

**SCIOTO COUNTY
COURT OF COMMON PLEAS**

JUVENILE DIVISION

LOCAL RULES

JUDGE REBECCA L. BENNETT PRESIDING

EFFECTIVE February 1, 2025

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ADOPTION, SCOPE, AND APPLICATION OF LOCAL RULES

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Scioto County Court of Common Pleas, Juvenile Division, until otherwise provided, pursuant to Article IV, Section 5(B) of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Ohio. The Court may amend or revise these rules as needed or required by law.

These rules are intended to supplement and complement the Ohio and U.S. Constitutions, the Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and controlling statutes. Any previously ordered Local Rules that conflict with the following rules shall be rendered void and of no force and effect.

These rules shall be construed, applied, and enforced to secure just and expeditious determination of all proceedings. For good cause shown, the Court may grant exception to the Local Rules of the Juvenile Court of Scioto County should the circumstances so warrant in any case. These rules are effective February 1, 2025. These rules are available to view online on the Juvenile Court's Website at www.sciotocountycourt.com. Copies of these Local Rules have been provided to the offices of the Scioto County Commissioners, Auditor, Treasurer, and Clerk of the Court of Common Pleas, General Division, as well as being filed with the Ohio Supreme Court. Copies of these Local Rules may be purchased from Scioto County Juvenile Court at a cost of \$5.00 for a complete copy, or at a cost of \$.25 per page for copies of individual rules.

RULES OF COURT - JUVENILE DIVISION

RULE 1 GENERAL

1.1.SESIONS OF COURT

- A. The Court office shall be open for the transaction of ordinary business from 8:30 a.m. to 4:30 p.m. on all business days, Monday through Friday, except for legal holidays and such other occasions as may be specifically ordered by the Court. The Court shall be closed the day after Thanksgiving. Additionally, the Court will close for lunch from 12:00 P.M. to 1:00 P.M. Monday through Friday.

- B. The Juvenile Court office, at the discretion of and upon the order of the judge, may be open at other hours for matters of extraordinary nature or importance.

- C. Court sessions shall be held at the Scioto County Courthouse or any annex thereof in such manner as shall be ordered by the judge; sessions may be held at such other places in the county as may be provided by order of the judge, from time to time, or for special cases as the interest of justice may require.

- D. Sessions shall be held in the privacy of chambers, or in the courtroom, or in such other places in this county, as may be ordered. Plea, arraignment and detention hearings may be held by video communication in accordance with these rules. In every case of an adult charged with a criminal offense, the right of public trial and hearing will be observed with the right to trial by jury as provided by law or Rules of Criminal Procedure.

- E. Sessions may be adjourned from time to time as the justice of the case may require, and for the court to have an opportunity to obtain additional evidence or testimony.

1.2 CONDUCT IN COURT

A. Proper decorum in the court is necessary for the administration of the court's functions and any conduct which interferes, or tends to interfere, with the proper administration of the court's business is prohibited.

B. All parties and witnesses appearing herein shall be treated with professional courtesy and respect by counsel. Conduct which interferes or tends to interfere with the proper administration of justice and/or the business of the Court is strictly prohibited and may, at the discretion of the Court, subject the offending counsel, parties, or other participants to sanctions including, but not limited to, contempt.

C. Appearance in Court under the influence of alcohol or drug abuse by any person is strictly prohibited. Any party or other person appearing in this Court who appears to be under the influence of alcohol and/or any drug may, at the discretion of the Court, be ordered to submit to alcohol testing and drug screening. A positive alcohol test and/or drug test may result in a finding of direct contempt. A finding of contempt may subject the contemnor to a fine, incarceration, or both.

D) No person shall be permitted to enter the Court facility while exhibiting inappropriate hygiene or appearing to create a public health concern.

1.3 COURT RECORDS

A) Official Court records for cases involving juveniles shall be open for review and inspection as required by public records law. All medical reports, psychological reports, social histories, and home studies are considered confidential and shall not be available to any person except by order of the Judge or Magistrate.

B) Reports and records generated by the Probation Department and Court staff shall be considered confidential information and shall not be made public. The inspection of probation records by attorneys and interested parties shall be governed by Rule 32(c) of the Rules of Juvenile Procedure.

C) The records of adult cases shall be public records as provided by law.

D) Most written requests for information (i.e. military, government, employment) will be processed within a reasonable period of time based upon the nature of the request. Written consent of juvenile is required for release of Court information.

E) In civil cases regarding custody, parenting time, and support, Court records shall be open for review and inspection by parties and counsel of record.

F) Copies of public records shall be provided at a cost of \$.25 per page. If a request is received to send copies by regular U.S. mail, such copies will be mailed only if the cost of the copies, postage, and any other mailing expenses are pre-paid (Section 149.43 O.R.C.).

1.4 OFFICIAL RECORD OF PROCEEDINGS

A) The Court will make a digital recording of the proceedings as a record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must notify the Court in writing, and the requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

B) The digitally-produced recording of the court proceeding, and the previously used audio tapes shall be maintained by the Court for three years from the date of the final appealable order in the case or the final decision on appeal, whichever is later. Any person desiring to preserve the record beyond this period must make arrangements to have the record transcribed.

C) No public use shall be made by any person, including a party, of any Juvenile Court record, including the recording or transcript thereof of any Juvenile Court hearing, except in the course of an appeal or as authorized by order of the Court.

D) All requests for typing of transcripts for the purpose of an appeal or objection to a Magistrate's Decision shall be filed with the clerk of the Juvenile Court. All original transcripts produced shall be filed with the clerk and shall become part of the official record of the case. The compensation for preparing transcripts and copies shall be paid forthwith by the party for whose benefit the same is made at an amount and upon such terms as the Court shall determine. No transcript will be prepared by the Court for any party until satisfactory arrangements for payment have been made.

1.5 PHOTOGRAPHING, RECORDING, OR BROADCASTING OF PROCEEDINGS

No radio or television transmission, voice recording device, or cell phone, other than a device used in making an official record of the proceeding for the Court, or the making or taking of photographs, shall be permitted without the prior approval of the Judge.

RULE 2 SECURITY FOR COSTS

No civil action or proceeding, initiated by a person or non-governmental agency, shall be accepted for filing unless the party offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding, except as otherwise provided by law. Costs may be paid by cash, check, or credit card (subject to processing fees).

2.1 SCHEDULE OF COSTS AND FEES

Court costs and fees may be changed by the Court without amendment of these Local Rules or as required by statute.

Affidavit of Indigency \$25.00

Complaint/Petition/Motion for Custody/Visitation \$275.00 for first child, \$125.00 for each additional child

Reopen a prior custody case \$125.00 per child

Contributing Offense \$127.00

Diversion \$38.00

Failure to send \$98.00

Felony Offense \$158.00

Delinquency Costs \$127.00

Unruly Offense \$98.00

Traffic (Moving) \$137.00

Traffic (Non-Moving) \$ 108.00

Adult Drug Test \$15.00

The Court may also impose a fine in accordance with the following schedule (O.R.C. 2152.20):

Minor Misdemeanor Not to exceed \$50.00

4th Degree Misdemeanor Not to exceed \$100.00

3rd Degree Misdemeanor Not to exceed \$150.00

2nd Degree Misdemeanor Not to exceed \$200.00

1st Degree Misdemeanor Not to exceed \$250.00

5th Degree Felony Not to exceed \$300.00
4th Degree Felony Not to exceed \$400.00
3rd Degree Felony Not to exceed \$750.00
2nd Degree Felony Not to exceed \$1000.00
1st Degree Felony Not to exceed \$1500.00
Aggravated Murder or Murder Not to exceed \$2000.00
Tobacco Offenses Not to exceed \$100.00
Seat Belt Fine – Driver/Passenger \$20.00
No Seat Belt – Passenger \$20.00

2.2 INABILITY TO SECURE COSTS

A) If a litigant claims inability to either prepay or give security for costs, the litigant shall complete an Affidavit of Indigency, as required by O.R.C.2323.30 and O.R.C. 2323.31, substantiating such inability, all of which shall be filed with the pleadings and treated as other papers in such cases. The final determination of indigence will be held in abeyance until the evidentiary hearing but is subject to review by the Court at any stage of the proceedings.

2.3 PAYMENT OF FINES AND COSTS

In any case, regardless of its nature, where fine(s) and/or Court costs are assessed against a party, said fine(s) and/or Court costs are due and payable immediately unless otherwise ordered by the Court.

2.4 DEPOSIT FOR FEES OF GUARDIAN AD LITEM

Any party requesting appointment of a Guardian ad Litem in a proceeding involving allocation of parental rights and/or parenting time shall, at the time of appointment of a Guardian ad Litem, deposit with the Court a sum specified by the Court to be applied toward the satisfaction of the fees for the Guardian ad Litem, unless a different amount is specifically ordered by the Court. After the initial deposit for fees has been exhausted, additional deposits may be ordered by the Court. No deposit for fees of the Guardian ad Litem shall be required in cases filed by Scioto County Children Services alleging a child to be dependent, neglected, abused, unruly, or delinquent. Fees deposited to the Court will be paid to the GAL upon the filing of a motion by the GAL and upon order of the Court.

2.5 SPECIAL PROJECT FEES

A) Pursuant to the authority of O.R.C. 2151.541, it is determined that, for the efficient operation of this Court, additional funds are required to obtain computerized legal research services.

1. The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of three dollars (\$3.00) upon the filing of each cause or appeal under O.R.C. 2303.20(A), (Q), and (U).

2. All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization of this Court in procuring and maintaining computerized legal research services.

B) Pursuant to the authority of O.R.C. 2151.541, it is determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas, Juvenile Division.

1. The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive or modify a judgment under O.R.C. 2303.30(A), (P), (Q), (T), and (U).

2. All funds collected pursuant to this rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be disbursed upon an order of the Scioto County Court of Common Pleas, Juvenile Division, and subject to appropriation by the Board of Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas, Juvenile Division.

C) Pursuant to O.R.C. 2303.201(E)(1), the Court determines that for its efficient operation, additional fees are necessary to acquire and pay for the Special Projects of the Court that are permitted by statute.

1. Therefore, effective February 1, 2025, it is ordered that the clerk of this Court is authorized and directed to charge as Court costs a fee of \$25.00 for the purpose of purchasing equipment, supplies, and laboratory testing necessary to administer drug and alcohol screens and other associated evaluations. Said assessment shall be made on the filing of all juvenile cases.

RULE 3 MAGISTRATES

The Magistrate for the Scioto County Juvenile Court may hear all matters permitted under Ohio law. A magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure.

RULE 4 COUNSEL OF RECORD

4.1 ATTORNEY REGISTRATION

Any filing made by an attorney licensed to practice law in this state shall, in addition to the requirements of Rule 11 of the Rules of Civil Procedure, include the attorney's address, telephone number, and attorney registration number.

4.2 OHIO ATTORNEY

- A) No action in the Court of Common Pleas, Juvenile Division, shall be filed or tried by an attorney who is not admitted to practice in the State of Ohio, unless there is co-counsel admitted to practice in this state. This does not preclude individuals who represent themselves (pro se appearances).

- B) At the request of the Judge or Magistrate, an attorney may be required to present identification that he or she is registered and in good standing with the Ohio Supreme Court to practice law in this state.

4.3 COURT APPOINTED COUNSEL

- A. In any traffic, delinquency, unruly, or abuse, neglect, and/or dependency case where a party believed to be indigent seeks counsel, said party shall file a Financial Disclosure/Affidavit of Indigency with the Court. These forms can be obtained from the Court's clerk. The party submitting a Financial Disclosure/Affidavit of Indigency may be assessed a nonrefundable \$25.00 application fee. Court appointed counsel will only be provided for youth in juvenile, unruly, and adults in abuse/neglect/dependency cases, as well as, adults charged with contributing or contempt.

B. In cases where counsel is appointed by the Court, representation shall continue until completion of the case, or until an order for withdrawal is approved by the Judge or Magistrate.

C. Compensation for all Court-appointed counsel for delinquency, unruly, traffic, abuse, neglect, and dependency cases shall be at a rate of \$65.00 per hour out-of-Court and \$55.00 per hour in-Court. Additional fees may be approved at the Court's discretion.

4.4 WITHDRAWAL OF COUNSEL

A) Attorneys seeking to withdraw as counsel in a pending case shall submit a motion, memorandum, and order to the Judge or Magistrate assigned to hear the case. Said motion and order must contain a certificate of service to the opposing counsel and to the withdrawing attorney's client.

B) Leave to withdraw shall not be granted within thirty (30) days of a scheduled trial or hearing, except for good cause shown. Nonpayment of attorney fees by the client is not a basis for withdrawal except by permission of the Court.

4.5 ATTORNEY SCHEDULING

A. Each attorney shall have a copy of his or her calendar available at all scheduling conferences, status conferences, pre-trial conferences, and hearings.

B. Each attorney shall cooperate fully with the Court in the scheduling of all appearances before the Court with consideration for prior scheduled appearances in other Courts. Client appointments or conferences are not a basis for non-availability for scheduling.

4.6 ATTORNEY DECORUM

A. Counsel for all parties shall be present and before the Court at the assigned hearing time. If counsel is not present in Court at the assigned hearing time, the case may commence without counsel, may be continued, or may be dismissed. If the counsel will be late for a hearing, counsel must make a reasonable effort to notify the Judge or Magistrate, as soon as is practical, in order to explain the reason for his or her lateness. Repeated lateness or absences may result in contempt of Court and/or removal of counsel from the appointment of cases in the Scioto County Juvenile Court.

- B. Counsel for all parties shall advise the Court, opposing counsel, and all unrepresented parties in writing of any potential conflict or appearance of conflict of interest at the earliest possible time.

RULE 5 CASE MANAGEMENT

5.1 CONTINUANCES

All requests for continuances or advancements shall be in the form of a proper motion and shall be submitted to the Judge or Magistrate to whom the case is assigned at the earliest possible time.

5.2 PRE-TRIAL

- A. The Court may, on its own motion, set any matter for pre-trial hearing. Any party may move, in writing, for a pre-trial. If the Judge or Magistrate determines that a case warrants a pre-trial, a date and time shall be set. All parties named in the action shall be present at the pre-trial unless their presence is excused, in advance, by the Judge or Magistrate.
- B. It shall be the duty of counsel to come to the pre-trial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.
- C. If requested by the Court, each party shall file pre-trial memorandums or briefs with the Court stating their respective case, both factual and legal, and bring to the Court's attention any anticipated legal issues which counsel expects to arise during the trial. Said briefs or memorandums shall be filed at least one (1) week prior to the pre-trial and copies shall be furnished to opposing counsel, unless otherwise directed by the Court.

5.3 TRIAL

Motions in limine shall be filed not less than seven (7) days prior to trial, except for good cause shown.

- A. If requested by the Court, the parties shall file trial briefs with the Court stating their respective cases, both factual and legal, and bring to the Court's attention any anticipated legal issues which counsel expects to arise during the trial. Copies shall be furnished to opposing counsel prior to trial. Trial briefs shall be filed at least two (2) weeks prior to trial, unless otherwise directed by the Court.
- B. All parties and/or counsel shall file their respective Witness Lists (including witness name, address and phone number) and Exhibit Lists (listing all documents they plan to present as part of their case) with the Court and provide copies to all parties/counsel no less than seven (7) days prior to trial.

5.4 APPEARANCE IN PERSON REQUIRED

- A. All parties, attorneys of record, witnesses, and Guardians ad Litem shall appear in-person for all scheduled hearings.
- B. Any request for permission to appear by the Court's videoconferencing software shall be made by written motion at the earliest possible time, but no later than ten (10) working days prior to the hearing and shall include the approval of all parties.
- C. Parties and Attorneys shall provide copies of all Exhibits to remote witnesses in advance of the hearing.
- D. Videos and in court exhibits are not viewable nor audible by remote participants.
- E. Appearance in person shall be presumed by the Court unless otherwise ordered by the Court.

5.5 FAILURE TO APPEAR

In addition to or in lieu of holding a party in contempt when that party fails to appear within fifteen (15) minutes of a scheduled conference or hearing, the Court may:

- A. When the moving party fails to prosecute or comply with these rules or any Court order, the Court may, after notice to counsel, dismiss the case or grant any other appropriate relief to the responding party.
- B. When the responding party fails to appear at a pre-trial conference or the trial/hearing, the Court may order that the case will proceed ex parte.
- C. Issue an arrest warrant.

RULE 6: COURT FILINGS

6.1 FILINGS AND JUDGMENT ENTRIES

- A. All filings must be clearly legible, on 8-1/2" x 11" paper and type size for the body of the document shall not be less than ten (10) point or greater than twelve (12) point. Filings that are folded excessively, discolored, and/or not legible for any reason, may be refused, or if filed, may be stricken unless there is a legible copy attached thereto. The Court will accept for filing only pleadings that are complete.
- B. Any proposed entry submitted to the Court which is subject to Civ. R. 58(B) as modified by Civ. R. 73(I) must contain a certificate of service including the names and addresses of all parties and other interested persons required to be served.
- C. When required on a Court document, an address must be a street address and, if applicable, any post office box numbers used as a mailing address. Also, a telephone number of the attorney must be included on a Court document.
- D. The Court will not accept filings via facsimile machine.
- E. All applications and other motions shall be set for oral hearing unless the Court, upon review of the matter, decides there is cause for non-oral hearing, such as when all interested parties have consented to the relief for good cause.
- F. Social Security numbers are confidential and shall not be placed upon any filing in this Court that is available for inspection by the general public.
- G. Email filing is available for the convenience of all parties and their attorneys.

1. Definitions

- a. “Email transmission” means a method of exchanging digital messages between computer users.
- b. “Source document” means the document transmitted to the Juvenile Court Clerk by email.
- c. “Effective original document” means the printed copy of the source document received by the Juvenile Court Clerk and maintained as the original document in the Court’s file.

2. Procedure

The Court will not accept via email the documents needed to open or initiate a case. The Court will not accept via email any filing that requires prepayment of costs pursuant to Local Rule.

6.2 ELECTRONIC FILING (E-FILING)

(A) Definitions

- (1) Original Document: the electronic document received by the clerk from the filer.
- (2) Electronic Filing (e-filing): the process by which an attorney or self-represented individual submits documents with the Court by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the Court.
- (3) Electronic Signature: an electronic identifier intended by the person using it to have the same force and effect as a manual signature. An electronically submitted document issued or received by the Court is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following: (a) “/s/” and the name typed in the space where the signature would otherwise appear; or (b) an electronic image or scanned image of the individual’s signature.
- (4) E-services platform: the program used by the Juvenile Court to support its

electronic filings and other electronic services, including e-pay.

(5) Filer: an individual or authorized agent who e-files. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any orders issued by the Court.

6) Technical failure: a malfunction of the e-services or any county-owned or leased hardware, software, or telecommunications equipment, plus any other issue under control of the Court or the Scioto County Information Technology Department that results in the inability of a filer to file a document.

(B) Electronic Filing Policy

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

(C) Registration

All attorneys shall file electronically and must first register with the e-services platform in order to e-file. Upon approval or denial of the request for access to the e-services platform, the filer will receive an email indicating the registration status. Registration as a filer constitutes consent to accept electronic service of any pleadings filed by other registered filers as well as any orders issued by the Court.

(D) Signatures

All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio. Any signature on an electronically transmitted document will be considered that of the attorney or party under Rule 8 of the Ohio Rules of Juvenile Procedure.

(E) Acceptance or Rejection of Filing

(1) Each electronic filing will be assigned a confirmation number, which will be displayed on the screen of the filer's computer upon successful transmission of the filing. The document is deemed filed pursuant to Rule/Statute at the date/time

of that confirmation notice.

(2) After an e-filing has been submitted, the Court will review the submission and Either accept or reject the filing.

(3) After a document receives a confirmation number and has been accepted by the Clerk, the document cannot be altered.

(4) If the document contains a minor error that does not affect the substance of the document and is rejected as result of that error, the filer will have a reasonable amount of time in which to correct the error and resubmit the document and the document will be deemed filed as of the date of the original filing.

(F) Document Format, Attachments, and Exhibits

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

(2) All attachments and exhibits to pleadings or motions should comply with data format for the e-services portal and, where possible, be contained in one PDF file. If the file size is too large to upload, the attachments or exhibits can be filed in multiple parts.

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

(G) Technical Failures

All filers are responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accept the full risk that the document may not be properly filed with the Court as a result.

(H) Hours of Operation

The Court receives electronic documents 24 hours per day, seven days per week, regardless of whether or not the Court is actually open. The Eastern Time Zone governs the time of filing, rather than the time zone from which the filing is made.

(I) Fees

The Court will assess normal filing fees, and case deposits will be collected via a financial transaction device at the time the filing is processed. Under Section 301.28(E) and (F) of the Ohio Revised Code, a surcharge for using a financial transaction device use may be assessed in an amount to be determined by the Court. The Court will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

6.3 ELECTRONIC SIGNATURES

A) PURPOSE

These rules are established to allow the use of electronic signatures by the Judge, Magistrates and Court Personnel, to address the authenticity of a signature. If it is established that a document was electronically signed without authority, the Court shall be immediately notified. The Judge shall order the Clerk to strike the unauthorized document from the record.

B) SIGNATURE OF JUDGE

Documents may be signed by a Judge or Magistrate with an electronic signature. All orders, decisions, entries, permits, judgments and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature in a conventional manner. To ensure the electronic signature is authentic, the signer must use a username and password to log into the court's secured network to access the document to be signed. No Judge or Magistrate shall share these passwords with users except for the electronic records manager.

C) SIGNATURE OF COURT PERSONNEL

Electronic signatures in case records will be limited to Court personnel. To ensure that the electronic signature is authentic, the signer must use a user name and password to log into the court's secured network to access the document to be signed. No personnel shall share these passwords with others except for the electronic records manager.

6.4 PRO SE CUSTODY PACKETS

The general public does not have access to electronic filings and must submit their original filings in person at the Scioto County Juvenile Court office at 602 7th Street, Portsmouth, Ohio 45662 Room 202. Custody packets are available for purchase with the clerk of Juvenile Court.

RULE 7 SERVICE

Service in any matter filed or pending before the Court shall be in accordance with the Rules of Practice and Procedure in Ohio Courts.

Under Civ. R. 4.4, if the residence of a party is unknown service may be completed by Publication or Posting:

Service by Publication in a Newspaper

If a party's address is unknown, the filing party must file a Request for Service by Publication and Affidavit for Service by Publication/Posting stating they cannot obtain an address with due diligence. The Court will publish notice upon the filing of such request accompanied by payment of the required deposit. The publication shall be published at least once a week for six successive weeks unless publication for a lesser number of weeks is specifically provided by law. Service of process shall be deemed complete at the date of the last publication. Service by Posting and Mail In actions pertaining to the care, custody, and control of children whose parents are not married:

- (i) if the residence of the party upon whom service is sought is unknown; and,
- (ii) if the matter is not governed by Civ. R. 65.1; and,
- (iii) if the party requesting service upon another party is proceeding with a poverty affidavit;

Service by publication shall be made by posting and mail. Before service by posting and mail can be made, an Affidavit for Service by Publication/Posting of the party requesting service or that party's counsel shall be filed with the court.

Upon the filing of the affidavit, the clerk shall post the legal notice for posting electronically inside of the lobby of Scioto County Juvenile Court, Room 202, and on the bulletin board in the lobby of Scioto County Municipal Court, and the bulletin board in the lobby of the of Scioto County Job and Family Services' building. The notice shall contain the same information to be contained in a newspaper publication. The notice shall be posted for six successive weeks.

RULE 8 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

8.1 ACTIONS INVOLVING MINORS

Actions for parentage, child support, and contempt for failure to pay child support, in which a parent or an alleged parent is a minor, require the attendance of the minor parent's parent, legal guardian, or custodian at all hearings.

8.2 FILINGS REQUESTING HEARINGS

- A. An initial filing in a case is a complaint and any additional filings thereafter are motions. All initial filings shall list all parties and their current addresses in the case caption.
- B. All filings must be accompanied by a UCCJEA, in accordance with O.R.C. 3127.23(A) and Confidential Information Page.
- C. All filings must be accompanied by a Request for Service.
- D. If a party's address is unknown the filing party may file a Request for Service by Publication and/or Posting. The Court will publish notice upon the filing of such request, required affidavit(s) and payment of the required deposit.

8.3 FILINGS OF AGREEMENTS

- A. Filings of agreements shall be accompanied by a complaint or a motion with notarized signatures of the parties and counsel of record.
- B. A shared parenting plan or custody agreement shall include the following:
 - 1. Physical living arrangements of the children;
 - 2. Child Support Worksheet, including findings of fact with a schedule for deviation;
 - 3. An agreement to contact CSEA to establish child support;
 - 4. Health insurance coverage and division of uninsured costs;

5. School placement;
6. Parenting time schedule;
7. A designation of legal custodian if necessary for public Assistance, school or upon agreement;
8. Parenting Proceeding Affidavit (U.C.C.J.E.A. Affidavit); and
9. Allocation of income tax dependency exemption.

C. The Court may refuse to approve orders which are not, in the Court's opinion, in the best interest of the children.

D. Settlement agreements shall be filed with the Court within twenty-one (21) days of the hearing, or as otherwise ordered or allowed by the Judge or Magistrate. Failure to file in a timely manner may result in a review hearing to determine the cause for delay and possible sanctions.

8.4 CONTEMPT

The party filing any contempt action shall file therewith an affidavit which shall set forth the claimed reason for the contempt and identify the specific Court order the contemnor has allegedly violated by identifying the filing date of the order and the specific paragraph or section where the order may be found. A copy of the Court order, the contemnor has violated, shall be attached to the affidavit. If the claim is a failure of payment of support, the affidavit shall include the amount of delinquency claimed. In the event the claim is for failure to pay medical expenses, the affidavit shall include the amount of such medical expenses. The party against whom the contempt action has been filed shall be served with a copy of the affidavit along with the motion for contempt.

RULE 9 GUARDIAN AD LITEM

9.1 APPOINTMENT OF GAL

- A. All appointments of a Guardian ad Litem will be in compliance with Rule 48 of the Rules of Superintendence for the Courts of Ohio.
- B. The Court will appoint a Guardian ad Litem when necessary and appropriate to protect the interests of a child or whenever the Court is required to do so by statute.
- C. Appointment may also be made for 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)(6) or Section 2152.02(C) of the Ohio Revised Code.
- D. If the Guardian ad Litem finds that a conflict of interest exists with his/her appointment, he/she must file an appropriate motion.
- E. The Court will appoint qualified individuals that have completed the training requirements set forth in Rule 48 (D), (E), and (F) of the Rules of Superintendence for the Courts of Ohio.
1. Special needs of a particular case may be considered in the appointment of a Guardian ad Litem with specialized qualifications or skills.
 2. In cases returning to the Court which require a Guardian ad Litem, every effort will be made to ensure the reappointment of the previous Guardian ad Litem to the case, unless otherwise specified by the Court.
- F. An attorney who wishes to serve as Guardian ad Litem and attorney for the ward may be appointed as an explicit dual appointment by the Court, provided no conflict between these roles exists.
- G. Attorneys appointed to serve as Guardians ad Litem shall be compensated at the appointed counsel fee as determined by the Court.
- H. The Court will maintain a list of Guardians ad Litem and may offer

appointment on cases in a rotating order. The Guardian ad Litem can deny the appointment to the case, at which time the next person designated in order on the list may be asked to accept the appointment.

9.2 DUTIES

A) Comply fully with Rule 48 of the Rules of Superintendence for Ohio Courts.

B) The duties of a Guardian ad Litem, including Attorney/Guardian ad Litem appointments, conclude 30 days after the case is closed unless otherwise ordered by the Court.

C) The Guardian ad Litem shall have full access to all Court records, school records, medical records, and Job and Family Services records, as ordered by the Court, regarding that child or children, including closed prior cases. The Guardian ad Litem will perform whatever functions are necessary to protect the best interests of the child or incompetent adult pursuant to Ohio Revised Code, including subpoenaing and examining witnesses. All costs will be waived for any filings made by a Guardian ad Litem.

D) If a Guardian ad Litem finds that one or more of the listed duties are impractical or unreasonable to complete, they shall file a preliminary report to the Court regarding the exception to duty which prevents them from completing all aspects of the report and the reasons therefore. The Court will make reasonable efforts to provide service to the parties involved with the case.

9.3 GUARDIAN AD LITEM REPORTS AND RECOMMENDATIONS

A. The Guardian ad Litem shall submit their Report and Recommendations no less than seven (7) days prior to any pretrial/trial, unless an exception is made by the Court. The Report and Recommendations will be kept in the confidential section of the case file. The Guardian ad Litem shall serve all parties and counsel of record with a copy of the same.

B. Pursuant to Sup. Rule 48.06(A)(2) effective immediately all reports shall include the following warning:

“The guardian ad litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure or distribution of the report may be subject to court action,

including the penalties for contempt, which include fine and/or incarceration.”

C. All reports shall include the following statement, in addition to the above warning:

“Unauthorized disclosure or distribution of the report includes, but is not limited to, posting all or any portion of the report on social media and/or providing copies of all or any portion of the report to someone other than the parties of this case.”

D. All reports shall include acknowledgement that the GAL has checked the Ohio Adult Sex Offender Registry for all parties and individuals considered for placement of the child(ren).

9.4 QUALIFICATIONS

A. A Guardian ad Litem shall successfully complete the pre-service training course and annually complete a minimum of six (6) hours of in-service continuing education training, as set forth in Rule 48(E) of the Rules of Superintendence for Courts in Ohio.

B. An attorney who wishes to serve as a Guardian ad Litem shall meet all the requirements to be a Guardian ad Litem as outlined above and shall be duly licensed to practice law in the State of Ohio.

C. In order to be considered on the Court’s Guardian ad Litem appointment list, the applicant or attorney shall do the following:

1. Complete and submit a resume outlining education, training, and expertise demonstrating the person’s ability to successfully perform the responsibility of Guardian ad Litem.

2. Complete a BCI background check.

3. Provide copies of training certificates that will be maintained by the Court to document certification standards that said Guardian ad Litem has completed educational requirements as set forth by Rule 48 of the Rules of Superintendence for Ohio Courts.

4. At the Court’s own discretion, applicants and attorneys may be required to participate in an interview and/or provide additional qualifying information.

5. At the Court's own discretion, the Court may limit the number of Guardian ad Litem investigator positions to be considered and maintained on the Court's appointment list.

- A. In order to be maintained on the Court's Guardian ad Litem appointment list, the applicant or attorney shall provide updated training certificates annually and certify, in writing, that they are unaware of any circumstances that would disqualify them from serving as Guardian ad Litem.
- B. Guardian ad Litem appointments shall be reviewed on an annual basis by the Court to determine qualification to remain on the appointment list. Criteria for removal may include, but is not limited to, the following: not performing the duties as outlined in this Court's rules or Rule 48 of the Rules of Superintendence for Ohio Courts; not meeting continuing educational requirements; committing a criminal offense; or for any other factor which the Court believes may hinder the effectiveness or ability to complete the assignment as Guardian ad Litem.
- C. Any Guardian ad Litem may be removed from the Court's appointment list at their own request. The Court may, in its own discretion, remove any Guardian ad Litem from the Court's appointment list at any time.

RULE 10: TRAFFIC

TRAFFIC VIOLATIONS BUREAU

Pursuant to Ohio Traffic Rule 13.1, there is hereby established a traffic violations bureau for juvenile traffic offenders to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as prescribed herein. The Juvenile Judge shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of said bureau. The violations bureau shall accept proof of insurance (if not shown at the time of violation), waiver of trial/plea of admission, and payment of fines and costs for offenses within its authority.

A. Juvenile traffic offenses that may be disposed of by said violations bureau may include non-moving violations and other minor moving violations at the discretion of the Court except:

1. An offense listed in Traffic Rule 13(B)(1) to (5) and (7) to (9);
2. A second or subsequent moving offense;
3. An offense that involves an accident

B. A defendant charged with an offense that the Court has decided to include in the violations bureau shall not be required to appear at an arraignment hearing if a signed waiver of trial/plea of admission and full payment of fines and costs assessed are received at the Court prior to the scheduled Court appearance. Payment shall be in the form of cash, check, or credit card (subject to processing fees).

10.1 USE OF ELECTRONICALLY PRODUCED TRAFFIC TICKET

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Scioto County Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

RULE 11 SEALING AND EXPUNGEMENT OF RECORDS

The Scioto County Juvenile Court shall seal and/or expunge juvenile records pursuant to sections 2151.355, 2151.356, 2151.357, and 2151.358 of the Revised Code.

11.1 APPLICATION

- A. The Scioto County Juvenile Court shall consider the sealing and/or expunging of juvenile records upon application or motion as prescribed in section 2151.356(C)(1) of the Revised Code and 2151.358(D)(3)(a) of the Revised Code relating to Juvenile Civil Protection Orders.
- B. Applications to seal and/or expunge a juvenile record can be obtained free of charge at the Scioto County Juvenile Court or on the Court's website at www.sciotocountycourt.com.

- C. No filing fee shall be charged by the Court for an application to seal and/or expunge a juvenile record pursuant to section 2151.356(C)(1) of the Revised Code.

RULE 12 Reasonable Visitation

The Court has adopted a Standard Parenting Schedule and Rules which may be adopted or modified at the Court's Discretion. You can obtain a copy of these rules with the clerk at Scioto County Juvenile Court at 602 7th Street, Portsmouth, Ohio, Room 202. You can also obtain a copy of these schedules or rules on our website at www.sciotocountycourt.com.

RULE 13 CIVIL PROTECTION ORDERS INVOLVING A MINOR

The Court shall follow all provisions of O.R.C. 2151.34 and has adopted forms as prescribed by the Supreme Court of Ohio, for the filing of Civil Protection Orders involving juveniles. These forms are available on the Supreme Court of Ohio website or in person at the Scioto County Juvenile Court, 602 7th Street, Portsmouth, Ohio 45662, during normal business hours.

13.1 FILING OF PETITIONS

- A) All petitions filed with the Court shall be filed by an adult seeking relief on behalf of a minor, as outlined in O.R.C. 2151.34(C).
- B) Information contained in the petition must include the nature of the allegation, the type of relief sought, the extent to which the respondent presents a continuing danger, and any other information which may be helpful to the Court in deciding whether to grant a temporary or full protection order.

13.2 COURT HEARINGS/NOTICES

- A. The Court shall decide within 24 hours, or no later than the next Court day, whether to grant the petition for a temporary protection order at an ex parte hearing. If necessary, the Court will set further hearings to decide whether to grant the full

protection order. All hearing date timelines shall adhere to the guidelines established in O.R.C. 2151.34.

- B. All notices of hearings, data input into the National Crime Information Center, and enforcement of the valid protection orders shall be made by local law enforcement.

13.3 RECORDS

- A) The Court shall maintain a registry of certified copies of protection orders involving a minor from this county as well as from other counties, if they have been registered with this Court.

RULE 14 COMPETENCY PROCEEDINGS

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

14.1 EXPEDITED HEARINGS

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

14.2 NOTICE

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

14.3 STAY OF PROCEEDINGS

Upon the filing of a motion for a determination regarding a child's competency, or upon the Court's own motion, the Court shall stay all delinquency proceedings pending a

determination of competency. If the Court determines that the child is not competent but could likely attain competency, the Court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceedings are dismissed.

RULE 15 USE OF RESTRAINTS

15.1 USE OF RESTRAINTS ON JUVENILES

A. Physical restraints shall be removed from a juvenile prior to the commencement of a proceeding unless the judge or magistrate before whom the juvenile is appearing determines on the record, after providing an opportunity to be heard, that restraints are necessary because of either of the following:

1. The juvenile presents a current and significant threat to the safety of the juvenile or another; or
2. There is a significant risk that the juvenile will flee the courtroom.

B. In addition, the court must find there are no less restrictive alternatives to restraints that will alleviate either of the above, including, but not limited to, the presence of court personnel, law enforcement officers or bailiffs.

C. The Court shall provide the juvenile, or any other party as defined in Juv. R. 2(Y), an opportunity to be heard before the court orders the use of restraints on a juvenile during a particular court proceeding. The juvenile shall remain in restraints during this hearing to determine the necessity of the use of physical restraints in further court hearings.

D. If restraints are ordered on a juvenile pursuant to this rule, the judge or magistrate shall make written findings of fact in support of the order. A) Any restraint ordered herein shall be the least restrictive necessary to meet the risk requiring the restraint and any restraint shall not unnecessarily restrict the movement of the juvenile's hands.

E. Nothing in this rule shall prohibit a deputy or other court personnel from immediately restraining a juvenile during a court hearing should the juvenile's behavior suddenly become disruptive to the extent that restraining the juvenile is necessary to maintain the safety of the juvenile, court personnel or the public.

RULE 16 MEDIATION

16.1 MEDIATION – GENERAL INFORMATION

This Local Rule incorporates by reference R.C. § 2710 “Uniform Mediation Act” (UMA), § 3109.052, Mediation of Differences as to the Allocation of Parental Rights and Responsibilities and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

A. Mediation Defined

Mediation is any process in which a neutral third party, the Mediator, helps the parties communicate and negotiate with each other to help them reach a voluntary agreement regarding their dispute. Statements made by the Mediator shall not be construed as giving legal advice.

B. Communication Defined

Mediation communications are oral or written statements and may be verbal or nonverbal. Statements are considered mediation communications if they are made during a mediation conference, or before or after the mediation conference if they are made for purposes connected with the mediation, including considering, conducting, participating in, initiating, continuing, or reconvening a mediation conference.

C. Program Summary

The Court provides in-house mediation services for cases involving allocation of parental rights and responsibilities and division of parenting time at no cost to the parties beyond the initial filing fee.

D. Qualifications of Mediators

The minimum qualifications of mediators shall be those established by the Supreme Court of Ohio. This Court may establish additional minimum qualifications that are not inconsistent with the qualifications established by the Supreme Court of Ohio. Mediators shall follow the “Core Values of Mediation” as approved by the Supreme Court Dispute Resolution Sanction.

Mediators of Juvenile Court cases shall comply with the Model Standards of Practice for Family and Divorce Mediations.

16.2 – PRIVILEGE V. CONFIDENTIALITY

Mediation communications are privileged as described in R.C. Chapter 2710 Ohio Uniform Mediation Act. If the parties believe that confidentiality beyond the scope of privilege is necessary, they may sign a written confidentiality agreement prior to the mediation. Except where otherwise required by law, the mediator shall keep all mediation communications confidential unless all mediation participants and the mediator have consented to disclosure. All disclosures by the mediator shall be in compliance with R.C. 3109.052 and R.C. 2710.03 – 2710.05.

There are no privileges to mediation communications if any of the following apply:

1. The terms of an agreement are contained in a signed written agreement;
2. The communication is available to the public under R.C. 149.43;
3. The communication involves an imminent threat or a statement of a plan to inflict bodily injury or commit a crime of violence;
4. The communication is sought to prove or disprove a claim of professional misconduct or malpractice;
5. The communication is used to plan, attempt to commit, commit a crime, or conceal an ongoing crime;
6. The communication is required to be disclosed under R.C. 2921.22: Duty to report a felony;
7. The communication is used to prove or disprove a claim of abuse or neglect; or
8. The communication is perceived by an attorney mediator as professional misconduct by an attorney participant.

16.3 – MEDIATION REFERRAL/REQUEST

Upon the request of any party to an action or upon its own motion, the Court, in its discretion, may order the parties to participate in mediation. Mediation is available as follows:

A. For open cases on the Court's pending docket:

Any party may request mediation, any time after the commencement of an action, by filing a motion for mediation and serving the motion on all parties. There is no cost for the parties in an open case to participate in mediation.

Mediation is not available in cases where:

- A) One party has a Domestic Violence conviction or pending Domestic Violence charge(s) and the other party, or a minor child involved in the case, is the victim or alleged victim; or
- B) There is a current protection order where one party, or a minor child involved in the case, is the protected person from the other party.

Attorneys shall participate in the mediation conference.

16.4 – DOMESTIC VIOLENCE SCREENING

In referring parties to mediation, the Court shall effectively screen and assess the parties relating to problems involving domestic violence convictions or allegations of domestic violence. If the case proceeds to mediation, the screening shall continue throughout the mediation process. The parties and counsel shall cooperate with all portions of the domestic violence screening process. Mediation will not be scheduled in cases where the person who is or may be a victim of domestic violence is self-represented. All parties and counsel shall advise the Court and Mediation Department of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following the referral to mediation, but before the conclusion of the mediation proceedings. Where there is a need, the Mediator shall provide referrals to legal counsel and other support services for all parties, including victims and suspected victims of domestic violence.

When violence or fear of violence is alleged, suspected, or present, mediation may proceed when the following conditions are satisfied:

A. The person who is or may be the victim of domestic violence is fully informed about the mediation process, right to decline participation in the mediation process, and of the option to have a support person, in addition to an attorney present at the mediation session.

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 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 a 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.

Mediation shall not be used as follows:

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; or

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

16.5 – MEDIATION ATTENDANCE

All parties shall personally attend the mediation conference and be prepared to discuss all relevant issues, including settlement. If represented by counsel, the attorney shall also attend the mediation conference and actively participate in settlement discussions.

The mediator may permit one or more parties / attorneys to participate in a mediation conference by video conference. Attendance by telephone will not be permitted. If there is a guardian ad litem for any child involved in a case that is subject to mediation, the guardian ad litem shall have the right to be involved in the mediation process and attend the mediation conference.

16.6 – MEDIATION CONTINUANCES

Continuances of mediation conferences are counter-productive, and requests are discouraged absent exigent circumstances. Should a request for continuance be necessary, the party/counsel requesting the continuance is required to file the request in writing and submit to the Scioto County Juvenile Court clerk.

16.7 – MEDIATION PROCEDURES

A. At least five days prior to the mediation conference, the parties shall submit the following directly to the Mediation Department:

1. Completed Mediation Intake Form; and
2. Any other materials a party believes would be beneficial to the mediator (ex: income information to establish child support).

B. The mediator shall make a reasonable inquiry to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator. The mediator shall disclose those facts to the parties as soon as is practicable.

C. During the mediation conference, the mediator shall:

1. Permit each party, through counsel or otherwise, to orally present the dispute;
2. Help to refine and prioritize the issue(s) in dispute; and
4. Hold separate, private caucuses with any party or counsel as needed.

D. Upon completion of successful mediation, the Mediator, parties, and counsel will immediately report to the Juvenile Court for the agreement to be read into the record and adopted as the order of the Court by the Judge or Magistrate.

E. Should mediation be unsuccessful, the Mediator will provide the Court with a Notice of Failed Mediation. The Court will then issue any necessary orders which may include the appointment of a Guardian ad Litem at the expense of the parties

RULE 17 – SANCTIONS

For a violation of this rule, upon motion by a party, the mediator, or upon the Court's own motion, a party or the party's attorney may be subject to appropriate action, including but not limited to contempt, dismissal, default judgment, attorney fees and/or costs.

RULE 18 – EVALUATION, COMMENTS, AND COMPLAINTS

It is the policy of the Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of a mediator to the Court Administrator.

RULE 19 JURIES AND JURORS

In the event of a jury trial, the Court, unless it rules otherwise, will follow all of the Rules regarding juries, jurors, jury service and jury trials of the Local Rules of Practice of the Court of Common Pleas, General Division, of Scioto County.