

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

**IN THE MATTER OF LOCAL RULES OF
COURT FOR THE JUVENILE DIVISION
OF THE COURT OF COMMON PLEAS OF
MONROE COUNTY, OHIO**

Juvenile Court
Monroe County Ohio

AUG 21 2018

FILED

JOURNAL ENTRY

The Juvenile Division of the Court of Common Pleas of Monroe County, Ohio, adopts the following rules, pursuant to Sup. Rule 5, to supplement the Rules of Superintendence for the Court of Common Pleas promulgated by the Ohio Supreme Court.

These rules shall take effect upon the date filed with the clerk and shall supersede all existing rules in conflict herewith.

PREAMBLE

This court takes judicial notice that Monroe County is 87th of the 88 counties in Ohio by population. Only Vinton County has a smaller population. 2010 census statistics indicate that Monroe County has a population of only 14,859. As such this court has one of the smallest caseloads in the state. In two adjacent counties, Morgan and Noble, there is no separate probate and juvenile division and one judge hears cases in both the general division and the probate juvenile division.

As such this court does not require a comprehensive set of rules as a larger county might; i.e., Cuyahoga – population 1,266,049. Cuyahoga County has roughly 85 residents for every one in Monroe County. These rules are designed to be of a bare bones variety and have some of the forms used in this court attached as exhibits for the convenience of counsel.

LOCAL RULE 1 Parentage Cases

No person may bring an action to establish the parent and child relationship before requesting an administrative determination of the existence or nonexistence of a parent and child relationship from the child support

enforcement agency.

LOCAL RULE 2 Photographing and Broadcasting of Court proceedings

The taking of photographs in the courtroom, and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 12 and Ohio Revised Code Section 2151.35.

LOCAL RULE 3 Child Support Orders, Medical Support Orders, and Health Insurance Orders

LOCAL RULE 3.1 Seek Work Orders

Seek work orders shall be in the form attached as Exhibit A.

LOCAL RULE 3.2 Standard Visitation Schedule

The courts standard visitation schedule shall be on the form attached as Exhibit B. (Last amendment July 21, 2015)

LOCAL RULE 4 Transcripts/recording of proceedings

Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure a complete record of all testimony or other oral proceedings shall be taken on a digital recording device as prescribed by the Court.

No public use shall be made by any person, including a party, of any record or transcript thereof, except in the course of the proceedings or appeal or as authorized by the Court.

The request for making of transcripts shall be filed with the Court. At the time of ordering a transcript, the ordering counsel or party shall arrange for

payment of a deposit of One Hundred Dollars (\$100.00). The balance, if any, shall be paid directly to transcriptionist upon delivery of the transcript.

All original transcripts shall be filed by the transcriptionist with the Court and shall thereby become part of the official record of the case.

Request for transcripts for the benefit of indigent parties including those represented by the office of the Public Defender, shall be submitted to the Court with an order of the Court directing that the transcript be prepared at public expense. This order shall serve in lieu of the deposit otherwise required by this Rule.

LOCAL RULE 5. Filing fees and costs

The filing fee for all new custody or visitation cases is \$100.00. To reopen a closed case, the fee is \$60.00.

LOCAL RULE 6. Service of Process

Pursuant to Rule 16 of the Rules of Juvenile Procedure, the Court hereby adopts the following Rule for service by publication. Service by publication may be made in any manner set forth in Juvenile Rule 16. Service by publication may be made by posting and regular mail. If service by publication is made by posting and mail, an affidavit shall be filed by the party or parties' attorney requesting service pursuant to Juvenile Rule 16. The notice shall be posted in a conspicuous place in the Juvenile Courthouse, specifically the bulletin board on the wall at the east end of the first floor of the courthouse and in two additional public places in the county. The two additional public places shall be the following: The Monroe County Public Library, 96 Home Ave., Woodsfield, Ohio

43793, and The U.S. Post Office, 125 North Main Street, Woodsfield, Ohio 43793. The notice shall be posted at the required location for seven (7) consecutive days prior to the date of the hearing and the clerk shall cause the summons and accompanying pleadings to be served, also pursuant to Juvenile Rule 16 mailed by ordinary mail, address correction requested, to the last known address of the party

LOCAL RULE 7 FACSIMILE FILINGS

The Court will accept filings by facsimile transmission unless the filing requires a cost deposit. No filings requiring a deposit will be file stamped until the deposit is received.

LOCAL RULE 8 Restraint Rule

Restraints shall be removed prior to the commencement of a proceeding unless the Court determines on the record, after providing any party to be heard on the issue of physical restraint for that child at that hearing, that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because either of the following:

- (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;
- (2) There is a significant risk the child will flee the courtroom.

If the Court finds physical restraint to be necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hand.

LOCAL RULE 9 Fingerprints and Photographs of Juveniles

ORC§2151.313 of the revised code provides that a law enforcement officer may fingerprint and photograph a child without the consent of the juvenile judge.

(1) When the child is arrested or otherwise taken into custody for the commission of an act that would be a misdemeanor offense, other than a traffic offense or minor misdemeanor, if committed by an adult, and there is probable cause to believe that the child may have been involved in the commission of the act. The agency taking the photographs and/or fingerprints shall immediately notify the Judge of the taking of the photos or prints and all information set forth in ORC§2151.313(A)(2).

(2) No notification to the court is required when child has been arrested or otherwise taken into custody for committing an act that would be a felony if committed by an adult. Even if the child is not arrested or otherwise placed in custody the child may be printed and photographed if there is probable cause to believe that the child may have committed an act that would be a felony if committed by an adult.

(3) The agency taking photos or fingerprints under this rule shall take the child's fingerprints upon forms furnished by BCI and shall immediately forward copies of the completed forms and any other description that may be required and the history of the offense committed to BCI and to the clerk of the court having jurisdiction over prosecution of the offense.

(4) Under ORC§109.60(A)(2) any child who appears in this Court in relation to a charge that would be a felony or offense of violence if committed by

an adult and that has not been fingerprinted or photographed the Court shall order that the child appear before the sheriff's office with 48 hours for the purpose of having fingerprints taken. These prints shall be sent to BCI and the clerk in the same manner as #3 above.

(5) All records of photographs and fingerprints relating to juveniles should be maintained by the sheriff pursuant to ORC§2151.313.

(6) The clerk of this Court shall file a weekly disposition report as required by ORC§2152.72(A)(2).

These rules adopted this 21 day of August, 2018.



James W. Peters, Judge

JUN 21 2016

Exhibit A

**MONROE COUNTY JUVENILE COURT
SEEK WORK ORDER**

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Pursuant to R.C. § 3121.03(D)(1) and R.C. § 3121.03(D)(2), the Court hereby **ORDERS** the Obligor to seek or participate in work activity to which a recipient of assistance under Title IV-A of the Social Security Act, "49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the Social Security Act," 42 U.S.C.A. 607(d) as amended.

Further, the Court hereby **ORDERS** the following:

1. The Obligor shall look for work for a minimum of 16 hours per week or provide satisfactory evidence from a licensed medical doctor that they are unable to work in any capacity. This certification must be renewed and provided to the Monroe County Child Support Enforcement Agency (CSEA) every three months.
2. The requirements of Item 1 may be fulfilled by the following options: (THERE MUST BE A MINIMUM OF FIVE (5) CONTACTS PER WEEK. THE OBLIGOR SHALL PROVIDE WRITTEN VERIFICATION TO THE CSEA CASE MANAGER WEEKLY, BY FRIDAY AT 3:00 P.M.)
 - a. Weekly face-to-face contacts with employers to provide resumes, references and to complete employment applications. Written verification from potential employers must be provided the Monroe County CSEA. Verification forms are available from the Monroe County CSEA;
 - b. Working one-on-one with a case manager at the JOBS one-stop office, 100 Home Ave., Woodsfield, OH 43793, to find employment. This includes, but is not limited to: assessment of the Obligor's skills and interests and creation of an individual Employment Plan, registration on Ohio Means Jobs website and training on its use, creation of a resume or modification of an existing resume, and applying for advertised positions online. The Obligor may also be required to attend some classes on job seeking, resume writing, interviewing or job ethics, and must complete any such requirements to receive credit for such effort.
 - c. Once the Obligor is trained by the case workers at the JOBS one-stop site, they may visit the resource room to continue their job search and/or do so on a home computer or at another site. Verification of the online jobs applied for at the agency will be checked and initialed off on by the JOBS one-stop case worker. If the Obligor applies through his/her own computer or another location, the Obligor shall provide the CSEA case manager written confirmation of the employer, job title, contact information and verification of application.

The Court ORDERS the Obligor to maintain weekly contact with the Monroe County CSEA case manager and provide a job log of all of the contacts that the Obligor has made either face-to-face or via the internet.

JAN 31 2017

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Exhibit B

MODEL VISITATION SCHEDULE
MONROE COUNTY COMMON PLEAS COURT
JUVENILE DIVISION

I. WEEKENDS: The non-custodial parent shall have visitation with the child(ren) every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

II. WEEKDAYS: The non-custodial parent shall have visitation with the child(ren) one weekday evening per week from 6:00 p.m. until 9:00 p.m. The day of the week shall be determined by agreement of the parties. If the parties cannot agree, then the day shall be Wednesday.

III. EXTRACURRICULAR ACTIVITIES: Regardless of where the child(ren) are residing, their continued participation in extracurricular activities (school related or otherwise) shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic costs of the transportation to and from these activities. The custodial parent shall provide the non-custodial parent with notice of all extracurricular activities and the name of the activity leader, including address and telephone number, if reasonably available to the custodial parent.

IV. HOLIDAYS AND BIRTHDAYS: In odd-numbered years, the mother shall have the following: New Year's Day, spring break, Memorial Day, Labor Day, Veterans Day, Christmas Day, and the first half of Christmas break.

In odd-numbered years, the father shall have the following: Martin Luther King Day, President's Day, Easter, Fourth of July, Columbus Day, Thanksgiving Day, Christmas Eve, and the second half of Christmas break.

In even-numbered years, the schedules are reversed.

A. Holiday hours for parents who cannot agree are as follows:

New Year's Day – 9:00 a.m. to 7:00 p.m.

Martin Luther King Day – 9:00 a.m. to 7:00 p.m.

President's Day – 9:00 a.m. to 7:00 p.m.

Spring break – 6:00 p.m. the day school is out to 7:00 p.m. the day before school commences, the coincide with the days of the school vacation and not to interfere with school.

Easter – 8:00 a.m. to 7:00 p.m.

Memorial Day – 9:00 a.m. to 7:00 p.m.

Fourth of July – 9:00 a.m. July 4th to 9:00 a.m. the next day

Labor Day – 9:00 a.m. to 7:00 p.m.

Columbus Day – 9:00 a.m. to 7:00 p.m.

Veteran’s Day – 9:00 a.m. to 7:00 p.m.

Thanksgiving Day – 9:00 a.m. Thanksgiving Day to 9:00 a.m. the next day

Christmas Eve – 9:00 p.m. on 12/23 to 9:00 p.m. on 12/24

Christmas Day – 9:00 p.m. on 12/24 to 9:00 p.m. on 12/25

Christmas Break (1st half) – commences 8:00 a.m. the day Christmas Break begins, continuously, with interruptions for Christmas Eve and Christmas Day, through half of the vacation break (which may be at noon if the number of days in Christmas Break are an odd number or 9:00 p.m. if the number of days are an even number)

Christmas Break (2nd half) – commences at (noon of the middle day of the break if the number of days in Christmas Break are an odd number or 9:00 p.m. if the numbers of days are an even number) to 9:00 a.m. on New Year’s Day.

***NONE OF THE ABOVE VISITATION TIMES SHOULD INTERFERE WITH THE CHILD(REN)’S SCHOOL SCHEDULES**

B. Birthdays:

The child(ren)’s birthdays shall be alternated between the parents on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters should attend the birthday event.

C. Mother’s Day and Father’s Day:

The child(ren) shall spend Mother’s Day with their mother every year. The child(ren) shall spend Father’s Day with their father every year. Hours for parents who cannot agree are 12:00 noon to 8:00 p.m.

D. Notice:

At least a 48-hour notice shall be given by the parent with whom the holiday is being spent for any arrangements for out-of-town travel on the holidays or of a change in pickup/return time.

E. Weekend visitation during holidays:

The alternating weekend visitation shall be interrupted as a consequence of the holiday schedule. In other words, the holiday schedule shall preempt any weekend visitation schedule. But if any holiday falls on a Thursday or Friday, the alternating weekend visitation schedule shall not be interrupted due to the holiday schedule. A parent scheduled to have visitation on a weekend following a Thursday or Friday holiday shall continue to have such weekend visitation.

V. SUMMER VISITATION*: The custodial parent shall have visitation with the child(ren) for the FIRST HALF of the summer school vacation each year. The non-custodial parent shall have visitation with the child(ren) for the LAST HALF of the summer school vacation year. The summer school vacation is defined as the entire summer vacation commencing the day after the child(ren) are out of school and continuing until seven (7) days before school begins. The number of intervening weeks (full and/or partial) shall be divided in half and the non-custodial parent shall commence his/her visitation with the child(ren) at the middle point and end seven (7) days prior to the first day of school. The number of weeks will vary from year to year depending on the school schedule.

A. Summer Weekend/Weekday Visitation:

During the summer visitation with the non-custodial parent, the custodial parent shall receive visitation as afforded the non-custodial parent the rest of the year. The weekday and alternating weekend visitation shall continue during the non-custodial parent's summer visitation, without interruption.

*** THIS SECTION APPLIES ONLY TO CHILDREN WHO HAVE REACHED THE AGE OF 4 YEARS OLD BY JUNE 1ST OF THAT YEAR.**

VI. VACATIONS: Each parent may arrange an uninterrupted vacation for not more than two (2) weeks with the child(ren). The non-custodial parent shall schedule their vacation during his/her summer visitation period. The custodial parent shall schedule their vacation during the time they would normally have the child(ren). Holiday, birthday, and scheduled weekend visitation with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Weekday visitations are missed during vacations, and are therefore not required to be made up.

A. Vacation schedule/itineraries:

A general itinerary of the vacation shall be provided for the other parent including dates, locations, addresses and telephone numbers.

VII. CANCELLATIONS: The non-custodial parent shall give a 24-hour notice to cancel. The time cancelled by the non-custodian parent is forfeited.

VIII. ILLNESS OF THE CHILD: If a child is ill, the custodial parent shall give a 24-hour notice, if possible, so appropriate plans can be made. If more than one day of any visitation weekend, holiday, birthday or vacation is missed due to non-emergency and/or non-critical illness, then any missed vacation shall be made up as soon as practicable.

A. If a child is ill during a visitation period with the non-custodial parent, the custodial parent shall be contacted immediately. If medical attention is necessary, it shall be the responsibility of the non-custodial parent to get the medical attention necessary during the visitation period.

B. Each parent shall keep the other parent informed of medical illnesses of the child(ren) within forty-eight (48) hours of the first awareness of illness.

IX. MOVING: Upon either parent learning or determining that he or she will be moving, he or she shall immediately notify the other parent except in those circumstances wherein notice is not required by O.R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth transition for the child(ren). The parents shall attempt in good faith to renegotiate an appropriate and beneficial new visitation schedule. If they are unable to do so, the non-custodial parent should file a motion with the court for visitation modification.

X. ACCESS TO RECORDS: Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor child(ren) and may consult with any treating physician, dentist, or other health care provider for the child(ren). Both parents shall execute any authorizations or releases necessary to release these records and documents to each other. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the child(ren). Each parent shall notify the other of any health problems of the child(ren).

Both parents shall have access to the child(ren)'s school records. The custodial parent shall list the non-custodial parent as a parent of the child(ren) on all registration and emergency medical forms required to be on file with the school. Both parents shall have the right to participate in parent-teacher conferences, school trips, school programs, and other school events in which parents and/or extended family members are invited to participate. The non-custodial parent shall provide a copy of the custody order and a copy of this standard visitation order to the school at the beginning of the school year. A copy should be provided to the school for each child.

The parties need to understand that the school is not a party to the case and cannot be ordered to comply with orders of this Court. Accordingly, it shall be the duty of the custodial parent to provide to the non-custodial parent adequate notice of all school activities. The custodial parent shall also provide to the non-custodial parent access to all lesson plans, class dojo and progress book accounts or any other similar type applications used for communicating with the child(ren)'s teachers and for tracking the behavior and the grades of the child(ren) and any or all other information available to the custodial parent but

not listed specifically above.

The custodial parent shall not assume that the school has or will provide any records or information to the non-custodial parent. The duty to provide that information rests solely upon the custodial parent, even if the records or information is available from another source.

Both parents shall have access to babysitting, day care, nursery school, and/or latchkey records of the child(ren). Both parents shall be entitled to communicate with all physical care providers for the child(ren). Either shall execute any authorizations or releases necessary to release the records to the other.

Both parents shall have access to all religious records of the child(ren). Both parents shall have the right to participate and attend all religious activities of the child(ren).

XI. TELEPHONE ACCESS: The child(ren) must be allowed to communicate by telephone at least one (1) time per week from the residence where the child(ren) are currently residing. Either parent shall permit no less ten (10) minutes of conversation for child(ren) ages six and under. Either parent shall permit no less than one half (1/2) hour of conversation for child(ren) ages six to twelve. For children twelve to eighteen, telephone access will not exceed one (1) hour. Other telephone communication is encouraged as agreed by the parties. The parent making the call to the child(ren) shall bear the expense of the call.

The child(ren) may call either parent collect, with the agreement of the parent being called, at any and all reasonable times as he or she wishes.

XII. MAKE-UP VISITATION: Any make-up visitations required by this schedule shall take place the first weekend of the other parent's weekend, immediately following the missed visitation, and shall continue during the other parent's weekend until made up in full, including partial weekends.

XIII. CLOTHING: The custodial parent is responsible for providing sufficient, appropriate, clean clothing for every visitation period, based on the lifestyle of the custodial parent and child(ren).

XIV. WAITING TIME: If either parent is more than thirty (30) minutes late arriving to pick up the child(ren), or if either parent is more than thirty (30) minutes late in having the child(ren) available to the other parent, as outlined in this visitation, then that parent forfeits their following scheduled weekend with the child(ren).

XV. TRANSPORTATION: It is the responsibility of the non-custodial parent to pick up the child(ren) for the scheduled weekend visitation. It is the

responsibility of the custodial parent to pick up the child(ren) after such scheduled visitation. This provision may be modified by agreement of the parties. If the parties live more than thirty-five (35) miles apart, responsibility for transportation (including costs), should be decided in advance and a plan written into the court's specific decree.

The non-custodial parent shall be responsible for the transportation to and from any weekday, holiday or birthday visitation. The Court again references provision (XIV) regarding waiting time.

XVI. CURRENT ADDRESS AND TELPHONE NUMBER: Each parent shall keep the other informed of his or her current address and telephone number at all times.