that person by personal service, and making due return of that service below.

To: _____
(List Name and Address of the Witness)

You are commanded to appear before the Ashland County Court of Common Pleas, Juvenile Division, 142 West Second Street, Ashland, Ohio 44805 on _____ at _____ to testify as a witness in the above-identified case, at the request of: _____ Telephone No. _____

Further, you are commanded to bring the following items with you to the hearing:

You are required to appear ☐ in person or ☐ remotely by joining the Zoom video conference for the hearing. If you are permitted to appear remotely, you must obtain the Zoom Meeting ID and Passcode for the hearing from the party who subpoenaed you.

A copy of required portions of Juvenile Rule 17 appears on the reverse side of this subpoena.

If the person being subpoenaed resides outside of Ashland County, Ohio, the witness fee for one day attendance and for mileage in the amount of \$ _____ is being tendered with this subpoena.

FAILURE TO APPEAR AND TESTIFY MAY RESULT IN YOUR BEING HELD IN CONTEMPT OF COURT.

Karen DeSanto Kellogg, Judge and Ex Officio
Clerk of Court

By: _____
Deputy Clerk

RETURN OF SERVICE

I received this writ on _____ (date) at _____ (time), and on _____ (date and time) at _____ (location where served), I served the same on the above-named person by personal service.

FEEES:

Service: \$ _____
Mileage: \$ _____
Total: \$ _____

By: _____
Title: _____

Juvenile Rule 17

(D) Protection of persons subject to subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.
- (2)(a) A person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule is not required to appear in person at the place of production or inspection unless commanded to attend and give testimony at a trial, hearing, proceeding, or deposition.
- (2)(b) Subject to division (E)(2) of this rule, a person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule may serve upon the party or attorney designated in the subpoena written objections to production. The objections must be served within fourteen days after service of the subpoena or before the time specified for compliance if that time is less than fourteen days after service. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court that issued the subpoena. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.
- (3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:
 - (a) Fails to allow reasonable time to comply;
 - (b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
 - (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
 - (d) Subjects a person to undue burden.
- (4) Before filing a motion pursuant to division (D)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (D)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.
- (5) If a motion is made under division (D)(3)(c) or (D)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

(E) Duties in responding to subpoena.

- (1) A person responding to a subpoena to produce documents shall, at the person's option, produce the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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

STATE OF OHIO, : Case No. _____
 :
 Plaintiff, :
 vs. :
 _____, :
 Defendant. : **PRAECIPE FOR SUBPOENA**

To the Clerk of Court:

Please issue the attached subpoena(s) to the following individual(s) for the hearing scheduled in this case on _____ at _____.

Name and Address of Witness(es):

Signature: _____
Name: _____
Address: _____

Telephone No. _____
Email: _____

Counsel for: _____
Supreme Court #: _____

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

STATE OF OHIO,

:

Case No.

Plaintiff

vs.

:

PERSONAL SERVICE REQUESTED

☐ Subpoena Duces Tecum

Defendant

:

☐ Subpoena

State of Ohio :

: ss.

County of Ashland :

To: _____
(List Name and Address of Person to Serve the Subpoena)

You are commanded to subpoena the below-named person by serving a copy of this subpoena upon that person by personal service, and making due return of that service below.

To: _____
(List Name and Address of the Witness)

You are commanded to appear before the Ashland County Court of Common Pleas, Juvenile Division, 142 West Second Street, Ashland, Ohio 44805 on _____ at _____ to testify as a witness in the above-identified case, at the request of: _____ Telephone No. _____.

Further, you are commanded to bring the following items with you to the hearing:

You are required to appear in person at 142 W. Second Street, Ashland, Ohio 44805 to testify.

If the person being subpoenaed resides outside of Ashland County, Ohio, the witness fee for one day attendance and for mileage in the amount of \$ _____ is being tendered with this subpoena.

FAILURE TO APPEAR AND TESTIFY MAY RESULT IN YOUR BEING HELD IN CONTEMPT OF COURT.

Karen DeSanto Kellogg, Judge and Ex Officio
Clerk of Court

By: _____
Deputy Clerk

RETURN OF SERVICE

I received this writ on _____ (date) at _____ (time), and on _____ (date and time) at _____ (location where served), I served the same on the above-named person by personal service.

FEES:

Service: \$ _____
Mileage: \$ _____
Total: \$ _____

By: _____
Title: _____

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

IN THE MATTER OF: _____ : Case No. _____
ID No. _____
_____, :
A(n) _____ Child. : **PRAECIPE FOR SUBPOENA**

To the Clerk of Court:

Please issue the attached subpoena(s) to the following individual(s) for the hearing scheduled in this case on _____ at _____.

Name and Address of Witness(es):

Signature: _____
Name: _____
Address: _____

Telephone No. _____
Email: _____

Counsel for: _____
Supreme Court #: _____

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

In the Matter of: _____ : Case No. _____
_____ : ID No. _____

PERSONAL SERVICE REQUESTED

A _____ Child. : ☐ Subpoena Duces Tecum ☐ Subpoena

State of Ohio :
: ss.
County of Ashland :

To: _____
(List Name and Address of Person to Serve the Subpoena)

You are commanded to subpoena the below-named person by serving a copy of this subpoena upon that person by personal service, and making due return of that service below.

To: _____
(List Name and Address of the Witness)

You are commanded to appear before the Ashland County Court of Common Pleas, Juvenile Division, 142 West Second Street, Ashland, Ohio 44805 _____ at _____ to testify as a witness in the above-identified case, at the request of: _____ Telephone No. _____.

Further, you are commanded to bring the following items with you to the hearing:

You are required to appear ☐ in person or ☐ remotely by joining the Zoom video conference for the hearing. If you are permitted to appear remotely, you must obtain the Zoom Meeting ID and Passcode for the hearing from the party who subpoenaed you.

A copy of required portions of Juvenile Rule 17 appears on the reverse side of this subpoena.

If the person being subpoenaed resides outside of Ashland County, Ohio, the witness fee for one day attendance and for mileage in the amount of \$ _____ is being tendered with this subpoena.

FAILURE TO APPEAR AND TESTIFY MAY RESULT IN YOUR BEING HELD IN CONTEMPT OF COURT.

Karen DeSanto Kellogg, Judge and Ex Officio
Clerk of Court

By: _____
Deputy Clerk

RETURN OF SERVICE

I received this writ on _____ (date) at _____ (time), and on _____ (date and time) at _____ (location where served), I served the same on the above-named person by personal service.

FEES:

Service: \$ _____
Mileage: \$ _____
Total: \$ _____

By: _____
Title: _____

Juvenile Rule 17

(D) Protection of persons subject to subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.
- (2)(a) A person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule is not required to appear in person at the place of production or inspection unless commanded to attend and give testimony at a trial, hearing, proceeding, or deposition.
- (2)(b) Subject to division (E)(2) of this rule, a person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule may serve upon the party or attorney designated in the subpoena written objections to production. The objections must be served within fourteen days after service of the subpoena or before the time specified for compliance if that time is less than fourteen days after service. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court that issued the subpoena. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.
- (3) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:
 - (a) Fails to allow reasonable time to comply;
 - (b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
 - (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
 - (d) Subjects a person to undue burden.
- (4) Before filing a motion pursuant to division (D)(3)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney. A motion filed pursuant to division (D)(3)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.
- (5) If a motion is made under division (D)(3)(c) or (D)(3)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

(E) Duties in responding to subpoena.

- (1) A person responding to a subpoena to produce documents shall, at the person's option, produce the documents as they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. A person producing documents pursuant to a subpoena for them shall permit their inspection and copying by all parties present at the time and place set in the subpoena for inspection and copying.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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

IN THE MATTER OF: _____ : Case No. _____

_____ : I.D. No. _____

(Child's Name)

_____ :

**PERMANENT CUSTODY PRETRIAL
STATEMENT**

_____ Child.

STATEMENT OF: _____

DATE CHILD ENTERED TEMPORARY CUSTODY: _____

SECTION 1:

**TYPE OF PERMANENT CUSTODY CASE and ELEMENTS REQUIRED TO BE
PROVEN (R.C. 2151.413(D) and 2151.414(B))**

Mandatory or Optional Motion:

- ☐ Mandatory because the child has been in the temporary legal custody of the Department for twelve or more months of a consecutive 22 month period
- ☐ Mandatory because the Court made a determination under R.C. 2151.419(A)(2)
- ☐ Discretionary motion

Best Interests Only because:

- ☐ The child is abandoned.
- ☐ The child is orphaned and there are no relatives of the child who are able to take permanent custody.
- ☐ The child HAS BEEN in the temporary custody of one or more PCSA's/PCPA's for 12 or more months of a consecutive 22 month period
- ☐ The child HAS BEEN in the temporary custody of one or more PCSA's/PCPA's for 12 or more months of a consecutive 22 month period, and as described in R.C. 2151.413(D)(1) the child was previously in the temporary custody of an equivalent agency in another state.
- ☐ The child or another child in the custody of the parent or parents from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on 3 separate occasions by any court in this state or another state.

Best Interests AND the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

- ☐ The child IS NOT abandoned.
- ☐ The child IS NOT orphaned.
- ☐ The child HAS NOT BEEN in the temporary custody of one or more PCSA's/PCPA's for 12 or more months of a consecutive 22 month period.
- ☐ The child HAS BEEN in the temporary custody of one or more PCSA's/PCPA's for 12 or more months of a consecutive 22 month period, and as described in R.C. 2151.413(D)(1) the child was previously in the temporary custody of an equivalent agency in another state.

SECTION 2:

CASE PLAN OBJECTIVES

Case Plan #: _____

****Include a summary of the evidence you expect to present to establish that the parent(s) have or have not achieved the objectives of the case plan. This is not a statement of whether a parent has completed services, because the completion of services alone may or may not evidence achievement of the objectives of the case plan. For instance, a parent can achieve a goal of sobriety without completing substance use services. Your evidence summary may, however, include references to the status of services. ****

Parent:	Case Plan Objectives:	Summary of Evidence:
Mother		
Father		

SECTION 3: BEST INTEREST

Identify the facts which support a finding that reunification is or is not in the best interests of the child using the factors contained in R.C. 2151.414(D).

(a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;

(b) The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;

(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;

(e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

Any other relevant factor.

SECTION 4: RETURN TO PARENT FACTORS

☐

Check if not applicable

Expected evidence concerning whether the child can and should be returned to parent or cannot and should not be returned to a parent, using the factors contained in R.C. 2151.414(E)

(1) Following the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made available to the parents for the purpose of changing parental conduct to allow them to resume and maintain parental duties.

(2) Chronic mental illness, chronic emotional illness, intellectual disability, physical disability, or chemical dependency of the parent that is so severe that it makes the parent unable to provide an adequate permanent home for the child at the present time and, as anticipated, within one year after the court holds the hearing pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code;

(3) The parent committed any abuse as described in section 2151.031 of the Revised Code against the child, caused the child to suffer any neglect as described in section 2151.03 of the Revised Code, or allowed the child to suffer any neglect as described in section 2151.03 of the Revised Code between the date that the original complaint alleging abuse or neglect was filed and the date of the filing of the motion for permanent custody;
(4) The parent has demonstrated a lack of commitment toward the child by failing to regularly support, visit, or communicate with the child when able to do so, or by other actions showing an unwillingness to provide an adequate permanent home for the child;
(5) The parent is incarcerated for an offense committed against the child or a sibling of the child;
(6) The parent has been convicted of or pleaded guilty to an offense under division (A) or (C) of section 2919.22 or under section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised Code, and the child or a sibling of the child was a victim of the offense, or the parent has been convicted of or pleaded guilty to an offense under section 2903.04 of the Revised Code, a sibling of the child was the victim of the offense, and the parent who committed the offense poses an ongoing danger to the child or a sibling of the child.
(7) The parent has been convicted of or pleaded guilty to one of the criminal statutes listed in R.C. 2151.414(E)(7)(a) - (f).
(8) The parent has repeatedly withheld medical treatment or food from the child when the parent has the means to provide the treatment or food, and, in the case of withheld medical treatment, the parent withheld it for a purpose other than to treat the physical or mental illness or disability of the child by spiritual means through prayer alone in accordance with the tenets of a recognized religious body.
(9) The parent has placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and has rejected treatment two or more times or refused to participate in further treatment two or more times after a case plan issued pursuant to section 2151.412 of the Revised Code requiring treatment of the parent was journalized as part of a dispositional order issued with respect to the child or an order was issued by any other court requiring treatment of the parent.
(10) The parent has abandoned the child.

(11) The parent has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to this section or section 2151.353 or 2151.415 of the Revised Code, or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to those sections, and the parent has failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, the parent can provide a legally secure permanent placement and adequate care for the health, welfare, and safety of the child.
(12) The parent is incarcerated at the time of the filing of the motion for permanent custody or the dispositional hearing of the child and will not be available to care for the child for at least eighteen months after the filing of the motion for permanent custody or the dispositional hearing.
(13) The parent is repeatedly incarcerated, and the repeated incarceration prevents the parent from providing care for the child.
(14) The parent for any reason is unwilling to provide food, clothing, shelter, and other basic necessities for the child or to prevent the child from suffering physical, emotional, or sexual abuse or physical, emotional, or mental neglect.
(15) The parent has committed abuse as described in section 2151.031 of the Revised Code against the child or caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, and the court determines that the seriousness, nature, or likelihood of recurrence of the abuse or neglect makes the child's placement with the child's parent a threat to the child's safety.
(16) Any other factor the court considers relevant.

SECTION 5: PROPOSED STIPULATIONS

Identify any facts which are relevant to the permanent custody decision which you are willing to stipulate to prior to trial. Counsel should make every effort to stipulate to documents, procedural facts, and any other matter which would limit the time needed for hearing.

SECTION 6: WITNESSES

List all witnesses you expect to call to testify during the permanent custody hearing, including an estimate of the time anticipated for your direct examination.

SECTION 7: EXHIBITS

List all exhibits you expect to offer into evidence, except exhibits to be used only for impeachment, illustration or rebuttal.

SECTION 8: SCHEDULING

If you anticipate that the time already set for the permanent custody motion will be insufficient, please provide an estimate of what additional time will be needed.

SECTION 9: OTHER MATTERS

Please list any other issues, or information which you anticipate could impact the judicial administration of the permanent custody motion. Examples would include the need for a translator, special equipment for the presentation of evidence, the need for a witness to testify via Zoom, or other procedural matters.

Attorney
Counsel for
Supreme Court #

Street Address

City, State and Zip

Telephone

Email Address

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

**SEALING APPLICATION (R.C. 2151.356)
and
EXPUNGEMENT APPLICATION (R.C. 2151.358)**

JUVENILE'S NAME: _____ **COURT I.D. No.** _____

Last First Middle Initial
(Please list name when juvenile record was made, even if your name is different now)

DATE OF BIRTH: _____ **CURRENT AGE:** _____ **SSN:** _____

CURRENT ADDRESS: _____

PHONE NUMBER: _____ **EMAIL ADDRESS:** _____

What are the case number(s) of the cases you are seeking to have sealed/expunged:

Has the record already been sealed? ☐ YES ☐ NO

(A record that has been sealed by the Court will automatically be expunged 5 years after it is sealed or at age 23, whichever is earlier)

The undersigned applicant hereby requests that the applicant's record be:

(Record must already be sealed prior to asking for expungement, or both can be requested at the same time)

☐ SEALED ☐ EXPUNGED

Have you been adjudicated delinquent for aggravated murder, murder, or any sexual offense? *(If "Yes", please list details about the case, including the Court, case number, exact offense, and date of the adjudication)*

☐ YES ☐ NO

Are you currently under the jurisdiction of the Court in relation to a delinquency complaint? *(If "Yes", please list details about the case, including the Court, case number, exact offense, and date of the adjudication)*

☐ YES ☐ NO

Have at least 6 months passed since the termination of any order made by the Court in relation to the case?

☐ YES ☐ NO

When were you released from any institution or facility, if you were committed to an institution or facility in relation to the case?

Date released: _____

☐ I WAS NOT COMMITTED

Do you authorize the release of any school and/or police report that may aid the Court in making a finding in this matter? ☐ YES ☐ NO

Have you had other prior or subsequent offenses in any Court? ☐ NO

I have had prior or subsequent offense(s) in this Court or another Court, as follows:

The Juvenile Court is required to expunge all sealed records five (5) years after the Court issues a sealing order or upon the 23rd birthday of the person whose record is sealed. Are you further requesting that the record be expunged earlier than that time period? If so, why?

☐ I am not requesting the record be expunged earlier.

☐ I am requesting the record be expunged earlier for the following reason(s):

List any information demonstrating that you have been rehabilitated since your adjudication in this Court, including but not limited to information about education you have obtained, jobs you have held, stable residence, etc. (Attach a separate sheet if this is insufficient space)

Applicant's Signature: _____ **Date:** _____

NOTARIZATION

County of _____ :
:SS.
State of _____ :

Sworn to and subscribed in my presence by _____ on _____.

Notary Public



ASHLAND COUNTY COURT OF COMMON PLEAS

Probate and Juvenile Division

Karen DeSanto Kellogg, Judge
142 West Second St., Ashland, Ohio 44805
Phone: 419-282-4205 Fax: 419-281-5699

Sealing and Expunging Juvenile Court Records

R.C. §2151.355 - 2151.358

Common Questions and Answers

What is Sealing and Expunging?

Sealing: The juvenile file is removed from the Court's main section of records and placed in a separate location that is only accessible by the juvenile court.

Expungement: The juvenile file is destroyed or deleted, and is permanently gone from the Court's records.

What records cannot be sealed?

Aggravated Murder
Murder
Rape

What records is the Court required to seal?

- (1) Sealing ordered by another Court
- (2) No complaint ever filed
- (3) Successful diversion on R.C. 4301.69 charge
- (4) Delinquency complaint dismissed without adjudication or child adjudicated unruly turns 18 AND Court finds that harm pertaining to disclosure of record IS NOT outweighed by potential benefits of public access to the records.

How does the Court decide whether to seal records?

The Court will consider sealing records, either through the Court's own motion, or through the youth's written application, if:

- (1) the youth has been satisfactorily rehabilitated, as determined by an investigation (based on age; nature of case; education and employment history; any other delinquent, unruly or criminal behavior; and any other relevant circumstances.
- (2) the Prosecuting Attorney has no objections or does not respond. (If the Prosecuting Attorney does object, the Court may set a hearing before deciding the sealing request).

What is the effect of having a juvenile record sealed?

The youth and the Court can respond that no record exists, and it is as if the proceedings never occurred.

The record shall be sealed with every office that had contact with the case.

Generally, the record is not accessible, but there are very limited exceptions under the law for accessing the record.

How does the Court decide to expunge records?

The Court is required to expunge all records five (5) years after they are sealed, or when the youth turns 23, whichever happens first.

However, the Court may require a youth to apply to have records expunged, and in that case, a court will consider expunging records.

The Court will consider if the youth has been satisfactorily rehabilitated, as determined by an investigation (based on age; nature of case; education and employment history; any other delinquent, unruly or criminal behavior; and any other relevant circumstances.

The Court will also consider any objection of the Prosecuting Attorney.

What is the effect of having a juvenile record expunged?

The youth and the Court can respond that no record exists, and it as if the proceeding never occurred.

The record shall be expunged by every office that had contact with the youth regarding the case.

The record no longer exists and it is not accessible to anyone for that reason.

When is the soonest point that I can ask the Court to seal records?

A person can ask to have a juvenile record sealed six (6) months after:

- (1) Termination of any order made by a court in relation to an adjudication OR
- (2) Unconditional discharge from DYS/other facility in relation to a dispositional order
- (3) Court enters a sex offender declassification order.

**How do I go about getting
a Court Order to seal or
expunge my juvenile case?**

Complete the Court form application to seal or an application to expunge

- (1) File your application with the Court - you must mail it to the Court or bring it to the Courthouse - there is no filing fee
- (2) The Court will forward your application to the County Prosecutor for review
- (3) The Court may schedule a hearing on your application, and if so, you must appear
- (4) The Court will then issue a decision

ASHLAND COUNTY JUVENILE COURT

Driving Privileges Petition Packet

Information Regarding Limited Driving Privileges:

You may petition the Juvenile Court for Limited Driving Privileges if your license has been suspended in Court or placed under Juvenile Restriction by the BMV. **Driving privileges are discretionary and may be granted only if the Court finds that the suspension or restriction will prevent you from continuing in employment or education, or will cause undue hardship on you or your family.**

DRUG, ALCOHOL AND NICOTINE TESTING POLICY: JUVENILE TRAFFIC OFFENDERS
--

- | |
|--|
| <ol style="list-style-type: none">1. All juveniles applying for driving privileges will be drug, alcohol and nicotine tested through a urine screen. The Court will not grant privileges to any juvenile testing positive on any urine screen for drugs, alcohol or nicotine.2. Any juvenile failing a drug, alcohol or nicotine test must wait thirty (30) days before the Court will re-administer any test.3. If a juvenile is prescribed any medication that may cause a positive screen on a drug, alcohol or nicotine test, the juvenile must present, at the time of screening, the prescription and documentation from a physician or pharmacist that the prescribed drug will cause a positive test result. |
|--|

To request Limited Driving Privileges, please complete the enclosed ***Petition For Limited Driving Privileges*** and ***Scheduled Activities*** forms (see instructions below) and bring the forms with you to your traffic hearing. A decision may be made by the Judge or Magistrate during your traffic hearing to grant or deny driving privileges. If privileges are granted, please allow a minimum of two (2) business days for a Driving Privilege Order to be prepared for you. **Completing the application and following the required procedures is NOT a guarantee of the issuance of privileges. Privileges are issued on a case-by-case basis.**

There is a \$50.00 Court fee when driving privileges are applied for and a \$10.00 fee for each update or modification to your privileges.

Instructions for completing Driving Privilege Request Form:

1. Complete the *Petition For Limited Driving Privileges* form to the best of your ability. If you are filling it out prior to your traffic hearing, leave the "date of suspension or restriction" fields blank.
2. It is essential that you and your parent(s) or guardian read all pages of the petition. If you understand and are in agreement with the terms of limited driving privileges, sign and date at the bottom of Page 2 of the Petition and on the Schedule of Activities.
3. You must attach at least one (1) Schedule of Activities to your Petition. At the top of the Schedule, you must check the box identifying whether your schedule is always the same every week (i.e. you only need privileges to between home and school and your schedule is always the same each week) or if your schedule changes week to week (i.e. you need work privileges and your work schedule changes every week). If your schedule is the same each week, you only need to complete one (1) copy of the schedule. If your schedule changes weekly, you need to complete one (1) schedule form for each week you are asking for privileges and identify what week that schedule is for, at the top of the Schedule. If your schedule changes weekly, you can request driving privileges for up to four (4) weeks at a time.
4. Attach a current copy of your insurance card or declaration page (must bear your name, the vehicle you will be driving, and the coverage dates).

Please feel free to contact the Juvenile Court at (419) 282-4205 if you have any questions.

In the Common Pleas Court of Ashland County, Ohio, Juvenile Division

In the Matter of: _____ : Case No.
ID No.

Juvenile's Name _____ :

A Juvenile Traffic Offender. _____ :

ALL JUVENILES REQUESTING PRIVILEGES MUST TAKE AND PASS A DRUG, ALCOHOL AND NICOTINE TEST. THE COURT WILL NOT GRANT PRIVILEGES IF THE JUVENILE FAILS ANY TEST.

PETITION FOR LIMITED DRIVING PRIVILEGES

Please note that effective February 17, 2021, there is a \$50.00 fee if privileges are applied for, plus an additional \$10 fee each time privileges need updated (payable prior to privileges being issued.)

_____ JUVENILE'S NAME	_____ JUVENILE'S DATE OF BIRTH	_____ JUVENILE'S SOCIAL SECURITY #
_____ NAME(S) OF PARENT/ GUARDIAN	_____ PARENT/GUARDIAN PHONE NUMBER	_____ PARENT/GUARDIAN EMAIL
_____ JUVENILE'S RESIDENCE ADDRESS	_____ JUVENILE'S PHONE NUMBER	_____ JUVENILE'S EMAIL
_____ DATE OF SUSPENSION OR RESTRICTION	_____ START DATE:	_____ END DATE:
_____ OHIO DRIVER'S LICENSE NUMBER	_____ DATE ISSUED:	_____ EXPIRATION DATE:

COMPLETE one or more of the following: I am requesting driving privileges for:

EMPLOYMENT:

_____ Name of Employer:	_____ Name of Supervisor:
_____ Workplace Address:	_____ Employer Phone No:

SCHOOL:

Name of School: _____ Current Grade: _____
School Address: _____

SCHOOL ACTIVITY: Type of Activity: _____

Location of Activity: _____

OTHER: Describe the reason you need privileges (i.e. to attend probation appointments), the address of the place you need to travel to and the name of the person you need to see at that location.

OTHER INFORMATION: If you have other information you think is important, please list that information here:

JUVENILE CERTIFICATION

PLEASE READ and INITIAL EACH STATEMENT BEFORE SIGNING

_____ I understand that Limited Driving Privileges are discretionary and will not automatically be granted, and I may not receive any or all of the privileges that have been requested in this petition.

_____ I understand that if I am granted Limited Driving Privileges, I must report any changes in residence, employment, school attendance or activity to the Court immediately to have a revised Limited Permit issued.

_____ I understand that if I am granted Limited Driving Privileges, and they need modified for any reason, I must provide the changes in my schedule to the Court in writing and pay a \$10.00 fee before the changes will be considered.

_____ I further understand that if I am granted Limited Driving Privileges and I violate the privileges granted, that the violation may result in a citation for Driving Under Suspension and/or the loss of current Limited Driving Privileges as well as any possible future Limited Driving Privileges.

_____ I have attached a copy of my current insurance card or the declaration page which bears my name, the vehicle I am driving, and the current policy dates.

I hereby certify that all of the above information is true to the best of my knowledge and belief.

By affixing my signature to this petition, I declare that there is no alternative transportation available to me, of any kind, in order to participate in these necessary activities.

Juvenile Signature

Date

PARENT CERTIFICATION

As the parent/guardian of _____, I hereby certify that I have reviewed the information provided in this document and that the information is true to the best of my knowledge.

I also certify that there is no alternative transportation available, of any kind, in order for the juvenile to participate in these necessary activities.

Parent/Guardian

Date

Parent/Guardian

Date

SCHEDULE OF ACTIVITIES FOR DRIVING PRIVILEGES PETITION

At least one (1) Schedule must be attached to your Petition for Driving Privileges

JUVENILE'S NAME: _____ SIGNATURE: _____
PARENT/GUARDIAN: _____ SIGNATURE: _____

_____ I have a regular weekly schedule and therefore I am only submitting one (1) Schedule Form.
_____ My schedule changes and this schedule is for the week of _____.

PLEASE COMPLETE BY LEGIBLY LISTING YOUR REGULARLY SCHEDULED ACTIVITIES FOR WHICH YOU ARE REQUESTING DRIVING PRIVILEGES.

<i>Days of the Week</i>	<i>Driving Times</i>	<i>From</i>	<i>To</i>
<i>Example: Monday</i>	<i>7:30 am - 7:45 am</i> <i>2:30 pm - 3:00 pm</i> <i>10:00 pm - 10:15 pm</i>	<i>Home</i> <i>School</i> <i>Work</i>	<i>School</i> <i>Work</i> <i>Home</i>
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

For Court Use Only:

I, _____, Deputy Clerk of the Ashland County Juvenile Court, hereby certify that this is a true and correct copy of the driving privileges approved by the Court for the above-named juvenile.

Deputy Clerk

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

IN THE MATTER OF: _____ : I.D. No. _____
_____ : Case No. _____
_____ :
_____ Child.

**THIS FORM IS TO BE PROVIDED TO THE COURT BY THE ACDJFS
FOR EVERY PLACEMENT MADE OF THE CHILD.**

**FOSTER OR KINSHIP CAREGIVER INFORMATION FORM
and PHOTO OF CHILD FORM
R.C. 2151.424**

Name of Caregiver(s):	Type of Placement: ☐ Foster Parent ☐ Kinship Caregiver ☐ QRTP Placement at _____ ☐ Other: (Please specify) _____ Date placement started: _____
Address of Caregiver(s):	
Telephone No. of Caregiver(s):	
Email Address of Caregiver(s):	
Name of person completing this form:	

☐ I have attached a photograph of the child because this is an initial placement for the child.

☐ I have NOT attached a photograph of the child because a photograph was already provided to the Court.

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

IN THE MATTER OF: : I.D. No.
: Case No.
:
Child.

**THIS FORM IS TO BE PROVIDED TO THE COURT BY THE ACDJFS
WITH THE COMPLAINT IN ALL ABUSE, NEGLECT or DEPENDENCY CASES**

PHOTO FOR CHILD

The Court requires one color photograph of the child to be filed with every abuse, neglect or dependency complaint. The photograph must have been taken in the preceding 6 months. It must be taken in good lighting, without shadows and against a neutral background. The photograph should depict the child from just below the shoulders to the top of the child's head. The photo must be a clear image of the child's face. No digital filters shall be used for the photograph. The child shall not be wearing a hat or any other item obstructing the child's face. No other person shall be depicted in the photograph with the child. If the family includes multiple children, each child shall be photographed separately. The photograph shall be taken when the child is awake and the child's eyes shall be open. The child's facial expression shall be neutral. Examples of acceptable photographs are the types of photographs acceptable for a child's passport. See: travel.state.gov/content/travel/en/passports/how-apply/photos.html.

Complete 1 of the following 2 statements:

- ☐ I certify that one photograph of the above named child is attached to this document.
- ☐ I certify that I have uploaded one photograph of the above named child to the Court's document system, prior to filing this document with the Court.

I have reviewed the photograph and have determined that it complies with the Court's requirements.

Submitted by: _____

Printed Name: _____

Dated: _____

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

IN THE MATTER OF: : I.D. No. _____

: Case No. _____

_____ :

_____ Child. : **CHANGE OF CONTACT**
INFORMATION FORM

**THIS FORM IS TO BE PROVIDED TO THE COURT BY THE ACDJFS
WHENEVER THE DEPARTMENT RECEIVES NEW CONTACT INFORMATION FOR
A PARENT/LEGAL CUSTODIAN**

Name of Case Participant:	
New Address Case Participant:	
New Telephone No. of Case Participant:	
New Email of Case Participant:	
Source of New Contact Information:	
Date New information Received:	
Name of Person Completing this form:	

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

In the Matter of: _____ : ID No. _____
_____ : Case No. _____
_____ Child. : **Proposed Case Plan**

Now comes the Ashland County Department of Job and Family Services (hereinafter ACDJFS), by and through its counsel, and files a case plan /case plan amendment no. _____ dated _____. ACDJFS requests that the Court approve and adopt that document as an order of the Court in this case.

Counsel has reviewed the proposed case plan/case plan amendment and certifies that the document complies with the provisions of R.C. 2151.412 and/or 2151.413, and all administrative code sections relevant to case plans.

Counsel for ACDJFS

Certificate of Service

I hereby certify that a true copy of this document and Proposed Case Plan Amendment No. _____ dated _____ was served upon counsel of record in this case. I have confirmed that copies of the proposed case plan amendment were served upon the parties, the Guardian *Ad Litem* and CASA by _____, and therefore no further service is made to those individuals.

Counsel for ACDJFS

IN THE ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION

IN THE MATTER OF: _____ : Case No. _____
ID No. _____

INITIAL CASE PLAN
CASEWORKER/SUPERVISOR STATEMENT

1. The Department filed Case Plan No. _____ with the Court on _____. This plan was timely filed with the Court.
2. No less than 7 days prior to case plan completion, the Department gave ☐verbal ☐written notice to all of the parties to the case plan, including the Guardian *Ad Litem*, of the opportunity to participate in the development, implementation and review of the case plan and that if an agreement cannot be reached, each party has the right to present evidence at the dispositional hearing and the Court will determine the contents of the case plan based upon the evidence presented.
3. The plan identifies which parties did and did not agree with the case plan.
4. I certify that the Department has served the following persons with a copy of the proposed plan filed with the Court, on the date and by the method listed below:

Name and Address of Party Served	Method of Service	Date Served

*attach an additional sheet if more room needed

Signature: _____
Position: _____
Printed Name: _____
Date Signed: _____

IN THE ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION

IN THE MATTER OF:

: Case No. _____

ID No. _____

NON-EMERGENCY CASE PLAN AMENDMENT
CASEWORKER/SUPERVISOR STATEMENT

1. The Department filed Updated Case Plan No. _____ with the Court on _____. The case plan includes a cover sheet listing the change(s), the reason(s) for the change(s) and it is a non-emergency case plan amendment.
2. Prior to filing that plan with the Court, the Department contacted all of the parties to the case plan, including the Guardian *Ad Litem*, and advised all of them of the change(s) proposed and the reason(s) for the change.
3. The plan identifies which parties did and did not agree with the change(s) proposed. The case plan amendment is ☐ 100% agreed and all parties have signed or ☐ disputed because not all parties agreed.
4. I certify that the Department has served the following persons with a copy of the proposed plan filed with the Court and a copy of the Court's Request for Case Plan Hearing form (if the party did not agree), on the date and by the method listed below:

Name and Address of Party Served	Method of Service	Date Served

*attach an additional sheet if more room needed

Signature: _____
Position: _____
Printed Name: _____
Date Signed: _____

IN THE ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION

IN THE MATTER OF: _____ : Case No. _____
ID No. _____

EMERGENCY CASE PLAN AMENDMENT
CASEWORKER/SUPERVISOR STATEMENT

1. On _____, the Department implemented a change to the case plan and the Department gave notice to the Court and parties of the change before the end of the day after the change was made.
2. Updated Case Plan No. _____ was filed with the Court on _____ (within 3 days of the day the change was implemented). The case plan includes a cover sheet listing the change(s), the reason(s) for the change(s) and identified it as an emergency case plan amendment.
3. For the reasons stated on the cover sheet of the case plan, the Department has reasonable cause to believe that (check one of the following):

☐ a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm.

☐ to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child; or

☐ believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that the child is in danger of immediate or threatened physical or emotional harm from that person unless the agency makes an appropriate change in the child's case plan.
4. I certify that the Department has served the following persons with a copy of the proposed emergency amended case plan filed with the Court and a copy of the Court's Request for Case Plan Hearing form, on the date and by the method listed below:

Name and Address of person served	Method of Service	Date Served (must be no later than the day after the plan was filed with the Court)

*attach an additional sheet if more room needed

Signature: _____
Position: _____
Printed Name: _____
Date Signed: _____

IN THE ASHLAND COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION

IN THE MATTER OF: _____ : Case No. _____
ID No. _____

Notice of Right to Request a Case Plan Hearing

To be completed and served by the Department:

Date: _____

RE: **Updated Family Case Plan Number** _____ (enclosed)

- ☐ This is an emergency amendment of the case plan and you have **ten (10) days from the date of this notice** to file this request for hearing with the Court.
- ☐ This is a non-emergency amendment of the case plan and you have **seven (7) days from the date of this notice** to file this request for hearing with the Court.

You are hereby notified that you have the right to request a case plan hearing with regard to the enclosed amended case plan, if you disagree with its provisions. To request a hearing, you must sign the bottom of this form and file it with the Ashland County Court of Common Pleas, Juvenile Division within the applicable time period listed above. You can:

1. hand-deliver or mail this form to the Court at: 142 W. Second Street, Ashland, Ohio 44805;
2. fax the form to the Court at 419-281-5699; or
3. email a scan or picture of the form to acjc.clerk@zoominternet.net.

The Court must receive the form by the above deadline.

Signature: _____
Printed Name: _____
Position: _____

Request for Hearing

I have reviewed the enclosed case plan and I disagree with its provisions. I request a case plan hearing. The reason I am requesting a hearing is: _____

Signature: _____
Printed Name: _____

Ashland County Juvenile Court

Qualified Residential Treatment Program (Q RTP) Report

to be filed with the Court within 3 days of issuance

Child's Name and DOB:	
Date Referral Received for Assessment:	
Date Child Placed in Q RTP:	
Name of Assessor:	
Title and Credentials of Assessor:	
Address, Phone and Email of Assessor:	
Date of Report:	

Pursuant to O.A.C. 5101:2-42-12, the undersigned hereby submits a report with regard to the placement of the above-named child in a Q RTP.

Statement of Qualifications to serve as a "Qualified Individual"
I hereby state that I am or have: (check each box to report that you meet the requirement) ☐ a trained professional or licensed clinician ☐ not connected to or affiliated with any placement setting in which children could be placed ☐ am trained to administer the assessment tool outlined in paragraph (B) of this rule, with evidence of child and adolescent needs and strengths (CANS) training and a current CANS certification kept in the employee's file ☐ maintained objectivity with respect to determining the most effective and appropriate placement for this child ☐ knowledgeable on local resources to support a child's ongoing needs. I hereby state that I meet one of the following options: (check each box which applies to you) ☐ I am a title IV-E agency employee who is not in the chain of command of the case oversight or placement decision-making. ☐ I am a local service provider who enters into an agreement with the title IV-E agency. The service provider cannot serve as the qualified individual if they are under another title IV-E agency contract and their objectivity is compromised. ☐ I am a title IV-E agency employee provided through an established agreement with at least one other title IV-E agency. ☐ I am employed by ODJFS and is not in the chain of command of a fiscal or licensing bureau. ☐ I am a vendor contracted by the state and is not in the chain of command of a fiscal or licensing bureau.

Family and Permanency Team Engagement

The family and permanency team must consist of all appropriate family members, relatives, and kin of the child, as well as appropriate professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. Additionally, if the child is 14 or older, the team is to include the members selected by the child. **The QI making the QRTP Report is NOT a member of the team, although he or she complete the assessment in conjunction with the team.**

Names of Members of Family and Permanency Team and the relationship of each person to the child:	
Efforts made to complete CANS assessment in conjunction with Family and Permanency Team:	
Records Reviewed in completing the assessment and the name of the person or agency that provided each record:	
Is the recommendation consistent with the child's placement preference?	☐ Yes ☐ No
If not, what is the child's placement preference?	
Is the recommendation consistent with the parent(s) placement preference?	☐ Yes ☐ No
If not, what is the parent(s) placement preference?	
Is the recommendation consistent with the GAL and/or CASA recommendation?	☐ Yes ☐ No
If not, what is the GAL and/or CASA recommendation?	

Goals for the Child Based upon Strengths and Needs in Ohio CANS Assessment

Mental Health Goals

Identify the short-term mental health goal(s) recommended for the child:

Identify the long-term mental health goal(s) recommended for the child:	
Behavioral Goals	
Identify the short-term behavioral goal(s) recommended for the child:	
Identify the long-term behavioral goal(s) recommended for the child:	

Report of Qualified Individual	
Based upon your assessment, what are the child's needs which relate to the level of care given to the child?	
Can the child's needs be met in a family home with a foster family, biological family or kinship family? [Note: The lack of an available foster home is not an acceptable reason for determining that the needs of the child cannot be met in a foster home].	☐ Yes ☐ No
If the answer is "No", state the reasons why not:	
Can the child's needs be met in a Qualified Residential Treatment Program?	☐ Yes ☐ No
If yes, describe how the child's needs will be met in a QRTP	
Is placement in a QRTP the recommended setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment?	☐ Yes ☐ No

If the answer is "Yes", state the reasons why:	
Is a QRTP placement consistent with the short and long term mental health and behavioral goal(s) for the child stated above?	☐ Yes ☐ No
If the answer is "Yes", state why the placement is consistent with the goal(s).	

Dated: _____

Signature: _____
Assessor and "Qualified Individual"

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT

IN THE MATTER OF: _____ : Case No. _____
ID No. _____
_____ :

A _____ Child. :

PARENTAL STIPULATION TO PERMANENT CUSTODY MOTION

I, _____ (DOB: _____) am the ☐ Mother ☐ Father of _____ (DOB: _____) Said child ☐ has known ☐ has no known Native American ancestry. My current contact information is:

Address: _____
Telephone No. _____
Email: _____

I ☐ am ☒ am not represented by counsel in this case. If I am not represented by counsel, I acknowledge my understanding of the following (initial as appropriate below):

_____ I have the right to be represented by counsel, including the right to court-appointed counsel if I am indigent and unable to pay an attorney to represent me.

_____ I have fully considered my right to counsel and I waive my right to be represented by counsel.

I acknowledge my understanding of all of the following (initial as appropriate below):

_____ I have come to the conclusion, after mature consideration and discussion with my attorney if I am represented, that I am unable and will never be able to appropriately care for the above-named child and that placement of my child in the permanent custody of the Ashland County Department of Job and Family Services is in the best interests of my child.

_____ I am aware that the Court must conduct a hearing on the request of the Ashland County Department of Job and Family Services for permanent custody of my child, whether I agree with that disposition or not. I understand that it is my choice whether to attend and participate in that hearing.

_____ I am aware that, after conducting a hearing, the Court will make the ultimate decision on whether my child is placed in the permanent custody of the Ashland County Department of Job and Family Services. This means that the Court may: (1) grant the motion and terminate my parental rights; or (2) deny the motion and NOT terminate my parental rights.

_____ If my parental rights are terminated and my child is placed in the permanent custody of the Ashland County Department of Job and Family Services, then:

_____ I will be a legal stranger to my child. This means that all relationship between myself and my child will be severed and that I will no longer have any input into any decisions regarding my child.

_____ My child will be eligible for adoption and I will have no input into who may adopt my child. Any adoptive parent will become the legal parent of my child.

_____ My child will not be entitled to inherit from me and I will not be entitled to inherit from my child.

_____ Even if there is an agreement that I can maintain contact with my child after permanent custody is granted, that agreement cannot be enforced under law and that contact may be terminated at any time, for any reason.

_____ The termination of parental rights is permanent.

_____ I have not been threatened in any way or promised anything in exchange for my statements in this document and my agreement that a disposition of permanent custody is in the best interests of my child.

_____ I understand that the Court may accept and rely upon my statements in this document and my agreement that a disposition of permanent custody is in the best interests of my child in making its decision. I also understand that I have the right to revoke this statement at any time prior to a hearing on the permanent custody motion. To revoke this statement, I understand that I must provide written notice to the Court and all parties of my revocation a minimum of seven (7) days in advance of the hearing on the motion for permanent custody.

_____ Based upon all of the foregoing statements, I agree that my child be placed in the permanent custody of the Ashland County Department of Job and Family Services.

Signature: _____

Date signed: _____

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT

IN THE MATTER OF: _____ : Case No. _____
ID No. _____
_____, :

A _____ Child. :

PARENTAL STIPULATION TO LEGAL CUSTODY MOTION

I, _____ (DOB: _____) am the ☐ Mother ☐
Father of _____ (DOB: _____). Said child ☐ has
known ☐ has no known Native American ancestry. My current contact information is:

Address: _____
Telephone No. _____
Email: _____

I ☐ am ☐ am not represented by counsel in this case. If I am not represented by counsel, I
acknowledge my understanding of the following (initial as appropriate below):

_____ I have the right to be represented by counsel, including the right to court-
appointed counsel if I am indigent and unable to pay an attorney to
represent me.

_____ I have fully considered my right to counsel and I waive my right to be
represented by counsel.

I acknowledge my understanding of all of the following (initial as appropriate below):

_____ I have come to the conclusion, after mature consideration and discussion with my
attorney if I am represented, that I am not presently able to care for the above-
named child and that placement of my child in the legal custody of
_____ is in the best interests of my child.

_____ I am aware that the Court must conduct a hearing on the request for legal custody
of my child, whether I agree with that disposition or not. I understand that it is my
choice whether to attend and participate in that hearing.

_____ I am aware that, after conducting a hearing, the Court will make the ultimate
decision on whether my child is placed in the legal custody of
_____. This means that the
Court may: (1) grant the motion and place my child in the legal custody of
_____, with or without a protective
supervision order; (2) deny the motion and order that the present orders with regard

to the child remain in effect; or (3) deny the motion and order that the child be placed in the legal custody of myself or the other parent of the child, with or without a protective supervision order.

_____ If the Court orders my child placed in the legal custody of _____, then:

_____ will assume legal responsibility for the care and supervision of my child.

_____ Legal custody orders are intended to be permanent in nature. While the Court can modify a legal custody order in the future, I will have to prove a change in the circumstances of the child or _____ before the Court could grant me custody of the child in the future. I understand that changes in my circumstances will likely not be enough for me to obtain legal custody of my child in the future.

_____ I will still have a legal obligation to support my child and the Court may order me to pay child support, cash medical support, health care expenses and carry insurance on my child. I may or may not be permitted to claim my child as a dependent for income tax purposes.

_____ I will retain residual parental rights, privileges and responsibilities, including the privilege of reasonable parenting time, consent to adoption, and the privilege to determine the child's religious affiliation.

_____ I have not been threatened in any way or promised anything in exchange for my statements in this document and my agreement that a disposition of legal custody is in the best interests of my child.

_____ I understand that the Court may accept and rely upon my statements in this document and my agreement that a disposition of legal custody is in the best interests of my child in making its decision. I also understand that I have the right to revoke this statement at any time prior to a hearing on the legal custody motion. To revoke this statement, I understand that I must provide written notice to the Court and all parties of my revocation a minimum of seven (7) days in advance of the hearing on the motion for legal custody.

_____ Based upon all of the foregoing statements, I agree that my child be placed in the legal custody of _____.

Signature: _____

Date signed: _____

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT

IN THE MATTER OF: _____ : Case No. _____
ID No. _____
_____, :

A _____ Child. :

PARENTAL STIPULATION TO TEMPORARY LEGAL CUSTODY MOTION

I, _____ (DOB: _____) am the ☐ Mother ☐ Father of _____ (DOB: _____). Said child ☐ has known ☐ has no known Native American ancestry. My current contact information is:

Address: _____
Telephone No. _____
Email: _____

I ☐ am ☐ am not represented by counsel in this case. If I am not represented by counsel, I acknowledge my understanding of the following (initial as appropriate below):

_____ I have the right to be represented by counsel, including the right to court-appointed counsel if I am indigent and unable to pay an attorney to represent me.

_____ I have fully considered my right to counsel and I waive my right to be represented by counsel.

I acknowledge my understanding of all of the following (initial as appropriate below):

_____ I have come to the conclusion, after mature consideration and discussion with my attorney if I am represented, that I am not presently able to care for the above-named child and that placement of my child in the temporary legal custody of _____ is in the best interests of my child.

_____ I am aware that the Court must conduct a hearing on the request for temporary legal custody of my child, whether I agree with that disposition or not. I understand that it is my choice whether to attend and participate in that hearing.

_____ I am aware that, after conducting a hearing, the Court will make the ultimate decision on whether my child is placed in the temporary legal custody of _____. This means that the Court may: (1) grant the motion and place my child in the temporary legal custody of _____, with or without a protective supervision order; (2) deny the motion and order that the present orders with regard

to the child remain in effect; or (3) deny the motion and order that the child be placed in the temporary legal custody or legal custody of myself or the other parent of the child, with or without a protective supervision order.

_____ If the Court orders my child placed in the temporary legal custody of _____, then:

_____ will assume temporary legal responsibility for the care and supervision of my child.

_____ Temporary legal custody orders may be modified at any time. I will only need to establish that modification is in the best interests of my child.

_____ I will still have a legal obligation to support my child and the Court may order me to pay child support, cash medical support, health care expenses and carry insurance on my child. I may or may not be permitted to claim my child as a dependent for income tax purposes.

_____ I will retain residual parental rights, privileges and responsibilities, including the privilege of reasonable parenting time, consent to adoption, and the privilege to determine the child's religious affiliation.

_____ I have not been threatened in any way or promised anything in exchange for my statements in this document and my agreement that a disposition of temporary legal custody is in the best interests of my child.

_____ I understand that the Court may accept and rely upon my statements in this document and my agreement that a disposition of temporary legal custody is in the best interests of my child in making its decision. I also understand that I have the right to revoke this statement at any time prior to a hearing on the temporary legal custody motion. To revoke this statement, I understand that I must provide written notice to the Court and all parties of my revocation a minimum of seven (7) days in advance of the hearing on the motion for temporary legal custody.

_____ Based upon all of the foregoing statements, I agree that my child be placed in the temporary legal custody of _____.

Signature: _____

Date signed: _____

Typed name: _____

**COURT OF COMMON PLEAS JUVENILE DIVISION
ASHLAND COUNTY, OHIO**

In the Matter of:

Case Number:

I.D. No.

**STATEMENT OF UNDERSTANDING FOR LEGAL CUSTODY
R.C. 2151.353(A)(3)**

I, _____, am the _____ of the above referenced child(ren).
(Your name) (Your relationship)

It is my intent to become the legal custodian of the child(ren), and I am ready, willing, and able to assume legal responsibility for the care and supervision of the child(ren).

I understand the legal custody of each child is intended to be permanent in nature and that I will be responsible as the custodian for the child until the child reaches the age of majority.

I further understand that my responsibility as custodian for each child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. I further understand that responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education completes such an education, or is excused from such an education under standards adopted by the State Board of Education, whichever occurs first.

I further understand that the parent(s) of each child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child(ren)'s religious affiliation, and the responsibility for support.

I further understand that I must be present in Court for the dispositional hearing in order to affirm my intention to become legal custodian, to affirm that I understand the effect of a custody order, and to answer any questions that the Court or any parties to the case may have.

I further understand that in order to give up or change custody of the child(ren), a motion must be filed with the Court and the Court must order the change in custody.

I further understand that the Court cannot modify or terminate an order granting legal custody of a child unless it finds, based on facts that have arisen since the order was issued or that were unknown to the Court at the time, that a change has occurred in the circumstances of the child(ren) or the person who was granted legal custody, and the modification or termination of the order is necessary to serve the best interest of the child.

I further understand I have an obligation to cooperate with the Ashland County Child Support Enforcement Agency, if I am receiving public assistance or medicaid for the child(ren). I further understand that I am to appear at all court hearings, including hearings to establish and modify support relative to the child(ren).

I further understand that I must cooperate with the Ashland County Child Support Enforcement Agency and the Court in establishing a child support order on behalf of the child(ren) and that this duty requires my attendance at any administrative or court hearings regarding paternity and child support.

Printed Name of Prospective Legal Custodian

Date Signed

Date of Birth

Signature of Prospective Legal Custodian

Witnesses:

Printed Name of Witness

Signature of Witness

Date

Printed Name of Assigned
Date Ashland County DJFS
Social Worker (if applicable)

Signature

PARENTING TIME ORDER
ASHLAND COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

(A) SCHEDULE FOR PARENTING TIME: Parenting time SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE. If the parties cannot agree, then parenting time shall occur in accordance with the following schedule:

(1) Weekend Parenting Time: Beginning on a specific date, every other weekend from Friday night at 7:00 p.m. to Sunday night at 7:00 p.m. Specific parenting time for a holiday, day of special meaning or a vacation overrides weekend parenting time, but the alternating weekend schedule shall not change, even if interrupted and overridden by a holiday, day of special meaning, or vacation parenting time. Weekend time that is lost due to a holiday does not have to be made up.

(2) Mid-week Parenting Time: In addition, a parenting time period from 5:30 p.m. to 8:30 p.m. on Wednesday (or on such other day or time that the parties agree) during each week.

(3) Parenting Time on Days of Special Meaning:

- a. **Mother's and Father's Day:** Mother's Day shall always be spent with the mother and Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 9:00 a.m. to 8:00 p.m. The child shall spend the remainder of the Mother's or Father's Day weekend with the parent who has regularly scheduled parenting time for that weekend.
- b. **Child's Birthday:** A child's birthday shall always be spent with Mother in the even-numbered years, and shall always be spent with Father in the odd-numbered years. If the parties cannot agree, the time is 9:00 a.m. to 8:00 p.m., if the child does not have school on the birthday, and 5:00 p.m. to 8:00 p.m. if the child's birthday falls on a school day. Birthday parenting time takes priority over weekend, mid-week, or vacation parenting time. In the event of a conflict between the child's birthday and holiday parenting time, the parent having holiday time with the child shall also have parenting time on the child's birthday.

(4) Holiday Parenting Time: Parents may wish to change, by agreement, a holiday to observe family or religious traditions. Unless changed by agreement, holiday parenting times are as follows:

Holiday	Even years	Odd years	Times (unless otherwise agreed)
Martin Luther King Day	Mother	Father	Sunday 7:00 p.m. to Monday 7:00 p.m.

Spring Break	Father	Mother	9:00 a.m. day after school stops until 7:00 p.m. day before school resumes
Easter	Father	Mother	Sunday 9:00 a.m. to 7:00 p.m.
Memorial Day weekend	Mother	Father	Friday 7:00 p.m. to Monday 7:00 p.m.
July 4 th	Father	Mother	July 3 at 7:00 p.m. to July 5 th at 7:00 p.m.
Labor Day weekend	Mother	Father	Friday 7:00 p.m. to Monday 7:00 p.m.
Halloween	Father	Mother	5:00 p.m. -8:00 p.m. of the night Trick-or-Treat is scheduled in that parent's neighborhood
Thanksgiving	Mother	Father	Wednesday 7:00 p.m. to Sunday 7:00 p.m.
First half of winter vacation (includes Christmas Eve)	Mother	Father	7:00 p.m. of day school lets out for Christmas vacation to 9:00 p.m. Christmas Eve
Second half of winter vacation (includes Christmas day and New Year's Eve/Day)	Father	Mother	9:00 p.m. Christmas Eve until 7:00 p.m. on day before school resumes

All references to "school" in the holiday section above, refer to the schedule of the school where the child attends. **If a child is not yet attending school, the public school schedule for the district where the residential parent resides shall apply.**

(5) Vacation Parenting Time:

- a. **Length:** The nonresidential parent shall have twenty-eight days of vacation parenting time each year. Vacation parenting time shall be exercised in blocks of not more than one (1) week (seven consecutive days), separated by an equal number of days with the residential parent, until the child commences kindergarten. Thereafter, vacation parenting time shall be exercised in blocks of not less than one (1) week (seven consecutive days), and the

nonresidential parent has the right to determine the duration of the block of vacation parenting time. In no event shall the nonresidential parent utilize more than two (2) of the residential parent's weekends when scheduling vacation parenting time.

- b. When Exercised:** With regard to any child of school age, the nonresidential parent's vacation parenting time shall be exercised between June 1st and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. With regard to a child who is not of school age, vacation parenting time may be exercised any time of the year, except during holiday time allocated to the residential parent.
- c. Residential Parent Notification:** So as to facilitate scheduling and minimize conflicts, the residential parent shall deliver to the nonresidential parent, in writing, and no later than March 1st of each year, all information (including schedules, if available) concerning potential summer activities for the parties' minor child. Scheduling of summer activities shall be discussed by the parties, which discussions shall consider the desires of the child, family traditions, work schedules of the parents and the child, etc.
- d. Nonresidential Parent Notification:** The nonresidential parent shall, no later than April 1st of each year (or 60 days prior to the start of the vacation parenting time if the child is not in school), deliver to the residential parent, in writing, the dates he/she wishes to exercise vacation parenting time. This notice, and the notice of potential summer activities, shall be delivered by one party directly to the other, and shall not be sent through the child.
- e. Priority of Parent's Schedules:** The nonresidential parent's choice of vacation parenting time has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty day's notice of intent to take a vacation and the nonresidential parent has no similar requirement.
- f. Summer School:** Required summer school of a child does not bar or otherwise alter the parenting time schedule set forth herein. If the child must attend summer school during the nonresidential parent's parenting time, the nonresidential parent shall make sure that the child meets all attendance requirements for summer school.
- g. Contact Information:** If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel, and a telephone number where the child can be reached in case of emergency.

- h. Residential Parent's Interim Parenting Time:** In the event that the vacation parenting time of the nonresidential parent lasts 28 consecutive days or more, the residential parent shall be entitled to spend two (2) consecutive days (forty-eight hours), with the child at the approximate midpoint of the vacation parenting time. The nonresidential parent's vacation parenting time shall be extended accordingly, to constitute the full twenty-eight days of vacation parenting time. The interruption of the nonresidential parent's vacation parenting time shall not apply if it interferes with his or her vacation travel plans, or if the parents reside more than 150 miles from each other.
- i. Residential Parent's Out-of-Town Vacation:** The residential parent shall be entitled to take two (2) weeks of out-of-town vacation per year which is uninterrupted by midweek or weekend parenting time. Until the child commences kindergarten, this vacation shall be exercised in one (1) week periods, separated by seven (7) days. After the child commences kindergarten, this vacation may be exercised for two (2) continuous weeks and it shall be exercised in minimum increments of one (1) week. The residential parent shall not be required to make-up any missed weekend or midweek parenting time associated with his or her out-of-town vacation. The residential parent shall give thirty (30) days advance notice of any out-of-town vacation time exercised under this provision.
- j. Resumption of Weekend Schedule:** The alternating of weekends shall not be affected by intervening vacation parenting time periods of either parent, and the rotation shall continue as initially established, unless the parties agree otherwise.
- k. Priority of Other Parenting time Periods:** Neither party shall schedule vacation with the child during the other parent's designated time for a holiday or day of special meaning.

(6) Parenting Time Schedule for Long-Distance Travel

- a.** For parents residing in different locations that make parenting time on alternating weekend and one night per week impractical, parenting time shall consist of the Christmas Eve, Christmas and Spring Break parenting time specified above and one-half of the child's summer vacation. Unless the parties agree otherwise, the first half of summer vacation shall be spent with the nonresidential parent and the second half shall be spent with the residential parent.
- b.** All other provisions of this standard parenting time schedule not in conflict herewith remain in effect.
- c.** A nonresidential parent shall give notice to a residential parent at least two (2) days in advance of any time the nonresidential parent will be in the area and wishes to exercise parenting time. If given at least a two (2) day notice, the

residential parent shall afford the nonresidential parent parenting time with the child when the nonresidential parent is visiting in the area.

(B) MISCELLANEOUS PARENTING TIME PROVISIONS:

(1) PRIORITY OF PARENTING TIME PERIODS: In the event of any conflict between parenting time allocated to each parent under this Rule, the following order of priority shall govern, with (a) being the highest priority and (d) being the lowest priority:

- a. Holidays and Days of Special Meaning;
- b. Vacation Time;
- c. Weekends;
- d. Midweek parenting time.

(2) CANCELLATION OF PARENTING TIME BY NONRESIDENTIAL PARENT: Except in case of emergency, the nonresidential parent shall give the residential parent 24 hours advance notice of any cancellation of parenting time. A parent who does not give timely notice of cancellation of parenting time forfeits that period of parenting time. Nothing in this provision prevents a nonresidential parent from scheduling make-up parenting time, when parenting time must be canceled by the nonresidential parent because of an emergency or other unforeseen circumstance.

(3) KEEPING THE CHILDREN TOGETHER: All brothers and sisters subject to the same parenting time order shall participate in parenting time together, unless otherwise agreed by the parties, or unless one child is too ill to leave home for parenting time.

(4) ENDING PARENTING TIME EARLY: The nonresidential parent shall not return the child prior to the end of the parenting time period, unless the parties agree in advance. The residential parent shall not attempt to terminate parenting time prematurely, without agreement, by arriving early to pick up the child.

(5) TRANSPORTATION: The nonresidential parent shall transport the child at the start of the parenting time period. The residential parent shall transport the child at the end of the parenting time period. This means that the parents, unless otherwise agreed to by both parents or unless ordered by the Court, shall share the transportation of the child equally. A parent, if unavailable for the pick-up of the child, shall have a responsible adult, well known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving with the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child. Unless otherwise ordered by the Court or agreed to by the parties, the child shall be dropped off/picked up at the parents' homes. If the child is to be picked up from a daycare or school facility which requires written consent for the pick up, the residential parent shall sign such written consent prior to the commencement of any parenting time period.

(6) PROMPTNESS: Each parent shall be prompt for pick-up of the child. Neither parent shall be more than thirty (30) minutes late to pick up the child. A nonresidential parent who is more than thirty (30) minutes late loses that particular parenting time period, unless the tardiness is for good cause, and unless the nonresidential parent gives notice of the tardiness and a reasonable estimated time of arrival. In order to avoid forfeiture of that parenting time period, the notice of tardiness must be given no later than 30 minutes after the scheduled start of parenting time.

(7) MAKE-UP PARENTING TIME: The nonresidential parent shall be entitled to make-up parenting time if, due to an emergency or other unforeseen circumstance, the nonresidential parent is not available at the scheduled time for parenting time and has given required notice of that fact to the residential parent. The nonresidential parent shall also be entitled to make-up parenting time if the residential parent denies parenting time without just cause. All make-up parenting time shall be rescheduled by the nonresidential parent and exercised within sixty (60) days of the missed parenting time, or it is forfeited. The residential parent shall make the child available for all make-up parenting time.

(8) CLOTHING AND THE CHILD'S APPEARANCE: The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, the nonresidential parent must notify the residential parent in advance. If the child does not own the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time period, in good condition, reasonable wear and tear excepted.

Absent an agreement by both parents, the child's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to, cutting/coloring of hair, tattoos and body piercings.

(9) SCHOOLWORK: A parent must provide time for the child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the nonresidential parent of the school work to be done, so that it may be timely completed.

(10) ADDRESS AND TELEPHONE NUMBERS: Unless the Court orders otherwise, each parent shall keep the other parent informed of his/her current address and telephone/cell phone/pager number, and an alternate telephone number in the event of an emergency. Absent an order of the Court, no parent shall put a block on his/her phone prohibiting the other parent from calling. Answering machines for both parents are encouraged, in order to facilitate communication. If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel and a telephone number where the child can be reached in an emergency.

(11) ILLNESS OR INJURY OF A CHILD: If a child is too ill to leave home for parenting time, the residential parent shall give the nonresidential parent notice of that fact at the earliest available time. The nonresidential parent shall be entitled to make-up parenting time with the child under the provisions in Paragraph 7 above.

The residential parent shall keep the nonresidential parent informed of any health condition of the child which necessitates medication or treatment. The residential parent shall provide the nonresidential parent with any necessary prescription medication or treatment instructions prior to the start of the parenting time period.

(12) COMMUNICATION BETWEEN PARENTS: Parents, whenever possible, shall communicate directly with one another concerning parenting time issues. In the event parents cannot communicate effectively with one another, the parents shall utilize alternative methods for communication such as: (1) communicating in writing only; (2) engaging a third party to assist in their communications; or (3) seeking professional assistance, including but not limited to the Court's mediation services.

(13) CHILDREN'S ACTIVITIES: Regardless of where the child is living, the child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of an activity shall transport the child to the activity, unless otherwise agreed by the parties, in advance of the parenting time period. Each parent shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

(14) CHILD'S RECORDS AND ACTIVITIES:

- a. Name: The residential parent shall use the child's birth or adopted name only, on the child's records.
- b. Records: The residential parent must list the nonresidential parent as the mother or father of the child on all formal records of the child. The residential parent must also authorize the school to release to the nonresidential parent any and all information concerning the child, if such release is required for the nonresidential parent to obtain information concerning the child.
- c. Access: The nonresidential parent shall have the same access to the same records, same school activities and any daycare center attended by the child, on the same basis as said records or access is legally permitted to the residential parent, unless a restrictive order has been journalized by the Court.

(15) TELEPHONE CALLS: Unless otherwise ordered by the Court, each parent shall be permitted regular telephone contact with the child. At a minimum, each parent has the right to talk with the child no less than twice a week for no more than one-half (2) hour during each contact. Phone calls should be made during the child's normal waking hours. If the child is unavailable for conversation, each parent shall require the child to timely return the call.

In addition to any telephone calls received from a parent, a child is permitted and shall be encouraged to call a parent no less than twice a week. However, the decision to call shall ultimately be left to the child. The child's telephone privileges are not to be used by either parent to

convey messages to the other parent. Parents shall not discipline a child by restricting telephone contact with the other parent.

(16) NONCOMPLIANCE WITH COURT ORDER: The duties and rights of parents outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio law, a parent may not withhold parenting time because the other parent does not obey another Court order (for instance, to pay support, medical bills, etc.). A parent may seek enforcement of a periodic child support or spousal support order by contacting the Child Support Enforcement Agency. The failure of any party to obey a Court Order may subject the violating parent to Court-imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs, and other appropriate relief.

(17) RELOCATION:

- a. **Permanent Relocation of the Child:** The residential parent may not permanently relocate a minor child outside of the state of Ohio, over the objection of the nonresidential parent, without prior approval of the Court. Whether the residential parent will be permitted to permanently relocate a child outside of the state of Ohio, over the objection of the nonresidential parent, will be determined by the Court on the basis of the best interests of the child.
- b. **Notice of Intent to Relocate:** The residential parent must notify the nonresidential parent, in writing, any time he or she changes his or her residence from that of the county in which he or she resided at the time of the last parenting order. Said notice must be given in writing, at least forty-five (45) days in advance of the relocation. This Court has designed forms to be used by the residential parent to make the relocation notification (Forms 11.00 and 11.30 in the Appendix of the Ashland County Local Rules of Court for the Domestic Relations Division). The procedure for making the notification are set forth in the Local Rules of the Court.
- c. **Modification of Parenting Time Schedule:** If the proposed relocation makes the existing parenting time order impracticable, the parents shall attempt, in good faith, to reach an agreement on any revision of the existing schedule. Any agreed revision shall be reduced to a Judgment Entry, and shall be submitted to the Court for approval and filing. If the parties cannot reach an agreement, either party may file a motion to modify parenting time with the Court.

(18) COOPERATION OF PARENTS - PRESCHOOL AGE CHILDREN: When the parties have children who are not yet attending school on a full-time basis, parents are strongly encouraged to increase the frequency of the non-residential parent's parenting time over and above that provided for in these standard provisions, since it is often frequency and not duration that builds a stronger bond between the parent and an infant or preschool age child.

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
JUVENILE COURT**

_____, : Case No. _____

Plaintiff, : SETS No. _____

vs. :

_____, :

Defendant. : **JUDGMENT ENTRY/
MAGISTRATE'S ORDER**
RE: GENETIC PATERNITY TESTING

The paternity of _____ (DOB: _____) is an outstanding issue in this case which must be resolved.

It is therefore ORDERED that genetic paternity testing of the above-named child, _____ (Mother) and _____ (Alleged Father) shall be done by the Ashland County Child Support Enforcement Agency. All parties shall comply with all requests of the CSEA in connection with that testing. A copy of this Order shall be served upon the CSEA.

It is SO ORDERED.

Judge / Magistrate

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

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

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

- A. I am a resident of the county in which services are requested and no other Ohio county has jurisdiction over support – OR – I am requesting services from the Ohio county of jurisdiction.
- B. The only fee that can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.
- C. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).
- D. In providing IV-D services, the CSEA and any of its contracted agents (e.g., prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the state of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

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

1. Location of Absent Parents.

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

2. Establishment or Adjustment of Child Support and Medical Support.

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

3. Enforcement of Existing Orders.

The CSEA can help you collect current and past-due child support.

4. Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.

The agency can collect past-due support (arrearages) by intercepting a payor's federal and state income tax refunds in some cases.

5. Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.

The agency can help you get payroll deductions for current and past-due child support and can intercept unemployment compensation to collect child support.

6. Establishment of Paternity.

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

7. Collection and Disbursement of Payments.

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

8. Interstate Collection of Child Support.

The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

APPLICANT INFORMATION

Name: _____	Date of Birth: _____
Home Address: _____ _____	Mailing Address: _____ _____
Home Phone #: _____	
Social Security #: _____	Sex: _____
Race: _____	☐ Single ☐ Married
Relationship to Children: _____	☐ Divorced ☐ Separated
Military Service _____	Ever been on _____
(Branch, Dates): _____	Public Assistance? _____
_____	(When and Where) _____
_____	_____

EMPLOYER INFORMATION

Employer Name: _____	Employer Phone #: _____
Employer _____	Is Medical Insurance Available? _____
Address: _____ _____	_____

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

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

ABSENT PARENT INFORMATION

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

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

Type(s) of Service(s) Requested:

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

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

Signature of Applicant: _____

Date: _____

ASHLAND COUNTY JUVENILE COURT
142 West Second Street, Ashland, Ohio 44805
Telephone No. (419) 282-4205

_____, : Case No. _____
Plaintiff, :

vs.

_____,
Defendant.

NOTICE OF HEARING

(Day, Date and Time of Hearing)

A **Hearing** shall be conducted **IN PERSON** on the date and time noted above.

The hearing is set for the purpose of:

- ☐ Pretrial Hearing
- ☐ Temporary Order Hearing

Deputy Clerk

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

In Re: _____ :
_____ : Case No.
Plaintiff(s), : SETS No.
vs. :
_____ :
Defendant(s). : **JUDGMENT ENTRY**

DEPENDENT HEALTH CARE ORDER (R.C. 3119.30 et seq.)

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows with regard to health care and health insurance for _____ (DOB: _____);

A. DEFINITIONS:

1. **"Health care expenses":** Medical, dental, surgical, hospital, prescription drug, optical, orthodontic, mental health, chiropractic, and physical therapy services and charges which may be reasonable and appropriate to serve the health care needs of a child.
2. **"Health insurance coverage":** Accessible private (non-governmental) health insurance that provides primary care services within thirty miles from the residence of the child.
3. **"Health insurance obligor":** A person who is designated and required by this order to provide health insurance coverage for the child when that coverage is available to the person at a reasonable cost. The health insurance obligor designated by the Court may also be the child support obligee.
4. **"Reasonable cost":** The cost of health insurance coverage to health insurance obligor is LESS THAN five percent (5%) of the annual income of the health insurance obligor.

B. PERSONS SUBJECT TO THIS ORDER: This Order applies to the following persons:

Name:

Check as Appropriate:

- ☐ Health Insurance Obligor
☐ Health Insurance Obligor
☐ Health Insurance Obligor

- C. **NOTIFICATION OF ILLNESS:** Any person obtaining health care for the child shall promptly notify the other persons subject to this order of the injury or illness of the child which necessitated health care. The notification shall include an estimate of the cost of such care, if the obligee has such information when the notification is made.
- D. **HEALTH EXPENSES IN EXCESS OF \$100:** When any person learns that a child is in need of non-emergency health care which costs more than \$100.00, that person shall immediately notify the other persons subject to this order of the need for such care, and the proposed health care provider's name and contact information. Unless prohibited by court order, any person may then contact the health care provider and obtain any desired information, including but not limited to, the necessity for such services, the proposed cost, and available payment schedules. Any person may also obtain a second opinion regarding such proposed health care for the child, but the second opinion shall be arranged and paid for by the person seeking the second opinion.
- E. **UNINSURED EXPENSES:** Uninsured health care expenses of the child shall be paid as follows:
1. **Ordinary Expenses:** Under Ohio law, cash medical support as shown on line 23(b) of the Ohio Child Support Guidelines Worksheet is intended to pay for the ordinary health care expenses of the minor child. Accordingly, the first **\$510.21 per calendar year, per child**, of uninsured health care expenses, including deductibles and co-pays under insurance, shall be deemed "ordinary health care expenses" and shall be paid by the legal custodian of the child, unless otherwise ordered by the Court.
 2. **Extraordinary Expenses:** Any health care expenses **in excess of \$510.21 per calendar year per child** shall be deemed "extraordinary health care expenses," and shall be paid by the parties according to the following percentages, unless otherwise ordered by the Court:
Father: _____% and Mother: _____%
- F. **PROCESS FOR PAYMENT OF HEALTH CARE EXPENSES:**
1. **Submission of the Bill to Insurance:** The person who obtains the health care for a child (hereinafter referred to as the "Submitting Person") is solely responsible for the submission of the health care bill to the insurance company for payment. The Submitting Person shall submit the health care bill to the insurance company, personally or through the health care provider, within thirty (30) days of the Submitting Person's receipt of the bill. This rule anticipates that the insurance company will send any "Explanation of Benefits" notice regarding the bill to the Submitting Person. In the event the insurance company sends any "Explanation of Benefits" notice to any other person (hereinafter referred to as the "Non-submitting Person"), the Non-submitting Person shall provide that "Explanation of Benefits" notice to the Submitting Person, within fourteen (14) days of receipt of the form. Once the insurance company has processed the bill for payment, the person(s) liable for payment of the bill shall pay the bill according to the procedures set forth below. If the child is uninsured, the procedures for payment set forth below shall still apply to the child's health care expenses.

2. **Responsibilities of Submitting Person:** Within thirty (30) days after all insurance benefits have been paid with regard to any specific health care bill, or within thirty (30) days of receipt of the health care bill if the child is uninsured, the Submitting Person notify the Non-submitting Person(s), if the Non-submitting Person(s) are responsible for payment of any portion of the bill, of all of the following:

- a. The total amount of the health care bill before any insurance payment;
- b. The amount paid by the insurance company or any other source; and
- c. The amount that the Non-submitting Person owes for the bill and to whom it is owed.

This notification shall include a copy of the original bill for health care services and a copy of any explanation of benefits received from the insurance company.

3. **Responsibilities of Non-submitting Person:** The Non-submitting Person shall pay or make arrangements with the provider for payment of his or her portion of the bill, within thirty (30) days of the date the above notification is received by the Non-submitting Person.

G. HEALTH INSURANCE COVERAGE (check 1 of the 3 options below):

☐ **(1) CHILD SUPPORT OBLIGEE:** The child support obligee is deemed the "health insurance obligor" because the presumption under R.C. 3119.30(B) has not been rebutted.

☐ **(2) CHILD SUPPORT OBLIGOR:** The child support obligors are deemed the "health insurance obligors" and the presumption under R.C. 3119.30(B) is rebutted because (check one of the following):

☐ The child support obligor already has health insurance for the child that is reasonable in cost. R.C. 3119.30(B)(1)(a).

☐ The child support obligor already has health insurance coverage in place for the child(ren) that is not reasonable in cost, but the obligor wishes to be named the health insurance obligor and provide coverage under division (A)(2)(a) of R.C. 3119.302. R.C. 3119.30(B)(1)(b).

☐ The obligor can obtain coverage for the child(ren) that is reasonable in cost through an employer or other source. R.C. 3119.30(B)(1)(c).

☐ The obligee is a non-parent individual or agency that has no duty to provide medical support. R.C. 3119.30(B)(1)(d).

☐ **(3) BOTH PARENTS:** Both the child support obligor and the child support obligee shall be deemed "health insurance obligors".

1. **Continuing Nature and Modification of the Order:** The obligations contained in this Order continue until further order of the Court and shall be complied with any time a change in the child's insurance occurs. Examples of changes in the child's insurance include, but are not limited to, changes in an existing policy of insurance and a change to new insurance due to a change of employment by the Health Insurance Obligor. Any party desiring to modify or change the requirements of this Order must file a written motion with the Court pursuant to Ohio Revised Code Section 3119.46.
2. **Obligations of Health Insurance Obligor:** The Health Insurance Obligor shall do all of the following:
 - a. No later than thirty (30) days after issuance of this order, provide the obligee with information regarding the benefits, limitations, and exclusions of any existing coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards; and
 - b. No later than thirty (30) days after issuance of this order, designate the child as a covered dependent under any health insurance policy, contract, or plan for which the person contracts.
 - c. If the person is required to carry insurance by this order and that parent is already carrying insurance at the time this order is entered, the person shall provide verification of the coverage to the Ashland County CSEA, within thirty (30) days after issuance of this order.
 - d. If a person is required to carry insurance by this order and the person does not have insurance available at a reasonable cost when this order is entered, the person shall obtain coverage for the child not later than thirty (30) days after it becomes available at a reasonable cost. That person shall notify the Ashland County CSEA when insurance has been obtained. R.C. 3119.30(B)(2).
3. **New Hire Notice:** If the Health Insurance Obligor obtains new employment, the CSEA shall comply with the requirements of Section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other means. (Ohio Revised Code Section 3119.32(H)).
4. **Reimbursement by Insurance Company:** Any insurance reimbursement for out-of-pocket health care expenses paid for the above-listed child shall be made to the person making direct payment to the provider for such expenses, whether or not that person is the insured. The insurer that provides the health insurance coverage for the child may continue making payments for health care expenses directly to any health care provider in accordance with the applicable health insurance or health care policy, contract, or plan. In the event any person erroneously receives a reimbursement check for a health expense paid by another person, the person receiving the erroneous reimbursement check shall immediately endorse the check and make it payable to and deliver it to the person who directly paid the provider for the health expense.

5. **Public Medical Assistance:** Pursuant to Ohio Revised Code Section 3119.54, in the event the child is eligible for medical assistance under Revised Code Chapters 5111 or 5115 and the Health Insurance Obligor has obtained health insurance coverage, the legal custodian of the child shall notify any physician, hospital, or other provider of medical services for which medical assistance is available of the name and address of the parent's insurer and of the number of the parent's health insurance or health care policy, contract, or plan.
 6. **Failure to Comply:** Pursuant to Ohio Revised Code Section 3119.56, any person who fails to comply with this Order with regard to health insurance may be liable to any other person for any health care expense incurred as a result of the failure to comply with the Order.
 7. **Alternative Insurance:** The Health Insurance Obligor may comply with his or her obligation to carry insurance under this order by providing proof to the Ashland County Child Support Enforcement Agency that the child's health is insured under a third-party's private health insurance plan in full force and effect.
 8. **Release of Information by Employer:** Pursuant to Ohio Revised Code Section 3119.32(E), the employer of the Health Insurance Obligor is required to release to the legal custodian of the child, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency, on written request, any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.
 9. **Underwriting Standards:** Nothing in this Order shall be construed to require a health plan administrator to accept for enrollment any child who does not meet the underwriting standards of the health insurance or health care policy, contract, or plan for which application is made. (Ohio Revised Code Section 3119.422).
 10. **Persons Bound by Order:** Pursuant to O.R.C. §3119.42, this Order is binding upon the persons listed in Paragraph B, the Health Insurance Obligor's employers, and any health plan administrator that provides health insurance coverage for either the Health Insurance Obligor or the child.
- H. **SERVICE:** A copy of this Order shall be served on the Ashland County CSEA, the persons named in Paragraph B and any counsel of record by ordinary U.S. Mail.

IT SO ORDERED.

Judge Karen DeSanto Kellogg

ASHLAND COUNTY JUVENILE COURT
Mandatory Child Support Language (modified effective 4/3/24)

- A. The full name and date of birth of each child who is the subject of this child support and cash medical support is/are: _____ (DOB: _____).
- B. For purposes of this Order, _____ is the Child Support Obligor and _____ is the Child Support Oblige.
- C. The worksheet used to compute child support and cash medical support under R.C. 3119.02 is attached and incorporated herein by reference.
- D. Effective _____, the Child Support Obligor shall pay current child support of \$_____ per month per child, and cash medical support of \$_____ per month per child, for _____ child(ren) for a total of \$_____, per month, plus 2% processing fee.
- E. Child support shall be paid until:
- (i) the child reaches age 18, if the child is not attending a recognized and accredited high school on a full-time basis;
 - (ii) the child reaches age 19, so long as the child is attending a recognized and accredited high school on a full-time basis; or
 - (iii) until further order of the Court.
- F. Support shall be paid by check or money order and any payment shall include all of the following:
- (i) obligor's name;
 - (ii) the court case number;
 - (iii) the SETS number (starts with a 70 number); and
 - (iv) the obligor's social security number.
- G. Payments shall be made to: **Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2372.** The obligor may contact the Ashland County Child Support Enforcement Agency (CSEA) at 15 W. Fourth Street, Ashland, Ohio 44805, (Ph: 419-282-5000), for further information about where and how to remit support payments. The obligee is enjoined from accepting and the obligor is enjoined from making any support payments which are not paid through Ohio Child Support Payment Central or the Ashland County Child Support Enforcement Agency. Any current or delinquent support payment made directly by the obligor to the obligee shall be deemed a gift.

- H. **MONTHLY ADMINISTRATION OF THE ORDER:** Regardless of the frequency or the amount of support payments to be made under this Order, the Ashland County Child Support Enforcement Agency shall administer it on a monthly basis, in accordance with Ohio Revised Code Sections 3121.51 to 3121.54. For purposes of Ohio Revised Code Section 3121.52, the monthly amount due under this support order for purposes of its monthly administration \$_____ (including a 2% processing fee). Payments under this order are to be made in the manner ordered by this Court or the Ashland County Child Support Enforcement Agency. If the payments are to be made other than on a monthly basis, the required monthly administration of the Order does not affect the frequency or the amount of the support payments to be made under this Order.
- I. **WITHHOLDING AND DEDUCTION:** All support under this Order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court Order issued in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code.
- J. **NOTIFICATION REGARDING TERMINATION OF ORDER:** The residential parent and legal custodian of the child subject to this Order, or the person who otherwise has custody of said child shall immediately notify, and the obligor may notify, the Ashland County Child Support Enforcement Agency of any reason for which this child support order should terminate. Nothing within this order shall preclude a person from notifying the Ashland County Child Support Enforcement Agency that a reason for which a child support order should terminate is imminent. With respect to this Order, a willful failure to notify the Child Support Enforcement Agency is contempt of Court. The reason for which a child support should terminate including all of the following:
- K. the child attains the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- L. the child ceases to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- M. a termination condition specified in the child support order has been met for a child who reaches nineteen years of age;
- (i) the child's death;
 - (ii) the child's marriage;
 - (iii) the child's emancipation;

- (iv) the child's enlistment in the armed services;
- (v) the child's deportation;
- (vi) change of legal custody;
- (vii) the child's adoption;
- (viii) the obligor's death;
- (ix) the grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result of one of the events described in division (D) of section 3109.19 of the Revised Code; or
- (x) marriage of the obligor under a child support order to the obligee, if the obligor and obligee reside together with the child.

N. EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

O. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

P. IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME;

**ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN
FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW
TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.**

DEVIATION LANGUAGE FOR CHILD SUPPORT ORDERS

(include only the portions which are boldfaced or which apply to the case -
you do not need to include deviation factors which do not apply to the case)

- A. **Guideline Child Support Amount:** The guideline child support obligation, as determined by the Child Support Worksheet, is \$_____ per child, per month for _____ (number) child(ren), for a total of \$_____ per month.
- B. **Overnight Parenting Time Adjustment:**
- ☐ The child support obligor does not have Court ordered parenting time which is equal to or exceeds ninety (90) overnights.
 - ☐ The child support obligor has Court ordered parenting time which is equal to or exceeds ninety (90) overnights. The above computation reflects an automatic ten percent (10%) adjustment in the guideline child support obligation.
- C. **Overnight Parenting Time Deviation:** Pursuant to R.C. 3119.231, there is extended Court ordered parenting time which:(if applicable, select one of the following 2 choices)
- ☐ exceeds ninety (90) overnights but is not more than 146 overnights (_____ overnights). A deviation ☐ is ☐ is not granted for the following reasons:
 - ☐ is equal to or exceeds 147 overnights (_____ overnights). A deviation ☐ is ☐ is not granted for the following reasons:
- D. **Other Deviation Factors** (if applicable) Pursuant to R.C. 3119.22, 3119.23 and/or 3119.24, the annual obligation would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren) for the following reason(s): (Check all that apply)
- ☐ Special and unusual needs of the child(ren), including needs arising from the physical or psychological condition of the child(ren)
 - ☐ Other Court ordered payments
 - ☐ Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child(ren) for parenting time
 - ☐ Financial resources and the earning ability of the child(ren)
 - ☐ Relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent

- ☐ Obligee's income, if the obligee's annual income is equal to or less than one hundred percent (100%) of the federal poverty level
- ☐ Benefits that either parent receives from remarriage or sharing living expenses with another person
- ☐ Amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both parents
- ☐ Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing
- ☐ Extraordinary work-related expenses incurred by either parent
- ☐ Standard of living and circumstances of each parent and the standard of living the child(ren) would have enjoyed had the marriage continued or had the parents been married
- ☐ Educational opportunities that would have been available to the child(ren) had the circumstances requiring a child support order not arisen
- ☐ The responsibility of each parent for the support of others, including support of (a) child(ren) with disabilities who is/are not subject to the support order
- ☐ Post-secondary educational expenses paid for by a parent for the parent's own child(ren), regardless of whether the child(ren) is/are emancipated
- ☐ Costs incurred or reasonably anticipated to be incurred by the parents in compliance with Court ordered reunification efforts in child abuse, neglect, or dependency cases
- ☐ Extraordinary child care costs required for the child(ren) that exceed the maximum state-wide average cost estimate as described in R.C. 3119.05(P)(1)(d), including extraordinary costs associated with caring for (a) child(ren) with specialized physical, psychological, or educational needs
- ☐ Any other relevant factor: (specify)
- ☐ Extraordinary circumstances associated with shared parenting: (Only if Shared Parenting is ordered - check all that apply)
 - ☐ Ability of each parent to maintain adequate housing for the child(ren)
 - ☐ Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and other relevant expenses

☐ Any other relevant circumstances: (specify)

- E. **Total Deviation Amount:** For the foregoing reasons, the annual child support obligation specified by the attached Worksheet would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren). The total amount of the deviation is \$_____ per ☐ year ☐ month.
- F. **Monthly Child Support Obligation After Any Deviation:** (Insert mandatory child support language, even if the deviation reduces child support to -0-)

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

In the Matter of: _____

Case No. _____

ID No. _____

Juvenile's Name

Juvenile's Date of Birth

Last 4# of SSN

Juvenile's Address

Juvenile's Telephone No.

**APPLICATION FOR CONSENT
TO MARRY**

1. My name is _____ and I hereby request consent of the Ashland County Juvenile Court pursuant to Juvenile Rule 42 to marry:
Name: _____
Address: _____
Date of Birth: _____ Age: _____
2. I am a resident of Ashland County, Ohio.
3. I am not married and _____ have never been married OR _____ have been married.
4. I _____ am/ _____ am not a ward of any Court.
5. I desire consent of the Court to my marriage for the following reason(s):
_____ I have entered the armed services of the United States.
_____ I am employed and self-supporting.
_____ I have become independent from the care and control of my
_____ parent(s)/guardian(s)/legal custodian(s).
6. I have the capacity of an 18 year old person as described as follows:

7. The names and addresses of my parents/legal custodians are:

Parent/Legal Custodian 1	Parent/Legal Custodian 2

Wherefore, I request that the Court grant me consent to marry as set forth above.

Signed: _____

Printed Name: _____

ASHLAND COUNTY JUVENILE COURT

Instructions for Grandparent Power of Attorney and Caretaker Authorization Affidavit

This packet was prepared for your convenience and ease in filing a grandparent power of attorney or a caretaker authorization affidavit. Both allow grandparents to exercise parental authority over grandchildren living with grandparents, but they are different:

- A power of attorney can only be filed by a parent, guardian, or custodian of a child.
- A caretaker authorization affidavit can only be filed by a grandparent after reasonable attempts have been made to locate or contact the child's parents, guardian, or custodian.

This packet contains both a power of attorney and a caretaker authorization affidavit. You will need to decide which is the proper form to use for your situation. Read through both documents and their notices, to determine if either is appropriate for your situation. Make certain that you understand and meet all requirements before selecting a document. Answer all questions completely and accurately. Use BLUE or BLACK ink and type or neatly print all information. Use the enclosed checklists to complete the forms.

Complete the following steps:

1. Decide whether to use the Child Care Power of Attorney OR the Caretaker Authorization Affidavit and complete the proper form. Complete one form per child. The term at the top of the form, "In re," refers to the name of the child. The Case Number is only completed if a previous case number exists. Court staff will determine if a case number already exists or assign a case number for a new filing.
2. Complete a **Child Custody Affidavit (Supreme Court Form 3)** and **Party Information Form** for each child.
3. Sign the forms in front of a notary, after they are completed.
4. File the Power of Attorney or Caretaker Authorization Affidavit with the Court within 5 days of signing. The documents can be filed by mailing or bringing them to: Ashland County Juvenile Court 142 West Main Street Ashland, Ohio 44805 or by faxing them to 419-281-5699.

There is no filing fee for these documents. Questions concerning these instructions may be addressed to a Deputy Clerk at 419-282-4205. The clerks cannot answer any legal questions about your rights or whether you qualify for either of the forms or which form to use. The Court strongly suggests that you consult with an attorney if you have questions about your rights or which forms to use.

Updated Effective 4/1/2026

Grandparent Power of Attorney (POA) Checklist

Use this list to check off your progress on completion of necessary documents - the Power of Attorney cannot be filed with the Court until you have checked off all statements below

- ☐ The Power of Attorney form I have used is: ☐ the court's form or ☐ a form which has identical content
- ☐ The form is legible (all information is readable) and it is completed with typed words or in ink handwriting.
- ☐ The form is signed by the parent or parents of the child. Both parents must sign if: (1) the parents are married and living together as husband and wife; (2) the child is subject to a shared parenting decree; or (3) a court custody order has been entered for the child. The non-residential parent of the child need NOT sign the form if: (1) that parent is prohibited by court order from receiving notices of intent to relocated under R.C. 3109.051; (2) that parent's parental rights have been terminated by a juvenile court under Chapter 2151 of the Revised Code; or (3) the non-residential parent cannot be located using reasonable efforts (R.C. 3109.56). If the parents of the child are not married and there is no custody order for the child, then the power of attorney form can be signed by: (1) the parent who is the residential parent and legal custodian of the child or (2) the parent with whom the child is residing the majority of the school year.
- ☐ The form contains the address of each signing parent.
- ☐ The form contains the name, address and county of residence of the grandparent(s) named as having the Power of Attorney.
- ☐ The grandparent(s)' residence is in the State of Ohio.
- ☐ The form contains the name of the child and the child's date of birth.
- ☐ The child is under the age of 18.
- ☐ There are no pending proceedings regarding the child for: the appointment of a guardian; adoption; temporary, permanent or legal custody or for placement of the child in a planned permanent living arrangement; ex parte emergency order; divorce, dissolution, legal separation, annulment or allocation of parental rights and responsibilities.
- ☐ The Power of Attorney Form has been signed and notarized.
- ☐ All of the necessary forms to file the Power of Attorney with the Court have been completed:
 - ☐ Party Information Form
 - ☐ Parenting Proceeding Affidavit
 - ☐ Power of Attorney form
 - ☐ If only one parent signed the Power of Attorney form and the address of the other parent is known, a certified mail receipt documenting that the Power of Attorney form was sent by certified mail to the parent that did not sign the form within five (5) days after the form was created.

GRANDPARENT POWER OF ATTORNEY

I, the undersigned, residing at _____,
in the County of _____, State of _____, hereby appoint the child's grandparent,
_____, residing at _____,
in the County of _____, in the State of Ohio, with whom the child of whom I am the
parent, guardian, or custodian is residing, my attorney in fact to exercise any and all of my rights and
responsibilities regarding the care, physical custody, and control of the child, _____,
born _____, having social security number (optional) _____, except my
authority to consent to marriage or adoption of the child, and to perform all acts necessary in the execution of
the rights and responsibilities hereby granted, as fully as I might do if personally present. The rights I am
transferring under this power of attorney include the ability to enroll the child in school, to obtain from the
school district educational and behavioral information about the child, to consent to all school-related matters
regarding the child, and to consent to medical, psychological, or dental treatment for the child. This transfer
does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the
parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of
the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because
one of the following circumstances exists: (check one of the boxes in items #1 and #2)

(1) I am: (check the applicable box(es) below)

- ☐ (a) Seriously ill, incarcerated, or about to be incarcerated,
- ☐ (b) Temporarily unable to provide financial support or parental guidance to the child,
- ☐ (c) Temporarily unable to provide adequate care and supervision of the child because
of my physical or mental condition,
- ☐ (d) Homeless or without a residence because the current residence is destroyed or
otherwise uninhabitable, or
- ☐ (e) In or about to enter a residential treatment program for substance abuse;

(2) ☐ I am a parent of the child, the child's other parent is deceased, and I have authority to execute the
power of attorney.

(3) I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of
enrolling the child in a school or school district so that the child may participate in the academic or
interscholastic athletic programs provided by that school or district.

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of
this power of attorney and I am the sole parent signing this document, I hereby certify that one of the following
is the case: (check the applicable box below)

- ☐ (1) I have made reasonable efforts to locate and provide notice of the creation of this power of
attorney to the other parent and have been unable to locate that parent;
- ☐ (2) The other parent is prohibited from receiving a notice of relocation; or

☐ (3) The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first:

(1) I revoke this POWER OF ATTORNEY in writing and give notice of the revocation to the grandparent designated as attorney in fact and the juvenile court with which this POWER OF ATTORNEY was filed; (2) the child ceases to reside with the grandparent designated as attorney in fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

Witness my hand this day of ,

Signatures:

Mother/Custodian/Guardian
Printed Name:

Father/Custodian/Guardian
Printed Name: _____

Grandmother designated as attorney in fact
Printed Name:

Grandfather designated attorney in fact
Printed Name:

NOTARY

State of _____)
) ss:
County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

State of _____)
) ss:
County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, _____, by
_____.

Notary Public

State of _____)
) ss:
County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, _____, by
_____.

Notary Public

State of _____)
) ss:
County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, _____, by
_____.

Notary Public

Notices Applicable to Grandparent Power of Attorney:

1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with

authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.

2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following:

- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
- (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;
- (c) The court in which the power of attorney was filed after its creation;

- (d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

- 8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

Additional information:

To the grandparent designated as attorney in fact:

- 1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.
- 2. You must include with the power of attorney the following information:
 - a. The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
 - b. Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
 - c. Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
 - d. Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
 - e. Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.
- 3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.
2. The school district may require additional reasonable evidence that the grandparent lives in the school district.
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

Caretaker Authorization Affidavit Checklist:

Use this list to check off your progress on completion of necessary documents - the Caretake Authorization Affidavit cannot be filed with the Court until you have checked off all statements below

- ☐ The Caretaker Authorization Affidavit is ☐ the court-provided form or ☐ identical in content to the court-provided form
- ☐ The form is legibly completed (all information is readable) in either typewritten font or ink handwriting.
- ☐ The Caretaker Authorization Affidavit is signed by the grandparent(s).
- ☐ The Caretaker Authorization Affidavit contains the address, driver's license # or identification card # and date of birth of the signing grandparent(s).
- ☐ The grandparent(s) are residents of the State of Ohio.
- ☐ The Caretaker Authorization Affidavit contains the child's name and date of birth.
- ☐ The child is under the age of 18.
- ☐ There are no pending proceedings regarding the child for: the appointment of a guardian; adoption; temporary, permanent or legal custody or for placement of the child in a planned permanent living arrangement; ex parte emergency order; divorce, dissolution, legal separation, annulment or allocation of parental rights and responsibilities.
- ☐ The Caretaker Authorization Affidavit has been properly signed and notarized.
- ☐ All of the necessary forms to file the Caretaker Authorization Affidavit with the Court have been completed:
 - ☐ Party Information Form
 - ☐ Parenting Proceeding Affidavit
 - ☐ Caretake Authorization Affidavit form
- ☐ The Caretaker Authorization Affidavit was signed and notarized within five (5) days before filing it with the Court.
- ☐ There is no other non-expired Caregiver Authorization Affidavit or Power of Attorney currently on file with any juvenile court with regard to the child.
- ☐ Prior to making the Caregiver Authorization Affidavit, the grandparent has made reasonable attempts to locate and contact both of the child's parents, the child's guardian or custodian, but has been unable to do so. A grandparent is not required to locate and contact a (1) a father whose paternity has not been established by law; (2) a parent who is prohibited from receiving a notice of intent to located under R.C. 3109.051; and (3) a parent whose parental rights have been terminated by a juvenile court.

Updated Effective 4/1/2026

CARETAKER AUTHORIZATION AFFIDAVIT

R.C. 3109.66

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child: _____

2. Child's date and year of birth: _____

3. Child's social security number (optional): _____

4. My name: _____

5. My home address: _____

6. My date and year of birth: _____

7. My Ohio driver's license number or identification card number: _____

8. Despite having made reasonable attempts, I am either: (check appropriate box)

- ☐ (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
- ☐ (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or
- ☐ (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:
 - ☐ (i) The parent has been prohibited from receiving notice of a relocation; or
 - ☐ (ii) The parental rights of the parent have been terminated.

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following:

- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
- (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination;
- (c) The court in which the affidavit was filed after its creation.

The grandparent shall make the notifications not later than one week after the date the affidavit terminates.

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child.

Additional information:

To caretakers:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.
2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number.
3. You must include with the caretaker authorization affidavit the following information:

- (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.
4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

- 1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.
- 2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit.
- 3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation.
- 4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only

by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

To health care providers:

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized.
2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child.
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

**FORMS REQUIRED TO BE FILED WITH
A GRANDPARENT POWER OF ATTORNEY FORM OR
A GRANDPARENT CARETAKER AUTHORIZATION AFFIDAVIT**

Party Information Form

AND

Parenting Proceeding Affidavit

ASHLAND COUNTY JUVENILE COURT

PARTY INFORMATION FORM

REQUIRED FOR FILING POWER OF ATTORNEY/CARETAKER AUTHORIZATION AFFIDAVIT ACTIONS WITH THE COURT

In Re: _____
Child's Name

Case Number: _____

DOB of Child: _____ **Gender:** _____

1. **Biological Father's information:** ☐ Check if father is the current caregiver of the child

Name: _____ DOB: _____ SSN: _____

Address: _____

Telephone No: _____ Email Address: _____

2. **Biological Mother's information:** ☐ Check if mother is the current caregiver of the child

Name: _____ DOB: _____ SSN: _____

Address: _____

Telephone No: _____ Email Address: _____

3. **Grandparent's information:** ☐ Check if grandparent is the current caregiver of the child

Name: _____ DOB: _____ SSN: _____

Name: _____ DOB: _____ SSN: _____

Address: _____

Telephone No: _____ Email Address: _____

5. **Child Support:** Is there an existing child support order for the child? ☐ Yes ☐ No (If "yes", list:)

Name(s) of the person(s) obligated to pay child support: _____

Name(s) of the person(s) entitled to receive child support: _____

6. **Involvement with Social Services:**

Are any social services agencies involved with the child? ☐ Yes ☐ No (If "yes", list:)

Name of Agency: _____

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

In Re: _____ Case No. _____

PARENTING PROCEEDING AFFIDAVIT
(R.C. 3127.23(A)) Affidavit of _____
(Print Name)

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

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

1. List ALL of the residences of the child in the last 5 YEARS

Child's name	Place of birth	Date of birth	Sex	☐ M	☐ F
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Date(s) of residence	Person child lived with (name and address)	Relationship
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From
To the present

From
To

From
To

(Add a sheet if additional space is needed to list residences of the child)

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

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

Explain:

- a. Name of each child: SEE ABOVE
- b. Type of case:
- c. Court and State:
- d. Date and court order or judgment (if any):

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

- ☐ **I HAVE NO INFORMATION** of any cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning any child subject to this case.
- ☐ **I HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning a child subject to this case, other than listed in Paragraph 2.

Explain:

- a. Name of each child: SEE ABOVE
- b. Type of case:
- c. Court and State:
- d. Date and court order or judgment (if any):

4. Information about criminal convictions:

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

NAME	CASE NUMBER	COURT/COUNTY/STATE	CHARGE
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4. Persons not a party to this case: (Check only one box)

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

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

a. Name/Address of Person:

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

b. Name/Address of Person:

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

c. Name/Address of Person:

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

6. **I understand that I have a continuing duty to advise this Court of any custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or protection order from domestic violence case concerning the children about whom information is obtained during this case.**

OATH OR AFFIRMATION

(Do not sign until Notary Public is present)

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

Your Signature

STATE OF)
) **SS**
COUNTY OF)

Sworn to or affirmed before me by _____ on _____.

Notary Public

Printed Name of Notary Public

Commission Expiration Date:

(Affix seal here)