

**MEDINA COUNTY  
COURT OF COMMON PLEAS  
JUVENILE DIVISION LOCAL RULES**

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**GENERAL RULES**

**I. AUTHORITY**

The following rules have been adopted by the Medina County Court of Common Pleas, Juvenile Division, 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 Common Pleas. These rules have been adopted for the purpose of the efficient and expeditious management of cases and controversies before this Court.

**II. EFFECTIVE DATE.**

These rules become effective on February 1, 2006 and are subject to amendment as required by the court.

**III. CITATION**

These rules shall be cited as Medina Juvenile Local Rule \_\_\_\_, or Med Juv L R \_\_\_\_.

**IV. APPLICATION**

These rules apply to the Juvenile Division of the Medina County Court of Common Pleas. Except as noted herein, the Local Rules of the General Division of the Medina County Court of Common Pleas and the Local Rules of the Domestic Relations Division do not apply to Juvenile matters.

**V. 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 must comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of the Court of Common Pleas of Medina County, Ohio which are also applicable to this Court.

## **MEDINA JUVENILE LOCAL RULE 1**

### **COURT RECORDS**

#### **1.1 Access and Confidentiality**

Social, physical or mental examination prepared at the direction of the Court shall be made available per Juv. R. 32(C) but cannot be copied by counsel without leave of Court. The Court may limit or deny inspection for good cause shown pursuant to that rule.

Reports and records of probation are considered confidential information and shall not be made public.

Traffic records, unruly records and delinquency records maintained by the Court, including assessments, examinations and reports, are confidential and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the court.

Family history files are considered confidential information and shall not be made public. Inspection by attorneys or interested parties may be allowed by leave of the Court.

Record checks by counsel, law enforcement and other agencies shall be directed to the Judge and may be allowed by leave of the Court.

See also Probate Local Rule 26.03.1 on Juvenile Records Retention.

(Reference Administrative Order 2010-001 effective February 3, 2010)

#### **1.2 Omission of Personal Identifiers Prior to Submission or Filing**

When submitting a case document to the Court or filing a case document with the clerk of court, a party to a judicial action or proceeding shall omit personal identifiers from the document pursuant to Sup. R. 45.

“Personal Identifiers” means social security numbers, except the last four (4) digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile’s name in an abuse, neglect, or dependency case, except for the juvenile’s initial or a generic abbreviation such as “CV” for child victim.

When personal identifiers are omitted from a case document filed with this Court, the party shall submit or file that information on a separate form. The party shall use the Juvenile Court Confidential Disclosure of Personal Identifiers form to provide the Court with this information. The form is available in the Rules Appendix.

The responsibility for omitting personal identifiers from a case document submitted to the Court or filed with the clerk of court pursuant to Sup. R. 45(D)(1) shall rest solely with the party. The Court or clerk will not review the documents to confirm that the party has omitted personal identifiers, and shall not refuse to accept or file a document on that basis

(Confidential Disclosure of Personal Identifiers Form is contained in the Appendix to the Local Rules)

(Reference Administrative Order 2010-001 effective February 3, 2010)

## **MEDINA JUVENILE LOCAL RULE 2**

### **ATTORNEY FEES AND EXPENSES**

#### **2.1 The Court will maintain two appointment lists.**

The first list will consist of attorneys who will serve as Guardians *ad litem* for children in delinquency, unruly, abuse, neglect and dependency cases, and for adults. The second list will consist of attorneys who will provide all other representation, including but not limited to representing children in delinquency and unruly cases, and adults in abuse, neglect, dependency, contempt, parentage, and criminal matters. Attorneys desiring to be placed on either appointment list shall apply in writing to the Judge through the Court Administrator's office.

#### **2.2 Retained Counsel**

A. Motion for Payment of Attorney's Fees.

The party seeking an award for payment of attorney fees shall do so by a written Motion, pursuant to these rules, the Rules of Civil Procedure and the Rules of Juvenile Procedure. A Motion for attorney's fees may be combined with requests for other relief.

B. Procedure.

At a hearing on a request for attorney's fees, the moving party shall be prepared to present evidence or stipulations, sufficient to make a decision under the statutory guidelines, with respect to the following matters:

- (1) The source of funds from which attorney's fees are to be paid;
- (2) The ability of the non-movant party to pay such fees;
- (3) The movant's need for payment of attorney's fees; and,
- (4) The reasonableness of the attorney's fees requested.

- (a) Expert testimony is not required to prove the reasonableness of attorney's fees.
- (b) In determining the reasonableness of attorney's fees, the Court shall consider the affidavit of the attorney concerning fees and expenses and factors enumerated in Disciplinary Rule 2-106(B).

C. Request for Reimbursement.

If the movant is requesting reimbursement of expenses of suit, the movant shall demonstrate with specificity those expenses requested.

**2.3 Appointed Counsel and/or Attorney Guardian *ad litem***

A. General Procedure.

Pursuant to Section 120.33(A)(4) of the Ohio Revised Code, each request for reimbursement for expenditures on indigent cases must contain the following:

- (1) A Motion, entry and certification form;
- (2) A completed Ohio Public Defender form OPD-206R, *financial Disclosure/Affidavit of Indigency* (Attorney Guardian *ad litem* should attach form, but completion of the financial information is not necessary);
- (3) A copy of the Appointment Order; and
- (4) An affidavit stating all previous dates and amounts of reimbursement.

B. Reimbursement Amount.

Reimbursement for representation in juvenile proceedings will be made based on the current county maximum rate for out-of-court services and in-court services.

C. Maximum Amount Allowed.

The prescribed maximum fees per case permitted in juvenile proceedings are as stated in Administrative Order 2001- \_\_ . Fees in excess of this amount will only be considered upon completion of the requirements outlined in letter (D) below.

D. Extraordinary Fees.

Cases eligible for extraordinary fees are ones which, because of extraordinarily complex issues, multiple offenses, lengthy trials, or other reasons, warrant compensation at a rate which exceeds maximums established by the Juvenile Court. Reimbursement to the county for extraordinary fees is subject to the following requirements:

- (1) Extraordinary fees must be requested by Motion with supporting memorandum and proposed order; and

- (2) Extraordinary fees must be clearly documented in the appropriate sections on the Motion, Entry, and Certification form.
- E. Dependency/Neglect/Abuse cases.  
Requests for payment for services rendered shall be submitted within 30 days of the following events:
- (1) after the dispositional hearing;
  - (2) following the sunset hearing;
  - (3) when the case extends for more than one year, following each major court hearing;
  - (4) on conclusion of the case; or
  - (5) at other times in extenuating circumstances and for good cause shown.

### **MEDINA JUVENILE LOCAL RULE 3**

#### **PRIVATE CUSTODY AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND/OR COMPANIONSHIP ACTIONS**

##### **3.1 Commencement of the Action**

**After parentage has been established**, a parent or other interested party can bring an action in this court to determine custody, the allocation of parental rights and responsibilities regarding the child, or modification of the allocation of parental rights and responsibilities. The person filing shall allege in the complaint that parentage has been established, and the means by which it has been established, including stipulations of the parents. Any order, affidavits or other documentation establishing parentage shall be attached to the complaint. The plaintiff shall attach a Uniform Child Custody Jurisdiction Act Affidavit to the complaint. The complaint shall be served pursuant to Civ. R. 4 through 4.6.

##### **3.2 Initial Hearing**

- A. The initial hearing on allocation of parental rights and responsibilities shall be scheduled no earlier than twenty-eight (28) days after service of the complaint. In no event shall the defendant be given less than seven (7) days notice of the initial hearing.
- B. At the initial hearing, the court may rule upon the temporary allocation of parental rights and responsibilities, including child support and visitation.
- C. At the initial hearing, which is not evidentiary, the court shall determine whether the Motion is contested and the basis of the Motion. The court may order an evaluation

pursuant to O.R.C. 3109.04, counseling, psychological evaluation or appointment of a Guardian *ad Litem*. The Court shall determine the payment of costs pursuant to Local Rules.

### **3.3 Pre-Trial Conference**

The court may set a pre-trial and final hearing date at the initial hearing or by order, unless the case was settled and finalized at the initial hearing by the parties.

- A. Prior to the final hearing, at the pre-trial, counsel shall review all written reports which shall be made available pursuant to Local Rules and discuss settlement options with their clients.
- B. Parties as well as counsel are to appear at the pre-trial.

### **3.4 Third Party Motions and Complaints**

Motions or Complaints involving visitation pursuant to O.R.C. 3109.051, O.R.C. 3109.11 or O.R.C. 3109.12 shall be disposed of as follows:

- A. The third party must file a Motion setting forth the reasons for the request and an order permitting joinder to the action; and
- B. All Motions must comply with Medina Juv. R. 11 and shall be served pursuant to Civ. R. 4 through 4.6.
- C. A complaint filed by a non-parent shall name both parents and/or the legal custodian of the child as a party, shall allege the familial relationship to the child and if a paternal familial relationship shall allege how paternity was established and shall include proof of paternity as an exhibit.

## **MEDINA JUVENILE LOCAL RULE 4**

### **CASE MANAGEMENT**

Pursuant to Sup. R. 5, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Deviation is permissible to ensure a just result.

#### **4.1 Delinquency and Unruly Cases**

- A. Non-Detention Cases
  - 1. A first appearance shall be scheduled within 21 days of the date the complaint is processed for service.

2. The pre-trial hearing shall be conducted within 21 days from the date of first appearance unless more time is necessary or requested for good cause shown.
3. The adjudicatory hearing shall be scheduled within 30 days from the date of the pre-trial hearing.
4. The dispositional hearing shall be scheduled within 30 days from the date an admission was entered or an adjudicatory hearing held unless the Court proceeded to disposition immediately after the adjudication finding.

B. Detention Cases

1. The first appearance on the complaint shall be conducted at the time of the detention or the shelter care hearing if the complaint is filed in Court by the time of the hearing. Otherwise, the first appearance shall be conducted within 7 days of the filing of the complaint.
2. The pre-trial hearing shall be conducted within 14 days of the first appearance.
3. The adjudicatory hearing shall be scheduled within 14 days of the pretrial.
4. The disposition hearing shall be scheduled within 14 days of adjudication.

**4.2 Custody, Visitation/Companionship and Child Support Cases**

- A. Service of process will be sent within 3 days of the filing of the complaint or Motion. After successful service, a **pretrial will be set within 30 days** if one has been requested or the Court deems one necessary.
- B. Pre-trial matters, including completion of discovery, should be resolved at hearings scheduled prior to trial. Trial should be scheduled within 90 days of the last pre-trial hearing.
- C. Continuances may be granted for good cause shown, but the continuance should not be longer than necessary to resolve the underlying reason for the continuance.
- D. Motions for emergency orders will be referred for hearing upon filing. When an *ex parte* temporary order is granted, a hearing will be scheduled within 14 days of the date the order is granted.

**4.3 Abuse, Dependency and Neglect Cases**

- A. Absent a voluntary agreement for care, when a child is removed from the home, a hearing will be held the next business day but not later than 72 hours after the removal of the child. Requests for appointment of counsel and/or Guardian *ad litem* shall be reviewed by the jurist.
- B. An adjudicatory hearing will be held within 30 days of the date the complaint is filed. O.R.C §2151.28 applies to extensions of time.
- C. A dispositional hearing shall be held no later than 90 days from the date the complaint was filed.

#### **4.4 Case Monitoring**

- E. Prior to the last business day of the month, the Clerk Manager does produce a report of all cases that will exceed the Supreme Court Report Form D time guidelines in the next month and provides it to the Chief Magistrate, Court Administrator, Magistrates and Deputy Clerks. The report includes the current status of each case so that the appropriate person may investigate and resolve the reason, if possible, that the case may exceed time guidelines.

### **MEDINA JUVENILE LOCAL RULE 5**

#### **DETENTION OR SHELTER CARE HEARINGS**

All juveniles received into detention or shelter care before 8:00 AM on days when the court is in session, shall be brought before a Magistrate for a Detention or Shelter Care Hearing on that same day. All juveniles received into detention after 8:00 AM shall be brought before a Magistrate for a Detention Hearing on the next day the court is in session.

An appeal from a Magistrate's pretrial detention order shall be filed in writing requesting a review by the Judge.

#### **5.01 Physical Restraint of Children in Court Appearances**

- A. Physical Restraint of children in court appearances is presumed to not be utilized unless the judge or magistrate before whom the child is appearing issues an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the use of physical restraint is necessary due to either of the following:

- 1. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom or;

2. There is a significant risk the child will flee the courtroom.
- B. A judge or magistrate shall permit any party, as defined in Juv. R. 2(Y) to be heard on the issue of whether the use of physical restraint is necessary.
  - C. If physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint, and shall be effectuated in a manner which does not unnecessarily restrict the movement of the child's hands.
  - D. This rule applies to court appearances whilst in the courtroom, and shall not be construed to include physical restraints of children when being transported to and from court appearances or throughout common areas or outside of the court or Juvenile Detention Center.

This rule shall not be construed to infringe upon the inherent authority of the Court to preserve and protect the safety of all persons and to maintain order and decorum in all judicial proceedings with the use of restraints or otherwise.

## **MEDINA JUVENILE LOCAL RULE 6**

### **OBJECTIONS TO MAGISTRATES' DECISIONS**

A decision of a magistrate will be reviewed by the judge by filing an Objection to Magistrate's Decision in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure and Rule 53 of the Ohio Rules of Civil Procedure.

The objection shall be accompanied by a supporting memorandum which shall include citations of law relied upon by the objector in support of their position. If an issue of fact is part or wholly the basis for the objection, an accurate quotation or partial or complete transcript of the testimony shall be filed in support of the objection to the magistrate's decision and must be filed with the Court by the moving party within thirty (30) days after the filing of the objections, unless the judge, in writing, extends the time. Partial transcripts may be permitted upon leave of the Court.

Failure to file a partial or complete transcript when one is required by this Rule is a basis for dismissal of the objections.

All objections will be decided upon the written memoranda unless the movant requests an oral hearing. Notice of the date and time of the oral hearing will be made by the court on all other parties including any Guardian *ad litem*.

Memoranda opposing the objections may be filed by any party within seven (7) days of the filing of the objection to magistrate's decision.

## **MEDINA JUVENILE LOCAL RULE 7**

### **MOTIONS**

#### **7.1 Motion Practice**

All Motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court.

The Motion shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. All Motions shall be heard upon submission without oral hearing unless such hearing is required by law or unless requested by the movant in writing. Notice shall be made by the court on all parties, including the Guardian *ad litem*.

#### **7.2 Motions for Continuance**

Motions for continuances will be made in accordance with Supreme Court of Ohio Superintendence Rule 7 and Ohio Rules of Juvenile Procedure 19 and 23.

All applications for continuances or advancements shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing in the form of an application or Motion and shall be accompanied by a judgment entry expressive of the Motion or application. Counsel requesting the continuance or advancement shall notify in writing all other counsel and or parties involved. Requests shall be granted only after notice to all other counsel and/or parties involved. 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 notify all other counsel and parties of the new hearing date. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date.

#### **7.3 Contempt Motions**

All Motions for a party to appear and show cause why he or she should not be held in contempt of a prior court order shall contain the specific facts or must be accompanied by an affidavit setting forth the specific facts forming the basis for the Motion. A party requesting a court order to compel a person's appearance at a hearing for such purpose shall provide a copy of the Motion and the proposed order to the Court for signature.

#### **7.4 Service of Contempt Motions**

Motions for contempt shall be served pursuant to Civ. R. 4 through Civ. R. 4.6; provided that, when imprisonment is sought as a sanction, the responding party shall be served by personal service.

### **MEDINA JUVENILE LOCAL RULE 8**

#### **TRANSCRIPTS AND RECORDING PROCEEDINGS**

Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure, Record of Court Transcripts and Proceedings shall be observed, including the following:

The Court will make an audio recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four hours prior to the scheduled hearing. The requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.

Counsel should be mindful of Rule 5 of the Ninth District Court of Appeals which requires a stenographic transcript of a proceeding and declares the audiotape unacceptable as a substitute for a stenographic transcription.

Any interested party involved in the proceeding may request a copy of an audio recording be transcribed by a stenographer approved by the Court. The party making the request shall pay the costs of the transcription.

The Court's original audio recording of the proceedings will not be made available to the parties. The Court will make a copy of the audio recording upon request by an interested party to the proceedings. Arrangements must be made with the Court to have proceedings copied at a cost per the Cost Deposit schedule, per application. Original audio recordings shall not be removed from the Court.

All audio recorded proceedings will be maintained by the Court for three (3) years from the date of the hearing. Upon the expiration of three (3) years from the date of the hearing, the Court will destroy the Court's original recordings. Any interested person desiring to preserve the record longer than three (3) years from the date of hearing must make arrangements to have the record transcribed prior to the expiration of three (3) years from the date of the hearing.

### **MEDINA JUVENILE LOCAL RULE 9**

#### **WARRANTS**

Warrants for the arrest of juveniles will be issued only upon authorization of a Judge or Magistrate.

## **MEDINA JUVENILE LOCAL RULE 10**

### **FILING FEES AND COST DEPOSITS**

#### **10.1 Filing Requirements**

In proceedings before the court requiring a cost deposit or filing fee, the court will not accept any action or proceeding for filing without the requisite cost deposit or filing fee set forth on the Schedule of Filing Fees and Costs Deposit. Child Support Enforcement Agency forms are excepted from this requirement.

#### **10.2 Schedule of Filing Fees and Cost Deposits**

The Court maintains a Schedule of Filing Fees and Costs Deposits stating the amount of costs not set by statute in the form of an Administrative Order, a copy of which is attached to these juvenile court local rules. Said administrative order is subject to change without notice but the court will make every effort to make any changes in filing fee or cost deposit amounts available to the bar and the public.

#### **10.3 Indigence**

The filing fee requirement is met, in the case of indigence, by filing an affidavit attesting that the party is without funds of assets sufficient to pay the deposit and a certification by the attorney, if any, that no attorney fees have been paid.

## **MEDINA JUVENILE LOCAL RULE 11**

### **TRAFFIC AND MISDEMEANOR CASES**

- A. Traffic matters will be heard as scheduled by the Judge or a Magistrate of this Court.
  - (1) Use of Electronically Produced Tickets: The use and filing of a ticket that is produced by computer or other electronic means is authorized in the Medina County Court of Common Pleas, Juvenile Division, effective September 15, 2014. 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 alleged juvenile traffic offender with a paper copy of the ticket.
- B. The following offenses require an appearance before the Court for adjudication:

1. Minor Misdemeanors filed on Citations
  2. Second or Subsequent Moving Violation
  3. Reckless Operation of a Motor Vehicle
  4. Leaving the Scene of an Accident
  5. Fleeing a Police Officer
  6. Operating a Vehicle While Under the Influence of Alcohol and/or Drugs
  7. Passing a Loading or Unloading School Bus
  8. Operating a Vehicle without a Valid Operator's License
  9. Operating a Vehicle while the Operator's License is under Suspension or Revocation
  10. Offenses involving Serious Injury or Property Damage
  11. Speeding in Excess of 15 m.p.h. over the Posted Speed Limit
  12. Drag Racing
- C. Upon determination by a clerk of the court that the charge is one not listed in section (B) herein, and that therefore a mandatory appearance is not required, the juvenile and his/her parent, guardian or attorney may elect to proceed without a court appearance upon the following conditions:
- A parent, guardian, or an attorney must appear with and be present with the juvenile at the courthouse, unless a waiver has been submitted, by mail or in person, and accepted by the Court prior to the scheduled hearing date and time. The juvenile and parent will execute a waiver. Waiver forms are available at the court. Said waiver shall constitute an admission to the facts as alleged in the traffic or misdemeanor citation. It shall further constitute a waiver of the right to trial, the right to cross-examine witnesses against the juvenile, the right to remain silent and right to counsel. Upon proper execution of said admission and waiver, a fine shall be assessed by the Court in accordance with schedules established by the Court.
- D. No continuances of a traffic appearance shall be granted by phone. Continuances may be obtained from the magistrate by the juvenile by personally appearing in court with parent, guardian or attorney. Alternatively, the attorney for the juvenile may file a Motion in writing for a continuance. A written Motion for continuance shall set forth the reason for the need for continuance. The Motion for continuance shall be accompanied by a judgment entry expressive of the Motion. The granting or denial of the Motion is within the discretion of the magistrate or judge. Motions for continuance must be submitted within three (3) days of the scheduled hearing unless an emergency arises, in which case the nature of said emergency shall be stated in the Motion for continuance.

- E. In order to enter a denial plea to a juvenile charge, a denial form may be used by an attorney or parent to enter a denial on behalf of a youth who has been cited. The matter will then be set for trial before a Magistrate.
- F. All requests for driving privileges or other form of post-adjudicatory relief shall be made in writing and will be set for hearing by the Magistrate.
- G. When a juvenile enters a denial, the matter will be scheduled with the prosecutor for pretrial. If a pretrial agreement is reached at on the pretrial date, the Court may proceed with a change of plea hearing. The Court may also proceed with disposition at that time.

(Amended September 15, 2014)

## **MEDINA JUVENILE LOCAL RULE 12**

### **EXPUNGEMENTS**

All applications for records expungement shall be made in accordance with Section 2151.358 of the Ohio Revised Code. Any person applying for expungement of juvenile matters shall file a written request with the clerk. The Court can provide application forms upon request. After notice to the Prosecutor's Office, the Court shall conduct a hearing to determine whether the expungement should be granted. Upon filing of the judgment entry ordering expungement of the record, the Court will notify the appropriate law enforcement agencies.

## **MEDINA JUVENILE LOCAL RULE 13**

### **MEDIATION**

- A. When any parenting or truancy issue is contested, the Court, on its own Motion, or the Motion of any of the parties, may order disputed issues to mediation.
- B. The mediation sessions may be held until all issues are resolved in a manner acceptable to the disputing parties, or until the mediator determines that continued mediation would not be productive.
- C. The Court may order the parties to participate in or return to mediation at any time. The order of referral shall name the mediator and shall set out how mediation fees are to be paid.
- D. Statements made during a mediation session shall be considered compromise negotiations and are not admissible as evidence pursuant to Evidence Rule 408.

Mediators will not be permitted to testify regarding the substance of the mediation, including but not limited to, cooperation or non-cooperation of the parties.

- E. To be accredited and appointed by the Court, a mediator shall possess qualifications set forth in Rule 16 of the Rules of Superintendence for the Courts of Ohio.
- F. The mediator shall submit an outcome report within a specified period of time and shall indicate the parties' full or partial agreement and the number of sessions attended, or, if no agreement, shall state only that no agreement was reached.

## **MEDINA JUVENILE LOCAL RULE 14**

### **INFORMAL INTAKE CONFERENCE**

Ohio Revised Code Section 2151.01 and Rule 9 of the Ohio Rules of Juvenile Procedure speak to the desirability, in appropriate cases, of avoiding formal juvenile proceedings.

Section 2151.01 O.R.C. Construction: purpose

The sections in Chapter 2151 of the Revised Code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes:

- A. To provide for the care, protection, and mental and physical development of children subject to Chapter 2151 of the Revised Code.
- B. To protect the public interest in removing the consequences of criminal behavior and the taint of criminality from children committing delinquent acts and to substitute therefore a program of supervision, care, and rehabilitation.

### **JUVENILE RULE 9**

- A. Court action to be avoided  
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.
- B. Screening: referral  
Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interest of the child and the public.

As part of the Court's overall effort to conform with the above provisions, informal intake conferences may be conducted in lieu of formal actions for certain delinquency and unruly cases.

Generally, informal conferences will be available only for first time misdemeanor charges and status offenses. Although no formal finding or record shall result, to be eligible

for an informal conference a youth must be willing to admit to the operative facts to the action.

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

### **MEDINA JUVENILE LOCAL RULE 15**

#### **MAGISTRATE REFERENCES**

Magistrate references shall be made by order of the judge either generally as to subject matter or in individual cases.

In delinquency cases the magistrate shall hear all delinquency complaints and shall rule on all matters relating thereto including all Motions, adjudication and disposition.

In unruly, childcare and intake cases, the magistrate shall conduct such matters as are necessary in all matters referred under Juvenile Rule of Procedure 9.

In traffic cases, the magistrate shall hear all traffic delinquency complaints and shall rule on all matters relating thereto including all Motions, adjudication and disposition.

In matters of the allocation of parental rights and responsibilities, paternity and dependency/abuse/neglect cases, the magistrate shall hear all matters related to paternity, child support, health care as authorized by Title IV-D and Chapters 3111 and 3113 of the Ohio Revised Code, as well as actions brought pursuant to Chapter 2151 and 3109 of the Ohio Revised Code. The order of reference to the magistrate shall be in accordance with Juv. R. 40 and Civ. R. 53.

### **MEDINA JUVENILE LOCAL RULE 16**

#### **VISITATION SCHEDULES**

#### **MEDINA COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION STANDARD VISITATION SCHEDULE**

As modeled after and intended  
to be consistent with that adopted  
by the Medina County Domestic Relations Court  
Local Rule XXI, FORM 21.01A

Liberal visitation arrangements are encouraged, as contact with both parents is important to the minor children. The best visitation schedule is your own plan. **All parties are strongly**

**encouraged to develop their own plan.** However, for parties who cannot agree, the Court has designed this plan to ensure that minor children have frequent and consistent contact with both parents.

If you are unable to agree to a different plan, but have objections to this plan because of special circumstances (*e.g.*, travel time, work schedules) or problems (*e.g.*, substance abuse, mental illness, violence) be prepared to present specific facts in a scheduled hearing to show why this visitation schedule is not in the best interests of your children.

Visitation is presumed to occur at the parental residence. For children 6 and under, each parent shall notify the other of any overnight stays away from the parental residence or travel outside the area of Medina County and contiguous counties (Cuyahoga, Summit, Wayne, Ashland and Lorain). Whenever possible, such notice shall be given in advance and otherwise as soon as practicable. Notice shall include the address and telephone number of the location where the child is staying. For children over 6 years old, parents are urged to voluntarily disclose travel plans or overnight stays away from the parental residence.

Parents shall share responsibility for visitation transportation. Unless otherwise agreed, the parent receiving possession of the children shall provide transportation for weekend and holiday visits. The visiting parent shall provide all other transportation. Unless otherwise agreed or provided by Court order, all pick-up and return shall be at the parental residence.

**I. WEEKEND AND MIDWEEK VISITATION**

- A. For children from birth to twelve (12) months, three (3) times per week for two (2) to four (4) hours on the following days and times as agreed by the parties: every \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_, every \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_, and every \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_. (If the parties are unable to agree, then the days shall be every Saturday from 2:00 p.m. to 6:00 p.m. and every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m. unless otherwise ordered by the Court.) Parents shall adjust the visitation schedule for children ages birth to twelve (12) months to provide for alternate holiday visitation consistent with the holiday visitation schedule hereinafter set forth.
- B. For a child twelve (12) months to two (2) years, two (2) times per week and one (1) overnight on alternating weekends on the following days and times as agreed by the parties: Every \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_, and every \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_ and an overnight on alternating weekends from \_\_\_\_\_ day at \_\_\_\_ o'clock \_\_.m. until \_\_\_\_\_ day at \_\_\_\_\_ o'clock \_\_.m. (If the parties are unable to agree, then the days shall be every Tuesday and Thursday from 5:30 p.m. until 8:00 p.m., and the overnight shall be on alternating weekends on Friday from 6:00 p.m. until Saturday at 6:00 p.m. unless otherwise ordered by the Court.) Parents shall adjust the visitation schedule for children age twelve (12) months and older to provide for alternate holiday visitation consistent with the holiday visitation schedule hereinafter set forth.

- C. For children age two (2) and older, alternate weekends from 6:00 p.m. Friday to 6:00 p.m. Sunday plus one (1) evening per week. (If the parties cannot agree, then the midweek visitation shall be on Wednesday from 5:00 p.m. to 8:00 p.m.)

The alternating weekend schedule shall not change, even if interrupted by holiday, birthday, summer vacation or other visitation.

**II. HOLIDAY VISITATION.** This schedule applies to children age two (2) and older. See Section I for holiday visitation with younger children.

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days &amp; Times</u>
Martin Luther King Day	Father	Mother	9:00 a.m. – 6:00 p.m. <sup>1</sup>
President’s Day	Mother	Father	9:00 a.m. – 6:00 p.m. <sup>1</sup>
Easter Sunday	Father	Mother	6:00p.m.
Easter Saturday			To 6:00 p.m. Easter Sunday
Spring Break:			
Option 1:	Shared equally by parties		6:00 p.m. day school ends to
Option 2:	Alternate from year to year		6:00 p.m. day before school reconvenes
[Spring Break Visitation does <i>not</i> apply for children under age four (4).]			
Memorial Day	Mother	Father	Sunday at 6:00 p.m. to Monday at 6:00 p.m.
4 <sup>th</sup> of July	Father	Mother	July 4 at 9:00 a.m. to July 5 at 9:00 a.m.
Labor Day	Mother	Father	Sunday at 6:00 p .m. to Monday at 6:00 p.m.
Halloween	Father	Mother	4 hours in the day/night designated for trick-or-treating

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days &amp; Times</u>
Thanksgiving			
Option 1:	Father	Mother	Wednesday at 6:00 p.m. to Friday at 6:00 p.m. and
[Share time equally.]	Mother	Father	Friday at 6:00 p.m. to Sunday at 6:00 p.m.

<sup>1</sup> This day may not always be a holiday, a day off from school for the children and/or a day off from work for the parties. Thus, the parties must communicate to arrange appropriate visitation time, taking into consideration the visiting party’s work hours, if any, and the availability of the children.

Option 2:	Father	Mother	Wednesday at 6:00 p.m. to
[Alternate annually]			Sunday at 6:00 p.m.
Christmas Eve	Father	Mother	12/23 at 9:00 p.m. to 12/24 at 9:00 p.m.
Christmas Day	Mother	Father	12/24 at 9:00 p.m. to 12/25 at 9:00 p.m.
New Year's Day [Determined by year of January 1 <sup>st</sup> ]	Mother	Father	12/31 at 6:00 p.m. to 1/1 at 6:00 p.m.
Winter Break [does not alter holiday visitation]			6:00 p.m. day school ends
Option 1:	shared equally by parties		to 6:00 p.m. day before
Option 2:	Alternate from year to year		school reconvenes

Winter Break visitation does not apply to children under age four (4). The visiting parent is entitled to select the option for holiday visitation, subject to determination by the court if the residential parent objects. The selection must be set forth in the judgment entry and, if not, then Option 1 shall be in effect. Holiday visitation preempts regular weekend visitation. Spring and Winter breaks are defined by the school calendar in the district where the residential parent resides. Spring and Winter breaks begin at 6:00 p.m. the day school ends and terminate at 6:00 p.m. the day before school reconvenes.

**III. DAYS OF SPECIAL MEANING**

- A. Religious or ethnic holidays shall alternate between the parties yearly. Visits shall be from 9:00 a.m. until 6:00 p.m., or as otherwise agreed.
- B. Mother's Day and Mother's birthday shall be spent with Mother, consistent with the children's school schedule. Father's Day and Father's birthday shall be spent with Father, consistent with the children's school schedule. Visits shall be from 9:00 a.m. until 6:00 p.m. consistent with the children's school schedule.
- C. Children's birthdays shall alternate from year to year between Mother and Father, Mother having even-numbered years and Father having odd-numbered years. If the birthday occurs on a non-visitation weekday or weekend, it shall be an additional day of visitation. The visitation time must take into consideration school and work hours, if applicable. All children of the parties shall be included in birthday visitation. Other siblings, who are not children of both parties, may be included as the parties may agree. The parties should take into consideration whether such siblings are familiar with and/or have a relationship with the visiting parent.
- D. If a parent is available to spend time with the children on other scheduled school closings, visitation shall occur, taking into consideration the work schedule of the

other parent as well as the usual childcare arrangements. If both parents are available, such days shall alternate between the parties.

**IV. SUMMER VACATION.**

- A. For children age five (5) and over, one-half the school summer recess. School summer recess is defined as beginning the day after the last day the children attend school, through the day before school reconvenes. If the children are not yet of school age, summer recess will be based upon the public school calendar of the district in which the residential parent resides. The residential parent shall inform the non-residential parent by March 15<sup>th</sup> of each year of the specific dates summer vacation begins and ends. The non-residential parent shall give written notice of summer visitation dates at least forty-five (45) days in advance and summer visitation shall not be exercised during the last week before school reconvenes unless agreed by the parties in writing or ordered by the Court. The parties should discuss any special plans or activities the children may have during the summer, such as sports, camp, overnight camps, lessons, etc. Parents should make all reasonable efforts to accommodate the children's activities in scheduling the summer visitation.

Each parent shall be entitled to take the children on vacation away from his or her residence for a period of up to fourteen (14) days upon the fourteen (14) days advance written notice to the other parent, accompanied by a written agenda indicating the vacation destination, phone numbers where he or she can be reached, times of arrival and departure and method of travel.

- B. For children age 2 or 3 or 4 (under age 5): Four (4) weeks during the summer recess period to be taken in installments of no more than two (2) weeks at a time, and separated by at least two (2) weeks at home with the residential parent. If a child in this age group has older siblings, the visitation shall be scheduled to coincide with the older siblings' visitation as much as possible.

Each parent shall be entitled to take the children on vacation away from his or her residence for a period of up to fourteen (14) days upon the fourteen (14) days advance written notice to the other parent, accompanied by a written agenda indicating the vacation destination, phone numbers where he or she can be reached, times of arrival and departure and method of travel.

- C. For children under age two (2), extended summer visitation shall be only by written agreement of the parties or special order of Court. In considering visitation for children in this group, parents should consider the child's maturity, emotional attachment to each parent and attachment to any older siblings who will have extended visitation.

- D. During all summer visitation (except the fourteen (14) day away-from-home vacations for children two (2) and over), children should continue to spend alternate weekends with each parent on the same schedule as the rest of the year. Also, the

residential parent is entitled to the same midweek visitation granted to the nonresidential parent.

**V. TELEPHONE CALLS**

Each parent has the right to talk over the telephone with the children as often as the parents agree. If the parents do not agree, then the nonresidential should normally have telephone privileges at least twice per week. In addition, a parent may call a child once during a scheduled or agreed visitation period that is missed. Also, the residential parent has the right to call a child when on vacation with the other parent as the parties can agree; if no agreement, then the residential parent has telephone privileges up to twice per week. Phone calls should be made during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. Also, any time a child is with one parent, he or she shall be permitted to call the other parent. Any long distance calls made by a child to a parent shall be collect unless the other parent agrees otherwise.

**VI. PROMPTNESS**

Each parent shall be prompt for the pick up and return of the children at visitation. The residential parent shall prepare the children both emotionally and physically for the visitation. The residential parent has no duty to wait for the nonresidential parent to pick up the children longer than thirty (30) minutes, unless the nonresidential parent notifies the residential parent that he/she will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the visitation period. The nonresidential parent will not return the children before the end of the stated visitation period, unless the parties agree in advance. The residential parent or a responsible adult well known to the children shall be present when the children are returned.

**VII. CANCELLATION**

The nonresidential parent must give notice of intent NOT to have visitation at least twenty-four (24) hours in advance, unless a last minute emergency occurs. A parent who does not exercise visitation forfeits the time. A parent who repeatedly fails to keep his or her commitment to visitation may have rights of visitation modified, and may be subject to other legal remedies as well, upon Motion by the residential parent.

**VIII. ILLNESS**

If a child is too ill for visitation, the residential parent should notify the visiting parent at least twenty-four (24) hours in advance, if possible. A child who is confined to bed rest pursuant to a doctor's instructions, or who has a fever of 100 degrees Fahrenheit or greater and other signs of illness is presumed too ill for visitation. If a child has a less severe illness or medical condition, the parents shall consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, visitation plans, and any other important matters. If the parents agree that the child should go for the visitation period, then the residential parent shall provide the visiting parent with

all appropriate medications and/or medical instructions, which shall be administered or followed by the visiting parent. The visiting parent must care for the child as directed, and notify the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

**IX. SUPPORT OF VISITATION**

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly, to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a Motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that his or her child goes for the visitation period.

**X. CLOTHING**

The residential parent is responsible for providing sufficient appropriate clean clothing for every visitation period, based on the lifestyle of the residential parent and child. If the planned visitation activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the visitation period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request and shall promptly notify the non-residential parent. All clothing sent by the residential parent must be returned immediately after the visitation period. Clothing provided by the visiting parent and worn home by a child shall be cleaned and returned at the next visit.

**XI. CHILDREN'S POSSESSIONS**

The children shall be entitled to take clothing and items of personal property to each parent's household. Gifts given to a child shall not be restricted to one household unless special circumstances make it unreasonable to move the item between households. Normally, special circumstances would be deemed to apply to computer hardware (but not software), video game systems (but not individual game software) and large items that cannot be easily transported. Each parent shall use due diligence to ensure that items brought from the other household are returned with the children in good condition.

**XII. SCHOOLWORK**

A parent must provide time for the children to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the visitation, the residential parent must inform the other parent of the work to be done, and it must be completed during visitation.

**XIII. ADDRESS AND TELEPHONE NUMBERS**

Each parent must, unless the court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency. A post office box address or other address that is used for mail, but is not the actual residence, does *not* satisfy this requirement. If mail is only received at a post office box address, that address must also be provided.

**XIII. CHILDREN'S ACTIVITIES**

Scheduled periods of visitation shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the children in advance, including time, dates, and transportation needs, so that the children are not deprived of activities and maintaining friendships. The parent who has the children during the time of scheduled activities is responsible for transportation, attendance and/or other arrangements. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their children's activities.

**XIV. NOTICE OF RELOCATION**

Pursuant to the determination made under O.R.C. §3109.051(G)(2), the non-residential parent shall be sent a copy of any notice of relocation filed with the Court.

**XV. ACCESS TO SCHOOL AND MEDICAL RECORDS, DAY CARE RECORDS, AND STUDENT ACTIVITIES.**

Pursuant to O.R.C. §§3109.051(H), (I) and (J), the non residential parent is entitled to access under the same terms and conditions under which access is provided to the residential parent to any record related to the children, and any student activity related to the children, or any public school, private school, or day care that is, or in the future may be, attended by the children.

MEDINA COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION  
STANDARD LONG-DISTANCE VISITATION SCHEDULE

As modeled after and intended to be consistent with that  
adopted by the Medina County Domestic Relations Court  
Local Rule 21: XVIII, FORM 21.01B

Liberal visitation arrangements are encouraged, as contact with both parents is important to the minor children. The best visitation schedule is your own plan. **All parties are strongly encouraged to develop their own plan.** However, for parties who cannot agree, the Court has

designed this plan to ensure that minor children have frequent and consistent contact with both parents.

If you are unable to agree to a different plan, but have objections to this plan because of special circumstances (*e.g.*, travel time, work schedules) or problems (*e.g.*, substance abuse, mental illness, violence) be prepared to present specific facts in a schedule hearing to show why this visitation schedule is not in the best interests of your child.

Visitation is presumed to occur at the parental residence. For children 6 and under, each parent shall notify the other of any overnight stays away from the parental residence or travel outside the area of the residential county. Whenever possible, such notice shall be given in advance and otherwise as soon as practicable. Notice shall include the address and telephone number of the location where the children are staying. For children over 6 years old, parents are urged to voluntarily disclose travel plans or overnight stays away from the parental residence.

### **SUMMER VISITATION**

- A. For children age five (5) and older, the greater of seven (7) weeks or one-half the school summer recess. School summer recess is defined as beginning the day after the last day the children attend school, and ending the day before school reconvenes. If the children are not yet of school age, summer recess will be based upon the public school calendar of the district in which the residential parent resides. The residential parent shall notify the nonresidential parent by March 15 of each year of the dates summer recess begins and ends. The nonresidential parent must notify the residential parent in writing by April 30 of each year of the summer visitation dates; summer visitation shall not be exercised during the last week before school reconvenes unless agreed by the parties in writing or ordered by the Court.
- B. For children age four (4), three (3) weeks during the summer recess, as defined in Paragraph A. If a child in this age group has older siblings, the visitation shall be scheduled to coincide with the older siblings.
- C. Summer visitation for children under the age of four (4) shall be as agreed by the parties in writing or by order of Court. In considering visitation for children in this age group, parents should consider the child's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same visitation, the degree of familiarity and comfort the child has with the nonresidential parent, and any other relevant factors.

## **II. HOLIDAYS**

### **A. For Children Age Four (4) and Older**

Option 1: Christmas and Spring Breaks in even years; Thanksgiving in odd years.

Option 2: One-half of the Christmas Break, including Christmas Day in even years.

One-half of the Christmas Break, excluding Christmas Day in odd years.

Thanksgiving Break in odd years.

Spring Break: One-half of the break, excluding Easter where applicable in odd years.

One-half of the break, including Easter where applicable in even years.

Thanksgiving, Christmas and Spring Breaks are defined by the school calendar in the district where the residential parent resides, unless the parties agree otherwise in writing.

The visiting parent is entitled to select the option for holiday visitation, subject to determination by the Court if the residential parent objects. The selection must be set forth in the judgment entry and, if not, then Option 1 shall be in effect.

Father's Day shall be spent with the Father and Mother's Day shall be spent with Mother whenever suitable transportation arrangements can be made. Visits shall be from 9:00 a.m. until 6:00 p.m., or as otherwise agreed.

The non-residential parent shall have visitation with the child on the child's birthday in odd numbered years, whenever appropriate transportation can be arranged.

By October 1 of **each** year, the residential parent shall notify the non-residential parent in writing as to the date and time periods for when Thanksgiving, Christmas and Spring Breaks occur in the school district where the residential parent resides.

By November 1 of **each** year, the non-residential parent shall notify the residential parent in writing as to the following:

1. Whether visitations will be exercised;
2. What the travel arrangements will be;
3. When the children need to be ready for departure; and
4. When the children will be returned.

Thanksgiving, Christmas and Spring Breaks begin at 6:00 p.m. the day school ends and terminate at 6:00 p.m. the day before school reconvenes. Reasonable deviations from these hours shall be made as appropriate to accommodate travel schedules that are not controlled by a parent, such as airlines or other public transportation.

**B. For Children Under Age Four (4)**

Holiday visitation for children under the age of four (4) shall be as agreed by the parties in writing or by order of the Court. In considering visitation for children in this age group, parents should consider the child's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same visitation, the degree of familiarity and comfort the child has with the non-residential parent and any other relevant factors.

**III. WEEKEND VISITATION**

**A. For Children Two (2) Years Old and Older.**

Visitation shall be permitted once per month provided the travel time for the minor children is no more than three (3) hours one way. The visiting parent must notify the residential parent at least one (1) week in advance if he/she intends to exercise weekend visitation.

**B. For Children Under Age Two (2).**

All visitation for children under age two (2) shall be agreed by the parties in writing or by order of Court. In considering visitation for children in this age group, parents should consider the child's age and development, maturity emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same visitation, the degree of familiarity and comfort the child has with the non-residential parent and any other relevant factors. As much as possible, parents should strive to achieve visitation similar to that provided for this age group in the local standard visitation schedule.

**IV. OTHER VISITATION**

A. The non-residential parent shall notify the residential parent at least two (2) days in advance of any time the non-residential parent will be in the area and wants a visitation period. Absent extraordinary circumstances, visitation shall occur in a manner appropriate to the child's age and development.

B. The residential parent shall notify the non-residential parent at least two (2) days in advance when the residential parent and the minor children will be in the area of the non-residential parent, and visitation shall be permitted in a manner appropriate to the children's age and development.

**V. TELEPHONE CALLS**

Each parent has the right to talk over the telephone with the children as often as the parents agree. If the parents do not agree, then the non-residential parent should normally have telephone privileges at least twice per week. In addition, a parent may call a child once during a scheduled or agreed visitation period that is missed. Also the residential parent has the right to call a child when on vacation with the other parent as the parties can agree; if no agreement, then the residential parent has telephone privileges up to twice per week. Phone calls should be made during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the calls. Also, any time a child is with one parent, he or she is permitted to call the other parent. Any long distance calls made by a child to a parent shall be collect unless the other parent agrees otherwise.

**VI. VACATIONS AWAY FROM HOME**

Whenever either parent takes the children on vacation away from that parent's home, she/he shall notify the other parent at least fourteen (14) days in advance, in writing, and provide the other parent with a written agenda indicating the vacation destination, phone numbers where she/he can be reached, times of arrival and departure, and method of travel.

**VII. SUPPORT OF VISITATION**

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly, to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a Motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that his or her child goes for the visitation period.

**VIII. ADDRESS AND TELEPHONE NUMBERS**

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current residence address and telephone number, and an alternate telephone number in the event of an emergency. A P.O. Box or other address that is used for mail but is not the actual residence does not satisfy this requirement. If mail is only received at a P.O. Box address, that address must also be provided.

**IX. ACCESS TO SCHOOL AND MEDICAL RECORDS, DAY CARE RECORDS, AND SCHOOL ACTIVITIES**

Pursuant to O.R.C. §§3109.051(H), (I) and (J), the non-residential parent is entitled to access under the same terms and conditions under which access is provided to the residential parent to any record related to the children, and any student activity related to the children, or any public school, or day care that is, or in the future may be, attended by the children.

**MEDINA JUVENILE LOCAL RULE 17**

**JURIES, JURORS**

In cases wherein a right of trial by jury is specified, The Medina County Court of Common Pleas, Juvenile Division will participate in the jury system established, administered and operated by the Medina County Court of Common Pleas, General Division.

**MEDINA JUVENILE LOCAL RULE 18**

## **GUARDIANS *AD LITEM***

### **18.01** When Appointed.

The Court shall 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.

The Court may also appoint a Guardian *ad litem* to protect the interests of an incompetent adult in a Juvenile Court Proceeding

### **18.02** Role of the Guardian *ad litem* (GAL)

The role of the Guardian *ad litem* is to assist the Court and to represent the best interest of the child or incompetent adult. The GAL shall be given notice of all hearings and shall be served with all filings made by the parties to the action.

### **18.03** Access

Guardians *ad litem* shall have full access to Court records, case documents and reports filed with or submitted to the Court. The definitions of Sup. R. 44 apply.

### **18.04** Discovery & Pleadings

A Guardian *ad litem* who is an attorney may file pleadings, Motions and other documents as appropriate under the applicable rules of procedure. Cost deposits, if applicable, shall be waived.

### **18.05** Responsibilities.

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 Sup. R. 48(D) unless impracticable or inadvisable to do so.

### **18.06** Eligibility; Training Requirements; Application

A Guardian *ad litem* shall meet the qualifications and satisfy all training and continuing education requirements of Sup. R. 48(E).

Upon completion of the required pre-service training, a person seeking to serve as a Guardian *ad litem* shall submit a letter to the Judge, accompanied by a resume stating the applicant's training, experience and expertise, a copy of the applicant's criminal background check, the applicant's Background Disclosure Statement (form located in the Appendix) and copies of all certificates issued for the training.

An individual serving as a Guardian *ad litem* prior to February 1, 2010 shall, no later than April 30, 2010, submit any documents not already on file with the Court, including the criminal background check. Failure to do so will result in removal from the court's list until all requirements are met.

A Guardian *ad litem* is responsible for providing the court or its designee with a yearly statement indicating compliance with continuing education and training requirements of Sup. R. 48(E). The compliance statement shall include information detailing the date, location, contents and credit hours received for any relevant training course, and a copy of any certificate issued for the training.

**18.07** Reports of Guardians *ad litem*

A Guardian *ad litem* shall prepare a written final report, including recommendations to the court that complies with all requirements of Sup. R. 48(F).

All written reports shall be delivered to the Court and made available for inspection by the parties no less than 7 days before a scheduled hearing unless the due date is extended by the Court.

The report of the Guardian *ad litem* is considered confidential and is not part of the public record of the case.

**18.08** Compensation.

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.

A. In indigent cases, compensation and payment procedures of Medina Juvenile Local Rule 2.3 shall apply.

B. In non-indigent cases, each party must deposit three hundred dollars (\$300.00) with the Clerk of Courts as a deposit for payment of the Guardian *ad litem*'s fees. The appointment of the Guardian *ad litem* shall not be made by the Court until all deposits are paid. The Guardian *ad litem* will be paid at a rate equivalent to that of attorneys appointed for indigent parties, and Medina Juvenile Local Rule 2.3 shall apply for compensation and payment procedures.

**18.09** Discharge.

Absent an objection or appeal, and unless otherwise ordered by the court, the duties of the Guardian *ad litem* shall not extend beyond thirty (30) days following the journalization of the final judgment entry concluding the matter.

**18.10** Complaints Regarding Guardians *ad litem*; Motions to Remove Guardian *ad litem*

Comments or complaints regarding the performance of a Guardian *ad litem* appointed by the Court shall be in writing and directed to the Office of the Judge, Medina County Juvenile Court. A written record shall be maintained in the Guardian *ad litem*'s file regarding the nature and disposition of any comment or complaint. The person making the comment or complaint and the Guardian *ad litem* shall be notified of the disposition.

Motions to remove a Guardian *ad litem* shall be scheduled for hearing before the judge or magistrate assigned to the case in which the appointment was made.

### **18.11 Annual Certification**

The Court shall conduct an annual review of its list of Guardians *ad litem* to determine that all on the list have complied with the training and education requirements and that they have performed satisfactorily on all assigned cases during the preceding calendar year.

All individuals on the list shall certify annually that they are unaware of any circumstances that would disqualify them from serving, and shall report the training they have attended to remain certified per section 18.06 of this rule.

(Background Disclosure Statement Form is contained in the Appendix to the Local Rules)  
(Reference: Administrative Order 2010-0001 effective February 3, 2010)

## **MEDINA JUVENILE LOCAL RULE 19**

### **ENTRIES**

Counsel for the party in whose favor a judgment is rendered, shall within five (5) days thereafter, prepare the proper judgment entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within three (3) days after the receipt thereof. When the entry is approved by counsel, it shall be so endorsed and presented to the judge or magistrate. Upon approval of the judge or magistrate, the entry shall be filed by the clerk. If counsel for the non-prevailing party declines to approve the proposed entry within the three day time period, the prevailing party may present the entry with a written notation that the entry was submitted pursuant to this rule and that the non-prevailing party declined to indicate their approval thereof.

## **MEDINA JUVENILE LOCAL RULE 20**

### **STANDARD FORMS**

The Court shall from time to time promulgate standard forms for use in juvenile court actions. When parties are required by local court rule to use forms authorized by the court, they may submit a form which is substantially in compliance with the form promulgated by the court. The court reserves the right to reject forms which it deems are out of compliance with the court's standardized forms.

Future versions of standard forms will be available for download in PDF format from the court's website.

## **MEDINA JUVENILE LOCAL RULE 21**

## **COURT DECORUM**

At court hearings, all parties, counsel and witnesses shall conduct themselves in such a manner as to reflect the importance and gravity of the court's proceedings. The court reserves the right to recommend conduct, decorum and clothing so as to promote respect for the court, the parties and counsel appearing before it.

## **MEDINA JUVENILE LOCAL RULE 22**

### **SERVICE BY POSTING AND MAIL**

In all cases when publication by posting and mail is permitted pursuant to Ohio Juvenile Rule 16(A), the clerk shall post notice in all of the following places:

- A. A public bulletin board of the Court of Common Pleas, Juvenile Division, Old Courthouse, 93 Public Square, Medina, OH 44256;
- B. The bulletin board of the Court of Common Pleas, General Division New Courthouse Lobby, 93 Public Square, Medina, OH 44256;
- C. A public bulletin board of the Medina City Hall, 132 N. Elmwood, Medina, OH 44256;
- D. A public bulletin board of the Medina County Administration Building, 144 N. Broadway, Medina, OH 44256

## **MEDINA JUVENILE LOCAL RULE 23**

### **ISSUANCE OF SUMMONS/ PROOF OF SERVICE/ ELECTRONIC RETURN RECEIPT**

A request or praecipe for issuance of summons shall be filed with all original and amended complaints or petitions in civil actions.

Whenever certified or express mail is used for service of process under Rule 16(A) of the Ohio Rules of Juvenile Procedure and Section 2151.29 of the Ohio Revised Code, evidence of service of process shall be by an "electronic return receipt" showing to whom the certified or express mail was delivered, the date of delivery, the address where delivered and the electronically stored signature of the person accepting service.

A signed returned receipt shall be downloaded and placed in the file. If the delivery is unsuccessful, the procedure for failed delivery outlined in Civil Rule 4.1 or the procedure for alias service as outlined in Juvenile Rule 16 shall be followed.

All service of process of complaints or other documents served using virtual service of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through the clerk's office.

# **LOCAL RULE APPENDIX**

**Medina Juvenile Local Rule 10**  
**JUVENILE COURT COST DEPOSITS**

\*Fees are subject to change without notice

New Cases - Custody and/or Visitation	\$165.00
Cross Complaints, Third Party Complaints, and Motions to Intervene	\$165.00
All Other New Case Filings (Civil Division)	\$165.00
Contempt Motions	\$165.00
All Post-Decree Motions or Post-Dispositional Motions (Civil Division) Including Motions to Modify Custody or Support, Visitation, Motions to Show Cause	\$165.00
Objection to Administrative CSEA Order of Child Support (Timely Filed)	No Charge
Objection to Magistrate's Decisions or Motions to Set Aside Magistrate's Order	No Charge
Unruly Complaint-Filed by Parent	\$80.00
Service of Process via Foreign Sheriff	\$25.00
Application to Seal/Expunge	No Charge
Indigent Application for Appointed Counsel	\$25.00

**MISCELLANEOUS CLERK FEES**

Photo Copies – per page	\$.25
Certified Copies – per page	\$1.00
Copy of Audio Recording on Compact Disk	\$1.00

Revised: 12/1/2016

**Jury Management**

**Per Medina Probate Local Rule VII and Medina Juvenile Local Rule 17**

**Medina County Court of Common Pleas Rules of the General Division, Rule 15**

**(A) Eligibility and General Administration**

Responsibility for administering the jury system will be vested in the Administrative Judge for the Court of Common Pleas, General Division. Procedures concerning jury selection and service are generally governed by Ohio law and Ohio Rules of Court.

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

All persons shall be eligible for jury service except those who:

1. Are less than eighteen years of age;
2. Are not citizens of the United States;
3. Are not residents of Medina County;
4. are not able to communicate in the English Language;
5. Have been convicted of a felony and have not had their civil rights restored.

**(B) Jury Source List**

The Court hereby adopts an electronic jury pool selection process. Once each year, the list of registered voters shall be obtained from the Medina County Board of Elections in electronic form. The jury source list will be derived from the names shown on the registration list for the most recent past election.

A miscellaneous journal entry signed by the Judges of the General Division shall instruct that upon certification of the list of voters to the Jury Commission by the Medina County Board of Elections and in accordance with a journal entry filed with the Clerk of Courts setting forth the number of prospective jurors to be called, that the drawing of the annual jury list shall proceed until an adequate number of persons are drawn for the coming jury term (year). Pools for the Municipal Courts of Medina County shall be selected in the same manner by journal entry signed by a Judge of the Municipal Court. The output from the computer selection process shall be in the form specified by the Judges of the Court of Common Pleas and the respective Municipal Courts.

**(C) Notification and Summoning Procedures**

There shall be a notice summoning a person to jury service and the questionnaire eliciting information regarding that person. The juror summons shall be delivered by ordinary mail. The summons shall explain how and when the recipient must respond and the consequences of failure to comply with the summons. The questionnaire shall request only that information essential for determining whether a person meets the criteria for eligibility. The jury questionnaire shall contain the following language:

**READ THIS BEFORE ANSWERING—ALL INFORMATION ON THIS FORM MAY BE PUBLICLY DISCLOSED. IF YOU BELIEVE YOUR PRIVACY INTERESTS WILL BE HARMED BY ANSWERING ANY OF THE FOLLOWING QUESTIONS, YOU MAY LEAVE A RESPONSE LINE BLANK AND INDICATE THAT YOU HAVE DONE SO INTENTIONALLY.**

The Court will develop uniform policy and procedure for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

**(D) Voir Dire**

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality. Basic background information regarding panel members will be made available to counsel on the day which jury selection is to begin. The Trial Judge shall conduct a preliminary voir dire examination. Subject to the control of the Court, counsel shall then be permitted to question panel members. The Judge will ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. The voir dire process shall be held on the record, unless otherwise ordered by the Court.

**(E) Jury Deliberations**

All communications between the Judge and members of the jury panel during deliberations shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law. A jury should not be required to deliberate after a reasonable hour and on weekends, unless the Trial Judge determines that such deliberations would not impose an undue hardship upon the jurors, and that they are required in the interest of justice.

**(F) Monitoring the Jury system**

The Court shall monitor the performance of the jury system in order to evaluate: the representativeness and inclusiveness of the jury source list; the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty; the efficient use of jurors; and the cost-effectiveness of the jury management system.

**(G) Juror Use**

The Court shall utilize the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial.

**(H) Jury Facilities**

Each Judge is charged with the responsibility of providing jury deliberation rooms conducive to reaching a fair verdict and with the safety and security of the deliberation rooms in conjunction with the Medina County Sheriff. To the extent feasible, Court staff will attempt to minimize contact between jurors, parties, counsel, and the public by limiting juror movement to those areas designated for jury assemblage, deliberation, and trial.

**JUVENILE COURT OF MEDINA COUNTY, OHIO  
MEDINA, OHIO  
Kevin W. Dunn, Judge**

IN THE MATTER OF \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**Confidential Disclosure of Personal Identifiers**  
(Rule 45 (D) (2) of the Rules of Superintendence for the Courts of Ohio)

	<p align="center"><b>COMPLETE PERSONAL IDENTIFIER</b></p> <p><i>Use this column to list the personal identifiers that have been redacted from the document that is to be placed in the case file.</i></p>	<p align="center"><b>CORRESPONDING REFERENCE</b></p> <p><i>Use this column to list the reference or abbreviation that will refer to the corresponding complete personal identifier.</i></p>	<p align="center"><b>LOCATION</b></p> <p><i>Use this column to identify the document(s) where the reference appears in place of the personal identifier</i></p>
1.			
2.			
3.			
4.			

**Check if additional pages are attached.**

\_\_\_\_\_  
Signature of person submitting the information

THIS IS PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

Name:

\_\_\_\_\_  
 First Middle Last Attorney  
 Number

Current Business Address:

\_\_\_\_\_

\_\_\_\_\_  
 City County State Zip Code

**BACKGROUND DISCLOSURE STATEMENT**

<b>DRIVING HISTORY</b>	<b>YES</b>	<b>NO</b>
1. Do you have a valid Ohio Driver's license?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you been convicted of any moving traffic violation in the past 10 years ?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you had any traffic violations involving alcohol or drugs in the past 10 years?	<input type="checkbox"/>	<input type="checkbox"/>

**BACKGROUND**

4. Have you ever been convicted of a violation of law? Do not disclose expunged or sealed offenses.	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you ever been charged with a crime involving a minor?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you ever committed an act that resulted in a child being adjudicated abused or neglected?	<input type="checkbox"/>	<input type="checkbox"/>
7. If you are an attorney, do you have any condition or impairment which currently affects your ability to competently practice law?	<input type="checkbox"/>	<input type="checkbox"/>

**CONDUCT**

8. Have you ever been disbarred, suspended, censured, sanctioned, or otherwise reprimanded or disqualified as a member of the legal profession or another profession, or as a holder of public office?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you ever been the subject of any written charges, complaints, or grievances to a court or administrative agency concerning your conduct as a Guardian <i>ad Litem</i> or attorney, including any now pending?	<input type="checkbox"/>	<input type="checkbox"/>
10. Has any surety on any bond on which you were the principal been required to pay any money on your behalf in the past 10 years?	<input type="checkbox"/>	<input type="checkbox"/>
11. Have you been denied a license for business, trade, or profession in the past 10 years?	<input type="checkbox"/>	<input type="checkbox"/>

**CIVIL**

12. Have you had any judgments issued against you?	<input type="checkbox"/>	<input type="checkbox"/>
13. Have you declared bankruptcy in the last 7 years?	<input type="checkbox"/>	<input type="checkbox"/>
14. Have you been ordered to pay child support or spousal support?	<input type="checkbox"/>	<input type="checkbox"/>
a. If so, are your payments current?	<input type="checkbox"/>	<input type="checkbox"/>

**If you answered yes to any of the questions above, furnish a thorough explanation.**

