

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

LOCAL RULES OF THE COURT

As set forth in Rule 5 of the Rules of Superintendence for the Courts of Ohio, this court hereby adopts the following local rules of procedure effective January 22, 2024

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## General Provisions / Definitions (Section 1)

### 1.01

- (A) The term “Administrative Judge” as set forth in these rules has the same meaning as set forth (generally) in Sup. R. 4 *et seq.*, and R.C. 2301.03(K).
- (B) The term “Judge” as set forth in these rules means a judge exercising authority as a judge for the Juvenile Court of Butler County, Ohio pursuant to order, rule, or statute.
- (C) Cases shall be assigned to the judges of this court by random assignment upon the filing of the complaint. Modifications to any assignment shall occur only upon the direction of the Administrative Judge and shall be subject to the provisions and limitations as set forth in Sup. R. 36.01 through 36.019.

### 1.02

The term “Rules” as set forth in these rules means the local rules of Juvenile Court as set forth herein.

### 1.03

The terms “this court”, “the court” and “court” as used in these rules, unless context dictates otherwise, shall mean the Juvenile Court of Butler County, Ohio and its actions as directed by the judges or through the magistrates of said court. All rules, unless specifically set forth to the contrary, shall apply equally in the proceedings before the judges and magistrates of this court.

### 1.04

The terms “emergency order” and “*ex-parte* order” shall be defined as orders that are requested and/or issued at the time of the filing of the complaint or other pleading without notice to the other parties in the action. The term “*ex-parte* hearing” shall be defined as a hearing that occurs at the time of the issuance of any emergency or *ex-parte* order. The terms “emergency hearing” and/or “shelter care hearing” shall be defined as a hearing that is scheduled to occur on an expedited basis where reasonable attempts to provide notice to all parties is required.

### 1.05

Unless otherwise ordered by a judge of the juvenile court, the clerk’s office for the court is open for the filing of documents from 8:30 AM until 4:30 PM Monday through Friday. Unless otherwise ordered by the administrative judge, the court is in session from 8:30 AM until 4:30 PM Mondays through Fridays and the clerk’s office shall be closed and no

court sessions shall be held on any designated state or national holiday as recognized by the Board of Butler County Commissioners.

## **Records/Transcripts (Section 2)**

### 2.01

- (A) All case documents as defined in Sup. R. 44 are subject to public release. The court shall maintain two types of records on all delinquency, unruly, abuse, neglect, and dependency matters. One type of records shall be designated as the “official record.” The official record shall, as much as is practicable, contain the portions of the records which are case documents subject to public release pursuant to Ohio Sup. R. 44. The other type of records shall be designated as the “family record” and shall be kept for use by the court and by court staff. The family record shall, as much as is practicable, consist of documents that are not case documents and/or contain information otherwise excluded from public release.
- (B) The clerk shall have the authority, but shall not be required, to redact documents and information within documents that fall(s) outside the definition of case documents as defined in Sup. R. 44 or public records as defined under Ohio law in assembling any record for public review or dissemination. The following documents and information are not case documents and are, therefore, not subject to public disclosure and, if found co-mingled with case documents, may be redacted by the clerk:
  - (1) All probation records, including, but not limited to, pre-sentence investigations and social histories;
  - (2) Records of Butler County or any other Public Children Services Agency (CSA) investigations of families, children, and foster homes, and of the care, training, and treatment afforded children and/or records relating to child abuse and neglect investigations by the CSEA.
  - (3) Residential addresses of officers and employees of any private child placing or public children services agency;
  - (4) Personal identifiers as defined in Sup. R. 44(G)(2)(b) 4 (44)(H) including, but not limited to:
    - (a) All but the last four digits of any social security number;
    - (b) Financial accounts numbers,
    - (c) Debit card numbers,

- (d) Credit card numbers,
  - (e) Employer and employee identification numbers, and
  - (f) Any juvenile's proper name in any abused child, neglected child or dependent child case (Initials or generic initials such as "CV" may be used;
- (5) Any child abuse or neglect report made pursuant to R.C.\_2151.421;
  - (6) Information obtained from or contained on the Ohio Courts Network;
  - (7) Notes, drafts, recommendations, advice, and research of judicial officers or court staff;
  - (8) Information concerning actions wherein an unmarried, unemancipated minor may seek an abortion without notice to parent, guardian or custodian;
  - (9) Victim Impact statements;
  - (10) Any information derived from communications which occurred during mediation;
  - (11) Any information regarding a victim's identification information protected by a court order;
  - (12) Records obtained from the Ohio Bureau of Criminal Identification (BCI);
  - (13) Birth records;
  - (14) Pursuant to the ruling in *Bloch v. Ribar*, 156 F. 3d 673, 676 (6<sup>th</sup> Cir. 1998), records which reveal intimate factual details relating to the commission of any sexually oriented offense;
  - (15) Health care documents, including but not limited to: physical health, psychological health, psychiatric health, mental health, and counseling documents;
  - (16) Drug and alcohol assessments, recommendations, screens and reports;
  - (17) Guardian *ad litem* reports, including collateral source documents attached to or filed with the reports;
  - (18) Home investigation reports, including collateral source documents attached to or filed with the reports;

- (19) Evaluations and reports relating to child custody, allocation of parental rights and responsibilities, parenting time, or companionship or visitation, including collateral source documents attached to or filed with the evaluations and reports including, but not limited to, case plans, semi-annual reviews, and home studies;
- (20) Domestic violence assessments, recommendations, reports, and screens;
- (21) Supervised parenting time or companionship or visitation records and reports and supervised parenting time or companionship or visitation exchange records and reports;
- (22) Financial records and financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
- (23) Asset appraisals and evaluations;
- (24) Post-adjudication (dispositional) orders issued in any abused, neglected, or dependent child action which pre-date the request for records, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history; and/or
- (25) Transcripts of court proceedings which are filed with the court by the court reporter.

## 2.02

Requests made for records that are subject to release pursuant to Local Rule 2.01, or for access to or copies of court records as set forth in this rule that are in the possession of juvenile court will, upon payment of the fees as ordered by the court, be processed and provided within a reasonable amount of time in accordance with the law and/or Sup. R. 48. Requests for any records consisting of ten (10) pages or more pages, for records stored electronically, or for records stored on magnetic tape, may not be available at the time or on the day that the request is made. Requests for records which cannot be readily identified, for non-specific records, or for records which do not exist in the form in which they are requested will not be honored.

## 2.03

- (A) Copies of documentary records which are not subject to public release, shall be furnished by the clerk to those individuals or entities as set forth in R.C. 2151.18 and R.C. 2152.71, the parties in the case in question, or pursuant to court order, upon payment of the fee as directed by the Court and upon presentation of a completed records request form. Records, transcripts, and copies of electronically

recorded transcripts pertaining to cases not listed in Local Rule 2.01 provided to persons pursuant to subsections (A) through (C) of this rule, by statute, or pursuant to the rules governing the courts of Ohio shall be subject to an ongoing order of the Court that no public use may be made of such records or transcripts.

- (B) Pursuant to Sup. R.11, upon request of any party to any proceedings before this Court, this Court may permit review of any unsealed electronically recorded transcript to any such party. Upon any party's request to obtain a copy or copies of unsealed electronically recorded transcripts, the Court shall provide such copy or copies to the requesting party, subject to the restrictions set forth in subsection (A) of this rule.
- (C) Blank records request forms shall be available upon request at the clerk's office. Requests for records consisting of ten (10) or more pages, for non-specific records, for records stored electronically, for records stored on magnetic tape, or requests for records which cannot be readily identified may not be available at the time or on the day that the request is made. Requests for records which cannot be readily identified, for non-specific records, or for records which do not exist in the form in which they are requested will not be honored.
  - (1) Except as otherwise provided in section (D) of this rule, all transcripts of proceedings shall be provided by the court reporter for the purpose of appeal, an objection, or other use as authorized by this Court.
  - (2) Except as otherwise provided in section (D) of this rule, all transcripts prepared by the court reporter shall contain this disclaimer on every page thereof: "Butler County Juvenile Court has provided this transcript for an appeal or objection. Pursuant to Juv. R. 37, any public use of this document by any person or party, without the consent of said court, is prohibited."
  - (3) Except as otherwise provided in section (D) of this rule, all transcripts prepared by the court reporter except those prepared for the purpose of an appeal of a matter subject to the Ohio Rules of Criminal Procedure shall contain this disclaimer in bold, clear, and conspicuous type of the front page thereof;

**“THE BUTLER COUNTY JUVENILE COURT THROUGH THE COURT REPORTER HAS PROVIDED THIS TRANSCRIPT FOR THE SOLE PURPOSE OF AN APPEAL OR OBJECTION. PURSUANT TO OHIO JUV. RULE 37, ANY PUBLIC USE OF ANY PART OF THIS DOCUMENT BY ANY PERSON OR PARTY, WITHOUT THE CONSENT OF SAID COURT, IS PROHIBITED.**

**COPYING OF ANY PART OF THIS TRANSCRIPT BY ANY PERSONS OR PARTY MAY SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.**

**DISTRIBUTION OR DISSEMINATION OF ANY PART OF THIS TRANSCRIPT, BY ANY PERSON OR PARTY, TO ANY OTHER PERSON OR PARTY FOR ANY PURPOSE OTHER THAN SAID APPEAL OR OBJECTION MAY, REGARDLESS OF THE MEANS OF DISTRIBUTION OF DISSEMINATION, SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.”**

- (D) Motions for consent of the Court to use or disseminate transcripts or electronically recorded transcripts prepared or released pursuant to subsections (A), (B), or (C) of this rule other than for appeal or objection, public records requests for transcripts or electronically recorded transcripts except those made available as set forth in Local Rules 2.02 and 2.03 (A) through (C) shall be provided in accordance with this subsection:
- (1) Such transcripts, being neither presumptively public (open) nor non-public (closed), shall be released without restriction as to their use only after the parties to the case or cases involved in the motion are provided with a reasonable opportunity to be heard on the question of whether or not said transcripts should be open or closed.
  - (2) Upon receipt of the motion for consent of the Court to use or disseminate a transcript, the Court shall ascertain the names of and the last known addresses of all of the parties and their counsel of record to the cases or cases involved in the motion and shall send notice to said parties and their counsel of record by ordinary mail regarding the motion.
  - (3) Said notice shall advise the parties and their counsel of the nature of the motion and the identity of the person or entity by who filed the motion.
  - (4) In the text of said notice, the Court shall advise the parties that the Court will release the transcripts requested to the movant unless a party or their counsel files, within fourteen (14) calendar days of the date that the mailing of the notice a motion or a closure hearing regarding the motion.
  - (5) Upon receipt of the motion for a closure hearing relating to a motion for consent of the Court to use or disseminate a transcript, the Court shall schedule a preliminary hearing as soon as is practicable and shall notify the movant and the other parties to the case of the date and time of the preliminary hearing.



- (6) If no motion for closure is filed with the Court within fourteen (14) calendar days of the date of the mailing of the notice as set forth in subsection (2) of this rule, the motion shall be granted and the transcript shall be released to the movant without restriction as to their use.
- (E) The cost of the preparation of a typewritten transcript of any court proceeding shall be paid by the requesting party. Any request for the preparation of a typewritten transcript shall identify the date of each hearing for which a transcript is requested. Fees for compensation for the preparation of transcripts shall be set as follows:
- (1) Appellate and objection transcripts as well as transcripts prepared as a result of the filing of a motion to set aside of similar motion shall be provided at a cost of \$4.00 per page. The cost of the transcript shall be paid by the appellant, movant, or objecting party. The original transcript document shall be filed with the Clerk of the Court. Any party may obtain a paper copy of the transcript at a cost of \$.05 per page and/or a read-only copy of the transcript document on disk at no charge.
  - (2) Other transcripts shall be provided at a cost of \$4.00 per page as paid by the requesting party or person. The requesting party or person shall be provided with an original transcript of document and, upon request, a read-only copy of the transcript document on disk. The other parties may obtain a paper copy of the transcript at a cost of \$.05 per page and/or a read copy of the transcript document on a disk at no charge. Only transcripts or copies of transcripts that are certified by the court reported may be filed with the Clerk of Court. Such transcripts shall not be filed with the clerk by any person other than the court reporter.

## 2.04

Documentary evidence presented to the court shall be preserved digitally, as an image, or in original form by the court together with the other court records in each case. Non-documentary exhibits may be photographed. Those photographs shall be preserved in original or digital form by the court together with the other court records in each case. All non-documentary evidence so photographed shall be disposed as per the orders of the court after all appeals are exhausted and/or all time for objection and/or appeal has elapsed.

## **Complaints, Filings, & Motions (Section 3)**

### 3.01

- (A) (1) All complaints, petitions, memoranda, motions, requests, objections, appeals, or similar documents shall be signed by counsel of record. All

complaints, petitions, memoranda, motions, requests, objections, appeals, or similar documents presented for filing by an unrepresented person shall be signed by that person.

- (2) Any document filed by an attorney at law shall contain, in legible or printed form, the name, address, telephone number, email address, and Ohio Supreme Court Registration number of the filing attorney.
  - (3) All motions and similar documents shall, in the caption, contain the name of the judge to whom the case is assigned. If the case has been assigned to a magistrate, the name of the magistrate to whom the case has been assigned shall also be included in the caption.
  - (4) Except for Juvenile delinquency, traffic offender, unruliness, cases, all complaints, pleadings, motions, case plans and other filings must: be properly captioned with the name of the case in the upper left hand corner of the first page and the case number in the upper right hand corner of the first page; contain the names, addresses, and dates of birth of all parties to the action (if known or reasonably ascertainable); and must contain the names, dates of births, addresses, and the last four (4) numbers of the social security numbers of the parents or alleged parents as well as the names, dates of birth, and places of birth of any children subject to such court action (if known or reasonably ascertainable).
- (B) Except for Uniform Traffic Citations and other forms as developed for court use by this court, the Ohio Supreme Court, and/or the State of Ohio, all paper documents to be filed shall be typewritten, produced by a word-processing program, or legibly written in ink on 20 to 22-pound weight white paper 8½ by 11 inches in size or on forms provided by the court. Additionally, all documents shall be presented so as to be suitable for digital scanning, for filing in a flat-filing system, shall have a margin on all sides of at least one inch, and shall have a blank 3.5 inch margin at the bottom of the first page of every document filed for the purpose of accommodating the court's bar code and time stamp.

### 3.02

All complaints, including, but not limited to those alleging juvenile delinquency and/or unruliness as well as requests for protection orders shall be subject to approval by court personnel, as designated by the judge, prior to filing with the clerk.

### 3.03

A certified copy of the court order, an administrative finding, or copy of a birth certificate which establishes that a parent-child exists between a complainant and the child subject

to the jurisdiction of this court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.

### 3.04

- (A) All motions shall contain a certification of service to all counsel and unrepresented parties. All motions except those motions filed requesting summary action pursuant to Rule 3.10 procedural motions, motions requesting consent of the court to proceed with an adoption in Probate Court, motions for emergency or *ex parte* action, motions to file documents, motions to withdraw counsel, requests for release from incarceration or detention, motions to adopt administrative orders or recommendations by the CSEA, notices of change of circumstances filed by the CSEA, and motions for continuances; shall contain a notice of hearing date with certification of service to all counsel and unrepresented parties. Hearing dates shall be obtained through the office of the assignment clerk.
- (B) The certification of service on all filings shall state the date and manner of service designating whether it was sent by certified mail, ordinary mail, facsimile transmission, or by hand delivery. In addition, the certificate shall state the name, business address, email address, and fax number (if used) for service of each attorney or party to whom the filing is directed and shall be signed in accordance with Civ. R. 11.
- (C) All motions shall specify the order or modification requested, the circumstances which justify the order or modification and shall be supported by a memorandum, of not more than ten (10) pages, that is incorporated into or annexed to the motion. Motions and supporting memoranda shall be filed in triplicate. The clerk shall file one copy, and shall deliver one copy to the assignment clerk. Counsel shall deliver a courtesy copy of the motion and memorandum to the judge or to the magistrate to whom the case has been assigned.

### 3.05

Only one child shall be identified as the subject of any complaint, motion, pleading, or any other document filed in Juvenile Court regardless of the nature of the complaint.

### 3.06

With the exception of writs and certifications from other courts or as otherwise allowed under Ohio law, every case shall be commenced by the filing of a complaint.

### 3.07

All complaints, pleadings, motions, case plans and other filings must be properly captioned with the name of the case in the upper left hand corner of the first page and the case number in the upper right hand corner of the first page.

### 3.08

All complaints, motions, pleadings, petitions, and similar documents shall contain in the caption on the first page of any such complaint, motion, pleading, petition, or similar document, a clear indication of each form of relief sought and a numerical designation (code number(s)) as set forth in Appendix J of these Rules regarding the nature of relief sought. Documents which do not conform to this rule may be refused by the clerk, may be subject to substantial review prior to filing, or may be dismissed by the court. The information contained in the case caption and the relief identified, either by way of code number or text within the caption, shall control how the action is identified and processed by the court. Further, unless clearly and unequivocally stated to the contrary in the caption on the first page of the complaint, petition, motion or similar pleading wherein there is a request for custody, shared parenting, the allocation or reallocation of parental rights and responsibilities or similar relief identified either by way of code number or text within the caption, such pleadings shall be construed as arising under R.C. 2151.23(A)(2) and R.C. 2151.23(F)(1).

### 3.09

All complaints, petitions, motions or similar pleadings, including but not limited to those which reopen dormant cases, which relate to or request relief relating to (but not limited to) the following issues must be filed together with the fully completed Juvenile Court Face Sheet (Appendix I). Such complaints, petitions or similar pleadings filed without a completed face sheet may be declined for filing or may be summarily dismissed by the court.

- Legal Custody
- Grandparent's power of attorney and caretaker authorization affidavits
- Temporary Custody
- Shared Parenting
- Allocation or reallocation of Parental Rights
- Visitation
- Parenting Time
- Companionship Rights
- Abused Child
- Neglected Child
- Dependent Child
- Child without proper care
- Guardianship
- Protection Orders

- UCCJEA Foreign Decree Registration of Filing
- Contempt of Court
- Child support
- Parentage/Paternity

### 3.10

- (A) Notwithstanding any provision of the Revised Code to the contrary, summary substantive orders (a substantive order or a modification of any existing order issued or case plan without a hearing) or other summary actions by the court will only be issued or taken upon the filing of a complaint, motion, or petition together with all documentation required in the Revised Code (if any) regarding the relief, finding, action, or order requested. Any such complaint, motion, or petition: shall be subject to the requirements of any Revised Code provision regarding the relief, finding, order, or action requested; shall be served upon all parties to the action as required in these rules; shall include the phrase “SUMMARY ACTION REQUESTED” in the case caption in uppercase; and shall set forth the following language as typed herein: **“IF YOU OPPOSE THE RELIEF, MODIFICATION, ACTION, OR ORDER SOUGHT IN THIS MOTION YOU MUST FILE A RESPONSE OR A REQUEST FOR A HEARING REGARDING THIS MOTION WITHIN FOURTEEN (14) DAYS OF THE FILING DATE UNLESS OTHERWISE SET FORTH HEREIN. IF YOU FAIL TO RESPOND OR REQUEST A HEARING DATE, THE COURT MAY RULE UPON THIS MOTION WITHOUT FURTHER NOTICE TO YOU.”**
- (B) The court will not consider motions for summary substantive action if the relief, modification, or order sought would deprive a parent, legal custodian, or child of custody, visitation, or support.
- (C) Any motion for parenting time or visitation filed pursuant to this rule shall have an affidavit from the movant attached. That affidavit shall set forth the details of the relationship that the movant has had with the child including, but not limited to, the care directly provided to the child by the movant, the frequency of any contact between the child and the movant, and the nature of any contact between the child and the movant.

### 3.11

- (A) Privately retained counsel in all cases shall, prior to making a court appearance and/or contemporaneously with the filing of any initial complaint, motion, or petition, file a Notice of Appearance. That Notice shall indicate whether or not

counsel for the attorney's client has been previously retained and/or appointed. If counsel has been previously retained or appointed, the attorney filing the Notice shall certify that prior counsel has been notified of the substitution of counsel. In the event that prior counsel is not notified per the rule, sanctions, including but not limited to an award of attorney's fees to the prior attorney or to the court if counsel was appointed, may be awarded. In addition, all Notices of Appearance by retained counsel shall contain the following:

- (1) The attorney's name and signature;
  - (2) If filing fees have been paid as part of the filing(s), the name and address of the payor of those filing fees;
  - (3) If the payor of the filing fee is the attorney, the attorney's Tax Identification Number (T.I.N.) or a certification that a completed Sub W-9 is on file with the Clerk of Courts or the County Auditor;
  - (4) The attorney's Supreme Court registration number, business address, telephone number, fax number, and e-mail address; and
  - (5) The name of the party represented by the attorney.
- (B) Documents subsequently submitted to the Clerk for filing shall contain the information as set forth above.
- (C) Information set forth in the initial Notice of Appearance which is subsequently changed shall be immediately reported by the filing of a new Notice of Appearance.

### 3.12

- (A) Documents will be accepted for filing by mail only if all the following conditions are met:
- (1) The proper filing fee must accompany the document to be filed;
  - (2) A stamped and addressed envelope for return of file-stamped copies must accompany the document to be filed;
  - (3) If a signature of a judge or magistrate is required on the document to be filed, permission to subject such document, in full compliance with all rules and statutes shall have been obtained in advance from such judge or magistrate; and

- (4) The document to be filed complies with all pertinent statutes and rules.

3.13

- (A) All complaints and motions filed pursuant to R.C.121.38 *et seq.* shall state with specificity the relief requested by the movant or complainant and shall be submitted together with all of the following attachments:
  - (1) A copy of the written determination made by the decision maker during the dispute resolution process;
  - (2) A transcript or summary of all evidence submitted to said decision maker together with copies of all documentary evidence presented to said decision maker;
  - (3) A copy of the plan of care as adopted by said decision maker;
  - (4) A praecipe for service upon all agencies subject to the determination as well as the child and the parents or custodian(s) of the child subject to the action. Said praecipe shall include the names and addresses of said parties to be served and shall set forth a hearing date as obtained by the movant or complainant from the assignment clerk.
  - (5) A copy of the family service coordination plan as adopted in Butler County.

3.14

- (A) Any document filed with the court that is set forth in a foreign language (a language other than the English language) shall be accompanied by a translation of that document from the foreign language into English. Any such translation shall be accompanied by an affidavit from the interpreter that:
  - (1) Clearly identifies the document or documents that has or have been translated,
  - (2) Verifies that the translation from the foreign language into English is accurate and complete, and
  - (3) Sets forth the qualifications of an interpreter including, but not limited to, certification of the interpreter by the Ohio Supreme Court, other certifications of the interpreter of other entities, and any training , education, or relevant experience possessed by the interpreter.

- (B) The court will not consider any translation of any document which does not comply with this rule. Additionally, the ultimate acceptability compliance with this rule shall be determined by this court on a case-by-case basis.

3.15

All complaints filed for parentage, support, visitation, shared parenting, residential parent determination, custody, parenting time, companionship rights, and abuse, neglect and dependency (Except those filed by a Public Children Services agency) shall be accompanied by a completed IV-D application (Appendix H).

3.16

- (A) All documents filed by a person or party acting *pro se* or *in propria persona* shall be subject to review by the clerk prior to acceptance by the court for filing, shall be signed in accordance with Rule 3.01(A)(1), and shall contain in legible or printed form the name, address, and telephone number of said person or party. *In propria persona* (or substantially similar) filings by non-parties and any other filings by non-parties which request relief, dispute or facially deny the jurisdiction of this court shall be not accepted for filing.
- (B) The clerk of this court may refuse to file any document submitted to the court for filing that is not signed by the filer or that is signed by a person claiming to be a trustee, agency, attorney-in-fact, or a similar representative for the person or entity on whose behalf the document is submitted unless the person who has signed the document is an attorney-at-law duly licensed by and in good standing with the Supreme Court of Ohio.

3.17

- (A) All motions to withdraw as counsel shall:
  - (1) Include the time, date, place, hearing officer, and type of hearing scheduled to be heard subsequent to the filing of the motion;
  - (2) Be filed (unless specified exigent circumstances are set forth in the motions) not later than thirty (30) days prior to the next hearing;
  - (3) Include a certificate of service verifying service of the motion upon the withdrawing attorney's client as well as the other parties and counsel of record.
- (B) In addition to the requirements as set forth in subsection (A) of this rule, any motions to withdraw filed by a court-appointed counsel as well as any court order granting such motions shall include an advisement to the client wherein the client is advised of the necessity of contacting the clerk's office at (513) 785-7998 for the purposes of completing an updated affidavit of indigency if the client wishes to have another attorney appointed by the court.



- (C) Any motion to withdraw as counsel for any reason other than those specified in Rule 1.16(b) of the Ohio Rules of Professional Conduct must be approved by the court.

3.18

The clerk may refuse to file any document submitted which does not comply with any of the rules in this section. Notwithstanding the foregoing, any document filed that is found to not be in compliance with any of the rules in this section may be summarily dismissed or stricken by the court.

#### **Technology Plan/Fax & E-Filing (Section 4)**

4.01

- (A) The court has limited access to technology for remote hearings. Such access is conditioned upon availability as well as the compatibility and availability of technology and resources outside of the court facility. The hardware and software required for this purpose is maintained by the county information technology department and court staff. The court will consider requests for remote access on a case-by-case basis.

4.02

- (A) As set forth and provided for in Traf. R. 3(F), the use and filing of a traffic ticket that is produced by a computer or other electronic means is authorized in the Butler County Juvenile Court. Such ticket shall conform in all substantive respects, including layout and content, to the “Ohio Uniform Traffic Ticket,” except that standards for the color and weight of paper and method of binding shall not apply.
- (B) If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the juvenile with a paper copy of the ticket as required by the Ohio Traffic Rules. An electronically produced ticket prepared in accordance with Traf. R. 3 and this Rule may be filed with the court by paper or electronic filing (if available). The issuing officer shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.
- (C) Pursuant to Traf. R. 3(F) this court hereby adopts, by reference, the local rules of any court exercising general jurisdiction regarding traffic offenses insofar as those rules relate to the use of traffic citations or tickets that are produced by computer or other electronic means by law enforcement officials subject to that court’s jurisdiction. A ticket produced by computer or other electronic means in

compliance with Traf. R. 3 and any such local rules shall be deemed to be acceptable filing of any documents including, but not limited to, traffic citations or tickets produced by computer or other electronic means.

#### 4.03

- (A) Pursuant to Juv. Rule 8, facsimile filings of documents excepting those which require a filing fee, those which must be filed under oath, and those which require the attachment of any affidavit or similarly sworn document may be accepted by the court during the days when court is in session from 8:30 AM until 3:30 PM. Documents received after 3:30 PM will not be filed until the next court date that court is in session. The court assumes no liability for attempted facsimile filings which are misdirected or received in incomplete or otherwise unacceptable condition. Documents exceeding ten (10) pages in length, exclusive of the coverage pages, shall not be accepted for filing by facsimile transmission. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.
- (B) Documents which require payment of a filing fee will be accepted via facsimile transmission provided that arrangements are made with the clerk and the appropriate filing fee is paid into the clerk's office by the end of the business day following the day of transmission.

#### 4.04

- (A) An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means.
  - (1) If a document contains (an) electronic signatures, the document is deemed signed by person or persons who filed it electronically.
  - (2) When a document to be filed electronically, such as a stipulation or an agreement as to court orders, requires the signatures of opposing parties or persons, the following procedures apply:
- (B) The opposing party or other person has signed a printed form of the document before, or on the same day as, the date of filing. The electronic filer must maintain the original, signed document and must make it available for inspection and copying for one (1) year. The court and any other party may demand production of the original signed document during that same time frame. By electronically filing the document, the electronic filer indicates that all parties have signed the document and that the filer has the signed original in his or her possession; or

- (C) The opposing party or other person has signed the document using an electronic signature and that electronic signature is unique to the person using it, capable of verification, under the sole control of the person using it, and linked to data in such a manner that if the data are changed, the electronic signature is invalidated.
- (D) Electronic signatures of the judges and magistrates of this court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and order issued by this court. Electronic signatures issued in accordance with this rule shall have the same force and effect as a manual signature by the signatory.
- (E) Electronic signatures utilized by this court shall be subject to the following procedures:
  - (1) The electronic signature creation data shall at all times be under the control of the signatory.
  - (2) The electronic signature created by the electronic signature creation data shall be capable of verification as authentic by the court, and
  - (3) The electronic signature shall be linked to the data in the electronic document to which it pertains in a manner so as to assure that, if the data is changed after the electronic signature is entered, the electronic signature shall be invalidated. Such invalidation shall be readily detectable in both the stored signed document and in any paper copy of that document generated from the stored data.

## **Child Support & Parentage (Section 5)**

### 5.01

The rules in this section shall not be construed to eliminate the need to comply with any other local and state rules of procedure, including, but not limited to, the general local rules for pleadings contained in Section 3 of these rules.

### 5.02

- (A) Subsequent to the filing of any parentage complaint, a case management conference/pre-trial shall be scheduled by an assignment clerk. Said case conference/pre-trial shall be scheduled no earlier than thirty-one (31) days after the filing of the complaint.
- (B) On the first case conference/pre-trial of any parenting action, the court shall:
  - (1) Join the child who parentage is at issue as a party to the action.
  - (2) Appoint a guardian *ad litem* (GAL) to represent the child if appropriate.

- (3) Join any local, state, or federal agency seeking monetary reimbursement in said action as a party
- (4) Determine if paternity is admitted or denied.
- (5) Determine if genetic testing is requested. If so, same shall be scheduled and ordered.
- (6) Order the mother and alleged father to provide financial and income information to the court at the next hearing.

### 5.03

All child support orders shall be filed with the clerk together with a completed, printed or typewritten 201 form (Appendix G).

### 5.04

- (A) Prior to the commencement of any hearing wherein child support is to be considered, the judge or magistrate shall be presented with a complete current child support calculation sheet by the party seeking support.
- (B) The calculation sheet shall be signed by the person who prepared it. The calculation sheet shall also be signed by the party or parties submitting it.
- (C) If the income of a party is unknown, but his or her employment is known, the attorney shall obtain income information by filing a subpoena duces tecum at the time of the complaint or motion is filed, and note that a subpoena has been filed in lieu of the calculation sheet. If both income of a party and his or her employment are unknown, a statement must be submitted that the information necessary to complete the calculation form sheet cannot be obtained by reasonable means.
- (D) Any person who moves the court for an increase or a decrease in the amount of child support shall provide the court with an audit of the child support account in question at the hearing on the motion. Such audits must be obtained from the CSEA.

### 5.05

- (A) When an order for child support is prepared by an attorney, it shall be the responsibility of the attorney to assure that the text of the support order complies with all pertinent provisions of the Revised Code. Generally, without limitation, all child support orders shall contain the following:

- (1) A statement of the monthly child support obligation made payable in increments which coincide with the obligor's pay periods.
- (2) A statement as to whether the support obligation conforms with the current child support schedule and/or guidelines. If the order substantially deviates from said schedule, particularized facts which support the deviation shall be set forth in the order together with agreed filings that the schedule amount would be unjust, inappropriate and not in the best interest of the child(ren).
- (3) An order directing the clerk to issue appropriate wage withholding orders.

5.06

All child support orders shall contain the following language (each individual order need not contain all of this language, parts of the same may be contained in separate forms or notices used for the issuance of a support order):

“All child support payments plus a 2% processing charge, shall be paid through the Butler County Child Support Enforcement Agency or the Ohio Child Support Payment Center (OCSPC). Any payments not made through the CSEA or the OCSPC shall be deemed to be gifts.”

(The following language shall be included as styled as follows)

**EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50.00 FOR THE FIRST OFFENSE, \$100.00 FOR THE SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLINGFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU :**

**IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.**

The CSEA is hereby authorized by this court to change the payee (obligee) of any child support order upon notification of a legally authorized change of custodian or residential parent for any child who is the subject of any child support order.

All child support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice, a withdrawal directive, or appropriate court order issued in accordance with R.C. 3121.02 through R.C. 3121.07 and shall be forwarded to the obligee in accordance with R.C. 3121.50.

**Child Custody Cases (Section 6)**

6.01

The rules in this section shall not be construed to eliminate the need to comply with any other local and state rules of procedure, including, but not limited to, the general local rules for pleadings contained in Section 3 of these rules.

6.02

- (A) All complaints and other pleadings wherein *ex-parte* hearings or orders and/or emergency hearings or orders are requested, shall state in the caption of the complaint or pleading that an emergency hearing, emergency order, or an *ex-parte* order is requested and shall be supported by sworn testimony, and shall be accompanied by an affidavit or otherwise supported by documentation attested to under oath, specifically setting forth the facts upon which the alleged emergency is based. Complaints or pleadings including, but not limited to those that reactivate dormant cases wherein *ex-parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- (B) Any complaint petition or motion filed wherein an emergency and/or *ex parte* order is requested; except complaints, motions, or petitions filed for Juvenile Protection orders; by a Public or Private Children Services Agency; or by the guardian *ad litem* (as appointed by this court or by the Butler County Domestic Relations Court) of the child who is the subject of the complaint, motion or

petition, may be retained by the court for twenty-four (24) hours or more before the issuance of any order requested in the complaint or petition by this court. Further, all such complaints, motions or petitions shall:

- (1) Be forwarded by the court, together with any attachments and pleadings submitted by the court to the Public Children Services Agency for Butler County (currently the Butler County Department of Job and Family Services) ;
- (2) Except as provided in subsection (4) of this rule, meet with the following requirements:
  - (a) The complaint petition or motion must relate to the issue of child custody or a request for a restriction on visitation or parenting time, and, in a manner consistent with the requested relief;
  - (b) The person requesting the order must present the court with a current safety plan or similar document from the Public Children Services Agency for Butler County designating that person as the caretaker of the child or indicating that a person's contact, visitation, or parenting time has been restricted in a manner consistent with the requested relief due to the terms of that plan, or
  - (c) The person requesting the order must allege that the child is at imminent risk of abuse due to physical injury; aver the Public Children Services Agency for Butler County has been notified regarding that risk; and provide the court with documentation that the child's circumstances are being investigated the Public Children Services Agency for Butler County or the Public Children Services Agency for Butler County\_has investigated the case and has made a finding that substantiates the allegation of abuse due to physical injury, or
  - (d) The person requesting the order must allege that the child is at imminent risk of sexual abuse; aver that the Public Children Services Agency for Butler County has been notified regarding that risk; and provide the court with documentation that the child's circumstances are currently being investigated by the Public Child Placing Agency for Butler County or that the Public Children Services Agency for Butler County has investigated the case and has made a finding that substantiates the allegation of sexual abuse, or

- (e) The person requesting the order must allege that the child is at risk of harm and provide the court with a recent law enforcement report which either places the child in the care of the person filing or instruct the filer to restrict, suspend, or modify the contact between the child and another person due to that risk, or
  - (f) The person requesting the order must present the court with signed documentation from a physician, clinical psychologist, or psychiatrist that indicates that in his or her professional opinion, the relief requested is necessary to prevent physical injury (including self-harm) to the child, or
  - (g) The person filing for custody alleges that a parent, the parents, or the custodian of the child is deceased, that the only person entitled to legal notice of the case is the person filing, and the person filing attaches copies of the death certificate(s) regarding the death(s) of the parent, parents, or custodian, or
  - (h) The person requesting the order attaches documentation substantially similar to the documentation set forth in subsections (b), (c), & (d) herein issued by a Public Children Services Agency or Public Child Protective Agency from another jurisdiction.
- (3) Be granted only if at the time of filing the court is presented with testimony from at least one person and documentary evidence or testimony from a person or entity other than the filer that establishes reason to believe that the child is question: will suffer physical harm; will be left without a custodian to provide for his or her care; or will be subject to sexual abuse if the order is not issued.
- (4) Upon presentation of testimony from at least one person and documentary evidence or testimony from a person or entity other than the filer indicating that there is a reason to believe that a child is at imminent risk of being removed from the jurisdiction of this court, this court will consider the issuance of emergency orders limited to orders which restrain or prohibit such relocation.
- (C) When a shelter care hearing is required pursuant to Juv. R. 13(B), the party who requests and/or obtains the emergency or *ex parte* hearing and/or shall be responsible for providing appropriate service upon all other parties regarding the



issuance of the emergency or *ex parte* order and regarding the emergency or *ex parte* order and regarding the emergency or shelter care hearing.

- (D) When an emergency or *ex parte* order is issued pursuant to Juv. R. 13(B), the court will schedule a probable cause/shelter care hearing pursuant to these rules and the Ohio Rules of Juvenile Procedure. For the purpose of determining when shelter care hearings should first be scheduled, emergency and *ex parte* orders filed after 2:00 PM shall be deemed to have been filed on the following business day. When an emergency or *ex parte* order issued pursuant to Juv. R. 13(A), (C), or (D), the court will conduct a hearing on the shelter care docket regarding the issuance of the order upon the motion of any adversely affected party.
- (E)
  - (1) Except in situations where the movant is requesting an emergency or shelter care hearing as a matter of right, all motions and/or requests for emergency hearings shall be accompanied by an affidavit, supported by other document(s) attested to under oath, or supported by sworn testimony, and shall comply with the local rules.
  - (2) Any party requesting an emergency hearing shall first file the appropriate documents for an emergency (or shelter care) hearing and shall assure that a motion for final relief is either pending or is filed contemporaneously. The motion for an emergency (shelter care) hearing will be presented by the court staff to a judge or magistrate for a determination regarding whether or not the information as filed in said documents provides the court with sufficient grounds to schedule an emergency (shelter care) hearing. Court staff shall thereafter proceed regarding the request as directed by the judge or magistrate.

### 6.03

A certified copy of the court order, birth certificate, or the administrative finding which establishes that a parent-child exists between a complainant and the child subject to the jurisdiction of this court shall be attached to any complaint regarding parentage, custody, visitation, or support as filed by any complainant who claims to have a parental relationship with such child.

### 6.04

- (A) All notices of intent to relocate shall be filed together with a fee, as set by the clerk, to cover the cost of service of said notice, using the form as set forth in Appendix E of these rules. Such notice must be filed within the following time frames:

- (1) If relocating within Butler County – at least thirty (30) days in advance of the move:
- (2) If relocating outside Butler County – at least sixty (60) days in advance of the move.

6.05

All *habeas corpus* proceedings and enforcement and warrant proceedings filed under R.C. 3127 *et. seq.* (the UCCJEA) shall be heard by the judges of this court and shall be scheduled by the assignment clerk directly with one of the juvenile judges.

6.06

This court shall not grant legal custody to any person who is not legally related to a child unless the court is presented with a home study regarding the proposed placement performed by a licensed psychiatrist, psychologist, licensed independent social worker, public child placement agency, private child placement agency, or other professional as designated by this court.

## **Abused, Neglected, and Dependent Child Cases/Findings (Section 7)**

7.01

The rules in this section shall not be construed to eliminate the need to comply with any other local and state rules of procedure, including, but not limited to, the general local rules for pleadings contained in Sections 3 and 6 of these rules.

7.02

- (A) As set forth in Juv. R. 10, any request for a finding that a child is an abused, neglected, dependent, abandoned, or that a child is a CHINS or CHIPS child must be requested by way of a complaint and cannot be requested by motion. All complaints alleging that a child is abused, neglected, dependent, abandoned or that a child is a CHINS or CHIPS child except complaints filed by a Public or a Private Children Services Agency (CSA) or by the guardian *ad litem* (as appointed by this court or by the Butler County Domestic Relations Court) of the child who is the subject of the complaint shall be subject to the following requirements:
  - (1) Pursuant to Juv. R. 9, such complaints may be subject to retention prior to filing and/or the issuance of any orders per the provisions of Section 6 of these rules;

- (2) Any complaint that is subject to section (A) of this rule shall be subject to the terms regarding emergency orders and hearings as set forth in Section 6 of these rules;
- (3) The Butler County Public CSA (currently the Butler County Department of Job and Family Services) shall be named as a party in the caption of and shall be joined as a party in all such complaints and shall not be severed as a party until a permanency order (as defined within R.C. 2151) is issued by this court or the case is dismissed. The CSA shall be provided with copies of all filed documents, shall be directed to investigate the allegations raised, shall be directed to investigate all persons involved in the case, and shall be directed to provide the court and all parties with a report regarding its investigation unless otherwise ordered by the court; and
- (4) If an admission is not entered by all parties regarding the allegations in any complaint filed that is subject to section (A) of this rule this court shall, pursuant to Juv. R. 29 direct the Prosecuting Attorney to present evidence regarding the complaint, as the Prosecuting Attorney or child's attorney sees fit. Once so directed, the Prosecuting Attorney shall have sole control, consistent with the Ohio Rules of Professional Conduct, regarding the prosecution amendment, compromise, and/or voluntary dismissal of the complaint.

#### 7.03

- (A) The complainant shall present a praecipe for certified mail service and the necessary documentation for service by publication or posting (if necessary) upon previously unnoticed essential parties to the clerk within three (3) working days of the filing of the complaint. This notice shall be for the date of the case management conference/pretrial but shall be stated as the trial date for purposes default upon said notice.
- (B) If notice by publication or posting is needed, the complainant shall so inform the assignment clerk at the time of the filing of the complaint or as soon thereafter as possible. In such event, the Assignment Clerk shall schedule the case management conference/pre-trial at least twenty one (21) days after the filing of the complaint.

#### 7.04

- (A) All abuse, neglect, dependency cases, excepting only those cases associated with criminal proceedings in this court, shall first be processed through the case management conference, adjudication/pre-trial, mediation/settlement process.

Witnesses shall not be subpoenaed to any case management conference, adjudication/pre-trial, settlement conference or mediation conference. Except in the case of default, no testimony will be taken from any party or any case management conference, adjudication/pre-trial, settlement conference or mediation conference. Parties, complainants, guardians *ad litem* and all counsel shall be present for all case management conferences, adjudication/pre-trials, settlement conferences, and/or mediation conferences.

- (B) For the purposes of efficiency and in order to comply with the Ohio Rules of Superintendence, case management conferences and adjudication/pre-trials shall be conducted simultaneously. The purpose of the case management conference adjudication/pre-trial is to align the parties in the case, to order necessary evaluations, to determine if the parties are in agreement as to the adjudication of the case, to issue necessary pre-trial procedural orders, to determine if the parties are in agreement as to the disposition of the case, to issue agreed orders, to adjudicate and/or dispose of the case by default for failure to appear or answer when appropriate, and, if available, to schedule the case for trial or for a settlement/mediation conference regarding issues concerning which there is no agreement. When all parties present in court at the time that a case is called are represented by counsel, the court may conduct a case management conference/pre-trial. Subject to the exception set forth in subsections (C), (D), and (E) of this rule the case management conference/pre-trial may be restricted to counsel only and may be on or off the record at the court's discretion. In cases wherein a volunteer from the *Parachute* Court Appointed Special Advocate (CASA) program has been appointed by the court, said volunteer or a representative of *Parachute* shall, absent objection by counsel, be permitted to participate in all case management conference/pre-trials. In the event of any such objection, the court shall proceed pursuant to section (C) of this rule.
- (C) When all parties present in court at the time that a case is called are not represented by counsel, or upon request of any party, any substantive conferences, discussions, or communications with the court (case management conference/pre-trial or otherwise) shall, unless waived, be made on the record and in the presence of all such parties and their counsel including any appointed *Parachute* CASA representative or volunteer.
- (D) Except when the presence of a party from the courtroom is specifically waived on the record by that party or counsel for that party, all substantive agreements reached at any case management conference/pre-trial or pre-hearing conferences shall be placed fully upon the record, including any objections thereto, in the presence of all such parties and their counsel.

- (E) The case management conference and adjudication/pre-trial shall not be utilized as an alternative to motion hearings, ex-parte, emergency, or otherwise. The court will not issue substantive orders unless those orders are agreed to by all parties present or unless the court *sua sponte* sees fit. Except in default proceedings, the court will not take testimony but will accept stipulated evidence. The court will not make findings of fact. The court will, however, adopt and incorporate facts which are stipulated to by all the parties present for said agreement as agreed findings of fact and as part of the court order issued as a result thereof.
- (F) Upon request at the case management conference adjudication/pre-trial, the court will issue orders regarding discovery and pre-adjudicatory medical, mental, psychological, psychiatric, and behavioral assessments of any party (and the allocation of the cost of same). The court will issue scheduling orders for trial, further pre-trials, settlement/mediation conference(s), competency examinations etc. The court will also issue orders regarding appointment of counsel.

#### 7.05

- (A) The purpose of the settlement conference and (if available) mediation is to attempt to reach an agreement between the parties as to the adjudication and disposition of the case and to schedule the case for trial if not such agreement can be reached. The parents, the guardian *ad litem*, the *Parachute* worker, all other parties, all counsel, temporary custodians, and foster parents shall be permitted to participate in the mediation of the case.
  - (1) The mediator shall not testify (as a witness in the mediated case) concerning the mediation process or concerning any occurrences or admission which arose during the mediation of the mediated case.
  - (2) The court may tax, as costs: the cost of any court ordered mediation and may require the posting of a deposit toward those costs prior to the mediation of the case. Those costs may be allocated between the parties as the court sees fit.
  - (3) All mediated agreements or agreements reached at the settlement conference shall be presented to the court as agreed findings and orders. The parties or their counsel shall appear before the court to indicate their agreement to the mediated or otherwise agreed findings and orders. At that time the parties shall indicate whether they have voluntarily waived their right to trial, to remain silent and whether they have voluntarily agreed to the mediated or otherwise agreed findings and orders.

- (D) Case management conferences and adjudication/pre-trials shall, whenever possible, be scheduled to occur within twenty-eight (28) days of the filing of any complaint alleging that a child is abused, neglected, or dependent.

#### 7.06

The court on its own motion may refer appropriate cases to any special court program including, but not limited to, the Drug Court Program or the Family Recovery Court. Each program may take appropriate action regarding program goals including, but not limited to, coordination of agency collaboration, provision of regular judicial oversight, and assessment of progress toward goals.

### Service (Section 8)

#### 8.01

Any motion or request which requires notice or service upon any party or person by the clerk shall state on the first page styled in this manner: **SERVICE BY THE CLERK IS REQUESTED** and shall contain, by attachment, praecipe or otherwise, a request for such notice or service which shall include the names and addresses of all such persons or parties and which shall specifically state the method of notice of service requested. Notwithstanding any provision of the Revised Code, the clerk will not provide notice or service absent such a specific written request.

#### 8.02

- (A) In accordance with the standing practice of this court, pursuant to Civ. R. 4.6(B), and in order to provide a method of service compatible with the time requirements as set forth in R.C 2151.28 and R.C. 2151.35 and Juv. R. 29, service may be secured upon an individual or entity by service by certified mail or express mail or by commercial carrier service and simultaneous mailing of ordinary mail. The certified or express mail or commercial carrier service shall be evidenced by return receipt signed by any person. The clerk shall place a copy of the process and complaint or other document to be served in an envelope. The clerk shall address the envelope to the person to be served at the address as set forth in the caption or at the address set forth in written instructions furnished to the clerk with instructions to forward. The clerk shall affix adequate postage and place the sealed envelope in the United States mail as certified or express mail or commercial carrier service return receipt requested with instructions to the delivering postal employee or commercial carrier service to show to whom delivered, date of delivery, and address where delivered. Simultaneously, with the mailing of the notice by certified or express mail or commercial carrier service, the clerk shall send by ordinary mail a copy of the summons and complaint or other document to be served to the individual or entity to be served

at the address set forth in the caption, or at the address set forth in written instructions furnished to the clerk.

- (B) The mailings shall be evidenced by a certificate of mailing which shall be completed and filed by the clerk. Answer day shall be twenty-eight (28) days after the date of the mailing or upon the date of the hearing (the date of which shall not be less than fourteen (14) days from the date of mailings if the mailing relates to a motion and shall not be less than twenty-one (21) days from the date of the mailings if the mailings relate to a complaint as evidenced by the certificate of mailing, whichever date is earlier. The clerk shall endorse this answer date or the hearing date upon the summons which is sent in the mailings. Service shall be deemed complete for the purpose of this rule upon the date of delivery as set forth upon the return of receipt for the certified or express mail or commercial carrier service or; if service of process is refused or unclaimed, and the certified or express mail or commercial carrier service envelope is returned with an endorsement showing such that the mail was refused or was unclaimed; upon the day of the mailing of the ordinary mail as entered of record. Failure to claim certified or express mail service is not refusal of service within the meaning of the Civ. R. 4.6(C).
- (C) The clerk shall forthwith enter the fact of mailing on the appearance docket and make a similar entry when the return receipt is received. Service shall be deemed incomplete if the certified or express mail or commercial carrier service is unclaimed and the ordinary mail service is returned to the court within twenty-one (21) days of the mailing with an endorsement from the U.S. Postal Service indicating that the address does not exist or that the person sought to be served is not residing at the address.

8.03

Any subpoena issued by an party seeking to obtain documents or things relating to an abused, neglected, or dependent child or to an alleged abused, neglected, or dependent child shall specify that the documents or things so subpoenaed be delivered to the court prior to or inspection of any party.

8.04

All subpoenas endorsed under the authority of this court which compel attendance of witnesses at or production of documents or things for a court proceeding shall be prepared on the forms provided by the court or prepared by an attorney at-law in accordance with Juv. R. 17 and/or Civ. R. 45 unless otherwise ordered by the administrative judge of the juvenile court. All other subpoenas related to proceedings in this court may be issued in any manner that is consistent with Ohio law.

## 8.05

- (A) Except for service performed by attorneys at-law, service performed by duly appointed process servers of this court, service (by ordinary mail) of motions and similar documents upon parties and counsel of record by certificate of mailing pursuant to Civ. R. 5(B), 5(D), and 11, or by persons otherwise authorized by law to serve process, all documents (subpoenas, summonses, etc.) shall be served through the clerk's office. Instructions for service or a praecipe must be presented to the clerk together with the document(s) to be served by the party seeking service. Said documents shall, when certified mail service is requested, be presented to the clerk no fewer than thirty (30) days prior to the hearing which relates to the document(s) to be served. Said documents shall, when personal service by the sheriff is requested, be presented to the clerk no fewer than fifteen (15) days prior to the hearing which relates to the documents being served. The clerk may be instructed, in those instructions or praecipe, to serve documents through the Butler County sheriff's office, by certified mail, express mail, or by ordinary mail. Instructions for service by the sheriff shall be residential service unless personal service is specifically requested.
- (B) Documents (approved subpoenas, summons, etc.) which are prepared for service, and for which a request for service by the Butler County sheriff, by ordinary mail, or by certified mail has not been filed, shall be delivered only to the attorney who requested the documents (identification may be requested by the clerk's office) or, upon presentation of proper identification and a copy of the appointment order, to the person designated as the process server for those documents. Such documents will not be delivered to any other person under any circumstances.

## 8.06

RESERVED

## 8.07

An individual, or agent of a legal organization, may make application to be designated as a standing special process server. The applicant shall submit an affidavit to the court that verifies, under oath or affirmation that the individual or agent: is eighteen (18) years of age or older; is not a party to any action for which the individual or agent serves process; has no familial relationship to any party in any action for which the special process server will serve process; has no felony convictions; and will carry out his/her duties in accordance with all applicable statutes and rules. If approved as a special process server by the administrative judge, an order memorializing that designation and setting forth a expiration date of two (2) years from the date of filing shall be filed as an order of the court with the clerk and the designated individual or agent will be provided with a



certified copy of the order. The designated individual or agent shall present the clerk with a copy of the order in each instance where the individual or serves process.

8.08

Notwithstanding the rules set forth above, on a case-by-case basis, this court will consider an application to designate an individual employee of a process serving company or business as a private process server when service is to be effectuated at a location fifty (50) or more miles distant from Hamilton, Ohio.

8.09

- (A) Upon proper application and affidavit, which must be filed with the clerk at least twenty-one (21) days before the date of the hearing for which notice is to be provided, service by publication may be perfected, pursuant to Juv. R. 16, by posting. The clerk may decline to accept or to post applications and/or notices which are provided to the clerk too late to post per the terms of this rule and/or the terms of Juv. R. 16.
- (B) Notice by posting shall be made in accordance with Juv. R. 16. Notices posted pursuant to this rule shall remain posted for no fewer than seven (7) full days and shall be posted in the Juvenile Court facility and on the website of the clerk of courts for the Juvenile Court.

## **Discovery (Section 9)**

9.01

The rules in this section shall not be construed to eliminate the need to comply with any other local and state rules of procedure, including, but not limited to, the general local rules for pleadings contained in Section 3 of these rules.

9.02

Unless clearly superseded by the Revised Code, the Ohio Juvenile Rules of Procedure, or these rules, per the authority set forth in Juv.R. 45, Civ.R. 26 shall be adopted as the rule of this court regarding discovery in cases where the State of Ohio and/or a governmental agency of the State of Ohio is not a party to the case and where the subject matter of the case involves child custody, the allocation of parental rights and responsibilities, shared parenting or custody, companionship rights, visitation or similar subject matter.

9.03

In submitting interrogatories and requests for admissions, a party or counsel shall mail the original and one copy to the party or counsel of record for the party to who the interrogatories or requests are directed with one copy to all parties or counsel of record.

A certificate of service types and signed on the interrogatories or request shall be prima facie evidence of their mailing. The party responding to any discovery request or his/her counsel shall type the answer or objection to each question on the original and shall forward the original to the party requesting the discovery or his/her counsel within twenty-eight (28) days unless the court modifies that time limitation. In the event that a party fails to answer interrogatories and/or fails to respond to requests for admission, the sanction imposed (if any) shall be consistent with sanctions permitted pursuant to the Ohio Rules of Civil Procedure.

9.04

When interrogatories and/or requests for admissions are filed simultaneously with the original complaint, answer, counterclaim, cross-claim, or third-party complaint, they shall not be annexed to the original pleading unless the pleading in its caption indicates that the interrogatories and/or request for admission are attached.

9.05

The judge or magistrate to whom a case is assigned may establish a cut-off date for discovery. Once said date is established, absent further order of the court to the contrary, no subsequent discovery shall be permitted.

9.06

No objections, motions, applications, or requests related to discovery shall be filed unless counsel have, in good faith, exhausted among themselves all extrajudicial means for the resolution of differences. If such objection, motion, application, or request is filed, a certificate of counsel setting forth a brief statement of the extrajudicial means employed to resolve the dispute shall be attached thereto.

9.07

Motions, applications, requests, and orders regarding discovery shall be deemed to place an ongoing duty to provide such discovery regardless of which procedural phase in which a case may be at the time of the motion, application, request, or order.

9.08

Notwithstanding the limitations of Ohio Juv. R. 24, in the event that a witness list is requested or ordered to be provided in discovery, the names and most recent addresses of all witnesses shall be deemed to have been requested and/or ordered.

9.09

The total of all requests for admission served upon any party shall not exceed twenty (20) requests absent leave of court. Each request requiring a response shall be considered one admission for purposes of this rule.

## **Case Management (Section 10)**

10.01

- (A) Except for good cause shown, all motions for continuance shall:
- (1) Comply with the Ohio Rules of Superintendence and shall be filed at least fourteen (14) days before the hearing sought to be continued.
  - (2) Be filed and presented to the assignment clerk prior to the notification of any person, party or counsel (other than the client of the attorney filing the motion).
  - (3) Once filed, the assignment clerk shall present the motion to the magistrate or judge assigned to the case, in the absence of the magistrate assigned to the case, to the chief magistrate, or to the judge for initial authorization for possible approval or denial.
  - (4) If the motion for a continuance is denied upon filing or at any time thereafter, the assignment clerk shall file the entry denying the continuance, serve all parties with a copy of said entry, and shall notify the moving party of the court's action.

#### 10.02

Absent extraordinary circumstances, all requests for continuances must be approved by the judge or by the magistrate to whom the case is assigned.

#### 10.03

All cases and hearings (other than those scheduled from the bench), emergency hearings, enforcement and warrant proceedings filed under R.C. 3127 et seq. (UCCJEA) and *habeas corpus* hearings shall be scheduled by the assignment clerk. Requests for hearings, for motions, complaints, petitions, or otherwise, shall advise the assignment clerk of the time needed for hearing. Absent such advisement, the assignment clerk shall assign one half (1/2) hour of hearing time for the request. If, at the time scheduled for the hearing it is apparent that insufficient time has been requested, the court may *sua sponte* continue the matter, placing orders into effect pending that hearing as the court sees fit.

#### 10.04

The assignment clerk shall have the authority to establish procedures for the efficient scheduling of cases. Those procedures may include, but shall not be limited to, procedures to assure that cases are ready for pre-trial and procedure to assist in the timely disposition of cases. Failure to abide by said procedures or any other scheduling process may result in the summary imposition of appropriate sanctions.

#### 10.05

- (A) Objection to the admissibility of any document will be deemed to be waived in any court hearing, other than delinquent child proceedings, under the following circumstances:
- (1) The document or documents were provided to opposing counsel or the opposing party (if *pro se*) together with a written notice of intent to introduce the document as evidence, with a certificate of service attached, at least fourteen (14) days before the hearing, and
  - (2) The party opposing introduction of the document into evidence has not filed a written objection to the introduction of the document at least seven (7) days before the hearing setting forth the particular objection raised.
- (B) Subsection (A) of this rule shall not be construed to create the basis for an objection to the admissibility of any documentary evidence otherwise admissible pursuant to Ohio law. Document(s) relating to subsection (A) of this rule shall not be filed with the court. The proponent of the admission of the document may file a copy of the notice provided to opposing counsel or opposing party (if *pro se*) with this court. If so filed, said notice shall contain a list of the documents provided.
- (C) Compliance with subsection (A) of this rule shall not be construed to be binding upon the court as to the ultimate admissibility of any evidence or document presented to the court.

#### 10.06

Prior to any hearing wherein the Butler County Public CSA requests or wherein the court pursuant to statute is required to render any finding pursuant to P.L. 96-272, Sections 42 U.S.C. 672 (A)(1), 45 C.F.R. 1355.34, 45 C.F.R. 1355.20, Section 2151.417 of the Revised Code or similar provision of law, the PCSA shall provide the court with a written summary of its actions as same may relate to the findings so requested or required prior to or at the time of the hearing.

#### 10.07

This court hereby adopts, by reference, Local Rule 3.02 of the general division of the Butler County Court of Common Pleas.

#### 10.08

Counsel shall be available while the jury is deliberating and shall notify the judge or bailiff as to where he/she can be reached.

#### 10.09

If any party has more than one counsel, only one of said counsel may examine or cross examine a witness, and only one of said counsel may make and argue objections.

#### 10.10

Arguments of counsel shall be directed to the court and (in jury trial, at the proper time) to the jury. Arguments between counsel shall not be permitted.

10.11

RESERVED

10.11

(A) All exhibits presented to the court in hearings must be numbered in accordance with this rule.

(1) The prefix for each exhibit shall be an abbreviated identifier for that party. Each party should use the prefix that most closely identifies that party. Inclusion of an identifier on this list shall not be construed to vest any particular person or entity with party status. The use of proper identifiers shall not be construed as being the equivalent of admission of any exhibit. The term "Letters" means sequential alphabetical letters; A, B, C, etc. The term "Numbers" means sequential numbers; 1, 2, 3, etc. The abbreviated identifiers are:

- (a) MO (Mother) (Letters) (In the case of same sex parents, the parent whose first name is first alphabetically should use MO1 and the other parent should use MO2)
- (b) FA (Father) (Numbers) (In the case of same sex parents, the parent whose first name is first alphabetically should use FA1 and the other parent should use FA2)
- (c) OH (State of Ohio) (Letters)
- (d) BCCS (Butler County Children Services/ BCDJFS) (Letters)
- (e) CSEA (Butler County Child Support Enforcement Agency) (Letters)
- (f) GAL (Guardian *ad litem*) (Letters)
- (g) FP (Foster Parent) (Numbers)
- (h) MGP (Maternal Grandparents) (Numbers)
- (i) MGM (Maternal Grandmother) (Numbers)
- (j) MGF (Maternal Grandfather) (Numbers)
- (k) PGP (Paternal Grandparents) (Numbers)

- (l) PGM (Paternal Grandmother) (Numbers)
  - (m) PGF (Paternal Grandfather) (Numbers)
  - (n) CUS (Custodian) (Numbers)
  - (o) FAM (Family Member) (Numbers)
  - (p) SIB (Sibling of the child) (Numbers)
  - (q) PAR (Other Joined Party) (Numbers)
  - (r) PL (Plaintiff/Petitioner) (Letters)
  - (s) DE (Defendant/Respondent) (Numbers)
  - (t) CH (Child) (Numbers)
  - (u) CASA (Court appointed Special Advocate (*PARACHUTE*)) (Letters)
- (2) In the event that parties to the abbreviations used in this rule appear to be identical in terms of the abbreviation to be used, a number shall be added to the prefix used by those parties. For parents and grandparents, that number shall be determined by the birth order of the children. For all other joined parties, that number shall be determined by the date order of the party's joinder.
- (3) The suffix of every abbreviation shall begin with the numbers designating the month of the hearing, followed by the last two digits of the year of the hearing, and ending with either a sequential number or letter as above.

(Notes: If the mother of the child submits her first exhibits in June of 2024, the first exhibits would be marked MO 6-24-A, MO 6-24-B, MO 6-24-C and so on. If the mother of a child submits her second exhibits at a hearing in October of 2024, those exhibits would be marked MO 10-24-A, MO 10-24-B, MO 10-24-C and so on. If the father of a child submits his first exhibits in May of 2025, the first exhibits from the father would be marked FA 5-25-1, FA 5-25-2, FA 5-25-3 and so forth. If that same father submits further exhibits in November of 2025, those exhibits would be marked FA 11-25-1, FA 11-25-2, and FA 11-25-3 and so forth.)

### **Alternate Dispute Resolution (Section 11)**

#### 11.01

The rules in this section pertain to cases other than those addressed in Section 7 of these rules.

11.02

Parties who are ordered to participate in mediation shall participate in mediation, and if the parties wish, their attorneys and other individuals they designate shall be allowed to accompany them and participate in mediation

11.03

Because this court cannot, at this time, assure the safety of any person who is or may be the victim of domestic violence and all other persons present at a mediation when violence or fear of violence is alleged, suspected, or present, this court hereby adopts a policy wherein this court will not provide nor will this court continue to provide mediation services in cases wherein such threats are present.

11.04

The court and mediators assigned by the court shall screen for domestic violence both before and during mediation. If there is an indication that there has been domestic violence between the parties or that violence or fear of violence is alleged, suspected, or present, mediation will not be provided by this court. If, during mediation, the mediator becomes aware of domestic violence between the parties or that violence or fear of violence is alleged, suspected, or present, the mediator shall immediately direct that the mediation cease and will direct the parties to be present in court for their next scheduled hearing.

11.05

The court encourages appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.

11.06

(A) Mediation shall not be used:

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

(2) As a means to determine whether to grant, modify or terminate a protection order;

(3) To determine the terms and conditions of a protective order; or

(a) To determine the penalty for violation of protection order

(b) Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.

11.07

Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children or delinquency or status offense cases shall abide by all provisions set forth in this rule, mediation shall not proceed, when violence or fear of violence is alleged, suspected, or present.

11.08

This court will not, at this time, provide mediation services in cases where violence or fear of violence is alleged, suspected, or present. If, at such time in the future when such mediation may be permitted to take place, such mediation will take place only when the mediator meets all requirements as set by the Ohio Supreme Court for the mediation of cases where domestic violence may be present. In addition to the aforementioned requirement, in the event that this court decides to implement mediation of cases wherein domestic violence may be present the following procedures shall be put into place.

- (1) The person who is or may be the victim of domestic violence shall be fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
- (2) The court will ascertain whether the parties have the capacity to mediate without fear of coercion or control.
- (3) The court shall issue written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

**Specialized Dockets (Section 12)**

12.01

- (A) The court on its own motion may refer appropriate cases to any special court program including, but not limited to, the Drug Court Program or the Family Recovery Court. Each program may take appropriate action regarding program goals including, but not limited to, coordination of agency collaboration, provision of regular judicial oversight, and assessment of progress toward goals.
- (B) This court has established the “Butler County Family Treatment Drug Court Specialized Docket” (The Program) effective June 29, 2017. This program was created pursuant to the authority and per the requirements of Sup. R. 36.20 through 36.29. The goals and objectives of the program are:
  - (1) To reduce the number of days of out-of-home placement for the children of the participants in the program;



- (2) To increase the number of timely, safe reunifications of children who have been removed from participants;
  - (3) To increase the number of participants who complete the core requirements of substance abuse treatment within one year of entering the program;
  - (4) To reduce recurrences of maltreatment of children of graduates of the program; and
  - (5) To reduce the re-entry into foster care of children whose caretakers have graduated from the program.
- (C) A judge or magistrate of the Juvenile Court may refer an individual (a candidate) to the program for consideration. The program will also accept referrals of potential candidates from prosecutors, defense attorneys, parties, Butler County Department of Job and Family Services (BCDJFS) staff, or treatment providers. Upon referral, the candidate will complete a screening and assessment. The Family Dependency Treatment Court Team (Treatment Team) will then determine the appropriateness of the candidate for participation in the program based upon specific eligibility criteria and will make recommendations to the Family Treatment Drug Court Magistrate or Judge (Program Magistrate or Judge). The program magistrate or judge will determine whether or not to accept the candidate into the program. A candidate who initially declines participation in the program may be re-referred for participation at a later time.
- (D) The treatment team may consider acceptance of a candidate into the program who meet the following legal eligibility criteria:
- (1) The candidate must be an adult party to a case alleging that a child is an abused/ neglected/dependent child (AND case) filed in Butler County Juvenile Court by the BCDJFS;
  - (2) The relevant AND case must be an adjudicated, or the candidate must have expressed a willingness to stipulate, at a minimum, to a finding that the child is a dependent child in that AND case prior to beginning the program;
  - (3) The child(ren) involved in the relevant AND case have been removed from the home or are at risk for such removal due to the potential participant's substance use or abuse;
  - (4) The candidate has not been convicted of a violent felony; and
- (E) In addition to the criteria as set forth in subsection (C) of this rule, any candidate must also meet the following clinical criteria:

- (1) The candidate must have a clinical assessment offering a diagnosis related to substance use which recommends a level of care of intensive outpatient or residential treatment;
  - (2) The candidate must be eligible to enroll in treatment which will be covered by health insurance;
  - (3) The candidate will benefit from case management services to improve his/her quality of his or her life;
  - (4) If the candidate has mental health issues, those issues must be able to be managed through use of prescribed medication and/or therapeutic programming which does not interfere with substance abuse treatment;
  - (5) The candidate has a desire to maintain custody of his/her child(ren) or to reunify with his/her child(ren).
- (F) Any candidate for the program may be disqualified for any of the following:
- (1) Evidence of drug trafficking;
  - (2) Severe mental illness or developmental delays which prevent the candidate from being able to complete program requirements or adequately parent despite achieving sobriety;
  - (3) Evidence of the commission of sexually orientated offenses;
  - (4) Evidence of the commission of offenses involving child victims, or
  - (5) A history of violence.
- (G) If a candidate meets all eligibility criteria for the program, this shall not be deemed to give the candidate the right to participate in the program. Admission into the program is at the sole discretion of the program magistrate or judge after taking into consideration the views of the treatment team members.
- (H) Once a candidate is accepted into the program, and the candidate becomes a participant in that program, the case will be re-assigned to the Family Treatment Drug Court Specialized Docket Program Judge (Program Judge) if the case is not already assigned to that Judge. All cases re-assigned to the program judge will remain assigned to that judge for the duration of the case. A program participant will appear on a regular basis for status review hearings before the program magistrate or judge. Motions for contempt regarding participation in the specialized docket will also be heard by the program magistrate or judge. The underlying AND case will remain assigned to the original magistrate who will hear any other motions or periodic reviews in that matter.
- (I) Participants in the program will be required to review and acknowledge receipt of the Participant Handbook and the Participant Agreement with their attorney in

advance of beginning the program. The handbook shall provide complete description of the program with expectations of both the participants and the treatment team members. The participant will appear regularly before the program magistrate or judge as he/she progresses through the program. The program will use a system of incentives and rewards for positive progress and a system of graduated sanctions for non-compliance. Requirements of the program will be set forth in the Program Description, Participant Handbook, and the Participant Agreement, all of which shall be incorporated herein and adopted by reference.

- (J) A participant may be terminated from the program for obtaining new criminal charges, on-going non-compliance with program requirements, or on-going non-compliance with substance abuse treatment or other required case plan services. Termination proceedings will occur before the program magistrate or judge. Termination may result in a finding of contempt of court and incarceration.
- (K) Pursuant to Evid. R. 408, statements made in Treatment Court or Drug Court hearings shall be treated as evidence of conduct or statements made in compromise negotiations and shall not be admissible as evidence in the underlying cause of action. Further, pursuant to Evid. R. 410, statements made in Drug Court hearings shall be treated as participation in plea discussions, and shall not be admissible as evidence in the underlying cause of action. This rule does not limit the admissibility of independent or extrinsic evidence pertaining to the subject matter of any such conduct or statements.

### **Magistrates (Section 13)**

#### 13.01

- (A) Absent contrary order by the court for good cause shown and except for the magistrate's orders which may, pursuant to Ohio Juv. Rule 40, be issued by the magistrate without approval by a judge, all magistrates' decisions shall be forwarded immediately for judicial approval, disapproval, or modification. Said decisions shall contain this or similar language

**A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b). ANY OBJECTION TO THIS DECISION MUST BE FILED WITHIN FOURTEEN (14) DAYS OF THE FILING OF THIS DECISION.**

- (B) The Magistrate's Decision will be presented to the Assigned Judge for approval or disapproval. If approved as written, this Decision shall be adopted as a final, appealable order of the court. If modified or not approved by the Assigned Judge, you will receive notice of any such modification or non-approval.

- (C) All such decisions which are judicially approved and adopted as final appealable orders shall contain the following or similar language: “THE DECISION AS SET FORTH IN THE MAGISTRATE’S DECISION IS HEREBY ADOPTED AS THE FINDINGS, FINAL JUDGMENT, FINAL APPEALABLE ORDERS, AND (IN THE CASE OF TIMELY OBJECTION) INTERIM ORDERS OF THIS COURT. YOU HAVE THE RIGHT TO APPEAL THIS JUDGMENT. IF YOU WISH TO APPEAL THIS CASE YOU MUST FILE A NOTICE OF APPEAL WITH THIS COURT WITHIN THE TIME FRAMES AS SET FORTH IN THE OHIO RULES OF APPELLATE PROCEDURE.’

**THE MAGISTRATE’S DECISION AS WELL AS THE ORDERS INCORPORATED WITHIN THE DECISIONS AS REFERENCED ABOVE ARE HEREBY ADOPTED AND INCORPORATED HEREIN AS REFERENCE AS THE FINDINGS, FINAL JUDGMENT, AND FINAL APPEALABLE ORDERS OF THIS COURT.**

**THE PARTIES ARE ADVISED OF THEIR RIGHT TO APPEAL THIS JUDGMENT, ANY APPEAL OF THIS CASE MUST BE FILED WITH THE TWELFTH DISTRICT COURT OF APPEALS BY FILING SAME WITH THIS COURT WITHIN THE TIME FRAMES AS SET FORTH IN THE OHIO RULES OF APPELLATE PROCEDURE.**

13.02

Magistrate’s orders shall contain this or similar language: “ANY MOTION TO SET ASIDE THIS MAGISTRATE’S ORDER MUST BE FILED WITHIN TEN (10) DAYS.”

13.03

- (A) Upon timely objection to any decision of a magistrate of this court, a judicial determination shall be made as to whether said decision should continue in force as an interim order or should be stayed pending a hearing on said objection. Notification of said determination shall be forwarded to all parties by the clerk.
- (B) Per Juv. R. 40, objections to a magistrate’s decision, motions to set aside a magistrate’s order, and motion to set aside a temporary magistrate’s order shall not be construed to act as a stay regarding either a magistrate’s or a magistrate’s temporary order unless such a stay is granted by the magistrate who issued the order or a judge.
- (C) The party and/or counsel filing an objection, a motion to set aside a magistrate’s order, a motion to set aside a magistrate’s temporary order, or any other party

requesting a hearing on an objection, motion to set aside a magistrate's order, or a motion to set aside a magistrate's temporary order shall be responsible for requesting and scheduling a hearing time for said objection, motion to set aside a magistrate's order, or motion to set aside a magistrate's temporary order. Regardless of whether or not a hearing is requested or scheduled, the court may schedule a hearing upon its own motion or summarily rule upon the matter without a hearing. All objections, motions to set aside, and hearing requests relating to same must be made in writing.

- (D) The decisions and orders of the magistrates of this court need not contain findings of fact absent a specific statutory requirement regarding such findings. Upon request of any party, the magistrate shall prepare such written findings in a timely fashion. The magistrate may require any party requesting such findings to prepared proposed findings subject to such conditions and time requirements as the magistrate sees fit.

## **Fees, Costs, and Restitution (Section 14)**

### 14.01

Unless waived as set forth in this Section, all filing fees must be paid at the time of filing. Filing fees that are specifically required to be paid by statute cannot be waived. Documents submitted without the filing fee shall either be retained by the clerk until the fee is paid or returned to the filer.

### 14.02

All fines, costs, fees, restitution payments, and filing fees must be paid to court in cash, by a certified bank check, by money order, or by way of an approved credit or debit card. Personal checks will not be accepted.

### 14.03

Filing fees that are not mandated by statute may be waived, in whole or in part, by the court upon application by a person claiming indigence who has a cognizable legal interest in the subject matter of the action. That application shall include a completed affidavit of indigency as set forth in the appendix to these rules and any other documentation as required by the clerk or the court.

### 14.04

Except as permitted by the court for good cause shown, all ordered fines, costs, and restitution shall be paid prior to the expungement or sealing or any delinquency, unruly,

juvenile traffic offender, adult criminal case and/or prior to the transfer, certification, or referral of any matter to another jurisdiction.

14.05

Payments received by the court for the purpose of financial obligation owed due to fines, fees, restitution and/or costs shall, unless specifically ordered by the court to the contrary be credited towards payment of those obligations until each is fully paid in the following order: All restitution shall be paid first, all costs and fees shall be paid second, and all fines shall be paid last.

### **Attorneys, Court Appointed Attorneys, and Guardians *ad Litem* (Section 15)**

15.01

Whether ordered as a sanction or ordered pursuant to Juv. R.4 (G), attorneys' fees and fees for guardians *ad litem* whose fees are, by court order, to be paid by the parties or a party, shall, absent an order of the court to the contrary, be assessed at the rate of one hundred twenty-five dollars (\$125.00) per hour as approved by the court and billed in one-tenth (1/10th) hour increments. A specifically detailed and itemized bill for GAL fees shall be presented to all affected parties at least fourteen (14) days prior to presentation to the court for approval. A specifically detailed and itemized bill for GAL fees shall be filed with the court for approval no later than thirty (30) days after the end of the aforementioned fourteen (14) day period. The itemization and detail of any bill submitted must provide the parties and their counsel with sufficient information to allow a meaningful review of all requested fees.

15.02

In any case where a guardian *ad litem* has been appointed whose fees are, by court order, to be paid by the parties or a party, that guardian *ad litem* shall, unless otherwise ordered by the court, submit a final specifically detailed and itemized bill to the parties as set forth in Local Rule 15.01 no later than thirty (30) days after the issuance of a final appealable order which resolves all issues before the court. Final bills submitted outside thirty (30) days as set forth herein shall be subject to denial or a reduction of the amount requested at the discretion of the assigned judge.

15.03

In order to assure that guardians *ad litem* receive payment pursuant to Juv. R. 4(G), the court may order each of the parties to deposit up to one thousand two hundred fifty dollars (\$1,250.00) with the clerk. The court may order the deposit of additional funds upon its own motion or upon motion by the GAL.

15.04

Unless otherwise ordered and agreed by the parties, all payments of fees to the GAL made pursuant to this rule shall be made only after order of the court approving said fees and shall be made only through this court.

15.05

Upon the filing or making of any request for the appointment of a guardian ad litem or upon order of the court, the parties to any case involving the allocation of parental rights and responsibilities shall complete an affidavit of income, assets, liabilities, and financial circumstances and shall file it with the court at the time of the motion or request or within seven (7) days of the order of the court, whichever is earliest. Said affidavit shall include information regarding all income, assets, and liabilities of the party and shall include any other information relevant to the question of the allocation of the obligation to pay the fees of the guardian ad litem.

15.06

Attorneys who wish to be included on the list of court-appointed counsel for the purpose of receiving appointments to represent indigent adults and children shall first complete an Application (APPENDIX K). It is expected that an attorney who wishes to act as appointed counsel will have a location in this county where he or she will be able to confer with clients. Completed applications, along with any documentation required by court policy, shall be submitted to the court administration office or to the Chief Magistrate and shall be thereafter be submitted to the Administrative Judge of this court. A decision will be made by the Administrative Judge regarding approval or disapproval of those applications. Attorneys shall not approach individual Judges or members of court staff for reconsideration. Attorneys approved for appointment will be approved for one calendar year and will be subject to review on an annual basis. Approved attorneys shall follow policies and procedures provided and approved by the court.

15.07

- (A) Appointed counsel shall submit a Motion, Entry and Certification for Appointed Counsel Fees, as prescribed by the Ohio Public Defender's Office, within thirty (30) days from the date of the final hearing or within thirty (30) days of the issuance of a decision relating to the final hearing whichever date is latest. This time period will not be extended due to intervening holidays. Fee applications submitted outside the thirty (30) day guideline shall be subject to denial or a reduction of the amount requested at the discretion of the assigned judge. Motions for judicial release and other post-conviction motions shall be submitted on a separate fee application, which shall be submitted within thirty (30) days of the date of the entry of the judge's decision.
- (B) In accordance with Ohio State Public Defender Standards and Guidelines for Appointed Counsel Reimbursement, counsel shall prepare and maintain time

records for each appointed case, showing the date of service, nature of services rendered, and hours worked. Time records shall be provided to the Court upon request.

15.08 The juvenile court shall maintain a list of attorneys who have been deemed eligible for appointment as counsel in cases before the juvenile court. Eligibility for inclusion on that list shall be determined per the discretion of the court consistent with the requirements as set forth in Ohio Sup. R. 48. Attorneys shall be appointed on the basis of a randomized system to assure that each attorney on the list is provided with an opportunity to obtain an equitable share of such appointments. The court may, in its discretion, deviate from the randomized system in order to assure the efficient and orderly administration of justice.

15.09 The juvenile court shall maintain or shall appoint a person to maintain a list of attorneys who have been deemed eligible for appointment as guardians *ad litem* for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in this rule, shall be at the discretion of the court. Attorneys shall be appointed to act as guardians *ad litem* on the basis of a randomized schedule to assure that each attorney on the list is provided with the opportunity to obtain an equitable share of such appointments. The juvenile court may maintain a list of non-attorneys who have been deemed eligible for appointment as guardians *ad litem* for children in cases before the juvenile court. Eligibility for inclusion on that list, subject to the standards and guidelines as set forth in this rule, shall be at the discretion of the court.

15.10 For the purpose of cases other than cases involving alleged or adjudged abused, neglected, an/or dependent children, the juvenile court hereby adopts and incorporates by reference, as if restated herein, the qualifications and procedures regarding the appointment and duties of guardians *ad litem* for children as have been adopted by the Domestic Relations Division of the Court of Common Pleas of Butler County,

15.11 All guardians *ad litem* shall be:

- (A) Attorneys at law who are authorized to appear as court appointed counsel in juvenile court and who are approved by the court to act as guardians *ad litem* or;
  - (1) Non-attorneys who are approved by the court or the Parachute program or;
  - (2) As otherwise appointed by the court.

15.12



All attorney/guardians *ad litem* and non-attorney guardians *ad litem* should fulfill all requirements regarding education and training as set forth in Ohio Sup. R. 48.

15.13

All determinations regarding the appointment and eligibility for and removal from eligibility list of all guardians *ad litem* shall be at the discretion of the court. Jamie Landvatter or any successor person designated by Legal Aid Society shall fulfill all of the record-keeping and monitoring duties as set forth in Sup. 48 regarding attorneys and non-attorneys employed by the Legal Aid Society who are appointed to act as guardians *ad litem* in cases where a child is alleged to be or has been adjudicated to be an abused, neglected, or dependent child. This court shall, by local order of the court, appoint one person to fulfill all of the record-keeping and monitoring duties as set forth in Sup. R. 48 regarding attorneys who are appointed to act as guardians *ad litem* in all cases other than cases where a child is alleged to be or has been adjudicated abused, neglected, or dependent child. Further, this court appoints Tonya Buchanan or any successor person appointed by the Parachute Butler County CASA program to fulfill all of the duties related to the appointment of guardians *ad litem* who are not attorneys at law and who are employees of or volunteers in said CASA program as set forth in Sup. R. 48.

15.14

- (A) All guardians *ad litem* shall be vested in all of the authority granted to guardians *ad litem* under the laws of the United States and under the law of the State of Ohio including (but not limited to) those found in Section 2151.281 of the Revised Code. In addition, all guardians *ad litem* appointed by this court shall, unless otherwise ordered, be vested with the following authority:
- (1) To act as an independent gatherer of information;
  - (2) To review all relevant records, including, but not limited to, medical, psychological, dental, protective services, and school records;
  - (3) Subject to the limitations imposed upon attorneys by the Ohio Code of Professional Responsibility regarding contact with the parties represented by counsel, to have direct and independent communication with parents, social workers, teachers, foster parents, relatives, counselors, and any other person necessary to ascertain the facts and circumstances of the child's situation;
  - (4) To be provided with complete information concerning the location of the child's residence;

- (5) To, when appropriate, monitor implementation of case plans and dispositional orders regarding provision of services and effectiveness;
  - (6) To interview each child, when possible, in private without the consent of the parent or of any private or public entity, and the guardian *ad litem* shall have the authority to observe each parent, custodian, or foster parent with the child(ren);
  - (7) To review the pleadings in the case and consult with attorneys involved in the case;
  - (8) To be notified of and to attend all mediation sessions and administrative reviews;
  - (9) To participate in educational meetings including, but not limited to, meetings pertaining to individualized education plans; and
  - (10) Attorneys/guardians *ad litem* shall have the authority to file pleadings and motions and shall have the authority to prosecute same on behalf of the child(ren);
  - (11) Attorney/guardians *ad litem* shall have the authority to issue subpoenas and to examine witnesses.
- (B) The following are ~~mandatory~~ standards for guardian *ad litem* practicing in juvenile court in cases where a child is alleged to be or has been adjudicated an abused, neglected or dependent child. All guardians *ad litem* shall:
- (1) Communicate with every child who is able to do so, confidentially, no less than thirty days prior to and no less than thirty days after every court hearing regarding the child;
  - (2) Unless the child is placed more than fifty (50) miles from this court or as otherwise permitted by the court by express order as permitted in subsection (6) herein, have face-to-face contact with each child at least once every ninety days in the home where the child resides at the child's school;
  - (3) Respond promptly to any request made to communicate with the child or investigate the child's circumstances when made by the child or any person closely connected to the child;

- (4) Present independent and thorough recommendations to the court made as a result of his/her statutorily required independent investigation of the circumstances of the child. Said initial investigation shall include, at a minimum, contact with the child, the child's parent(s), the child's foster parent(s), the child's teacher(s), and any other family or non-family member with whom contact would be helpful in preparing a full report regarding the child's circumstances to the court. In this regard, the guardian *ad litem* is encouraged to be creative and to think independently in presenting those recommendations:
- (5) Be present during the entirety of any mediation concerning the child;
- (6) Submit a written report if required to do so by Ohio Sup. R. 48 or as ordered by the court;
- (7) Submit supplemental recommendations as required by Ohio Sup. R. 48 or as ordered by the court;
- (8) Be present at every hearing concerning the child except when said presence is excused by the court and provided, further, that the guardian *ad litem* presents to the court a written report prior to any such hearing wherein their presence has been excused;
- (9) Be present at every administrative review concerning the child which does not conflict, in terms of scheduling, with a court proceeding provided that said guardian *ad litem* is given at least two (2) weeks' notice regarding said administrative review;
- (10) Explain, as much as possible, the court proceedings and the role of the guardian *ad litem* to the child, in terms which the child can understand;
- (11) Advocate for the best interests of the child giving due regard to all of the factors required to be considered by the court in determining the best interests of a child;
- (12) Monitor implementation of case plan services and dispositional orders so as to determine whether or not those services are being provided in a timely manner and are accomplishing their desired goal;
- (13) Attorney/guardians *ad litem* shall advocate for the best of the child and for the child's interests and shall advise the court when an irreconcilable

conflict arises between the role of the guardian *ad litem* and attorney for the child; and

- (14) Ascertain the interest of every child taking into account the child's age and maturity consistent with providing the child with a safe home taking into account the need for family preservation and permanency planning.
- (C) This court may, upon its own motion or upon proper request, waive compliance with all or part of the requirements of these rules and Rule Sup. R. 48 of the Ohio Rules of Superintendence ~~regarding meeting, interviewing, and visiting with the child and the child's caretakers~~ when such compliance is deemed to be impracticable or inadvisable. Any guardian *ad litem* appointed in any case may be relieved of such duties ~~the duty to meet, interview, and visit with the child and the child's caretaker~~ as otherwise required in the Ohio Rules of Superintendence and these rules.
- (D) The court may, in appropriate circumstances, issue an order which permits the guardian *ad litem* to appoint another person to investigate the circumstances of, communicate with, meet with and/or visit with any child subject to this subsection or the child's caretakers. Any person so appointed by the guardian *ad litem* shall report to the guardian *ad litem* regarding any such investigation, interview, meeting or visit. Any person so appointed shall be a properly qualified guardian *ad litem*, either certified pursuant to Ohio Sup. R. 48 or otherwise approved to act in that capacity in the jurisdiction where the child is located. Any objection to the admissibility of any information obtained by any person appointed by the guardian *ad litem* pursuant to this subsection shall be deemed to have been waived unless raised contemporaneously with the issuance of any order issued pursuant to this subsection.

#### 15.15

The appointment of a guardian *ad litem* appointed in a case where the complaint alleges that a child is delinquent or unruly shall, unless otherwise stated in the appointment order, be limited in scope. In such cases, the role of the guardian *ad litem* shall be limited, unless otherwise ordered by the court or deemed to be necessary by the guardian *ad litem*, to the assurance that the child receives appropriate legal representation and that issues related to the child's best interests are presented to the court. Unless otherwise specified by court order, a written recommendation by a guardian *ad litem* in such cases shall not be required.

### **Decorum (Section 16)**

#### 16.01

(A) All counsel shall be properly attired and groomed when appearing for the court.

16.02

In the event that children must be brought to court, adequate supervision must be provided for them. The court cannot be responsible for the care of children during their parents' hearing or mediation.

16.03

In all trials, the authority to set standards of conduct shall be vested solely in the presiding judge or magistrate. While court is in session, counsel shall approach the bench, the witness, and/or other counsel tables only with permission of the court.

16.04

Subject to the exceptions set forth in this rule, attendance of any person or the press at juvenile court proceedings may be restricted pursuant to an order of the court issued in accordance with Ohio law.

16.05

All potential witnesses, with the exception of parties and complainants, except when such individuals witnesses are testifying, shall be excluded from attendance at all proceedings upon motion of any party or of the court.

## **Security (Section 17)**

17.01

No tape recorders, video recorders, video cameras, recording or photograph-capable cellular telephone, personal computers, or any other device is capable of recording or transmitting sound and/or images shall be permitted to be used for either of those purposes in any hearing room absent express consent of the court. Devices observed being used in violation of this order shall be subject to confiscation.

17.02

No electronic devices of any kind which are capable of being used as a communications device or accessing the internet shall be permitted to be utilized in any hearing room during hearings unless said devices are silent in operation and the court expressly consents to the utilization of same. All persons attending proceedings shall deactivate any and all electronic, cellular, or digital communication devices in their possession prior to entering any courtroom in this facility. Any person failing to do so may be held in contempt of court. Any such device which is observed being used in violation of this Rule or which emits an audible signal during any proceedings in this court may be confiscated pending proceedings regarding a citation for contempt.

17.03 In order to better insure the safety and security of all occupants of this building, this court hereby adopts the following security and safety plan.

- (A) The security manual, which is to be prepared and maintained by the chief of security, is hereby adopted and incorporated, by reference, as part of the security plan of this court.
- (B) Unless authorized by the security officer on duty, or by duly authorized officers of Juvenile Court, no persons, other than those listed below, shall be admitted to any area of the Juvenile Justice Center other than public waiting areas on the first and second floors:
  - (1) Employees, interns, and volunteers employed, or sponsored by Juvenile Court;
  - (2) Attorneys at Law;
  - (3) Employees and staff of the office of the Prosecuting Attorney;
  - (4) Parachute volunteers;
  - (5) Custodial and Maintenance personnel,

#### 17.04

Excepting those weapons legally possessed by on-duty law enforcement officers, armed bailiffs, juvenile judges, and other persons expressly authorized by the administrative judge, no person shall carry, transport, or cause to be carried or transported, any weapons (including, but not limited to, firearms, knives, explosives etc.) of any kind into the Juvenile Justice Center.

#### 17.05

All parcels, including, but not limited to, purses, briefcases, and sacks that are brought into the Juvenile Justice Center shall be subject to search by security personnel.

#### 17.06

Pursuant to Sup. R. 5.1, children who appear before this court for the purpose of any hearing shall not be physically restrained unless ordered by the court. Upon written or verbal request of any party, the prosecuting attorney, court security staff (detention), the probation department, or the victim advocate, the court may order any child who is brought before the court to be restrained. If such an order is issued, a copy of the order and the findings made in support of the order shall be provided to the child, the child's parents, and the child's attorney. That order shall advise of the right to be heard on the use of physical restraints as provided in Sup. R. 5.1(B).

### **Miscellaneous Provisions (Section 18)**

18.01

No child alleged or adjudicated to be abused, neglected, or dependent shall be compelled to testify or appear at any hearing or deposition without the consent to the court.

18.02

Foster parents shall have the right to present evidence in any proceeding concerning their foster children.

18.03

Exclusion of any person from attending any proceeding shall not be construed as precluding that person from appearing as a witness in the proceeding.

18.04

(A) Any person who requires special accommodations because of a handicap or disability shall notify the administrative office of the court by calling (513) 887-3318 of his or her special requirements at least ten (10) days before the scheduled court appearance. The court shall comply with all reasonable requests for assistance, including providing interpreters without additional cost, except as described in section (B) of this rule.

(B) When interpretive services are needed, the attorney or party requesting an interpreter shall submit to the administrative office of the court a written request for interpreter setting forth the name of the case, its scheduled time, the reason for the need of an interpreter, the type of interpreter needed, and the time that the interpreter will be needed. Such requests shall be submitted at least ten (10) days before the scheduled hearing. It is the responsibility of the requesting party to notify the administrative office of the court, in writing, if there is any change in the date or time of the hearing. Failure to do so will result in the requesting party being held responsible for payment of the interpreter's fee for the time spent in attempting to attend the rescheduled hearing.

18.05

This court hereby establishes a traffic bureau. The duly sworn deputy of this court shall act as the violations clerk for the traffic bureau and shall be responsible for the receipt of and accounting for all fines and costs levied through the traffic bureau. A schedule of fines and costs per Traf. R.13, shall be established by said traffic bureau. Said clerk shall list cases disposed of by the traffic bureau separately from those cases disposed of in open court in any statistical reports required by law.

18.06

Pursuant to Sup. R. 26(G), any record or document of any kind received by the court which is not included in Sup. R. 26.01 to 26.05 shall be retained by the court for a period of time to be set at the court's discretion any may, thereafter, be destroyed.

18.07

- (A) Sanctions for failure to comply with any of these rules may include, but are not limited to, the following:
- (1) Summary striking or dismissal of the pleading, motions, or filing;
  - (2) Continuance of the matter sought to be heard;
  - (3) An order that attorney's fees from the non-complying party or attorney be paid to the aggrieved party; or
  - (4) An appropriate order regarding payment of court costs by the non-complying party or counsel; or other sanction consistent with the rules and/or Ohio law.



**APPENDIX A**  
Juvenile Court Filing Fees

<b><u>Jury Demand</u></b>	<b><u>\$ 152.00</u></b>
<b><u>Complaint or petition for support, custody, allocation of parental rights, or visitation (Add \$50.00 if service is requested)</u></b>	<b><u>\$ 165.00*</u></b>
<b><u>Paternity (Parent-Child Relationship) Complaints (Add \$50.00 if service is requested)</u></b>	<b><u>\$ 165.00*</u></b>
<b><u>Notices of Relocation</u></b>	<b><u>\$ 45.00</u></b>
<b><u>Motions regarding driving privileges (including Releases from forfeiture) and for sentence mitigation</u></b>	<b><u>\$ 90.00</u></b>
<b><u>All other motions, petitions, review requests, contempt, modification of support, custody, allocation of parental rights, or visitation (Add \$50.00 if service is requested)</u></b>	<b><u>\$ 165.00*</u></b>
<b><u>Writs of Habeas Corpus</u></b>	<b><u>\$ 165.00</u></b>
<b><u>Registration of Child Custody Determination of another state with request for confirmation/adoption or enforcement of same (UCCJEA)</u></b>	<b><u>\$ 215.00*</u></b>
<b><u>Registration of Child Custody Determination of another state with request for enforcement of same and for issuance of warrant (UCCJEA)</u></b>	<b><u>\$ 250.00*</u></b>
<b><u>Request for enforcement of and/or the issuance of a warrant on a Child Custody Determination of another state that has been confirmed/adopted by this state (UCCJEA) (Add \$50.00 if service is requested)</u></b>	<b><u>\$ 165.00*</u></b>
<b><u>UIFSA Complaints</u></b>	<b><u>\$ 165.00*</u></b>
<b><u>Appeals</u></b>	<b><u>\$ 265.00</u></b>
<b><u>*Additional complaints/motions regarding children with the same parents as the child named in primary complaint (Full fee must be paid on initial complaint/motion)</u></b>	<b><u>\$ 80.00</u></b>
<b><u>Adult criminal complaints (non-governmental complainant)</u></b>	<b><u>\$ 75.00</u></b>
<b><u>Request for service through/by the clerk</u></b>	<b><u>\$ 50.00</u></b>
<b><u>Copy of Local Rules</u></b>	<b><u>\$ 3.00</u></b>
<b><u>Copies of Records, per page</u></b>	<b><u>\$ .05</u></b>
<b><u>Certified Copies, per page</u></b>	<b><u>\$ 2.00</u></b>

**Appendix B**

**FINANCIAL DISCLOSURE / AFFIDAVIT OF INDIGENCY**

(\$25.00 application fee may be assessed—see notice on reverse side)

**I. PERSONAL INFORMATION**

Applicant's Name	D.O.B.	Person Represented's Name <i>(if juvenile)</i>	D.O.B.
Mailing Address	City	State	Zip Code
Case No.	Phone ( )	Cell Phone ( )	

**II. OTHER PERSONS LIVING IN HOUSEHOLD**

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

**III. PRESUMPTIVE ELIGIBILITY**

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: \_\_\_ SSI: \_\_\_ SSD: \_\_\_ Medicaid: \_\_\_ Poverty Related Veterans' Benefits: \_\_\_ Food Stamps: \_\_\_

Refugee Settlement Benefits: \_\_\_ Incarcerated: \_\_\_ Committed to a Public Mental Health Facility: \_\_\_

Other (please describe): \_\_\_\_\_ Juvenile: \_\_\_ *(if juvenile, please continue at section VIII)*

**IV. INCOME AND EMPLOYER**

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
<b>TOTAL</b>			<b>\$</b>

Employer's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

**V. LIQUID ASSETS**

<b>Type of Asset</b>	<b>Estimated Value</b>
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
<b>Total Liquid Assets</b>	<b>\$</b>

**VI. MONTHLY EXPENSES**

<b>Type of Expense</b>	<b>Amount</b>	<b>Type of Expense</b>	<b>Amount</b>
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation for Work / Fuel	
Insurance		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
<b>EXPENSES</b>	<b>\$</b>	<b>EXPENSES</b>	<b>\$</b>

**VII. INITIAL DETERMINATION OF INDIGENCY**

<b>TOTAL INCOME:</b>	
<b>TOTAL LIQUID ASSETS:</b>	+
<b>TOTAL EXPENSES:</b>	-
<b>TOTAL ADJUSTED INCOME:</b>	=

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure / Affidavit of Indigency Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within seven (7) days of submitting this form to the entity that will make a determination regarding your indigency.

**IX. AFFIDAVIT OF INDIGENCY**

I, \_\_\_\_\_ (applicant or alleged delinquent child) being duly sworn, state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Affiant's signature Date

**Notary Public / Individual duly authorized to administer oath:**

Subscribed and duly sworn before me according to law, by the above named applicant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, County of \_\_\_\_\_, State of Ohio.

\_\_\_\_\_  
Signature of person administering oath Title (example: Notary, Deputy Clerk of Courts, etc.)

**X. JUDGE CERTIFICATION**

I hereby certify that above-noted applicant is unable to fill out and / or sign this financial disclosure / affidavit for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's signature Date

**XI. NOTICE OF RECOUPMENT**

O.R.C. § 120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines.

**XII. JUVENILE'S PARENTS' INCOME – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income		
	<b>TOTAL INCOME</b>	<b>\$</b>

**XIII. NON-LIQUID ASSET INFORMATION - FOR RECOUPMENT PURPOSES ONLY - NOT FOR APPOINTMENT OF COUNSEL**

Type of Asset	Describe / Length of Ownership / Make, Model, Year (where applicable)	Estimated Value
Real Estate / Home	Price:\$ _____ Amt. Owed:\$ _____	
Automobiles		
Trucks / Boats / Motorcycles		
Money Owed to Applicant		
	<b>TOTAL ASSETS</b>	<b>\$</b>

## APPENDIX C

### 3.02 ANNUAL DRAW OF PROSPECTIVE JURORS

(A) Prospective jurors shall be selected from the randomized names contained in the voter registration master file, maintained by the Butler County Board of Elections in the Butler County computer system. The voter registration master file is the current list of all registered voters in Butler County.

(B) Selection of prospective jurors shall be made by a key number system in accord with the ORC as follows:

(1) There is a random selection of a predetermined number of registered voters from the voter registration master file. A juror identification number shall be assigned to each prospective juror as selected. Those prospective jurors shall comprise the master qualified jury list for the jury year.

(2) A random selection of prospective jurors from the master qualified jury list then occurs. Those selected shall comprise the annual jury list for the jury year.

(3) The selected key number is a computer-generated random number between 0.000000 and 0.999999, multiplied by the last assigned voter identification number (assigned by the Board of Elections at the time of registration and maintained in the voter registration master file), plus 1. This formula is repeated for each prospective juror until the desired number of prospective jurors has been selected. A juror identification number shall be assigned, consecutively, to each prospective juror upon selection.

(C) The jury commissioners or their designated representatives shall supervise the actual selection of prospective jurors in accord with this rule and the Revised Code.

## APPENDIX D

### SUGGESTED FORM LETTER TO BE USED BY GAL/ATTORNEY.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian ad Litem

Dear ;

Pursuant to Section 15 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian ad litem and attorney for XXXX. I have enclosed a copy of the court order which appoints me to act in this capacity.

As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian ad litem/attorney is twofold. I am required to render an independent judgment as to what is in the best interests of the child to the court and I am also required to represent the child's interests in court as an attorney. I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that said child(ren) are fully represented in court.

If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308, 887-3896, or 887- 3891. (NOTE: If you are a party in this case and you are represented by counsel, please obtain the consent of your attorney prior to communicating with me directly.)

Open and confidential communication between me and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren).

Please feel free to contact me if you have any questions about this letter, my role as guardian ad litem/attorney, or the enclosed order. .... Sincerely:

SUGGESTED FORM LETTER TO BE USED BY GAL.

To: Name and Address of Child's Caretaker

From: Name, Address, and Telephone Number of Guardian ad Litem

Dear ;

Pursuant to Section 15 of the local rules of procedure of the Juvenile Court of Butler County, Ohio it is my duty to advise you that I have been appointed to act as the guardian ad litem for . I have enclosed a copy of the court order which appoints me to act in this capacity.

As you can see from that order, I am authorized by the court to perform several duties. The role of the guardian ad litem/attorney is straightforward. I am required to render an independent judgment as to what is in the best interests of the child to the court. I am requesting your assistance, as the caretaker(s) of the child(ren) named above, to make sure that the best interests of said child(ren) are fully presented in court.

If you have any information about the child(ren) in your care that you believe is important or if the child(ren) in your care wish to communicate with me regarding their situation, please feel free to contact me at the address or at the phone number telephone as set forth above. If for some reason you are unable to contact me directly, you can leave a message for me at Juvenile Court at 513-887-3308, 887- 3896, or 887-3891.

Open and confidential communication between me and the child(ren) in your care is mandatory and should be encouraged and facilitated. It is through that communication that I can best serve the court by making recommendations regarding the best interests of the child(ren). Please feel free to contact me if you have any questions about this letter, my role as guardian ad litem, or the enclosed order. ....

Sincerely

## APPENDIX E

### NOTICE OF INTENT TO RELOCATE

**Important! Please read the following:**

- All portions of this notice must be completed.
- Incomplete notices will **NOT BE ACCEPTED**.
- You may use one notice for multiple children's cases only if all of the children listed on the notice have the same two parents.
- The court will send a copy of this notice to the non-residential (non-custodial) parent(s). **If you do not want the court to send a copy of this notice to the non-residential parent(s) you must do both of the following:**
- file, with this notice, a copy of a court order which prohibits the forwarding of this notice to the non-residential parent, **and**
- check the appropriate box on the notice form.
- If a court has not issued an order which prohibits the forwarding of this notice to the non-residential parent and you do not want this notice forwarded to the non-residential parent, you **CANNOT USE THIS NOTICE**, you must, instead, file a motion to obtain such an order before you file this notice.

In Re:

Case No(s)

---

---

---

---

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---

(Place the NAME(s) of the case(s) on the lines above.)

(Place the CASE NUMBER(s) of the cases on the lines above.)

List the FULL NAMES, and DATES OF BIRTH of the child(ren) who are planning to relocate with you: \_\_\_\_\_

---

---

---

**Information regarding the parents or custodian:**

Custodian's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Mother's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Father's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**Information regarding the planned relocation:**

Name(s) of the adults(s) planning to relocate: \_\_\_\_\_

---

Anticipated date of relocation: \_\_\_\_\_

This Space is for Court Use Only
----------------------------------



New Address: \_\_\_\_\_  
\_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
\_\_\_\_\_  
School District: \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

This notice was submitted by (name) \_\_\_\_\_ who hereby verifies that all of the information contained herein is true and accurate to the best of his/her knowledge and belief.

\_\_\_\_\_  
Signature

### **NOTICE TO RELOCATING PARTY**

Ohio Revised Code Section 3109.051 requires the court to serve this notice upon any parent who is not the residential parent unless an order prohibiting such notice has been issued by a court. If such an order has been issued, it **MUST** be attached to this notice and you **MUST** check the appropriate box in the TO THE CLERK section of this notice..

### **NOTICE TO NON-RESIDENTIAL PARENT**

Ohio Revised Code Section 3109.051 requires the court to provide you with this notice. The law does not require the court to hold a hearing regarding this notice unless you file a motion for a hearing.

### **TO THE CLERK**

Please serve a copy of this notice upon any non-residential (non-custodial) parent identified herein by certified and ordinary mail and place certification of that service in the record of this case.

- A court order which prohibits the forwarding of this notice to the non-residential parent is attached. DO NOT SEND THIS NOTICE TO THE NON-RESIDENTIAL PARENT IDENTIFIED IN THE ATTACHED ORDER.

## **Appendix F**

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

#### **STANDARD ORDER VISITATION/PARENTING TIME**

This schedule takes into account the changing developmental needs of children. This plan must be followed unless the parents have a clear agreement and mutual understanding about any changes they make according to Section 2 (below). If possible, any such changes should be made in writing. Parents are encouraged to make such changes as needed to address the needs of the child(ren) as well as the needs of the parents.

This schedule is a four-week rotating schedule and is not a month-to-month schedule. The “1<sup>st</sup> week” is considered the first full week of each calendar year, with Sunday regarded as the first day of that week. Weeks that straddle months are defined as weeks where Monday falls within one month and Tuesday, Wednesday, Thursday, and/or Friday of that same week fall(s) within the subsequent month. During those weeks, the non-residential parent shall have the right to exercise visits during the weekdays as set forth in week 1 of the applicable schedule. Weekends associated with such weeks shall be alternated between the parents.

#### **1. PARENTS WITH CHILDREN IN MORE THAN ONE AGE GROUP**

This schedule is designed to provide age-appropriate parenting time. Families with children who fall within various age groups and who are full siblings of the child subject to this order are encouraged to adopt a single schedule to promote consistency and balance all the children's needs. If the parents cannot agree on a single schedule, they shall follow schedule D for all children age one (1) year and older. Children under one (1) year old shall always follow schedules A and B.

#### **2. MODIFICATIONS**

By mutual agreement (preferably in writing), the parents may modify this schedule as they see fit.

#### **3. REGULAR PARENTING TIME**

The non-residential parent shall have parenting time as follows:

##### **A. Birth to three months:**

Brief visits in the infant's home shall be permitted. If the residential parent is not working outside the home, daily from 6:00 pm until 8:00 pm. If the residential parent is working outside the home, every other day. from 6:00 pm until 8:00 pm. The non-residential parent may take the child out for walks or drives if sleeping and feeding can be accommodated.

**B. Three months to one year:**

- Every Tuesday and Thursday evening per agreement or from 5:30 pm until 8:30 pm.
- One day every weekend, alternating Saturday/Sunday from 10:00 am until 6:00 pm, with Saturday parenting time to begin on Friday at 6:00 pm until Saturday at 6:00 pm.
- Repeat

3 Months to 1 Year						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X		X			T
	X		X	O	T	
	X		X			T
	X		X	O	T	
X = 5:30 pm to 8:30 pm    O = Overnight    T = 10:00 am to 6:00 pm						

**C. One year to three years:**

- Tuesday and Thursday evenings per agreement or from 5:30 pm until 8:30 pm.
- 1<sup>st</sup> week - Friday 6:00 pm until Saturday at 6:00 pm
- 2<sup>nd</sup> week - Saturday 6:00 pm until Sunday at 6:00 pm
- 3<sup>rd</sup> week - Friday 6:00 pm until Sunday at 6:00 pm
- 4<sup>th</sup> week - Residential Parent's weekend
- Repeat

1 Year to 3 Year						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X		X	O		
	X		X		O	
	X		X	O		
	X		X			
X = 5:30 pm to 8:30 pm    O = Overnight						

**D. Three years to 15 years:**

A rotating schedule as follows:

- 1<sup>st</sup> and 3<sup>rd</sup> weeks Tuesday 6:00 pm until 8:00 pm., plus Friday at 6:00 pm until Monday morning (drop-off at school or summer care).
- 2<sup>nd</sup> and 4<sup>th</sup> weeks Thursday 6:00 pm to Friday morning (drop off at school or summer care).
- Repeat

3 Year to 15 Years						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X			O	O	O
			O			
	X			O	O	O
			O			
X = 6:00 pm to 8:00 pm    O = Overnight						

**E. 16 year to 18 years:** (See Miscellaneous section K)

A rotating schedule as follows:

- Every Tuesday and Thursday evening from 5:30 pm until 8:30 pm.
- 1<sup>st</sup> week from Friday at 6:00 pm until Saturday at 6:00 pm.
- 2<sup>nd</sup> week from Saturday at 6:00 pm until Sunday at 6:00 pm.
- 3<sup>rd</sup> week from Friday 6:00 pm until Sunday at 6:00 pm.
- 4<sup>th</sup> week shall be a Residential Parent weekend.

16 Year to 18 Years						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	X		X	O		
	X		X		O	
	X		X	O	O	
	X		X			
X = 5:30 pm to 8:30 pm				O = Overnight		

**5. EXTENDED PERIODS (Vacation Time)**

If the child(ren) are of school age, each parent shall be entitled to have extended parenting time with the child(ren) for a period of four weeks during the summer. If the child(ren) are not of school age, the four week vacation period may be scheduled at any time during the year. No more than two of the four weeks may be scheduled consecutively during the year unless otherwise agreed upon by the parties in writing.

Each parent shall notify the other parent in writing of the times desired for extended periods no later than 60 days prior and no earlier than one year before the exercise of an extended period. Where there is a conflict between parents regarding vacation schedules, the parent's schedule who first gives written notice to the other parent shall prevail. Extended parenting time is to be exercised in no less than one-week increments, except upon agreement of the parties.

**6. HOLIDAY SCHEDULE**

Parents may change, by agreement, a holiday at least one week in advance to observe family or religious traditions. If not changed by agreement, holiday times, where relevant to the family, are as follows:

Holidays	Even # years <sup>1</sup>	Odd # years <sup>1</sup>	As Agreed, OR
Spring Break <sup>2,3</sup>	R	NR	See Below
Memorial Day	Nr	R	9:00 am - 7:00 pm
Fourth Of July	R	NR	7/4 - 9:00 am - 10:30 pm
Labor Day	NR	R	9:00 am -7:00 pm
Halloween (Beggar's Night)	R	NR	5:00 pm - 8:00 pm
Thanksgiving	NR	R	Wed., 5:00 pm - Sun., 5:00 pm
Christmas Eve <sup>4</sup>	NR	R	12/19 9:00 am - 12/24 10:00 pm
Christmas Day	R	NR	12/24 10:00 pm - 1/1 7:00 pm

Mother's Day <sup>5</sup>	Mother	Mother	9:00 am - 7:00 pm
Father's Day <sup>5</sup>	Father	Father	9:00 am - 7:00 pm
Child's Birthday (School Day)	R	NR	After school - 8:00 pm
Child's Birthday (No School)	R	NR	9:00 am - 7:00 pm

<sup>1</sup> "R" represents the parent designated as the residential parent, and "NR" represents the parent designated as a non-residential parent.

<sup>2</sup> If Easter falls within Spring Break, it will be considered part of the break. If Easter does not fall within Spring Break, it will be celebrated according to the regular weekend rotation.

<sup>3</sup> Spring Break: The child(ren)'s school schedule shall define the parenting time. If the child(ren) is not of school age, the district's public school schedule where the residential parent for school purposes resides shall control. Parenting time should be from 5:00 pm on the last day of school before the Spring Break until 5:00 pm on the day before school resumes (or would resume if the child(ren) were of school-age).

<sup>4</sup> If school is in session, the parent exercising parenting time is responsible for transporting the child(ren) to and from school.

<sup>5</sup> For same-gender parents, if one of the parents is the child's biological parent, that parent shall have parenting time on either mother's or father's day as appropriate. The other parent shall have parenting time on the remaining day (mother's or father's day). If neither is a biological parent of the child, these dates shall alternate (as applicable) with even years spent with the "residential" parent and odd years with the "non-residential" parent.

## 5. MISCELLANEOUS

A. The child(ren) and parent have no duty to wait for the other parent to arrive for more than 30 minutes. The parent who is more than 30 minutes late for a particular period shall forfeit that time. An exception shall be made if, and only if, the tardiness of a parent is for just cause and the other parent receives both prompt notification and a reasonable estimated arrival time. If a parent is more than 30 minutes late in returning the child(ren) without calling to make arrangements and without just cause, said parent may be subject to contempt.

B. When a parent will be gone overnight regardless of the age of the child(ren), the other parent shall be afforded the opportunity to exercise overnight parenting time.

C. Make-up days shall be given if, due to an emergency, the child(ren) or parent is not available at the scheduled time or if the other parent denies access to the child(ren) without just cause. All make-up dates shall be scheduled and exercised within 30 days.

E. Unless otherwise agreed, the parent whose parenting time is commencing shall provide transportation at the beginning of the parenting period.

F. Each parent is entitled to reasonable (i.e., no more than once a day) media contact (e.g., phone or video call) with the child(ren) when the child(ren) are with the other parent for more than 24 hours. If the child(ren) are not available, they should return the call. Both parents shall provide each other with their address, phone number, and email address. If parents remove the child(ren) from their residence overnight for a holiday/extended parenting time or any other purpose, the parents shall provide each other with an emergency telephone number where the child(ren) can be reached. Absent any court orders to the contrary, both parents shall encourage free communications between the child(ren) and the other parent. They shall not impede or restrict reasonable communications, whether initiated by the child(ren) or the other parent.

G. Parenting time shall be provided to the non-residential parent even if the child is ill unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent's home, in which event immediate notice shall be given to the non-residential

parent. Any parenting time that is missed under this provision shall be made up at the same time the following week.

H. When the holiday parenting time of a parent falls on a Monday following their regular weekend time, the parenting time will be continuous (i.e., the child(ren) will stay overnight on Sunday and return to the other parent on Monday at 7:00 pm). When a conflict occurs between the holiday parenting time and the alternate weekend/Monday parenting time, the holiday parenting time will take precedence.

I. Neither parent shall restrict the child(ren) from taking those personal items that facilitate comfort and enjoyment to the other parent's home. Any items taken shall be returned with the child(ren).

J. In the event of a conflict, the following is the order of precedence: 1st Holidays; 2nd Extended periods; 3rd Regular Schedule.

K. No child 16 years of age or older shall be compelled to participate in parenting time with the non-custodial parent. Parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes as long as the parents agree.

## **7. ANNUAL OVERNIGHTS**

The table below indicates the approximate number of annual overnights granted to the non-custodial parent by the above standard orders as allocated by the child's age. Significant overnight time may affect child support calculations under Ohio law. Due to the uncertainty of its length, the total number of overnights shown below does not include Spring Break.

Birth to 3 months	0 overnights
Three months to 1 year	63 – 64 overnights
One year to 3 years	74 – 75 overnights
Three years to 15 years	140 - 141 overnights
16 years to 18 years	88 – 89 overnights

APPENDIX G

Form 201

BUTLER COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION

WITHHOLDING ORDER/QUALIFIED MEDICAL CHILD SUPPORT ORDER INFORMATION SHEET

DATE: REQUESTED BY: CASE NO.:
OBLIGOR (PERSON ORDERED TO PAY):

ADDRESS: CITY: STATE: ZIP:
SOCIAL SECURITY NUMBER: DATE OF BIRTH:
PHONE (HOME): PHONE (CELL): PAYROLL ADDRESS

NAME AND ADDRESS OF EMPLOYER:

EMP. PHONE:

PAY SCHEDULE: WEEKLY BI-WEEKLY SEMI-MONTHLY MONTHLY

MONTHLY OBLIGATION: \$ OBLIGATION PER PAY PERIOD: \$

FINANCIAL INSTITUTIONS

Table with 3 columns: NAME AND ADDRESS, TYPE OF ACCOUNT, ACCOUNT NUMBER

OBLIGEE (PERSON/AGENCY TO RECEIVE PAYMENTS):

ADDRESS: CITY: STATE: ZIP:
SOCIAL SECURITY NUMBER: DATE OF BIRTH:
PHONE (HOME): PHONE (CELL):
CASE TYPE: IV-D NON-OWF IV-D OWF NON IV-D

Number of minor children for whom support is paid (Alternate Recipients Covered by insurance):

CHILD'S NAME: SOC. SEC. NO.: D.O.B.
ADDRESS: CITY: STATE: ZIP:
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN:
ADDRESS: CITY: STATE: ZIP:

CHILD'S NAME: SOC. SEC. NO.: D.O.B.
ADDRESS: CITY: STATE: ZIP:
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN:
ADDRESS: CITY: STATE: ZIP:

CHILD'S NAME: SOC. SEC. NO.: D.O.B.
ADDRESS: CITY: STATE: ZIP:
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN:
ADDRESS: CITY: STATE: ZIP:

CHILD'S NAME: SOC. SEC. NO.: D.O.B.
ADDRESS: CITY: STATE: ZIP:
RESIDENTIAL PARENT/CUSTODIAN/GUARDIAN:
ADDRESS: CITY: STATE: ZIP:

**PARTICIPANT (PERSON ORDERED TO PROVIDE INSURANCE):** \_\_\_\_\_  
PROVIDER OF INSURANCE IS:  OBLIGOR  OBLIGOR'S SPOUSE  OTHER \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SOC. SEC. NO.: \_\_\_\_\_ D.O.B. \_\_\_\_\_  
NAME AND ADDRESS OF EMPLOYER: \_\_\_\_\_  
PHONE: \_\_\_\_\_

INSURANCE IS UNDER:  GROUP PLAN  PRIVATE PLAN

NAME(S) OF PLAN(S): \_\_\_\_\_  
NAME(S)/ADDRESS(ES) OF PLAN ADMINISTRATOR(S): \_\_\_\_\_  
\_\_\_\_\_

POLICY AND/OR GROUP NUMBER(S): \_\_\_\_\_  
DESCRIPTION OF TYPE OF COVERAGE PROVIDED: \_\_\_\_\_  
\_\_\_\_\_

**PARTICIPANT (PERSON ORDERED TO PROVIDE INSURANCE):** \_\_\_\_\_  
PROVIDER OF INSURANCE IS:  OBLIGOR  OBLIGOR'S SPOUSE  OTHER \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
SOC. SEC. NO.: \_\_\_\_\_ D.O.B. \_\_\_\_\_  
NAME AND ADDRESS OF EMPLOYER: \_\_\_\_\_  
PHONE: \_\_\_\_\_

INSURANCE IS UNDER:  GROUP PLAN  PRIVATE PLAN

NAME(S) OF PLAN(S): \_\_\_\_\_  
NAME(S)/ADDRESS(ES) OF PLAN ADMINISTRATOR(S): \_\_\_\_\_  
\_\_\_\_\_

POLICY AND/OR GROUP NUMBER(S): \_\_\_\_\_  
DESCRIPTION OF TYPE OF COVERAGE PROVIDED: \_\_\_\_\_  
\_\_\_\_\_

**PLEASE COMPLETE BOTH SIDES OF THIS FORM. THIS FORM MAY NOT BE ACCEPTED IF NOT COMPLETED IN FULL IN A LEGIBLE MANNER.**



## APPENDIX H

### APPLICATION FOR CHILD SUPPORT SERVICES NON-PUBLIC ASSISTANCE APPLICANT

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

I, the undersigned, \_\_\_\_\_, request Child Support Services from the \_\_\_\_\_ County Child Support Enforcement Agency. I understand and agree to the following conditions:

- A. I am a resident of the County in which services are requested.
- B. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).  
The Child Support Enforcement Agency can assist you in providing the following services:
1. Location of Absent Parents.  
The agency can assist in finding where an absent parent is currently living, in what city, town or state. The applicant can request "Location Services Only", if the sole need is to find the whereabouts of the absent parent.
  2. Establishment or Modification of Child Support and Medical Support.  
The CSEA can assist you to obtain an order for support if you are separated, have been deserted or need to establish paternity (fatherhood). The CSEA can also assist you in changing the amount of support orders (modification), and to establish a medical support order.
  3. Enforcement of Existing Orders.  
The CSEA can help you collect current and back child support.
  4. Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.  
The agency can assist in collecting back support (Arrearages) by intercepting a non-payor's federal and state income tax refunds on some cases.
  5. Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.  
The agency can help you get payroll deductions for current and back child support and can intercept unemployment compensation to collect child support.
  6. Establishment of Paternity.  
The agency can obtain an order for the establishment of paternity (fatherhood), if you were not married to the father of the child. An absent parent may request paternity services.
  7. Collection and Disbursement of Payments.  
The CSEA can collect the child support for you, and send you a check for the amount of the payments received. Back support collected will be paid to you until all of the back support you are owed is paid. If you received ADC in the past and support was assigned to the state, back support collected will be paid to the state after you receive back support owed to you.
  8. Interstate Collection of Child Support.  
The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.
- C. The only fee you can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.
- D. In providing IV-D services, the CSEA and any of its contracted agents (e.g. prosecutors, attorneys, hearing officers, etc.) represent the best interest of the children of the State of Ohio and do not represent any IV-D recipient or the IV-D recipient's personal interest.

#### APPLICANT INFORMATION (INFORMATION ABOUT YOU)

Name	Date of Birth
Social Security Number (SSN)	Current Marital Status (Check One) <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> <input type="checkbox"/> Separated <input type="checkbox"/> Deserted <input type="checkbox"/> Widowed

Type(s) of Service(s) Requested: All services listed \_\_\_\_\_ Location of absent parent only \_\_\_\_\_

Other (please explain) \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Applicants Name (Last, First, Middle)	Telephone Number (Home)
Address (Street/Route, P.O. Box)	(Work)
City, State, Zip Code	

**INFORMATION ON CHILDREN**

	Child 1	Child 2	Child 3	Child 4
a. Name				
b. Sex				
c. SSN				
d. Date of Birth (DOB)				
e. Name(s) of Absent Parent				
f. Has Paternity (Fatherhood) Been Established?				
g. Is There An Order For Support (Yes or No)				

**ABSENT PARENT INFORMATION OR PARENT ORDERED TO PAY CHILD SUPPORT**

	Absent Parent #1	Absent Parent #2	Absent Parent #3
Name			
Address, City State, Zip Code			
SSN			
Date of Birth			
Name of Employer			
Address of Employer, City, State Zip Code			
Amount of Support Ordered			
Date of Support Order			
Location Where Order Was Issued, City, County, State			
Military Service - Give Date and Branch Entered			
Arrest Record: Give Date and Place of Arrest			
IF the absent parent has been on Public Assistance: Give Date and Place			
Give Name and Address of Current Spouse of Absent Parent			

\* Have you ever been on public assistance?  Yes  No  
 When \_\_\_\_\_ Date Where \_\_\_\_\_ County \_\_\_\_\_  
 City and State

(Do Not Write in This Space)		FOR AGENCY USE ONLY	
Case Name	Date Requested	Date Mailed or Provided	
Case Number	Date Returned or File Date		

**APPENDIX I**

**Juvenile Court Face Sheet**

**CHILD INFORMATION:**

Name \_\_\_\_\_  
Last First Middle  
Child also known as \_\_\_\_\_  
Last First Middle  
SSN: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_  
Birth City/State: \_\_\_\_\_

**Before Removal of Child (if applicable):**

Current Address \_\_\_\_\_ City/State \_\_\_\_\_  
School and Grade: \_\_\_\_\_ School District: \_\_\_\_\_

**BIOLOGICAL MOTHER'S INFORMATION**

Name \_\_\_\_\_  
Last First Middle  
Also known as \_\_\_\_\_  
Last First Middle  
Address: \_\_\_\_\_  
Number/Street City/State Zip  
Phone Number: \_\_\_\_\_ Can This Number Accept Text Notices?  Yes  No  
SSN: \_\_\_\_\_  
DOB: \_\_\_\_\_ Gender \_\_\_\_\_ Race: \_\_\_\_\_ Custody Type: \_\_\_\_\_  
(legal, shared parenting, shared custody)  
Mother's Marital Status: \_\_\_\_\_  
(married, divorced, never married, etc ...)  
Interpreter Needed:  Yes  No Language/Type: \_\_\_\_\_

**BIOLOGICAL FATHER**

Name \_\_\_\_\_  
Last First Middle  
Also known as \_\_\_\_\_  
Last First Middle  
Address: \_\_\_\_\_  
Number/Street City/State Zip  
Phone Number: \_\_\_\_\_ Can This No. Accept Text Notices?  Yes  No  
SSN: \_\_\_\_\_  
DOB: \_\_\_\_\_ Gender \_\_\_\_\_ Race: \_\_\_\_\_ Custody Type: \_\_\_\_\_  
(legal, shared parenting, shared custody)

Father's Marital Status: \_\_\_\_\_  
(married, divorced, never married, etc ...)

Interpreter Needed:  Yes  No Language/Type: \_\_\_\_\_

**CUSTODIAN:** (person with legal custody of the child other than biological parent)

Name \_\_\_\_\_  
Last First Middle

Also known as \_\_\_\_\_  
Last First Middle

Address: \_\_\_\_\_  
Number/Street City/State Zip

Phone Number: \_\_\_\_\_ Can This No. Accept Text Notices?  Yes  No

SSN: \_\_\_\_\_

DOB: \_\_\_\_\_ Gender \_\_\_\_\_ Race: \_\_\_\_\_ Custody Type: \_\_\_\_\_  
(legal, shared parenting, shared custody)

Marital Status: \_\_\_\_\_  
(married, divorced, never married, etc ...)

Interpreter Needed:  Yes  No Language/Type: \_\_\_\_\_

**PERSON FILING COMPLAINT OR MOTION:**

Name \_\_\_\_\_  
Last First Middle

Also known as \_\_\_\_\_  
Last First Middle

Address: \_\_\_\_\_  
Number/Street City/State Zip

Phone Number: \_\_\_\_\_ Can This No. Accept Text Notices?  Yes  No

SSN: \_\_\_\_\_

DOB: \_\_\_\_\_ Gender \_\_\_\_\_ Race: \_\_\_\_\_ Custody Type: \_\_\_\_\_  
(legal, shared parenting, shared custody)

Father's Marital Status: \_\_\_\_\_  
(married, divorced, never married, etc ...)

Interpreter Needed:  Yes  No Language/Type: \_\_\_\_\_

Legal Relationship to child: \_\_\_\_\_

Circle one: Paternal Maternal Step-Relative Non-Relative

**APPENDIX J**  
**CODE NUMBER LIST FOR MOTIONS ETC.**  
**NUMERICAL ORDER**

(Codes should be read as categories for or topics of actions. For example, Code # 150 should be used on any pleading filed that has anything to do with discovery unless there is a more specific code number that applies. Codes do not apply to the primary relief requested in a complaint.)

**CAUTION:** As in any court action, jurisdictional, factual, legal, equitable, and venue based issues may lead to the dismissal or denial of any motion. Inclusion of a form of relief in this list does not mean that this court will have the authority to grant such relief.

100 Admission of Evidence	490 Agreed Orders
110 Appointment of GAL	500 Birth Record Amendment/Name Change
120 Appointment of Process Server	510 Motion for Confidential Address
130 Venue/Jurisdiction/Transfer/Bindover	520 Contempt - Child Support
140 Clarification of Court Order(s)	530 Emergency (ExParte) Order or Hearing request
150 Discovery	540 Child Support Escrow
160 Competency/NGRI	550 In Camera Interview
170 Contempt	560 Judicial Mistake of Fact Hearing
180 Motion to Continue/Reschedule/Vacate	570 Legal Custody/Parenting Provision
190 Default Judgment	580 Lump Sum Judgment – Child Support
200 Dismiss/Close case	590 Mediation
210 Disqualification of Counsel or GAL	600 Modification of Custody/Shared Parenting/Case Plans
220 Extension of Time	610 Modification of Support Order
230 Fees	620 Modification/Restriction of Visitation
240 Findings of Fact/ Conclusions of Law	630 Paternity/Parentage
250 Imposition of Sentence	640 Permanent Custody Motion
260 Joinder/Severance	650 Planned Permanent Living Arrangement Judgment Etc <span style="float: right;">Motion</span>
270 Motion in Limine/or to Admit Evidence (Includes Preservation of Evidence)	660 Relocation Restriction/Prohibition
280 Merger/Consolidation of cases	670 Case Plans
290 Motion to Mitigate/Reduce/ Sentence/Contempt/Sanction/	680 Shared Parenting or Custody
300 Motion for New Trial	690 Motion regarding Child Support
310 Evaluations or Tests Medical/ Psychological/Psychiatric	700 Motion for Tax Exemption
320 Motion to Quash Subpoena – Documents	710 Temporary Custody Request
330 Motion to Quash Subpoena – Other	720 Appointment of Counsel
340 Motion for Reclassification	730 Motion for Visitation
350 Recusal/Disqualification Judge/Magistrate	750 Driving Privileges Request
360 Motion to Release Belongings	760 Jury Demand
370 Relief from Judgment	770 Motion to Seal/Expunge
380 Restitution	800 Objection to Administrative Orders
390 Motion to Review	810 Objection (General)
400 Motion to Set Aside Magistrate's Order	820 Objection to Decision of Magistrate
410 Motion for Stay	830 Notice of Intent to Relocate
420 Motion to Strike	840 Registration of UIFSA/UCCJEA
430 Motion to Suppress	850 Petition to Adopt Administrative Orders
440 Motion for Transcript	860 Telephonic Hearing Request
450 Motion to Release/Transport Prisoner/Juvenile	870 Speedy Trial Demand (Motion to impose sentence)
460 Motion to Waive Court Costs	880 Amendment/Clarification of Complaint or Motion
470 Withdrawal/Appearance of Counsel/GAL/CASA	900 Relief from Rule
480 Withdrawal of Plea	

CODE LIST FOR MOTIONS/COMPLAINTS ETC.  
ORDERED BY GENERAL TYPE  
(ADDITIONAL EXPLANATIONS IN PARENTHESES)

**Pre-Hearing Evidentiary Motions**

- 100 Admission of Evidence (Documents, Judicial Notice, objections to same)
- 150 Discovery (Admissions, Depositions, Documents, Interrogatories, Medical Records, Limits on Discovery, Bills of Particular and objections/responses to same)
- 180 Motion to Continue/Reschedule/Vacate (Modify or amend hearing schedule) (And objections/responses to same)
- 310 Evaluation Medical/ Psychological/Psychiatric (Request or in opposition to a request)
- 320 Motion to Quash Subpoena - Documents (And objections/responses to same)
- 330 Motion to Quash Subpoena - Other (And objections/responses to same)
- 420 Motion to Strike (Pleading, allegation, motion, complaint)
- 430 Motion to Suppress (And objections/responses to same)
- 880 Motion to Amend/Clarify Complaint or other pleading. Includes Motions for Bills of Particular

**Pre-Hearing Motions**

- 110 Appointment of GAL (And objections/responses to same)
- 120 Appointment of Process Server
- 130 Venue/Jurisdiction/Transfer/Bindover (Certifications, Relinquishments, Improper Forum) (And objections/responses to same)
- 160 Competency/NGRI (And objections/responses to same)
- 260 Joinder/Severance (Requests for and objections/responses to same)
- 270 Motion in Limine (Includes Preservation of Evidence and Motions to admit Evidence) (And objections/responses to same)
- 380 Restitution (Request for hearing)
- 450 Motion to Release/Transport Prisoner/Juvenile (Requests for Bond, Electronic Monitoring) (And objections/responses to same)
- 510 Motion for Closure or Confidential Address (And objections/responses to same)
- 720 Appointment of Counsel (Trial and Appellate)
- 760 Jury Demand
- 860 Telephonic Hearing Request (Or other electronic communication)
- 870 Speedy Trial Demand (Motions to impose sentence)

**Post-Hearing Motions**

- 140 Clarification of Court Order(s)
- 170 Contempt (except contempt for non-payment of child support #520)
- 230 Fees (GAL, attorney, Public Defender expenses including orders for deposits)
- 240 Findings of Fact/ Conclusions of Law
- 250 Imposition of Sentence
- 290 Motion to Mitigate – Sentence/Contempt/Sanction/Etc (Recall FTA or other Warrant, Reduce Sentence, Grant Credit for time served, Early Release Etc.)
- 300 Motion for New Trial (And objections/responses to same)
- 340 Motion for Reclassification (And objections/responses to same)
- 370 Relief from Judgment (Termination or modification of Custody orders, no contact orders, probation, protective supervision, reasonable efforts requirements)
- 390 Motion to Review
- 400 Motion to Set Aside Magistrate's Order (And objections/responses to same)
- 410 Motion for Stay (Sentence, Order, Sanction)
- 440 Motion for Transcript
- 460 Motion to Waive Court Costs
- 480 Withdrawal of Plea (And objections/responses to same)

- 750 Driving Privileges Request (Motion to Reconsider)
- 770 Motion to Seal/Expunge
- 820 Objection to Decision of Magistrate

### **Motions Relating to Child Support**

- 520 Contempt - Child Support
- 540 Child Support Escrow (And objections/responses to same)
- 560 Judicial Mistake of Fact Hearing
- 580 Lump Sum Judgment – – Child Support (And objections/responses to same)
- 610 Modification of Support Order (& Objections to modifications)
- 690 Motion regarding Child Support (Including motions to terminate, modify, repay, or suspend)
- 700 Motion for Tax Exemption (And objections/responses to same)
- 800 Objection to Administrative Orders
- 850 Petition to Adopt Administrative Orders

### **Motions Relating to Trial**

- 190 Default Judgment (Also motion for summary judgment) (And objections/responses to same)
- 200 Dismiss/Close case (All motions to dismiss or close or motions in opposition . . . objections/responses to same)
- 210 Disqualification of Counsel or GAL
- 220 Extension of Time (And objections/responses to same)
- 280 Merger/Consolidation of cases (And objections/responses to same)
- 350 Recusal/Disqualification Judge/Magistrate
- 470 Withdrawal/Appearance of Counsel/GAL/CASA (Terminate Appointment of counsel GAL or CASA, Substitution of Counsel, Notice of Appearance)
- 490 Agreed Orders (Adoption of agreed orders of any kind)
- 550 In Camera Interview (And objections/responses to same)
- 830 Notice of Intent to Relocate (And motions in opposition to relocation)
- 840 Registration of UIFSA/UCCJEA (And motions in opposition to registration)

### **Motions Relating to Custody/Visitation/Parentage**

- 360 Motion to Release Belongings (And objections to same)
- 500 Birth Record Amendment/Name Change (And objections to same)
- 530 Emergency (ExParte) Order or Hearing Request (Shelter Care)
- 570 Legal Custody/Parenting Provision (Grant) (Including Interstate Placement) (And objections/responses to same)
- 590 Mediation
- 600 Modification or termination of Custody/Shared Parenting/ (Includes motions to terminate or suspend custody (legal or temporary) or shared parenting/custody) (And objections/responses to same)
- 620 Modification of Visitation (AKA Parenting Time or Companionship Rights) (Including restrictions on or suspension of visitation) (And objections/responses to same)
- 630 Paternity/Parentage
- 640 Motion for Permanent Custody
- 650 Motion for Planned Permanent Living
- 660 Relocation Restriction/Prohibition
- 670 Case Plans (Adoption of or objections to same)
- 680 Shared Parenting or Custody (And objections/responses to same)
- 710 Temporary Custody Request (And objections/responses to same)
- 730 Motion for Visitation (And objections/responses to same)
- 900 Relief from Rule (Requests for relief from rule requirements (GAL, CASA) (And objections/responses to same)





**APPENDIX K**

**APPLICATION FOR APPROVAL AS COURT APPOINTED COUNSEL**

**BUTLER COUNTY COMMON PLEAS COURT  
JUVENILE DIVISION**

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_

Location, within Butler County, where you intend to confer with your clients; (not a P.O. Box): \_\_\_\_\_

\_\_\_\_\_

Preferred Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Attorney Registration #: \_\_\_\_\_

Preferred contact individual (for case assignments) and individual's phone number.

\_\_\_\_\_

List any formal post-law school training regarding the representation of criminal defendants, alleged delinquent children, children, and families (including seminars). Include the year in which the formal training took place: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any professional associations with which you are affiliated with regards to criminal defense, children's issues, and family issues: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimate the number of cases that you have handled in Juvenile Court (This may be a rough estimate) please describe the types of cases with which you have the most experience: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What do you feel are your biggest strengths with regards to your representation of criminal defendants, alleged delinquent children, children, and families in juvenile court? \_\_\_\_\_

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What areas do you feel could use improvement with regards to your representation of criminal defendants, alleged delinquent children, children, and families and what will you do to make those improvements?\_\_\_\_\_

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Do you have current legal malpractice insurance? List company, policy number and expiration date of the policy. (Attach proof of insurance.)\_\_\_\_\_

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Are you currently a member of the Butler County Bar Association? (Attach copy of Bar membership card.)\_\_\_\_\_

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Do you have any regularly scheduled commitments (employment, commitments to other courts etc.) which will impact your availability to schedule cases before the Juvenile Court? If so, describe (briefly) those commitments.\_\_\_\_\_

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Signature\_\_\_\_\_

Return completed application to:  
John Bruewer  
Chief Magistrate  
Butler County Juvenile Court  
David J. Niehaus Juvenile Justice Center  
280 North Fair Avenue  
Hamilton, Ohio 45011

Adopted Effective 1/22/2024

\_\_\_\_\_  
*Erik D. Niehaus*  
Administrative Judge  
Butler County Juvenile Court