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JUDGEMENT ENTRY

FILED
MAHONING COUNTY
JUVENILE COURT
2011 FEB 24 P 2:54
CLERK OF COURTS

COURT OF COMMON PLEAS
JUVENILE DIVISION
MAHONING COUNTY, OHIO

IN RE: LOCAL RULES OF COURT

DOCKET 379 PAGE 373 - 436

11JM1

JUDGMENT ENTRY

Local Rule 1.07, Special Pleading and Filing Requirements, was revised via Emergency Local Rule on January 11, 2011, to remove the requirement for the use of initials on the abuse, neglect and dependency docket except in situations where the subject child is a victim. The Court found by clear and convincing evidence that this docket was historically a protected docket unavailable to the general public, and that the use of initials in these cases had created confusion and an undue administrative burden.

The remainder of Local Rule 1.07 is unchanged. Personal identifiers continue to be required for Social Security Numbers, financial accounts and other specified information. When these personal identifiers are omitted from a case document submitted to the Court, the Mahoning County Juvenile Court Information Sheet must still be typed and submitted to the Court.

Opportunity for public notice and comment was provided for thirty (30) days commencing January 24, 2011. A certified copy of this Judgment Entry and the accompanying Local Rules adopted are hereby Ordered forwarded to the Supreme Court of the State of Ohio in accordance with law.

2.23.11
Date

Theresa Dellick
Theresa Dellick, Judge

IN COMPUTER

JUDGEMENT ENTRY

FILED
MAHONING COUNTY
JUVENILE COURT
2011 FEB 28 P 4:33
CLERK OF COURTS

COURT OF COMMON PLEAS
JUVENILE DIVISION
MAHONING COUNTY, OHIO

IN RE: LOCAL RULES OF COURT

DOCKET 1380 PAGE 29

11 JM 1

JUDGMENT ENTRY

Pursuant to Rule 5(A)(2) of the Ohio Rules of Superintendence, the Mahoning County Court of Common Pleas, Juvenile Division, has given immediate effect to the final Juvenile Civil Protection Order Forms approved the Supreme Court of Ohio effective March 1, 2011. Please note that Form 10.05-G was not adopted, and that some parts of that form were incorporated into Form 10.05-E. Further, form 10.05-H was not adopted and the warning page was re-lettered and adopted as Form 10.05-F.

Opportunity for public notice and comment will be provided for at least thirty (30) days commencing March 1, 2011. A certified copy of this Judgment Entry and the accompanying Local Rules adopted will then be Ordered forwarded to the Supreme Court of the State of Ohio in accordance with law.

2.28.11
Date

Theresa Dellick, Judge

IN COMPUTER

RULE 1 GENERAL INFORMATION

1.01 Compliance with Other Rules

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

Unless otherwise stated, all filings shall comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Mahoning County, Ohio which are also applicable to this Court. To the extent that Rules may be in conflict, the Local Juvenile Rule shall prevail.

1.02 Hours of the Court

Mahoning County Juvenile Court shall be in session Monday through Friday from 8:00 a.m. to 4:30 p.m. Other days and times may be determined by the Court.

1.03 Court Decorum

(A) All parties and witnesses must wear proper attire when attending any hearing before the Court. Shorts, tank tops, halter tops, hats, bare feet, etc., are not acceptable forms of attire for appearance at any Court hearing.

(B) No radio, television transmission, voice recording device (other than a device used for the purpose of the official record), or photography shall be permitted, except upon consent of the Court and in accordance with Rule 11 of the Rules of Superintendence for the Courts of Ohio.

(C) All cellular phones, pagers, palm pilots or other similar devices that are capable of emitting sound shall be turned off or tuned to the vibrate position prior to entering the Courtroom.

(D) All parties, witnesses, and other persons present in the Courthouse while the Court is in session shall refrain from loud talking, yelling, or any other action that may disrupt the proceedings of the Court.

(E) Any person who brings a child to Court shall not leave the child unattended or allow the child to disrupt the proceedings of the Court. Children are generally not permitted in the Courtroom unless the Court has required that the subject child(ren) shall be present.

(F) Counsel and clients are to remain standing at counsel table while the Court enters and exits the Courtroom.

(G) All participants shall be addressed by appropriate titles.

(H) Counsel shall stand when addressing the Court.

(I) Counsel, litigants and witnesses must be on time, unless granted leave by the Court.

(J) Counsel must have witnesses prepared.

(K) Objections shall be stated without argument or speeches. Counsel shall address objections to the Court, not one another.

1.04 Sanctions

When an attorney or party unnecessarily causes undue delay or conflict, or fails to abide by these Rules, the Ohio Rules of Civil Procedure, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Superintendence, or other Ohio Rules of Court, the Court may impose sanctions or take any other appropriate measures necessary against the attorney or party.

1.05 Ex parte Communications

No attorney, party, or other person shall discuss the merits, either orally or in writing, of any case with the Judge or Magistrate presiding over the case without the presence of opposing counsel or the opposing party, if the party is not represented by counsel.

1.06 Backup Recording System

A digital recording system used throughout the Courthouse creates an automatic digital backup. All discussions, that are not part of official Court proceedings, should be held outside of the Courtroom in order to ensure the confidentiality of these discussions. The automatic digital backup is for backup purposes only and shall only be transcribed in the event that the original recording is unavailable. Any communications on any recording which are not part of the proceeding shall not be transcribed for any reason.

1.07 Special Pleading and Filing Requirements

Effective July 1, 2009, personal identifiers must be omitted prior to submission or filing. A personal identifier is a social security number except for the last four digits; financial account numbers, including but not limited to debit card, charge card and credit card numbers; and a minor child's name when the minor child is a victim in any kind of case.

(A) When submitting a case document to the Court or filing a case document with the Clerk of Courts, a party to a judicial action or proceeding shall omit personal identifiers from the document.

(B) When personal identifiers are omitted from a case document submitted to the Court or filed with the Clerk of Courts, the party shall submit or file that information on a Mahoning County Juvenile Court Information Sheet. All Information Sheet information must be typed. A separate Information Sheet must be submitted for each case number.

(C) All Information Sheets shall be retained by the Clerk of Courts and are not subject to service on the parties.

(D) Redacted or omitted personal identifiers shall be provided to the Court or Clerk upon request, or to a party to the judicial action or proceeding upon Motion.

(E) The responsibility for omitting personal identifiers from a case document submitted to a Court or filed with the Clerk of Courts shall rest solely with the party. The Court or Clerk is not required to review the case document to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file the document on that basis.

(F) Failure to follow these mandatory rules may result in sanctions.

RULE 2 SERVICE

2.01 Service of Pleadings

A party requesting service by the Clerk of the Court must file Instructions for Service regardless of the form of service requested. Any request for service of a complaint, counterclaim, Motion, Order, or other paper requiring service pursuant to the Ohio Rules of Civil Procedure shall be accompanied by sufficient time-stamped copies of the paper(s) to be served.

2.02 Process Server (One-Time Appointment)

If a party desires personal service to be made by a Special Process Server pursuant to Civil Rule 4.1 (B) (2), that party or counsel must file with the Clerk of Court a Motion along with an Entry Appointing Special Process Server. The following must be stated in the entry of appointment:

(A) The name of the person to be appointed as a Special Process Server;

(B) That the person being appointed as Special Process Server is eighteen (18) years of age or older;

(C) That the person to be appointed as Special Process Server is not a party or counsel for a party in the action.

2.03 Process Server (Continuing Appointment)

A person may apply to be designated as a Standing Special Process Server for cases filed in this Court by filing a Motion along with an Entry Appointing Standing Special Process Server. The following must be stated in the entry of appointment:

(A) The name of the person to be appointed as a Standing Special Process Server;

(B) That the person being appointed as Standing Special Process Server is eighteen (18) years of age or older;

(C) That the person to be appointed as Standing Special Process Server will not be a party or counsel for any party in any action for which he or she acts as a Standing Special Process Server.

2.04 Service by Publication

(A) When Proper/Required Verification

In accordance with Civil Rule 4.4, and Juvenile Rule 16, Service by Publication shall only be available when the residence of a defendant or party is unknown and due diligence is demonstrated by proper affidavit that the address cannot be discovered. All verification obtained to discover the address of a defendant or party shall be brought to the hearing for the Court to review *In Camera*, at its discretion. The Court must give prior approval for Service by Publication. Service by Publication shall be made by posting and mailing in cases of dependency, neglect and abuse. Service by Publication may also be made by posting and mailing in cases where indigency has been established. In cases other than dependency, neglect and abuse, the Court will not give approval for Service by Publication by Posting unless a completed Financial Disclosure/Affidavit of Indigency is attached to the request and the party qualifies as indigent according to the income standards set forth by the Office of the Ohio Public Defender.

(B) Responsibility

In all cases when service of process is to be accomplished by publication, it shall be the responsibility of the party to ensure that the publication is accomplished.

(C) Confirmation

Upon completion of the last publication of service, the party shall file with the Court an affidavit showing the fact of publication, together with a copy of the Notice of Publication. The affidavit and its exhibits shall constitute the proof of service.

(D) Posting Locations

Pursuant to Civil Rule 4.4(A)(2), and Juvenile Rule 16(A), this Court hereby designates the following two (2) additional posting locations in Mahoning County for the purpose of Service by Publication:

Struthers Municipal Court
6 Elm Street
Struthers, Ohio 44471

Mahoning County Court No. 3
605 East Ohio
Sebring, Ohio 44672

The Clerk shall post service in a conspicuous place in the Courthouse in addition to the above two additional locations.

The notice shall contain the same information required to be contained in a newspaper publication. The notice shall be posted in the required locations for seven (7) consecutive days. The clerk shall cause the summons and accompanying pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served and shall obtain a Certificate of Mailing. If the Clerk is notified of a corrected or forwarding address of the party to be served within the seven (7) day period that notice is posted, the Clerk shall cause the summons and accompanying pleadings to be mailed to the corrected or forwarding address.

After the seven (7) days of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

2.05 Proof of Service

The party requesting or certifying service is responsible for obtaining proof of service prior to the hearing and providing such proof to the Court upon request.

RULE 3 FILING BY FACSIMILE OR ELECTRONIC MEANS

3.01 Filing by facsimile or other electronic means is not permitted.

RULE 4 COURT APPOINTED COUNSEL

4.01 Counsel

Every party that has the right to be represented by counsel, as provided in R.C. § 2151.352, shall have the right to Court appointed counsel, if found to be indigent. Any party found eligible for Court appointed counsel shall pay a Twenty-Five Dollar ($25.00) application fee per case to the Clerk of Courts within seven (7) days of determination of indigency. The Court shall maintain a list of private attorneys willing to accept appointment for juvenile Court cases.

4.02 Compensation and Expenses

The Court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Mahoning County Commissioners and the Office of the Ohio Public Defender. In addition thereto, necessary and reasonable expenses may be allowed for such items, including but not limited to, expert witness fees, polygraph costs, long distance phone calls, photocopying, and certain travel expenses in excess of One Dollar ($1.00).

4.03 Mandatory Training for Court Appointed Counsel

The Court offers periodic seminars relating to Juvenile Court Law and Juvenile Court procedures. Attendance shall be mandatory for attorneys to remain on the court appointment list. The Judge shall retain discretion to excuse attendance for good cause shown.

4.04 Fee Application

Appointed counsel and/or Attorney Guardians Ad Litem shall use software or pre-printed forms provided by the Office of the Ohio Public Defender when submitting fee applications. Appointed counsel shall submit the original fee application and a fully completed Financial Disclosure/Affidavit of Indigency when requesting payment.

4.05 Submitting Fee and/or Expense Applications

Expense Applications for fees and/or expenses shall be submitted within sixty (60) days of the date of termination listed on the fee application to assure full payment. Date of termination shall be no later than the file stamp date of the journal entry dismissing the complaint or Motion, dispositional journal entry, or journal entry approving the case plan, whichever is later. If the fee application is

received by the Court late, then payment to the attorney may be reduced by the reimbursement standard currently being used by the Mahoning County Commissioners and the Office of the Ohio Public Defender.

4.06 Extraordinary Fees

Requests for extraordinary fees in excess of One Thousand Dollars ($1,000.00) per case must be made by written Motion and should be submitted with supporting information, including all regular billing documents, along with a proposed judgment entry, to the Judge. Extraordinary fees may be granted in complex cases, including but not limited to, those involving multiple counts dealing with multiple separate incidents which require an extraordinary amount of trial preparation time, cases that involve unique legal issues, cases that require multiple types of hearings, or cases requiring extended days of trial.

RULE 5 INTAKE

5.01 Intake

The Court recognizes the guidance set forth in Rule 9 of the Juvenile Rules of Procedure 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.”

Prior to the filing of a formal delinquency or unruly complaint, police reports or complaints by parents and/or guardians shall be screened by intake pursuant to the Court’s intake policies. Copies of the Court’s written intake policies are available upon request.

If diversionary action is not appropriate, the case shall be forwarded to the Probation Department or the Prosecutor’s Office as appropriate.

RULE 6 UNRULY

6.01 Unruly

Any person having knowledge of a child who appears to be an unruly child as defined in R.C. § 2151.022 may file a complaint with respect to the child.

RULE 7 TRUANCY

7.01 Truancy

A juvenile shall be referred to Truancy Court after twelve (12) unexcused absences from school. A hearing shall be held before a truancy officer. This Court works with juveniles and their families to improve school attendance reduce delinquent behavior through a pro-active partnership with the schools and makes referrals to social service agencies when needed. A parent or guardian may be charged with contributing if they fail or refuse to cooperate.

RULE 8 DIVERSION

8.01 The Diversion Program

The Diversion Program is a voluntary program for those juveniles charged with a first-time drug or drug-related offense.

8.02 Entrance

Entrance into the program requires a plea of Admission to the offense charged in the complaint. The juvenile shall undergo a chemical assessment and follow any and all recommendations of said assessment. There is a fee of One Hundred Twenty-Five Dollars ($125.00) which shall be paid prior to completion of the program.

8.03 Completion

Upon successful completion of the program requirements, the charge(s) shall be dismissed by the Court. Failure to comply with the requirements of the program can result in Court sanctions and ultimately a negative termination from the program.

8.04 Requirements

Copies of the Diversion Program requirements are available upon request.

RULE 9 TRAFFIC AND TOBACCO CASES

9.01 Traffic and tobacco violations

Traffic and tobacco violations shall be forwarded to the Court by the police department issuing said violation.

9.02 Traffic Arraignments, Pre-trials and Trials

An arraignment shall be held. A pretrial and trial may be set at the juvenile or attorney's request or at the Court's discretion. All juveniles must appear with a parent, a guardian, or an adult.

RULE 10 DELINQUENCY CASES

10.01 Filing of Complaint

(A) Case is referred to Prosecutor's Office by the Intake Department for review by the Prosecutor.

(B) At the Prosecutor's discretion, an official complaint may be filed with the Clerk of Courts.

10.02 Arraignment

(A) Notice of Hearing and Summons shall be prepared and issued. Said notice shall include the date and time of the arraignment.

(B) If a subject child is placed in detention a detention or arraignment hearing shall be held within seventy-two (72) hours.

(C) Subject child shall be arraigned by the Judge or designated Magistrate in Court.

(D) After the Judge or Magistrate reviews the subject child's constitutional rights, the subject child shall enter an Admission or Denial plea to the complaint.

10.03 Adjudicatory and Dispositional Hearings

(A) If the subject child enters an Admission to the complaint then a dispositional hearing may be held immediately or it may be continued at the discretion of the Court.

(B) If the subject child enters a Denial to the complaint, a preliminary conference and adjudicatory hearing shall be set as soon as practicable.

(C) If the subject child qualifies for appointed counsel, counsel shall be appointed pursuant to Juvenile Rule 4 or the subject child's parent or guardian may retain private counsel.

(D) Whenever a delinquency case is dismissed or disposed, and the Court Orders a Children Services Board to take custody of the subject child, a Children Services Board shall have ten (10) days to file a dependency,

neglect or abuse complaint.

10.04 Monetary Hearings

(A) Where a subject child has complied with all terms and conditions of probation however still owes fines and Court costs, a monetary hearing m may be held monthly until such time as all fines and Court costs are paid.

10.05 Discovery

Effective July 1, 2009, except for special rules contained in Juvenile Rule 25 of the Ohio Rules of Juvenile Procedure, discovery shall be conducted in accordance with Juvenile Rule 24 and the Ohio Rules of Civil Procedure.

(A) Depositions in the following matters shall be governed by Juvenile Rule 24 and the Ohio Rules of Civil Procedure

(1) Those taken in parentage actions and original actions to determine custody or the allocation of parental rights and responsibilities to which the State of Ohio is not a party;

(2) Those taken in any post-dispositional matters to which neither the State of Ohio nor any public child protective services agency is a party;

(a) The State of Ohio shall not be deemed to be a party to a post-dispositional action simply because a child support enforcement agency participates in such action.

(B) Depositions shall only be taken with leave of Court in delinquency, unruly, juvenile traffic offender, abuse, neglect, and dependency actions and all other juvenile court proceedings not specified in “A” above.

(1) Depositions in these types of actions shall only be taken when it appears probable that a prospective witness will be unable to attend or will be prevented from attending the hearing, and it further appears that the testimony is material and necessary to prevent a miscarriage of justice.

(2) Depositions taken in these types of actions shall be taken upon such terms and conditions and in such a manner as the Court may fix.

10.06 Establishment of Specialized Dockets

For the purpose of decreased recidivism and increased family stability, the Court on its own Motion may refer appropriate cases to any special Court program.

Each program will coordinate agency collaboration, provide regular judicial oversight, and assess progress or goals.

(A) Family Dependency Treatment Court (FDTC)

Upon a referral of a case for possible participation in FDTC the treatment team will determine appropriateness of participation in the program based upon eligibility criteria and assessment recommendation. If accepted, the case shall be transferred to the specialized FDTC docket for further proceedings.

All parties involved with a case accepted by FDTC must comply with the program regulations and all Orders of the Court. If unsuccessfully terminated from FDTC, the case may be returned to the regular abuse, neglect or dependency docket for further proceedings.

(B) Juvenile Treatment Docket (JTD)

This docket is available to those juveniles who are charged with delinquent acts and have alcohol and/or drug related issues.

The juvenile must enter a plea of Admission to the charge(s) in Order to participate in the JTD.

The juvenile must undergo a chemical assessment and follow any and all recommendation of said assessment. The juvenile must also follow additional requirements.

If the juvenile successfully completes the JTD his or her charges will be dismissed.

RULE 11 CUSTODY AND/OR VISITATION ACTIONS

11.01 Filing Requirements

All actions seeking custody of and/or visitation with a child shall be initiated by sworn complaint, or in preexisting cases by Motion, and pursuant to R.C. § 3127.23, are required to be accompanied by a Child Custody Affidavit. All Child Custody Affidavits must contain all information regarding the Court case numbers of any past or pending litigation involving custody or visitation of the child, along with all other required information other than personal identifiers (as explained in Section 1.7 of these rules). In addition, in dependency, neglect and abuse cases, only initials may be used to identify the child(ren). In all cases, an Information Sheet (as explained in Section 1.7 (A-F) of these Rules) shall be completed. The Information Sheet shall include the child's name, date of birth and social security number and other personal identifiers. The

Information Sheet shall be retained by the Clerk of Courts and is not subject to service on the parties.

11.02 Social Investigation (Dependency, Neglect and **Abuse)**

A social investigation concerning the best interests of any child or children may be ordered by the Court pursuant to Juvenile Rule 32 in abuse, neglect or dependency cases.

11.03 Social Investigation (Custody and Visitation)

Pursuant to Juvenile Rule 32(D), the Court may Order a social investigation following the filing of a complaint requesting the allocation of parental rights and responsibilities or a writ of habeas corpus, or the filing of a Motion to modify the allocation of parental rights and responsibilities. Prior to Ordering a social investigation the Court may refer the parties to mediation.

11.04 Temporary Orders

The Judge or Magistrate may require Motions for Temporary Orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

11.05 Discovery

Effective July 1, 2009, except for special rules contained in Juvenile Rule 25 of the Ohio Rules of Juvenile Procedure, discovery shall be conducted in accordance with Juvenile Rule 24 and the Ohio Rules of Civil Procedure.

(A) Depositions in the following matters shall be governed by Juvenile Rule 24 and the Ohio Rules of Civil Procedure

(1) Those taken in parentage actions and original actions to determine custody or the allocation of parental rights and responsibilities to which the State of Ohio is not a party;

(2) Those taken in any post-dispositional matters to which neither the State of Ohio nor any public child protective services agency is a party;

(b) The State of Ohio shall not be deemed to be a party to a post-dispositional action simply because a child support enforcement agency participates in such action.

(B) Depositions shall only be taken with leave of Court in delinquency, unruly, juvenile traffic offender, abuse, neglect, and dependency actions and all

other juvenile court proceedings not specified in “A” above.

(1) Depositions in these types of actions shall only be taken when it appears probable that a prospective witness will be unable to attend or will be prevented from attending the hearing, and it further appears that the testimony is material and necessary to prevent a miscarriage of justice.

(2) Depositions taken in these types of actions shall be taken upon such terms and conditions and in such a manner as the Court may fix.

11.06 Parental Rights

Orders allocating parental rights, including shared parenting decrees, shall include the following notices:

(A) RELOCATION NOTICE: Pursuant to R.C. § 3109.051(G), the parties are hereby notified as follows:

If the residential parent intends to move to a residence other than the residence specified in the parenting time Order or Decree of the Court, the residential parent is required to file a Notice of Intent to Relocate with this Court, addressed to the attention of the Clerk of Court. Unless otherwise Ordered pursuant to R.C. § 3109.051(G)(2),(3) and (4), a copy of such notice shall be mailed by the Court to the parent who is not the residential parent. The Court will not normally schedule a hearing on the notice unless the non-residential parent requests the same in writing. The purpose of any such scheduled hearing shall be to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule. If after sixty (60) days, no objection has been raised by the non-residential parent, the Court may issue an entry modifying the parenting time as requested by the residential parent in the Notice of Intent to Relocate.

(B) RECORDS ACCESS NOTICE: Pursuant to R.C. § 3109.051(H) and R.C. §3319.321(B) (5) (a) the parties are hereby notified as follows:

Excepting as specifically modified or otherwise limited by Court Order, and subject to R.C. §3125.16 and R.C. §3319.32 (F), the parent who is not the residential parent, is entitled to access to any record that is related to the child, under the same terms and conditions as the residential parent, to any student activity that is related to the child and to which the residential parent of the child is legally provided access. Any keeper of a record who knowingly fails to comply with this Order is in contempt of Court.

(C) DAY CARE CENTER ACCESS NOTICE: Pursuant to R.C. § 3109.051(I), the parties are hereby notified as follows:

Excepting as specifically modified or otherwise limited by Court Order and in accordance with R.C. § 5104.011, the parent who is not the residential parent, is entitled to access to any day care center that is or will be attended by the child with whom parenting time is granted, to the same extent that the residential parent is granted access to the center.

(D) SCHOOL ACTIVITIES NOTICE: Pursuant to R.C. § 3109.051(J), the parties are hereby notified as follows:

Excepting as specifically modified or otherwise limited by Court Order, and subject to R.C. § 3319.321(F), the parent who is not the residential parent is entitled to access to the school, under the same terms and conditions under which access is provided to the residential parent. Any school employee or official who knowingly fails to comply with this Order is in contempt of Court.

RULE 12 CONTINUANCES AND ADVANCEMENTS

12.01 Continuances and Advancements

Requests for continuances will be made in accordance with Supreme Court of Ohio Superintendence Rule 41 and Ohio Rules of Juvenile Procedure 19 and 23 or, where applicable, the Ohio Rules of Civil Procedure. If a continuance is requested because an attorney is already scheduled to be in another Court of record, proof of such prior assignment shall be attached to the Motion for continuance.

12.02 Applications for Continuance or Advancements

All applications for continuance or advancements shall be made as far in advance of hearing dates as practicable except as herein provided. Continuances will be granted when in compliance with the Rules of Superintendence such as a criminal trial which goes forward, in emergency situations, and in other unanticipated circumstances. All requests for continuances or advancements shall be in writing. Requests shall be granted only after notice to all other counsel and/or parties involved is obtained by the party seeking a continuance and verified by the Court. No case will be continued on the day of hearing except for good cause shown. Unless otherwise directed, it will be the responsibility of the attorney obtaining the continuance to promptly notify all other counsel and parties of the new hearing date, and provide verification of same to the Court. Complete service of process for the rescheduled hearing shall be the sole responsibility of the party moving for a continuance. Failure to comply with these requirements will result in appropriate sanctions. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date.

12.03 Rulings on continuance or advancements

Ruling on a continuance or advancement request may be reserved until the scheduled hearing date where continuances on the record are necessary to preserve service or notice on parties.

RULE 13 REGISTRATION OF ORDERS FROM ANOTHER STATE; CERTIFICATION TO JUVENILE COURT

13.01 Registration of Parenting Decree from another State

A parenting decree of another state may be registered pursuant to the Uniform Child Custody Jurisdiction Act, R.C. § 3127.01 through 312753. The registration of a parenting decree does not vest this Court with jurisdiction to act with regard to child support, spousal support or property division.

Pursuant to R.C. § 3127.35, a certified copy of a parenting decree of another state may be filed in the office of the Clerk of Courts. Upon filing, the decree shall be treated in the same manner as a parenting decree of a Court of this state.

13.02 Enforcement and/or Modification of a Parenting Decree of another State

At the time the parenting decree of another state is registered, or subsequent thereto, any party seeking to enforce and/or modify that parenting decree may file a Motion setting forth the relief requested and specifying the reasons this Court should assume jurisdiction. All parties to the proceeding, in his/her first pleading or in an affidavit attached thereto, shall provide the information required by R.C. §3127.23.

Prior to issuing any Orders, this Court must determine that it has jurisdiction to issue parenting Orders pursuant to R.C. §3127.15. This Court will not exercise jurisdiction if, at the time of the filing of the action, a parenting proceeding is pending in another state exercising jurisdiction substantially in conformity with R.C. §3127.01 to 3127.53, unless the Court in the other state has declined to exercise jurisdiction because this Court is the more appropriate forum.

13.03 Registration of a Support Order of another State

Support Order, as defined in R.C. §3115.01(W), includes an Order for spousal support. State, as defined in R.C. §3115.01(U), includes Indian tribes and foreign jurisdictions that have enacted a law or established procedures for issuance and enforcement of support Orders that are

substantially similar to the procedures under R.C. §3115.01 to R.C.3115.59. A party seeking to register a support Order of another state for the purpose of enforcement or modification, shall file the documents and information required by R.C. §3115.39 in the office of the Clerk of Courts. Upon filing, the Clerk of Courts shall send notice of the registration to the non-registering party, as required by R.C. §3115.42. Pursuant to R.C. § 3115.43, the non-registering party may contest the validity or enforcement of the registered Order by filing a Motion and requesting a hearing no later than twenty (20) days after the date of mailing or personal service of the Notice of Registration. If the non-registering party fails to file a timely Motion and request for hearing, the Order is confirmed by operation of law.

If the non-registering party files a timely Motion and request for hearing, the Court will conduct a hearing to determine whether the registered Order should be confirmed. The party contesting the validity or enforcement of a registered Order, or seeking to vacate the registration, has the burden of proving one or more of the defenses listed in R.C. § 3115.44.

Registering of a support Order of another state does not vest this Court with jurisdiction to enforce or modify parenting Orders.

13.04 Modification of a Support Order of another State

A Motion to modify a support Order of another State may be filed at the same time as, or subsequent to, a request for registration. The Motion must specify the grounds for modification.

Pursuant to R.C. § 3115.50, this Court may modify a child support Order if all individuals reside in this state and the child does not reside in the issuing state. Further, the Court may modify a child support order of another state if the requisites of R.C. § 3115.48 are met.

13.05 Certification Pursuant to R.C. § 3109.06

Pursuant to R.C. § 3109.06, this Court may accept certification from another Court, other than a juvenile Court, exercising jurisdiction regarding the allocation of parental rights and responsibilities for a minor child, or support of a minor child, when the child and the residential parent, or the child and either parent under a shared parenting plan, reside in Mahoning County, and the allocation of parental rights and responsibilities is in controversy in the Court currently exercising jurisdiction.

RULE 14 OBJECTIONS TO DECISION OF MAGISTRATE
MOTIONS TO SET ASIDE
MOTIONS FOR STAY
FINDINGS OF FACT/CONCLUSIONS OF LAW

14.01 Objections to Decision of Magistrate

(A) A Decision of a Magistrate may be reviewed by the Judge of this Court by filing Objections in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure and Rule 53 of the Ohio Rules of Civil Procedure. The filing of objections shall automatically stay the Magistrate's Decision, unless the Judge issues a final or interim Order. A bond or other form of surety may be required for the issuance of a final or interim Order.

(B) The Objections shall be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence is part of or is all of the basis for the Objection, a transcript of the testimony is necessary to support the Objections to the Magistrate's Decision and must be filed with the Court. Partial transcripts may be permitted upon leave of the Court.

(C) Failure to file a timely transcript when one is required by this Rule is a basis for dismissal of the Objections.

(D) The request and deposit for said transcript shall be submitted to the Court reporter within three (3) days after the filing of said Objections. The cost of same shall be a per page amount determined by the Court reporter. At the time of ordering of a transcript, the ordering counsel or party shall post a deposit in an amount equal to the estimated cost of the transcript with the Court reporter. Upon completion of the transcript, any unpaid balance shall be paid by the ordering counsel or party prior to delivery of a copy or the filing of an original with the Court.

(E) Objections shall be set for oral hearing by the moving party and shall be scheduled with the bailiff at the time of filing. The moving party shall give notice of the hearing to all other parties, including the Guardian Ad Litem. Notice to the CASA office, when applicable, will serve as notice to a CASA Guardian Ad Litem. Oral hearing may be waived by agreement of all parties and the Judge scheduled to hear the Objections.

(F) Memoranda in Opposition to Objections may be filed by any party within ten (10) days of the filing of said Objections.

14.02 Motion to Set Aside Magistrate's Orders

(A) Magistrates may issue Orders as provided by Civil Rule 53 and Juvenile Rule 40. Parties may file a Motion to Set Aside Magistrate's Order, which

shall be heard by a Judge or Magistrate. The Motion shall be filed no later than ten (10) days after the Magistrate's Order is entered.

(B) The Motion shall be accompanied by a memorandum stating the party's position with particularity. If a finding of fact or weight of the evidence is part or all of the basis for the Motion, a transcript of the proceeding before the Magistrate must be filed with the Court. Partial transcripts may be permitted upon leave of Court. Failure to file a transcript when one is required by this Rule is a basis for dismissal of the Motion.

(C) The moving party shall schedule the Motion to Set Aside Magistrate's Order with the case manager/bailiff at the time of filing, and shall give notice of the hearing to all other parties, including the Guardian Ad Litem. notice to the CASA office, when applicable, will serve as notice to a CASA Guardian Ad Litem.

(D) The filing of a Motion to Set Aside does not automatically stay the Magistrate's Order.

14.03 Motions for Stay

(A) A separate Motion to Stay may be filed, and may be approved or modified by either the Judge or the Magistrate who issued the Order.

14.04 Findings of Fact/Conclusions of Law

(A) A request for Findings of Fact and Conclusions of Law shall be made within seven (7) days after the filing of the Judgment Entry or Magistrate's Decision. When a request for Findings of Fact and Conclusions of Law is made, the party requesting the same shall prepare and file proposed Findings of Fact and Conclusions of Law within seven (7) days of their request. Failure to present proposed Findings of Fact and Conclusions of Law within seven (7) days will be deemed a withdrawal of the request.

(C) Pursuant to Juvenile Rule 40(D)(3)(ii) and Civil Rule 52, when a request for Findings of Fact and Conclusions of Law is made, the Court, in its discretion, may require any or all of the parties to submit proposed Findings of Fact and Conclusions of Law; however, only those Findings of Fact and Conclusions of Law made by the Court shall form part of the record.

RULE 15 GUARDIAN AD LITEM

15.01 General Information

(A) Applicability

This Rule shall apply in all juvenile cases in the Courts of Common Pleas where a Court appoints a Guardian Ad Litem to protect and act in the best interest of a child.

(B) Definitions

For purposes of this Rule:

(1) "Guardian Ad Litem" means an individual appointed to assist a Court in its determination of a child's best interest.

(2) "Child" means:

(a) A person under eighteen years of age; or

(b) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under Section §2151.011(B)(5) or Section §2152.02(C) of the Ohio Revised Code; or

(c) A child under Ohio Revised Code §3109.04 or a disabled child under Ohio Revised Code §3119.86 who falls under the jurisdiction of the Court's paternity docket.

15.02 Appointment of Guardian Ad Litem

(A) Appointment Process

(1) Every Guardian Ad Litem shall receive an Order of Appointment which shall include:

(a) A statement regarding whether a person is being appointed as a Guardian Ad Litem only or as a Guardian Ad Litem and attorney for the child.

(b) A statement that the appointment shall remain in effect until discharged by Order of the Court, by the Court filing a Final Order in the case or by Court Rule.

(c) A statement that the Guardian Ad Litem shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

(2) Whenever feasible, the same Guardian Ad Litem shall be reappointed for a specific child in any subsequent case in any Court relating to the best interest of the child.

(3) The Court shall make provisions for fees and expenses in the Order.

15.03 Responsibilities of Guardian Ad Litem

In order to provide the Court with relevant information and an informed recommendation regarding the child's best interest, a Guardian Ad Litem shall perform, at a minimum, the responsibilities stated in this Section, unless impracticable or inadvisable to do so.

(A) A Guardian Ad Litem shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the Guardian Ad Litem represents.

(B) A Guardian Ad Litem shall maintain independence, objectivity and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the Courtroom and shall have no Ex Parte communications with the Court regarding the merits of the case.

(C) A Guardian Ad Litem is an Officer of the Court and shall act with respect and courtesy to the parties at all times.

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

(E) A non-attorney Guardian Ad Litem must avoid engaging in conduct that constitutes the unauthorized practice of law, be vigilant in performing the Guardian Ad Litem's duties and request that the Court appoint legal counsel, or otherwise employ the services of an attorney, to undertake appropriate legal actions on behalf of the Guardian Ad Litem in the case.

(F) A Guardian Ad Litem who is an attorney may file pleadings, motions and other documents as appropriate under the applicable Rules of procedure.

(G) When a Court appoints an attorney to serve as both the Guardian Ad Litem and attorney for a child, the attorney shall advocate for the child's best interest and the child's wishes in accord with the Rules of Professional Conduct. Attorneys who are to serve as both Guardian Ad Litem and attorney, should be aware of Rule §3.7 of the Rules of Professional Conduct and act accordingly.

(H) When a Guardian Ad Litem determines that a conflict exists between the child's best interest and the child's wishes, the Guardian Ad Litem shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict by entering appropriate orders.

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

(J) Upon becoming aware of any actual or apparent conflict of interest, a Guardian Ad Litem shall immediately take action to resolve the conflict, shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court, or seek Court direction as necessary. Because a conflict of interest may arise at any time, a Guardian Ad Litem has an ongoing duty to comply with this Section.

(K) Unless excepted by statute, by Court Rule consistent with this Rule, or by Order of Court pursuant to this Rule, a Guardian Ad Litem shall meet the qualifications and satisfy all training and continuing education requirements under this Rule and under any local Court Rules governing guardians ad litem. A Guardian Ad Litem shall meet the qualifications for guardians ad litem for each county where the Guardian Ad Litem serves and shall promptly advise each Court of any grounds for disqualification or unavailability to serve.

(L) A Guardian Ad Litem shall be responsible for providing the Court or its designee with a statement indicating compliance with all initial and continuing educational and training requirements so the Court may maintain the files required in Section (G) of this Rule. The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course.

(M) A Guardian Ad Litem shall make reasonable efforts to become informed about the facts of the case and to contact all parties. In order to provide the Court with relevant information and an informed recommendation as to the child's best interest, a Guardian Ad Litem shall, at a minimum, do the following, unless impracticable or inadvisable because of the age of the child or the specific circumstances of a particular case:

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

(2) Visit the child at his or her residence in accordance with any standards established by the Court in which the Guardian Ad Litem is appointed;

(3) Ascertain the wishes of the child;

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

(5) Review pleadings and other relevant Court documents in the case in which the Guardian Ad Litem is appointed;

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

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

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

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

(N) A Guardian Ad Litem shall immediately identify himself or herself as a Guardian Ad Litem when contacting individuals in the course of a particular case and shall inform these individuals about the Guardian Ad Litem's role and that documents and information obtained may become part of Court proceedings.

(O) As an Officer of the Court, a Guardian Ad Litem shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a Guardian Ad Litem. A Guardian Ad Litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A Guardian Ad Litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the Guardian Ad Litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(P) A Guardian Ad Litem shall perform responsibilities in a prompt and timely manner, and, if necessary, an attorney Guardian Ad Litem may request

timely Court reviews and judicial intervention in writing with notice to parties or affected agencies.

(Q) A Guardian Ad Litem who is to be paid by the Court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the Court and provide a copy to each party or other entity responsible for payment.

15.04 Training requirements

In order to serve as a Guardian Ad Litem, an applicant shall have, at a minimum, the following training:

(A) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.

(B) The pre-service training course must be the six hour Guardian Ad Litem pre-service course provided by the Supreme Court of Ohio, the Ohio CASA/GAL Association's pre-service training program, or with prior approval of the appointing Court, be a course at least six (6) hours in length that covers the topic areas in Section (C) below.

(C) To meet the requirements of this Rule, the pre-service course shall include training on all the following topics:

(1) Human needs and child development including, but not limited to, stages of child development;

(2) Communication and diversity including, but not limited to, communication skills with children and adults, interviewing skills, methods of critical questioning, use of open-ended questions, understanding the perspective of the child, sensitivity, building trust, multicultural awareness, and confidentiality;

(3) Preventing child abuse and neglect including, but not limited to, assessing risk and safety;

(4) Family and child issues including, but not limited to, family dynamics, substance abuse and its effects, basic psychopathology for adults and children, domestic violence and its effects;

(5) Legal framework including, but not limited to, records checks, assessing, and appropriate protocol, a Guardian Ad Litem's role in

Court, local resources and service practice, report content, mediation and other types of dispute resolution.

(D) The continuing education course must be at least three (3) hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the appointing Court, be a training that complies with Section (C) of this Rule.

To meet the requirements of this Rule, the three hour continuing education course shall:

(1) Be specifically designed for continuing education of Guardians Ad Litem and not pre-service education; and

(2) Consist of advanced education related to topics identified in Section (C)(1)-(5) of this Rule.

(E) If a Guardian Ad Litem fails to complete a three (3) hour continuing education course within any calendar year, that person shall not be eligible to serve as a Guardian Ad Litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three (3) hour continuing education course offered under this Rule. If the gap in continuing education is more than three (3) calendar years that person must complete a six (6) hour pre-service education course to qualify to serve.

(F) An individual who is currently serving as a Guardian Ad Litem on the effective date of this Rule, or who has served during the five (5) years immediately preceding the effective date, shall have one (1) year from the effective date to obtain the required six (6) hour pre-service training in order to avoid removal from the Court's list of approved Guardians Ad Litem.

(G) Attendance at an Ohio Guardian Ad Litem Training Program approved by the Supreme Court of Ohio or at an Ohio CASA/Guardian Association pre-service training program at any time prior to the effective date of this Rule shall be deemed compliance with the pre-service training requirement.

15.05 Reports of Guardian Ad Litem

A Guardian Ad Litem shall prepare a written final report, including recommendations to the Court, within the times set forth in this Section. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the Guardian Ad Litem in reaching the Guardian Ad Litem's recommendations and in accomplishing the duties required by statute, by Court Rule, and in the Court's Order of Appointment. In addition, the following

provisions shall apply to Guardian Ad Litem reports in the Court of Common Pleas, Juvenile Division:

(A) In juvenile abuse, neglect, and dependency cases and actions to terminate parental rights:

(1) All reports, written or oral, shall be used by the Court to ensure that the Guardian Ad Litem has performed those responsibilities required by Section §2151.281 of the Ohio Revised Code.

(2) Oral and written reports may address the substantive allegations before the Court, but shall not be considered as conclusive on the issues.

(3) Unless waived by all parties or unless the due date is extended by the Court, the final report shall be filed with the Court and made available to the parties for inspection no less than seven days before the dispositional hearing. Written reports maybe accessed in person or by phone by the parties or their legal representatives. A copy shall be provided to the Court at the hearing.

(4) A Guardian Ad Litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

(5) A Guardian Ad Litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person or by phone by the parties or their legal representatives.

(6) Any written interim report shall be filed with the Court and made available to the parties for inspection no less than seven (7) days before a hearing, unless the due date is extended by the Court. Written reports may be accessed in person or by phone by the parties or their legal representatives. A copy of the interim report shall be provided to the Court at the hearing.

(B) In paternity proceedings involving the allocation of parental rights and responsibilities or third-party custody, parenting time or visitation proceedings, involving the allocation of parental rights and responsibilities, the final report shall be filed with the Court and made available to the parties for inspection no less than seven (7) days before the final hearing unless the due date is extended by the Court. Written reports may be accessed in person or by phone by the parties or their legal

representatives. A copy of the final report shall be provided to the Court at the hearing. The Court shall consider the recommendation of the Guardian Ad Litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an Exhibit.

15.05 Responsibilities of the Court

In order to ensure that only qualified individuals perform the duties of Guardians Ad Litem and that the requirements of this Rule are met, the Court has complied with all the following requirements by having the Court Administrator or his designee:

(A) Maintain a public list of approved Guardians Ad Litem while maintaining individual privacy under Rules 44 through 47 of the Rules of Superintendence.

(B) Establish criteria, which include all requirements of this Rule, for appointment and removal of Guardians Ad Litem and procedures to ensure an equitable distribution of the work load among the Guardians Ad Litem on the list.

(C) Appoint or contract with a person to coordinate the application and appointment process, keep the files and records required by this Rule, maintain information regarding training opportunities, receive written comments and complaints regarding the performance of Guardians Ad Litem practicing before that Court and perform other duties as assigned by the Court.

(D) Maintain files for all applicants and for individuals approved for appointment as Guardians Ad Litem with the Court. The files shall contain all records and information required by this Rule, and by Local Rules, for the selection and service of Guardians Ad Litem including a certificate or other satisfactory proof of compliance with training requirements.

(E) Require all applicants to submit a resume or information sheet stating the applicant's training, experience and expertise demonstrating the person's ability to successfully perform the responsibilities of a Guardian Ad Litem.

(F) Conduct, or cause to be conducted, a criminal and civil background check and investigation of information relevant to the applicant's fitness to serve as a Guardian Ad Litem.

(G) Conduct, at least annually, a review of its list to determine that all individuals are in compliance with the training and education requirements of this Rule and local Rules, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

(H) Require all individuals on its list to certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with Section §15.04 of this Rule.

(I) Appoint a person for accepting and considering written comments and complaints regarding the performance of guardians ad litem practicing before that Court. A copy of comments and complaints submitted to the Court shall be provided to the Guardian Ad Litem who is the subject of the complaint or comment. The person appointed may forward any comments and complaints to the Judge of the Court for consideration and appropriate action. Dispositions by the Court shall be made promptly. The Court shall maintain a written record in the Guardian Ad Litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject Guardian Ad Litem of the disposition.

15.06 Compensation

(A) Non-indigent cases

(1) In non-indigent cases, where an Attorney Guardian Ad Litem is appointed by the Court, the attorney shall be paid by the parties at a rate equivalent to that of the attorney appointed for indigent clients. The Court may apportion fees at any time.

(2) In non-indigent cases, each party shall deposit with the Clerk the sum as determined by the Court toward payment of Guardian Ad Litem fees.

(3) Upon payment of the deposit to the Clerk, each party shall file a Notice of Deposit Paid, and shall serve such Notice upon the opposing parties or their counsel of record and the Guardian Ad Litem.

(4) All Guardians Ad Litem shall keep accurate time records.

(5) A Guardian Ad Litem requesting release of fees in a non-indigent case shall submit a Motion for Release of Guardian Ad Litem Fees which includes a complete itemization of the services performed as well as a Journal Entry finding the fees reasonable and approving release of the fees.

(B) Indigent Cases

Compensation for services in indigent cases will be made in accordance with the standards set forth by the Mahoning County Commissioners and the Office of the Ohio Public Defender.

RULE 16 SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)

16.01 Service Members Civil Relief Act (SCRA)

In any action commenced in this Court against an unrepresented party who is a member of the military service, the Court may appoint an attorney to represent that party pursuant to the Servicemembers Civil Relief Act (SCRA), and may assess and allocate the cost of said counsel as costs in the case. The Court may stay the proceedings until such time as the party in the military service is available for trial. During the pendency, the party will be Ordered to cooperate in all discovery procedures and to notify the Court upon his/her return.

RULE 17 MEDIATION

17.01 Mediation

The Mahoning County Court of Common Pleas Juvenile Section incorporates by reference R.C. § 2710 "Uniform Mediation Act," (UMA), R.C. § 3109.052, Mediation of Differences as to the Allocation of Parental Rights and Responsibilities and Rule 16 of the Ohio Rules of Superintendence.

17.02 Definitions

All definitions found in "Uniform Mediation Act," (UMA), R.C. §2710.01, are adopted by this Court through this Local Rule, including but not limited to the following:

(A) "Mediation" means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.

(B) "Mediator" means an individual who conducts mediations.

(C) "Mediation Communication" means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

(D) "Proceeding" means either of the following:

(1) Judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing Motions, conferences, and discovery;

(2) A legislative hearing or similar process.

17.03 Purpose

To promote greater efficiency and to facilitate the earliest possible resolution in Mahoning County Court of Common Pleas Juvenile Division cases, Court Mediation Services has been established.

17.04 Scope

At any time and in any action under the jurisdiction of the Mahoning County Court of Common Pleas, Juvenile Division, Court Mediation Services may be chosen as an appropriate method of resolution. The following actions shall be exempted from mediation upon request of any party:

(A) Cases in which one party has been convicted of, or plead guilty to, a violation of R.C. § 2915.25 (domestic violence) within the past two (2) years or when a civil temporary protection Order is in effect;

(B) Cases in which the physical distance between parties is so great it is not feasible for them to participate in mediation sessions;

(C) Cases in which one of the parties is mentally ill;

(D) In emergency circumstances requiring an immediate hearing by a jurist; or

(E) Cases in which the parties have achieved an executed Agreed Judgment Entry.

17.05 Case Selection

(A) Referral Process

A case in the Juvenile Division may be referred to Court Mediation Services in the following manner:

(1) For formal proceedings in the Juvenile Division, the Court may order parties to participate in the mediation process;

(2) For formal proceedings in the Juvenile Division, upon written or oral motion to the Court, the Court may Order parties to participate in the mediation process;

(3) For informal cases in the Juvenile Division, a referral to Court Mediation Services may be made by Court personnel.

(B) Eligibility of Cases

Court Mediation Services will determine the eligibility and appropriateness

of each referral. Court Mediation Services may decline any referral deemed inappropriate.

(C) Domestic Violence

All parties and counsel shall advise the assigned Judge or Magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the Order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the mediation referral Order.

(D) Notice

The mediation shall be communicated via a Notice of Scheduled Mediation which shall, at a minimum, indicate the date, time, place and contact information for the mediation.

17.06 Procedure

If a case is deemed appropriate by Court Mediation Services, mediation will be scheduled. A mediator may meet with parties individually prior to bringing the parties together. A mediator may schedule multiple mediation sessions as is necessary for the resolution of some or all issues.

(A) Party/Nonparty Participation

(1) Parties to informal cases may voluntarily attend mediation sessions.

(2) Parties who are Ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may Order parties to return to mediation at any time in formal cases.

(3) A Judge, Magistrate and/or a mediator may require the attendance of the parties' attorneys at the mediation sessions if the Judge, Magistrate and/or mediator deems it necessary and appropriate.

(4) A Guardian Ad Litem shall participate in the mediation upon written Order of the Court.

(5) If the opposing parties to any case are a) related by blood, adoption, or marriage; b) have resided in a common residence, or c) have known or alleged domestic abuse at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the Court.

(6) By participating in mediation a nonparty participant, as defined by R.C. §2710.01(D), agrees to be bound by this Rule and submits to the Court's jurisdiction to the extent necessary for enforcement of this Rule. Any nonparty participant shall have the rights and duties under this Rule attributed to parties except as provided by R.C. §2710.03 (B) (3) and R.C. §2710.04 (A) (2).

(7) Each party shall proceed with mediation in good faith to reach a compromise agreement. Any party who agrees to mediation shall perform all obligations expeditiously and shall not use the mediation process for purposes of delay or discovery in any manner other than in a good faith attempt at resolution.

(B) Stay of Proceedings

All remaining Court Orders shall remain in effect. No Order is stayed or suspended during the mediation process except by written Court Order.

(C) Confidentiality/Privilege

(1) All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act," (UMA), R.C. §2710.01 to R.C. §2710.10, R.C. §3109.052, the Ohio Rules of Evidence and any other pertinent judicial Rule(s).

(2) In furtherance of the confidentially set forth in this Rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written Agreement to Mediate prior to the mediation session.

(3) Said Agreement to Mediate outlines the confidentiality and privilege of all mediation communications, including but not limited to, written and/or verbal agreement.

(4) If a new or different person(s) attends a subsequent session, their signatures shall be obtained prior to proceeding further in the process. The form of agreement is available for review by any prospective participant by contacting Court Mediation Services.

(D) Mediator Conflict of Interest

In accordance with R.C. § 2710.08(A) and (B), the mediator conducting a mediation shall disclose to the mediation parties, counsel, if applicable, and any non-party participants any known possible conflicts that may affect the mediator's impartiality as soon as such conflict(s) become

known to the mediator. If counsel or a mediation party requests that the mediator withdraw because of the facts so disclosed, the mediator may withdraw in favor of another mediator. If the mediator determines that withdrawal is not warranted, the mediator may elect to continue. The objecting party may then request the assigned Judge or Magistrate to remove the mediator. The assigned Judge or Magistrate may remove the mediator and appoint another mediator. If the assigned Judge or Magistrate decides that the objection is unwarranted the mediation shall proceed as scheduled, or, if delay was necessary, as soon after the scheduled date as possible.

(E) Mediator Termination

If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this Court.

(F) Domestic Violence

Pursuant to Rule 16 of the Ohio Rules of Superintendence, any mediator providing services for the Court shall utilize procedures for all cases that will:

(1) Ensure that the parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.

(2) Screen for domestic violence both before and during mediation.

(3) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

(4) Prohibit the use of mediation in any of the following:

(a) As an alternative to the prosecution or adjudication of domestic violence;

(b) In determining whether to grant, modify or terminate a protection Order;

(c) In determining the terms and conditions of a protection Order; and

(d) In determining the penalty for violation of a protection Order.

(5) Nothing in this Section of this Rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection Order.

(6) For mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children or delinquency or status offense cases, mediation may proceed, when violence or fear of violence is alleged, suspected, or present, only if the mediator has specialized training set forth in "Specific Qualifications and Training: Domestic Abuse," of this Rule and all of the following conditions are satisfied:

(a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.

(b) The parties have the capacity to mediate without fear of coercion or control.

(c) Appropriate procedures are in place to provide for the safety of the person who is or who may be the victim of domestic violence and all other persons present at the mediation.

(d) Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.

(e) Procedures are in place for issuing written Findings of Fact, as required by R.C. § 3109.052, to refer certain cases involving domestic violence to mediation.

(G) Abuse, Neglect and Dependency and Mediation

Pursuant to Rule 16 of the Ohio Rules of Superintendence, mediation in child abuse, neglect, or dependency cases shall include all provisions outlined above and shall proceed only if the mediator has specialized training set forth in the "Qualifications," section of this Rule and utilizes procedures that will:

(1) Ensure that parties who are not represented by counsel attend mediation only if they have waived the right to counsel in open Court, and that parties represented by counsel attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Waivers can be rescinded at any time.

(2) Provide for the selection and referral of a case to mediation at any point after the case is filed.

(3) Notify the parties and nonparty participants of the mediation.

(H) Conclusion of Mediation

At the conclusion of the mediation and in compliance with R.C. § 2710.06, the Court shall be informed by the mediator of the following:

(1) The attendance of the parties at the scheduled mediation session(s);

(2) If an agreement was reached on all or some of the issues;

(3) If no agreement was reached.

(4) Any future scheduled mediation dates.

(5) Any additional information the parties mutually agree they wish to be disclosed to the Court.

17.07 Agreement

Parties may reach agreement on all or some issues through the mediation process. Upon mutual agreement of the parties, agreements may be verbal or written. All agreements reached through mediation, are subject to confidentiality and privilege pursuant to "Uniform Mediation Act," (UMA), R.C. §2710.01 to R.C. §2710.10 [if the agreement is signed it will not be privileged pursuant to R.C. §2710.05 (A) (1)].

(A) If an agreement is reached through the mediation process and the parties mutually agree, a mediator may put said agreement in writing.

(B) Written agreements reached by the parties during mediation may become an Order of the Court after review and approval by each party and their attorneys, if represented, and presented to the Court by the parties and/or their attorneys, if represented. No oral agreement by the parties and/or their attorneys will be regarded as an Order unless made in open Court.

(C) The assigned Judge or Magistrate retains final approval on all agreements reached through the mediation process in formal cases.

17.08 Mediator Qualifications

Pursuant to Rule 16 of the Ohio Rules of Superintendence, the following qualifications apply to all mediators to whom the Court makes a referral:

(A) General Qualifications

(1) Possess a bachelor's degree or equivalent education or experience as is satisfactory to the Section, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Section.

(2) Complete at least twelve (12) hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Section.

(B) Specific Qualifications and Training: Family

A mediator employed by the Section or to whom the Section makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall satisfy, in addition to the above, at least forty (40) hours of specialized family or divorce mediation training which has been approved by the Supreme Court of Ohio Dispute Resolution Section.

(C) Specific Qualifications and Training: Domestic Abuse

A mediator employed by the Section or to whom the Section makes referrals for mediation of any case shall complete at least fourteen (14) hours of specialized training in domestic abuse and mediation through a training program approved by the Supreme Court of Ohio Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediates with a mediator who had completed the specialized training.

(D) Specific Qualifications and Training: Abuse, Neglect, and Dependency

In addition to satisfying the requirements outlined above, a mediator employed by the Section or to whom the Section makes referrals for mediation of abuse, neglect, or dependency cases shall satisfy both of the following:

(1) Possess significant experience in mediating family disputes;

(2) Complete at least thirty-two (32) hours of specialized child protection mediation training through either a formal training session or through a mentoring program approved by the Supreme Court of Ohio Dispute Resolution Section.

17.09 Sanctions

If any individual Ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but not be limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

17.10 Model Standards

Mediators providing services for the Court shall comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set for in Rule 16 of the Ohio Rules of Superintendence.

RULE 18 BANKRUPTCY STAYS

18.01 Filing of Bankruptcy

Upon the filing of any bankruptcy, the parties or their counsel shall submit to the Court proof of the filing, which may be a time-stamped copy of the initial filing.

18.02 Timing of Stay

No stay of proceedings shall be granted until proof of bankruptcy filing is submitted to the Court.

18.03 Effect of Stay

Upon filing the notice of the bankruptcy stay with the Court, there shall be no further proceedings that may affect the bankruptcy estate.

18.04 Exceptions to Stay

Pursuant to 11 U.S.C. § 362, the automatic stay does not apply to the establishment, modification, or collection of spousal support or child support from property that is not the property of the bankruptcy estate.

18.05 Requirements at Conclusion of Stay or Discharge of Bankruptcy

Upon being granted relief from the bankruptcy stay or a final discharge of bankruptcy, and upon submission of proof of the relief from the stay or the final discharge, the pending matter will recommence. The party filing bankruptcy shall file a notice of relief from stay or final discharge of bankruptcy within five (5) days of journalization by the Bankruptcy Court.

RULE 19 JURY DEMAND

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

19.02 In cases where an adult has been charged with a criminal offense for which the Court has jurisdiction, the defendant is entitled to a jury trial pursuant to Criminal Rule 23(A). An adult charged with a misdemeanor offense may demand a jury in writing, which demand shall be filed no later than ten (10) days prior to the date set for trial or before the third day following the receipt of the notice of the date set for trial, whichever is later. A defendant's failure to demand a jury trial as stated in this Rule shall be deemed a complete waiver of the rights thereto.

RULE 20 COUNSEL OF RECORD

20.01 Each attorney retained to represent a party in the Court shall immediately file a written Entry of Appearance with the Court, and provide a copy of the entry to all other counsel of record in the case and any unrepresented parties. Upon the fling of an Entry of Appearance, the attorney or his/her firm will be considered counsel of record until such time as a Judgment Entry of Withdrawal is approved by the Court and filed in the case.

20.02 An attorney shall be considered discharged as counsel of record when a final judgment has been rendered and no subsequent hearings are scheduled unless otherwise Ordered by the Court.

RULE 21 WITHDRAWAL OF COUNSEL

21.01 An attorney seeking to withdraw as counsel of record shall timely file a written Motion stating the grounds for withdrawing from the case; that the attorney has notified or made every possible attempt to notify the client of the intended action, the subsequent hearing dates, and the necessity of the client's appearance at such hearings; and that the attorney has notified opposing counsel of the intended action.

21.02 The Court may deny said request but reconsider same upon the entry of appearance of new counsel or upon the written consent of the party affected.

RULE 22 EXHIBITS

22.01 ***All exhibits must be marked and identified if referred to on the record***. Once marked, all exhibits will be maintained in the sole possession of the Court until the conclusion of the case, including time for appeal, unless the Court otherwise Orders return of the exhibit. Upon the conclusion of the case including

time for appeal, the Court may dispose of exhibits pursuant to law and at such time as it deems feasible following notice to the proponent, victim, or owner.

RULE 23 JUDGMENT ENTRIES

23.01 The Court may Order or direct either party to prepare a Judgment Entry or Magistrate's Decision. When so Ordered, the party shall prepare a proper Judgment Entry or Magistrate's Decision and submit it to the opposing party within fourteen (14) days, unless the time is extended by the Court. The opposing party shall have seven (7) days in which to approve or reject the Judgment Entry or Magistrate's Decision. If the opposing party fails to take any action on the Judgment Entry or Magistrate's Decision within seven (7) days, the preparer shall submit the entry with the notation: "Submitted but not returned."

23.02 In the event of rejection or if the parties are unable to agree, each may prepare his/her version for consideration. The Court may:

(A) Sign the entry that it deems a proper statement of the parties' agreement or the Court's decision;

(B) Prepare its own entry without submitting same to counsel for approval; or

(C) Schedule the matter for hearing.

23.03 If no entry is furnished to the Court within thirty (30) days of the Court's decision, upon notice of such failure to the parties and their counsel the Court may:

(A) Dismiss the action for want of prosecution;

(B) Order the Clerk to enter Judgment; or

(C) Make such other Order as deemed appropriate under the circumstances.

23.04 Agreed Judgment Entries or Agreed Magistrate's Decisions may be presented to the Court on or before the date of hearing. In the event the parties notify the Court that an agreement has been reached and they wish to vacate the hearing date, the entry shall be submitted within seven (7) days of the vacated date. The Court retains discretion to require the parties to appear with counsel to make a record of their agreement. The Court also reserves the right to require proof of identify and bona fide signature when a party is not present and has been excused by the Court.

RULE 24 EMERGENCY OR *EX PARTE* ORDERS

24.01 ***Emergency or Ex Parte Orders*** may be issued by the Judge or Magistrate upon showing of probable cause contemporaneous with the filing of an action for

custody, change of custody or under the provisions of Juvenile Rule 6 or Juvenile Rule 13.

(A) Attached to the Ex Parte Motion shall be:

(1) Complaint or Motion for custody;

(2) Affidavit in support of the relief requested;

(3) Any appropriate police reports;

(4) Any appropriate medical reports.

(B) Included in the request shall be:

(1) The current address of the mother;

(2) The current address of the father or putative father;

(3) The current school district where the parent/guardian resides.

(C) Upon filing the Motion /complaint, the moving party shall receive hearing dates for the shelter care hearing, the adjudication hearing and the disposition hearing.

(D) It is the responsibility of the attorney filing the Motion /complaint to notify all necessary parties and attorneys of record of the hearing dates.

24.02 Upon the issuance of an Emergency or Ex Parte Order, the shelter care hearing shall be scheduled for hearing by the end of the next business day but no later than seventy-two (72) hours after the issuance of the *Ex Parte* Order.

(A) A request for appointment of counsel and/or a Guardian Ad Litem shall be received at the hearing.

(B) A shelter care hearing may be adjourned for taking of testimony and evidence. Any such hearing shall be rescheduled within ten (10) days. Notice of the date and time when the shelter care hearing shall reconvene shall be given to parent, guardian or custodian at the time of adjournment.

the request for an Emergency or *Ex Parte* Order is denied, a Judgment Entry or Magistrate's Decision shall be filed with the Clerk of Courts.

24.04 Service of Emergency or Ex Parte Order shall be by:

(A) Personal service is required of the parent having possession of the child;

(B) Publication is required on a parent, alleged parent, or unknown parent whose addresses are unknown;

(C) All parties must be served according to law and the Local Rules;

(D) Service must be completed before an Order of Legal Custody may be issued.

RULE 25 INTERIM CUSTODY ORDERS

25.01 Upon notice and opportunity to be heard, an Interim Custody Order may be issued. All interim Orders issued after the adoption of this Local Rule shall provide for a termination date. All interim Orders shall be set for further hearing within thirty (30) days. If an Interim Order does not provide for a termination date, the interim Order shall be subject to dismissal for non-prosecution upon a Motion, duly served, for dismissal filed by a parent or party within a minimum of seven (7) days advance notice to the interim custodian. It shall be presumed that all Interim Orders without termination dates are not being prosecuted after one (1) year after date of filing. Interim Orders renewed after the first year of filing without review dates shall be presumed as not being prosecuted after six (6) months from the last review date. The sole purpose of the hearing to dismiss for non-prosecution shall be the reasonableness of scheduling of the disposition, dispositional review and/or final dispositional hearings.

RULE 26 JUVENILE CIVIL PROTECTION ORDERS/JUVENILE DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS

26.01 Purpose.

Juvenile Civil Protection Order cases before this Court shall be administered in accordance with Ohio Revised Code §2151.34, and Juvenile Domestic Violence Civil Protection Order cases before this Court shall be administered in accordance with Ohio Revised Code §3113.31, for the statutory purpose of bringing about a cessation violence.

26.02 Exclusive Jurisdiction

The Juvenile Division of the Court of Common Pleas, in any county in which the person to be protected resides, has exclusive original jurisdiction with respect to any proceedings brought under Ohio Revised Code §2151.34 and Ohio Revised Code §3113.31 when the Respondent is under 18 years of age at the time the Petition is filed. All Orders will terminate when the Respondent reaches the age of 19.

26.03 Prevailing Rules

All proceedings under Ohio Revised Code §2151.34 and Ohio Revised Code §3113.31 shall be conducted in accordance with the Ohio Rules of Civil Procedure.

26.04 Standard Forms.

The Court shall use substantially similar petitions and protection order forms to those promulgated by the Supreme Court of Ohio in Rule §10.05 of the Ohio Rules of Superintendence.

26.05 Costs

There are no costs or fees for filing or obtaining a protection order under these provisions.

26.06 Mutual Orders

No Petitioner, in a protection order which the Petitioner originally requested, shall be ordered to perform any act, refrain from any act, or assume any legal duty, unless Respondent has filed a separate petition for a protection order, the Petitioner has received or waived written notice of Respondent's petition at least forty-eight hours in advance of any hearing, and the Petitioner's other due process rights have been protected by the Court.

26.07 Victim Advocate

Every Petitioner shall be afforded the opportunity to be accompanied by a victim advocate in all stages of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order case. The forms promulgated by the Supreme Court of Ohio in Rule §10.05 of the Ohio Rules of Superintendence provide notice to the Petitioner of this right.

26.08 Timely Procedures

A. Juvenile Civil Protection Orders

1. A petition for a Juvenile Civil Protection Order shall be promptly filed when it is presented to the Court or Clerk of Courts. The Clerk of Courts shall assist Petitioners in filling out the forms.

2. The *Ex Parte* hearing shall be held no later than the next working day as when the petition is filed, and shall be supported by sufficient testimony in support of the petition.

3. If the Court issues an *Ex Parte* Order, a full hearing must be scheduled within ten (10) days

4. If the Court overrules an *Ex Parte* petition, or if the Petitioner does not request an *Ex Parte* hearing, the Court must proceed as in a normal civil action and set for hearing on the Court's active docket.

5. To grant an *Ex Parte* Order, the Court must determine that there is an immediate and present danger to the Petitioner. The Court shall consider the following:

   a. Threats of bodily harm against the Petitioner

   b. Prior conviction or plea to menacing by stalking, a sexually ori

   ented offense, or the offenses listed in Ohio Revised Code §2151.34(D)(1) against the Petitioner

   c. Dating relationship between Petitioner and Respondent pursuant to in Ohio Revised Code §2903.214

B. Juvenile Domestic Violence Civil Protection Orders

1. A petition for a Juvenile Domestic Violence Civil Protection Order shall be promptly filed when it is presented to the Court or Clerk of Courts. The Clerk of Courts shall assist Petitioners in filling out the forms.

2. The *Ex Parte* hearing shall be held the same day as when the petition is filed, and shall be supported by sufficient testimony in support of the petition

26.09 Ex Parte Order

A. Granted

1. If the Court issues an *Ex Parte* Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order, the Court will then immediately notify the required law enforcement authorities and set the matter for full hearing.

B. Denied

1. If the Court overrules an *Ex Parte* Petition or if the Petitioner does not request an *Ex Parte* hearing, the Court must proceed as in a normal civil action and set for hearing on the Court's active docket.

26.10 Service

Service of process is required for a full hearing in accordance with the Ohio Rules of Civil Procedure. Further, the Court shall direct that any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order or Consent Agreement issued by the Court be delivered

the same day upon the Respondent, all the law enforcement agencies that have jurisdiction to enforce the Order, and the parent, guardian or legal custodian of the Respondent the same day that the Order is entered.

26.11 Continuance of Full Hearing

Prior to or at the first full hearing in any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order case, the Court may provide an opportunity for either party to receive a continuance in order to perfect service upon the Respondent, in situations where the parties consent to a continuance, where a continuance is necessary to allow a party time to obtain counsel, and for other good cause shown, under the condition that any *Ex Parte* Order then in effect shall remain in effect until the reset full hearing date. No continuance will be granted to permit the Respondent to file against the Petitioner.

26.12 Additional Forms of Relief

The remedies and procedures provided in Ohio Revised Code §2151.34 and Ohio Revised Code §3113.31 are in addition to, and not in lieu of, any other available civil or criminal remedies or any other remedies available under Ohio law.

26.13 Electronic Monitoring

Electronic Monitoring may be granted as an additional remedy if Petitioner can demonstrate by clear and convincing evidence that she or she reasonably believed their health, safety or welfare was at risk by Respondent, and that the risk continues.

26.14 Full Faith and Credit

The Court shall afford every Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order issued by another county or state full faith and credit within the Court's jurisdiction.

26.15 Consent Agreements

The Judge or Magistrate shall review all agreed Orders and Consent Agreements in Juvenile Civil Protection Order cases and Juvenile Domestic Violence Civil Protection Order cases to assure compliance with the law and the rules governing such cases. The Judge or Magistrate shall further assure that any waivers including but not limited to waivers of notice, hearing rights, right to request findings of fact and conclusions of law, and right to file Objections are waived knowingly, voluntarily, and intelligently.

26.16 Weapons

The Court shall consider orders designed to protect victims of violence and their child(ren) from harm from weapons. The Court shall issue no order which purports to contravene federal firearms laws or grants a Respondent permission to violate those laws, including 18 U.S.C. § 922 (g)(8).

26.17 Intervention Programs and Other Requirements

The Court may order a Respondent to participate in anger management and other programs and may order the program to report to the Court on the Respondent's attendance, participation, progress and completion.

26.18 Renewal

Any Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order may be renewed in the same manner as the original order was issued.

26.19 Modifications

The Court shall hear all requests for modification of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order by evidentiary hearing.

26.20 Terminations

The Court shall hear all requests for termination of a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order by evidentiary hearing.

26.21 Waiver Not Permitted

Under no circumstances may a Petitioner waive, excuse or change any requirement set forth in a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order.

26.22 Expungements

A. All Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders will be sealed when the Respondent turns 19 unless the Petitioner provides the Court with evidence that the Respondent did not comply with the Order

B. Juvenile Civil Protection Orders and Juvenile Domestic Violence Civil Protection Orders may be sealed after two years from expiration even if Respondent did not completely comply with the Order.

C. Whenever the Court overrules an *Ex Parte* petition for a Juvenile Civil Protection Order or Juvenile Domestic Violence Civil Protection Order, the record must be sealed immediately.

26.23 Conflicting or Existing Orders

The Court will make reasonable efforts to avoid issuing conflicting orders. The Court shall develop procedures to communicate and share information with other courts regarding the existence and terms of all Juvenile Civil Protection Orders and Juvenile Domestic Violence Protection Orders and other relevant orders. If a court issues a Juvenile Civil Protection Order or a Juvenile Domestic Violence Protection Order entered after a full hearing or approval of a consent agreement, and the Court has knowledge of the existence of a Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order arising out of the same activities to the same named Complaint/Petitioner and alleged Respondent, the Court shall immediately notify the Court issuing the Juvenile Civil Protection Order or Juvenile Domestic Violence Protection Order.

RULE 27 CHILD SUPPORT ORDERS ON THE DEPENDENCY, NEGLECT AND ABUSE DOCKET

27.01 The Child Support Enforcement Agency shall file for establishment of child support for children on the dependency, neglect or abuse docket.

(A) The Child Support Enforcement Agency shall first contact the Children Services Bureau to obtain background information necessary for establishment of child support.

RULE 28 QUALIFIED MEDICAL CHILD SUPPORT ORDER (QMCSO)

28.01 Procedure

In all cases involving employer-provided group health plans, as defined in the Employment Retirement Income Security Act of 1974, § 607(1), and requested by the employer, a QMCSO shall be issued identifying the medical, dental, optical and other health benefits, if any are available, as well as listing the child(ren) of the parties, who shall be designated as the “Alternate Recipients.” The Alternate Recipients shall be enrolled in the group health care plans and shall receive all medical, dental, optical and other health benefits available under any of the employer’s group health plans, as if they meet all the requirements of a dependent and thus are dependents under the group health plans. Counsel for the party or parties shall provide the Court with a QMCSO.

RULE 29 GENERAL CONTENTS OF JUDGMENT ENTRIES, DECISION, AND ORDERS RELATED TO CHILD SUPPORT

29.01 The general contents of judgment entries, decisions and Orders related to child support shall contain the following:

(A) Name and addresses of the parties;

(B) Place of employment and income of the parties;

(C) The amount of child support awarded on a monthly basis, per child, plus processing fee;

(D) A provision that child support is to be paid through the Ohio Child Support Payment Central (OCSPC), P.O. Box 182394, Columbus, Ohio 43218, in accordance with the Obligor's applicable pay period and pursuant to the required Order/Notice to Withhold Income for Child Support (JFS Form 4047), and Addendum Withholding Notice to Parties to a Support Order (JFS Form 4048) which shall be prepared and issued by the Mahoning County Child Support Enforcement Agency;

(E) The commencing date of the establishment or modification of support;

(F) A provision that one or both of the parties shall provide health care coverage for any minor child which shall include the name and address of the insurance provider, or, if not available to either party at a reasonable cost, a provision requiring that coverage be obtained if it subsequently becomes available to either party at a reasonable cost;

(G) A provision incorporating the Court's Standard Medical Expense Schedule the share of medical expense not covered by insurance;

(H) A provision identifying the right to claim the child for income tax purposes.

(I) Mandatory Language for Orders Regarding Child Support and Health Insurance Support are attached as Appendix "A" revised effective May 1, 2009.

RULE 30 CASE MANAGEMENT

30.01 Case Management Guidelines

In Order to promote the timely disposition of cases, the Court adopts the following guidelines for the management of cases:

(A) **Delinquency, Traffic and Unruly cases shall be managed as follows:**

(1) Detention hearings shall be conducted seventy-two (72) hours after a child is placed in detention on an *Ex Parte* emergency Order.

(2) Initial hearing shall be conducted within ten (10) days of the filing of a delinquency complaint if subject child is in detention.

(3) Pre-trials, if necessary, shall be conducted within thirty (30) days of the initial hearing on a delinquency complaint, and within thirty-five (35) days of filing on a traffic or unruly case. A second pretrial shall be set within forty-five (45) days of the first pretrial in a delinquency case, if the matter remains unresolved. At the conclusion of the second pretrial, if not resolved, a merits hearing shall be set for no later than thirty (30) days, and a final pretrial shall be set seven (7) days prior to the merits hearing.

(4) Adjudicatory hearings shall be conducted within one hundred twenty (120) days of the filing of a delinquency complaint. Adjudication and disposition shall be held within seventy (70) days of filing for traffic and unruly cases.

(5) Disposition hearings shall be conducted within one hundred fifty (150) days of the filing of a delinquency complaint. Adjudication and disposition shall be held within seventy (70) days of filing for traffic and unruly cases.

(B) **Abuse, Neglect, and Dependency cases shall be managed as follows**:

(1) Shelter care hearings on *ex parte* Orders which are sustained removing children from custody of a parent or custodian shall be conducted the next business day after the removal, but no later than seventy-two (72) hours after removal.

(2) Initial hearing shall be conducted within ten (10) days of the filing of the complaint if the *ex parte* Motion is overruled.

(3) Pre-trials shall be conducted if determined necessary by the Court or upon a request of the parties.

(4) Best efforts shall be used to conduct adjudication hearing within thirty (30) days of the filing of the complaint.

(5) Disposition hearings shall be conducted within eighty (80) days of the filing of the complaint.

(6) Review hearings shall be scheduled as deemed necessary. An annual review hearing shall be scheduled within twelve (12) months of the filing of the complaint if Mahoning County Children Services Board is exercising Protective Supervision or Temporary Custody.

A six (6) month review hearing shall be conducted if a child is in the temporary custody of Mahoning County Children Services Board. Review hearings shall be conducted every twelve (12) months if the child is in the permanent custody of Mahoning County Children Services Board.

(7) Permanent Custody hearing shall be conducted within one hundred ten (110) days of the filing of a Motion for Permanent Custody.

(C) **Paternity, Custody, Child Support, Visitation**

(1) Initial pretrials shall be conducted within forty-five (45) to sixty (60) days of the completion of service of complaints or post decree Motions on custody cases, and within forty-five (45) days on parentage and child support cases.

(2) Additional pretrials shall be scheduled if the matter remains unresolved. A second pretrial shall be set within forty-five (45) days of the first pretrial in custody cases; within ninety (90) days from the first pretrial in parentage cases; and within forty-five (45) days from the first pretrial in child support cases. At the conclusion of the second pretrial, if not resolved, trial shall be set for no later than one hundred twenty (120) days in custody cases; no later than thirty (30) days in parentage cases; and no later than seventy-five (75) days in child support cases. A final pretrial shall be set seven (7) days prior to trial.

(3) Complaints and post-decree Motion s shall be heard within two hundred forty (240) days from filing.

(D) **Adult Criminal Proceedings**

(1) Initial hearings and bond hearings shall be conducted within seventy-two (72) hours if a defendant is incarcerated. Initial hearing and bond hearing shall otherwise be conducted within ten (10) days of being served with a complaint.

(2) Pre-trials shall be conducted within thirty (30) days of the initial hearing. A second pretrial shall be set within forty-five (45) days of the first pretrial if the matter remains unresolved. At the conclusion of the second pretrial, a trial shall be set for no later than forty-five (45) days, and a final pretrial shall be set for seven (7) days prior to the trial.

(3) Trials shall be conducted within eighty (80) days of defendant being arrested or served with the complaint.

(4) Sentencing hearing shall be conducted within one hundred fifty

(150) days of the defendant being served with the complaint.

RULE 31 RULES OF SUPERINTENDENCE

31.01 Superintendence Time Guidelines

Pursuant to the Rules of Superintendence, all cases shall be finished in accordance with the following time guidelines:

Adult Cases	6 Months
Motion for Permanent Custody Cases	120 Days for Hearing on Motion 200 Days from filing for Permanent Custody Decision
Custody, Change of Custody, Visitation	9 Months
Support Enforcement Modification	12 Months
Parentage	12 Months
UIFSA	3 Months
Delinquency	6 Months
Traffic	3 Months
Dependency, Neglect or Abuse	3 Months
Unruly	3 Months
All Others	6 Months

APPENDIX "A"

MANDATORY LANGUAGE FOR ORDERS REGARDING CHILD SUPPORT, HEALTH INSURANCE SUPPORT AND CASH MEDICAL SUPPORT

(1) The Plaintiff / Defendant / Petitioner, hereinafter referred to as the Obligor, shall pay child support in the amount of $_____ per month/per child without processing fee or $_____ per month with processing fee effective _____.

(2) All support, including current child support, cash medical support (if any), payment on arrearage (if any), and all processing charges for a total of $_____ per month, shall be paid through the Ohio Child Support Payment Central (CSPC), P. O. Box 182394, Columbus, Ohio 43218 pursuant to an Order/Notice to Withhold Income for Child Support (ODJFS 4047) directed to the Obligor's **{select one} Employer {Insert address} /Financial Institution (Insert Address)/ Worker's Compensation/ Social Security/ O.B.E.S,** in the amount of $_____ per **{select one} weekly/biweekly/ semimonthly/ monthly** pay, based on the fact that private health insurance **{select one} IS / IS NOT** being provided for the minor child(ren) at this time. All payments shall include the following: Obligor's name, last four digits of the Obligor's Social Security Number, SETS case number, and Juvenile Court case number. THE MAHONING COUNTY CHILD SUPPORT ENFORCEMENT AGENCY SHALL PREPARE AND ISSUE THE REQUIRED ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT (JFS 4047). All omitted personal identifiers such as complete Social Security Numbers or financial institution account numbers shall be completed on the Court's Information Sheet.

(3) Both parties are further ordered to comply with all provisions of the Addendum Withholding Notice **TO PARTIES TO A SUPPORT ORDER (JFS FORM 4048) WHICH SHALL ALSO BE PREPARED AND ISSUED BY THE MAHONING COUNTY CHILD SUPPORT ENFORCEMENT AGENCY.**

(4) Until the Order/Notice takes effect with the employer, the Obligor is ordered to pay child support set forth in this Order direct to the **Ohio Child Support Payment Central (CSPC), P.O. Box 182394, Columbus, Ohio 43218,** together with the processing fee. All direct payments shall be by money order, personal check or certified check.

(5) **{If applicable}** The above child support deviates from the amount of child support that would otherwise result from the use of the Basic Child Support Schedule and the applicable worksheet, through the line establishing the actual annual obligation, because pursuant to Ohio Revised Code §3119.22 the amount would be unjust and inappropriate and would not be in the best interest of the minor child(ren) for the following reason(s):

_____
_____
_____.

(6) **{If applicable}** The Court further finds that as of _____ the arrearage is $_____. This sum includes all accrued child support, cash medical support, spousal support, and processing charges. This sum supersedes all prior determinations of arrearage. The Support Obligor has been credited with all support payments made through the CSEA, payments made directly to and acknowledged by the Child Support Obligee, credit acknowledged by the Child Support Obligee for support provided directly to the child(ren), and credit for support waived by the Child Support Obligee, as of the computation date.

(7) **{If applicable}** The Child Support Obligor shall pay an additional $_____ per month plus processing charge toward the existing arrearage.

(8) Nothing in this Decision shall preclude the Mahoning County Child Support Enforcement Agency from intercepting Obligor's State or Federal Income Tax refund or any other lump sum to satisfy any outstanding arrearage.

(9) **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 § 3121.3123 and §3125 of the Ohio Revised Code or a withdrawal directive issued pursuant to § 3123.24 to §3123.38 of the Ohio Revised Code and shall be forwarded to the Obligee in accordance with Chapters §§3119, §§3121, §§3123 and §§3125 of the Ohio Revised Code.**

(10) The parental duty of support to each child shall continue until the child reaches the age of eighteen (18), and shall continue beyond the age of eighteen (18), as long as the child continuously attends on a full time basis any recognized and accredited high school. In no event shall the duty of support remain in effect after the child reaches age nineteen (19) unless the Court specifically provides for the same. Said obligation of support shall continue during seasonal vacation periods until the Order terminates. Ohio Revised Code § 3119.86.

(11) If the Obligee has not already done so, said Obligee shall immediately file an Application for IV-D services with the CSEA.

(12) The CSEA shall administer the support orders issued herein on a monthly basis regardless of the increments of the Obligor's pay periods.

(13) **EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING 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. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATION YOU MAY BE FINED UP TO FIFTY DOLLARS ($50.00) FOR A FIRST OFFENSE, ONE HUNDRED DOLLARS ($100.00) FOR A SECOND OFFENSE, AND FIVE HUNDRED DOLLARS ($500.00) FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATION YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO ONE THOUSAND DOLLARS ($1,000.00) AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS 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 RESTRICTIONS AND DEDUCTIONS FROM YOUR ACCOUNTS AND FINANCIAL INSTITUTIONS AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

(14) The Residential Parent of a child for whom a support order is issued or the person who otherwise has custody of a child for whom a support order is issued must IMMEDIATELY, notify the CSEA, in writing, of any reason for which the child support order should terminate, including but not limited to, the child's attainment of the age of majority, if the child no longer attends an accredited high school on a full time basis and the support order does not provide for the duty of support to continue beyond past the age of majority; the child ceasing to attend such a high school on a full time basis after attaining the age of majority, if the support order does not provide for the duty of support to continue past the age of majority; or the death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal or physical custody of the child. Ohio Revised Code § 3119.87 and Ohio Revised Code §3119.88.

HEALTH INSURANCE

(15) When private health insurance **IS** being provided by a party in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay child support for the minor child(ren) in the sum of $_____ per month, plus 2% processing charge, for a total of $_____ per month.

When private health insurance **IS NOT** being provided by a party in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay $_____ per month for current child support and $_____ per

month for cash medical support, plus 2% processing charge, for a total of $_____ per month.

(16) If private health insurance coverage is being provided and becomes unavailable or is terminated, the Child Support Obligor SHALL BEGIN paying cash medical support commencing the first day of the month immediately following the month in which private health insurance coverage became unavailable or is terminated, and SHALL CEASE paying cash medical support on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. Cash medical support shall be paid in addition to child support.

(17) Since neither party has health insurance available for the children at a reasonable cost, neither party shall be required to provide such coverage at the present time. Upon obtaining health insurance, either party shall immediately list the child or children for said coverage and provide notice of the same to CSEA;

(18) The parties shall share the cost of all medical, dental, optical, and prescribed drug expenses not covered by insurance incurred by the child or children who are subject to this support order as follows:

(A) The party receiving child support (Obligee) shall pay the first One Hundred Dollars ($100.00) per child per calendar year of said expenses and ____% thereafter in accordance with the most recent Ohio Child Support Computation Worksheet attached as Exhibit A.

(B) The party ordered to pay child support (Obligor) shall pay _____ % of the above expenses in excess of One Hundred Dollars ($100.00) per calendar year per child under the Worksheet Computation within thirty (30) days after notification that there is an outstanding expense.

(C) The parties percentage obligations above shall change as subsequent modifications of child support occur by order of the court.

(19) Both parties shall comply with all provisions of this Court's Notice to Employee to Provide Health Insurance, a copy of which is attached.

MEDICAL SUPPORT OF CHILDREN

{NOTE: SELECT ONE OF THE FOLLOWING TWO SECTIONS}
{IF HEALTH INSURANCE IS AVAILABLE TO ONE OR BOTH OF THE PARTIES}

{select one} ***Plaintiff / Defendant / Petitioner-Father / Petitioner-Mother / Both Parties*** **have private health insurance coverage available for the child(ren) that is reasonable in cost and accessible**. Therefore, **{select one}** ***Plaintiff / Defendant / Petitioner-Father / Petitioner-Mother / Both Parties*** shall be designated as the Health Insurance Obligor(s) until further order of the Court, and shall secure and maintain private health insurance for the child(ren) named in this order no later than thirty (30) days after the issuance of this support order, and shall designate the minor child(ren) as covered dependents under the private health insurance policy, contract or plan.

Pursuant to Ohio Revised Code §3119.30(A) both parents are liable for the health care of the child(ren) who are not covered by private health insurance or cash medical support as calculated in accordance with Ohio Revised Code §3119.022 or Ohio Revised Code §3119.023, as applicable. The parents shall share liability for the ordinary and extraordinary health care expenses of the child(ren) who are not covered by private health insurance or cash medical support as calculated in accordance with Ohio Revised Code §3119.022 or Ohio Revised Code §3119.023, as applicable, in amounts equal to the percentages indicated on Line 16 of the Child Support Computation Worksheet.

Pursuant to Ohio Revised Code §3119.30 the parent(s) ordered to provide private health insurance for the child(ren) shall, not later than thirty (30) days after the issuance of the order, supply the other parent with information regarding the benefits, limitations and exclusions of the health insurance coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the health insurance coverage and a copy of any necessary insurance cards.

{select one} Plaintiff / Defendant / Petitioner-Father / Petitioner-Mother / Both Parties **shall be reimbursed at the address shown in the caption above by the health plan administrator for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for the above-named child(ren).**

The health plan administrator(s) of the health insurer(s) that provide(s) the private health insurance coverage for the child(ren) may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable private health insurance policy, contract, or plan.

The employer(s) of the person(s) required to obtain private health insurance coverage is/are required to release to the other parent, any person subject to an order issued under §3109.19 of the Ohio Revised Code, or the CSEA, 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 Ohio Revised Code §3119.32 and any order or notice issued under this section.

If the person(s) required to obtain private health insurance coverage for the child(ren) subject to this child support order obtain(s) new employment, the agency shall comply with the requirements of §3119.34 of the Ohio 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(ren) in private health insurance coverage provided by the new employer.

Any employer who receives a copy of an order issued under Ohio Revised Code §3119.30, §3119.33 or §3119.34 shall notify the CSEA of any change in or the termination of the Child Support Obligor's or the Child Support Obligee's private health insurance coverage that is maintained pursuant to the order.

Upon receipt of notice by the CSEA that private health insurance coverage is not available at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheets in Ohio Revised Code §3119.022 or Ohio Revised Code §3119.023 , as applicable. **The CSEA may change the financial obligations of the parties to pay child support in accordance with the terms of the Court Order and cash medical support without a hearing or additional notice to the parties.**

{IF HEALTH INSURANCE <u>IS</u> <u>NOT</u> AVAILABLE TO ONE OR BOTH OF THE PARTIES}

Neither parent has private health insurance coverage available for the child(ren) that is reasonable in cost or accessible. Therefore, the Child Support Obligor and the Child Support Obligee shall immediately inform the CSEA if private health insurance coverage for the child(ren) becomes available to either the Obligor or the Obligee. The CSEA shall determine if the private health insurance is available at a reasonable cost and if coverage is reasonable, order the Obligor or the Obligee to obtain private health insurance.

Pursuant to Ohio Revised Code §3119.30(A) both parents are liable for the health care of the child(ren) who are not covered by private health insurance or cash medical support as calculated in accordance with §3119.022 or §3119.023 of the Ohio Revised Code, as applicable. The parents shall share liability for the ordinary and extraordinary health care expenses of the child(ren) who are not covered by private health insurance or cash medical support as calculated in accordance with §3119.022 or §3119.023 of the Ohio Revised Code, as applicable, in amounts equal to the percentages indicated on Line 16 of the Child Support Computation Worksheet.

TAX DEPENDENCY EXEMPTION

(16) For tax year _____ and future years until further order of the Court, the **Residential Parent** shall be entitled to claim _____ minor children as a tax dependency exemption for all tax purposes.

OR

For tax year _____ and future years until further order of the Court, the **Non-Residential Parent** shall be entitled to claim _____ minor children as a tax dependency exemption for all tax purposes. The Residential Parent is ordered to take whatever action is necessary pursuant to Section 152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the Non-Residential Parent to claim the child(ren) as dependants for federal income tax purposes, **INCLUDING BUT NOT LIMITED TO, SIGNING IRS FORM 8332 AND PROVIDING THE SAME TO THE NON-RESIDENTIAL PARENT BY FEBRUARY 15TH OF EACH AND EVERY YEAR.**

OR

or tax year _____ and future years until further order of the Court, the parties shall share the claiming of the child(ren) as follows:

APPENDIX "B"

Revised 1/1/09

MAHONING COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
HON. THERESA DELLICK

LOCAL PARENTING AND COMPANIONSHIP/VISITATION TIME SCHEDULE ORC § 3109.051 (F)(2)

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT IF PARENTS ARE UNABLE TO AGREE ON THE ISSUES ADDRESSED BELOW, THIS SCHEDULE IS TO BE IN EFFECT IN CASES WHERE THE TRAVEL TIME DOES NOT EXCEED TWO (2) HOURS:

1. BASIC SCHEDULE AND CONCERNS:

A. Weekend and midweek schedule/Children's activities:

Children are entitled to share time with their non-residential parent on alternating weekends, from 6:00 P.M. Friday through 6:00 P.M. Sunday commencing _____ and each week on _____ evenings from P.M. to ___ P.M. (Wednesdays from 5:00 P.M. to 8:00 P.M. unless parents agree otherwise) commencing _____. This weekend and midweek schedule shall remain in effect throughout the year with the exception of days when children are out of town for summer vacations with parents. During midweek companionship, the non-residential parent will be responsible for dinner, attending to school work and transportation to scheduled activities. In order that activities do not interfere with companionship, parents shall consult with each other before making schedules and appointments.

B. Sharing responsibility for transportation:

Each parent is responsible for transportation to his or her home. When they are unable to transport children themselves, parents shall notify each other that a responsible person known to both of them (spouse, other family member) will be entrusted to pick up or return the children.

C. Waiting period/Varying the schedule:

The "waiting period" to pick up and drop off children should not exceed thirty (30) minutes. Parents shall notify each other as far as possible in advance when they will not be on time. In cases when employment

makes it difficult to keep to this schedule on a regular basis, it is anticipated that the parents shall adjust the schedule accordingly.

D. Helping your children adjust:

The residential parent shall have the children prepared physically and emotionally for the arrival of the non-residential parent. It is the responsibility of both parents to encourage their children to enjoy the time with both parents and to love and respect mother and father.

E. Sharing your time with your children:

Parents shall give their children appropriate attention and care while the children are with them, and avoid recurring situations (other than work) when children are left with someone else for extended periods. Parents shall consult with each other before making arrangements with day care and sitters.

F. Religious practices to remain consistent:

Any changes in the children's religious practices shall be made only upon agreement of parents and with approval of the Court.

G. Contact via telephone and mail:

Contact via telephone, mail and e-mail shall be encouraged by both parents. Parents shall promptly update each other as to any changes in telephone numbers unless otherwise ordered by the Court. If parents cannot agree, two telephone calls per week, no later than 9:00 P.M., no longer than thirty (30) minutes, shall be scheduled, with the non-residential parent setting the time and day.

H. Traveling outside the State of Ohio:

Parents shall be permitted to travel with their children to locations outside the State of Ohio without notice to the other parent or the Court for periods not to exceed forty-eight (48) hours. For travel periods that exceed forty-eight (48) hours, the traveling parent shall notify the other parent of such travel plans in writing at least seven (7) days prior to the trip. Said notice shall, at a minimum, include the scheduled departure and return dates, travel arrangements and a telephone number where the child(ren) can be reached in an emergency.

I. Moving within or outside the State of Ohio:

In the event that the residential parent decides to relocate within or outside the state of Ohio, said parent shall, at least sixty (60) days prior to the

planned move, give written notice to the court of the intention to relocate by filing a notice of intent to relocate form issued by the court. A time-stamped copy of the notice shall be furnished to the court's assignment commissioner at the time of filing. Upon the filing of said notice, the court shall mail a copy of the notice to the non-residential parent unless the residential parent objects to said mailing for reasons of alleged domestic violence or abuse or neglect of a child. The court will not normally schedule a hearing on the notice unless the non-residential parent requests the same in writing. The purpose of any such scheduled hearing shall be to determine whether it is in the best interests of the child(ren) to revise the visitation schedule. If after sixty (60) days, no objection has been raised by the non-residential parent, the court may issue an entry modifying the visitation as requested by the residential parent in the notice of intent to relocate.(Notice of Intent to Relocate forms are available from the court.)

J. Modification:

Modification of this order is possible upon demonstration of the need for such change and is subject to approval of the Court. The Court encourages the parties to contact the Court's Mediation Department for disputes over the application or interpretation of this Order.

K. Records:

Pursuant to R.C. §3109.051(H), (I), and (J), and unless otherwise ordered by this Court, the nonresidential parent shall be entitled to access to any records involving the child(ren) including but not limited to school, medical and day care records on the same terms as the residential parent.

2. HOLIDAYS/SPECIAL DAYS/SUMMER VACATIONS

A. Holidays/Special Days/Summer Vacation schedules:

The following Holidays/Special Days/Summer Vacation schedules take precedence over the Mid-Week and weekend schedules and shall apply unless parents agree otherwise. When necessary, appropriate alternatives for other cultures or traditions (e.g., Orthodox) may be substituted. Unless otherwise specified, all ONE DAY holiday/special day times are 9:00 A.M. - 6:00 P.M.. The Spring and Winter Vacations shall begin at 6:00 P.M. on the last day of classes and end at 6:00 P.M. the evening before classes resume. If the children are not of school age, the parents shall follow the schedules for the school district in which the Residential Parent lives.

HOLIDAY	TIME	EVEN YEARS	ODD YEARS
MARTIN LUTHER KING DAY		MOTHER	FATHER
PRESIDENT'S DAY		FATHER	MOTHER
EASTER SUNDAY		MOTHER	FATHER
SPRING (EASTER VACATION)	1ST HALF	MOTHER	FATHER
SPRING (EASTER VACATION)	2ND HALF	FATHER	MOTHER
MEMORIAL DAY		FATHER	MOTHER
INDEPENDENCE DAY		MOTHER	FATHER
LABOR DAY		FATHER	MOTHER
THANKSGIVING	6:00PM WED – 6:00 PM FRI	MOTHER	FATHER
THANKSGIVING	6:00 PM FRI- 6:00 PM SUN	FATHER	MOTHER
CHRISTMAS EVE	12/24 @ 4:00 PM TO 10:00 PM	FATHER	MOTHER
CHRISTMAS DAY	12/24 @ 10:00 PM TO 6:00 PM 12/25	MOTHER	FATHER
WINTER (CHRISTMAS VACATION)	1ST HALF	FATHER	MOTHER
WINTER (CHRISTMAS VACATION)	2ND HALF	MOTHER	FATHER
NEW YEAR'S	6:00 PM 12/31 – 6:00 PM 1/1	FATHER	MOTHER
MOTHER'S DAY		MOTHER	MOTHER
FATHER'S DAY		FATHER	FATHER
CHILD'S BIRTHDAY		MOTHER	FATHER

CHILD'S BIRTHDAY EXCEPTION:

(Exception: In the event that the birthday occurs on a school day, the designated parent shall have the child from 5:00 P.M. to 8:00 P.M.

PARENT'S BIRTHDAY:

The child(ren) shall be with the parent on the Parent's Birthday unless the birthday occurs on a school day, in which case the celebrating parent shall have the child(ren) from 5:00 P.M. to 8:00 P.M.)

SUMMER VACATION:

1. Children are entitled to share one-half (½) of the summer vacation with each parent. The Summer Vacation period shall begin at 6:00 P.M. on the last day of classes and end at 6:00 P.M. one week prior to classes beginning.

2. Children will alternate two-week periods with each parent, beginning with the non-residential parent during the first two weeks of the vacation period.

3. Alternating weekends and Midweek companionship shall continue during the Summer vacation periods except that each parent shall have the right to exercise up to two weeks of uninterrupted companionship for an out of town vacation upon at least thirty days notice to the other parent. Child support remains in effect.

APPENDIX "C"

Revised 1/1/09

MAHONING COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
HON. THERESA DELLICK

LONG DISTANCE PARENTING TIME SCHEDULE [ORC § 3109.051(F)(2)]

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that if parents are unable to agree on the issues addressed below, this schedule is to be in effect in cases where the travel time exceeds two (2) hours:

1. **HOLIDAY VACATION**

HOLIDAY VACATIONS	ODD YEARS	EVEN YEARS
WINTER (CHRISTMAS VACATION)	NON-RESIDENTIAL PARENT	RESIDENTIAL PARENT
SPRING (EASTER VACATION)	RESIDENTIAL PARENT	NON-RESIDENTIAL PARENT

2. **SUMMER VACATION:**

Children are entitled to share one-half (½) of the summer vacation (from the day after classes end until one week before classes begin) with each parent. (If the children are not of school age, the parents shall follow the summer vacation schedule for the school district in which the residential parent lives.) Parents shall determine which half of the summer their children will be with them. The residential parent shall notify the non-residential parent with the date of the beginning of summer vacation by March 15th; the non-residential parent shall confirm the schedule within four weeks. If parents are not able to agree on a schedule for the summer, the following rotation shall be observed:

SUMMER VACATION	EVEN YEARS	ODD YEARS
1ST HALF	NON-RESIDENTIAL PARENT	RESIDENTIAL PARENT
2ND HALF	RESIDENTIAL PARENT	NON-RESIDENTIAL PARENT

3. SCHEDULING ADDITIONAL TIME

(A) If the non-residential parent plans to be in the area of the children's residence and desires to have some time with them, at least two days advance notice shall be given to the residential parent.

(B) A once a month weekend with the non-residential parent may be arranged if the time the child will be traveling does not exceed two hours one way. In such a situation (e.g. Mother's Day, Father's Day), the following shall be observed:

--The residential parent will be notified at least one week in advance.
--The non-residential parent will bear the entire cost of transportation.

4. FINANCIAL CONCERNS

(A) Regardless of which parent the child resides with, any child support ordered always continues as designated.

(B) In all situations except number 3 (above), each parent bears the responsibility for costs of transportation of children to his or her home.

5. OTHER CONCERNS

(A) Keeping in touch with your children:

When the distance between parents' residences makes face-to-face contact infrequent, the importance of telephone, e-mail and written communication becomes even more important. Such communication is to be encouraged and assisted by both parents when the children are with them. If parents cannot agree, two telephone calls per week, no later than 9:00 P.M., and no longer than thirty (30) minutes, shall be scheduled, with the non-residential parent setting the time and day. Parents shall promptly update each other as to any changes in telephone numbers unless otherwise ordered by the Court.

(B) Helping your children adjust:

Parents shall have their children prepared physically and emotionally for travel. It is the responsibility of both parents to encourage their children to enjoy the time with both parents and to love and respect mother and father.

(C) Sharing your time with your children:

Parents shall give their children appropriate attention and care while the children are with them, and avoid recurring situations (other than work) when children are left with someone else for extended periods. Parent’s shall consult with each other before making arrangements with day care and sitters.

(D) Religious practices to remain consistent:

Any changes in the children's religious practices shall be made only upon agreement of parents and approval of the Court.

(E) Traveling outside the state:

Either parent may travel with their children outside the state of his or her residence for a period less than forty-eight (48) hours without notice to the other parent or the Court. For travel that will exceed forty-eight (48) hours, the traveling parent shall notify the other parent of such travel plans in writing at least seven days prior to the trip. Said notice shall, at a minimum, include the scheduled departure and return dates, travel arrangements and a telephone number where the child(ren) can be reached in case of an emergency.

(F) Moving WITHIN OR OUTSIDE the State of Ohio:

In the event that the residential parent decides to relocate within or outside the State of Ohio, said parent shall, at least sixty (60) days prior to the planned move, give written notice to the court of the intention to relocate by filing a notice of intent to relocate form issued by the court. A time-stamped copy of the notice shall be furnished to the court's assignment commissioner at the time of filing. Upon the filing of said notice, the court shall mail a copy of the notice to the non-residential parent unless the residential parent objects to said mailing for reasons of alleged domestic violence or abuse or neglect of a child. The court will not normally schedule a hearing on the notice unless the non-residential parent requests the same in writing. The purpose of any such scheduled hearing shall be to determine whether it is in the best interests of the child(ren) to revise the visitation schedule. If after sixty (60) days, no objection has been raised by the non-residential parent, the court may issue an entry modifying the visitation as requested by the residential parent. (Notice of Intent to Relocate forms are available from the court.)

(G) Changing from Long Distance to Local SCHEDULE:

In the event that this Long Distance Schedule has been followed, and either parent moves to a location within two hours traveling distance one way, the Court's regular Parenting and Companionship Visitation schedule shall be binding on the parents and shall be adopted by the Court.

(H) Modification:

Modification of this order is possible upon demonstration of the need for such change and is subject to approval of the Court. The Court encourages the parties to contact the Court's Mediation Department for disputes over the application or interpretation of this Order.

(I) Records:

Pursuant to R.C. 3109.051(H), (I), and (J), and unless otherwise ordered by this Court, the nonresidential parent shall be entitled to access to any records involving the child(ren) including but not limited to school, medical and day care records on the same terms as the residential parent.

APPENDIX "D"

Revised 1/1/09

MAHONING COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
HON. THERESA DELLICK

TRANSITIONAL PARENTING TIME SCHEDULE

1. For an initial four week period commencing Saturday/Sunday, _____, the Non-Residential Parent shall have parenting time with the child each Saturday/Sunday from 2:00 P.M. to 4:00 P.M. in the Residential Parent's presence at the Residential Parent's home, or at such alternate time or location as is mutually agreed to by the parties.

2. For the following four week period, commencing _____ _____, the Non-Residential Parent shall have parenting time each Saturday/Sunday from 1:00 P.M. to 5:00 P.M. outside of the Residential Parent's presence at the Non-Residential Parent's home or that of a member of his family.

3. For the following four week period, commencing _____ _____, the Non-Residential Parent shall have overnight parenting time each Friday/Saturday night from 6:00 P.M. Friday/Saturday to 6:00 P.M. Saturday/Sunday.

4. At the end of the above twelve week period, the Non-Residential Parent shall have parenting time in accordance with the Court's Local Parenting Time Order, a copy of which is attached hereto as Exhibit "A".

Should the Non-Residential Parent fail to observe the schedule set forth in Paragraph 1, then parenting time shall not expand as set forth in Paragraph 2. Should there be a failure to observe the schedule set forth in Paragraph 2, then parenting time shall not expand as set forth in Paragraph 3. Should there be a failure to observe the schedule set forth in Paragraph 3, then parenting time shall not expand as set forth in Paragraph 4.

In order to exercise parenting time under this Court's Local Parenting Time Schedule, it is expected that the Non-Residential Parent will provide appropriate accommodations for each child, including but not limited to a car seat and crib if needed.