WAYNE COUNTY COURT OF COMMON PLEAS

PROBATE DIVISION

LOCAL RULES OF COURT

(Effective September 8, 2026)

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Local Rule 1.1 CONDUCT AND DECORUM IN COURT

(A) Proper decorum in the Court is necessary for the administration of the court's business. Chewing gum, food and beverages (with the exception of bottled water) are prohibited in the courtroom during all hearings. No radio, television transmission, voice recording device (other than a device used for purposes of the official record) or the making or taking of pictures shall be permitted, except upon consent of the judge.

(B) Cellular telephones, pagers, and other electronic devices shall be turned off prior to entering the courtroom and not utilized except by consent of the judge. All parties, counsel, and witnesses shall wear appropriate attire and shall act in a professional and respectful manner.

(C) All parties and witnesses must wear proper attire when attending any hearing before the Court. All counsel shall wear business attire. For parties and witnesses, the following is a non-exhaustive list of attire that is not appropriate: bare feet, flip-flops, cutoffs, tank tops, crop tops, halter tops, visible undergarments including boxer shorts and bras, hats or any clothing containing drug/alcohol and tobacco slogans, profanity or racial/ethnic/religious slurs. Clothing that exposes excessive skin within the "privacy zone," including cleavage, midriff, back, and below the waist, shall not be worn. The display of gang colors and symbols is also strictly prohibited.

(D) All parties, witnesses, and other persons present in the courthouse shall refrain from loud talking, yelling or any other action that may disrupt the proceedings of the Court. Anyperson who brings a child to Court shall not leave the child unattended or allow the child to disrupt the proceedings of the Court.

(E) It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court. The Judge, Magistrate or any employee at their direction, may exclude a person in violation of this rule. The presiding judicial officer shall be final arbiter and failure to comply may result in appropriate sanctions, including continuance, dismissal or a finding of contempt.

Local Rule 5.2 REPORTING TO LAW ENFORCEMENT & COMPLIANCE PLAN

(A) The Court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.

(B) The Court, in collaboration with the clerk's office, law enforcement agencies, and any other applicable justice system partners, has developed a Reporting to Law Enforcement & Compliance Plan.

(C) The Reporting to Law Enforcement & Compliance Plan identifies procedures and timelines for:

1. Reporting information regarding mental health adjudications as prescribed by the Ohio Revised Code and Supreme court rules, including R.C. 5122.311(A); and
2. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Ohio Revised Code, including R.C. 2923.13, and Supreme court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors.

(D) The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

Local Rule 6.1 ATTORNEY APPEARANCES

(A) Attorneys must include their registration number on all complaints, applications, and motions filed with the Court.

(B) Attorneys wishing to appear on an existing case must file a notice of appearance.

(C) Any attorney wishing to be removed from a case shall file a motion to withdraw or a notice of withdrawal, whichever is appropriate.

Local Rule 8.1 COURT APPOINTMENTS

(A) Persons appointed by the Court pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the Court, shall be selected from a list maintained by the Court. Persons desiring appointments should request their name be added to the list and shall complete the application form provided by the Court annually and meet the qualifications set forth in Administrative Rule 120-1-10.

(B) Appointments will be made from such lists taking into consideration the qualifications, skill, expertise and case load of the appointee in addition to the type, complexity and requirements of the case.

(C) Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees.

(D) The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

(E) Court appointed counsel shall maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct.

(F) Any attorney appointed to provide legal representation for an indigent party shall be compensated according to a schedule approved by the County Commissioners for court appointments, unless the Court approves a different amount in advance. Counsel shall maintain itemized time records for each appointed case showing the date of service, nature of services rendered, and hours worked. Requests for compensation shall be made by each appointed attorney by motion and entry or, if the matter is subject to reimbursement from the state (e.g. adoptions), using CABS (Court Appointing Billing System) to generate a bill and submitting the bill through the Court's case management system. Requests for compensation and reimbursement shall meet the guidelines established by the Ohio Public Defender Commission and be filed within 30 days of the date of the journal entry disposing of the case/matter or as otherwise contemplated by the Ohio Public Defender's Standards and Guidelines that would allow for reimbursement by the county. An attorney may be denied reimbursement for failing to meet this deadline or failing to comply with the requirements set forth by the Ohio Public Defender's Office which allow for reimbursement.

(G) By taking appointed cases, appointed counsel agree that they will not be reimbursed for fixed overhead expenses, mileage, parking, transcripts, or hard copies of discovery.

Local Rule 9.1 COURT SECURITY

(A) Pursuant to Rule 9 of the Rules of Superintendence, this Court has adopted and implemented a court security plan in accordance with the provisions of the Ohio court security standards adopted by the Ohio Supreme Court. This plan is confidential and not a matter of public record.

Local Rule 10.1 REMOTE HEARINGS AND TESTIMONY

(A) At the Court's discretion, hearings may be held in person at the court facilities, remotely through video conferencing software, remotely by telephone, or a combination of these

methods. The Court, in its discretion, may also allow for particular parties or witnesses to appear through video conferencing software and/or remotely by telephone. Where there is no specifying court order, citation, or notice, parties and counsel shall assume the hearing is scheduled to occur in person at the court facilities. Where the method of court appearance is not solely in person, the Court will issue an order, citation, or notice clarifying the method of appearance.

(B) Parties and counsel may request a particular medium for any given hearing or witness testimony. In doing so, the parties and counsel shall comply with Civ.R. 39 and Civ.R. 43 governing remote appearances. All requests shall be made in the form of a motion and proposed entry and be filed at least 30 days in advance of the hearing. The motion and order shall demonstrate that the requirements set forth in the Rules have been met.

(C) Any objections by a party shall be filed with the Court within ten (10) calendar days of the filing of the motion or the Court's determination if made sua sponte.

(D) If the parties are unable to comply with the time requirement referenced in section (B) above, but all parties who are required to receive notice of the hearing consent to the hearing and/or testimony being conducted remotely, the parties may submit an agreed entry to the Court for consideration. The motion and order shall demonstrate that all other requirements outlined in Civ.R. 39 and Civ.R. 43 have been met.

(E) Where a hearing, or a portion thereof, is scheduled to take place using video conferencing software, any party, attorney, or witness appearing remotely shall submit to the Court an email address and a telephone number in advance of the hearing. The Court will email a web link to the provided email address. At the time of the hearing, remote participants shall follow this link using a computer or mobile device with stable video, audio, and internet capabilities to then participate in the hearing. Participants will be admitted to the hearing when appropriate.

(F) Where a hearing is scheduled to take place through telephone only, all parties and counsel shall submit to the Court a telephone number in advance of the hearing. At the time of the hearing, the Court will call or will request counsel for a party call the telephone numbers provided by each party and counsel. Parties and counsel shall ensure they have an adequate connection in advance of the hearing.

(G) All persons who have requested permission to appear remotely shall ensure that they have the technology required to appear remotely and that they are in a location with a stable internet connection at the time of the hearing. Participants are encouraged to test their equipment with court staff at least one week before the scheduled hearing.

(H) Technical Standards and Equipment: The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:

1. All participants must be able to see, hear, and communicate with each other simultaneously.
2. All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings.
3. The telephonic or audiovisual technology must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

(I) Regardless of hearing medium, a record will be maintained in accordance with Local Rule 11.1

(J) Hearings conducted by video or telephone are court proceedings and should be respected as such. Should a party, counsel, or witness participate in a hearing remotely, this individual shall continue to comply with Local Rules 1.1 governing conduct and decorum in Court. All persons appearing remotely shall be appropriately dressed and conduct themselves as if they were physically present in the courtroom. All parties and witnesses shall ensure that they are seated in a quiet environment with no distractions. The video camera shall be on a flat stable surface that is free of movement. If a party does not comply with any part of this rule the Court may, at its own discretion, remove them from the hearing.

(K) Exhibits: Unless otherwise ordered, if a party or attorney is appearing remotely, all exhibits shall be pre-marked and served on every party at least 7 days prior to the hearing. Exhibits should also be filed in the Court's case management system as a "Proposed Exhibit" in advance of the hearing.

Local Rule 11.1 RECORDING OF PROCEEDINGS

(A) The Court will make a digital recording of the proceedings as the record of the Court if requested or otherwise required under the law. Parties who desire to have a stenographic record of the proceedings must notify the Court in writing and the requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court. No audio recordings, video recordings, or photographs may be made in the Court without prior permission of the Judge.

Local Rule 16.1 MEDIATION

(A) Purpose: The Court establishes mediation in order to increase access to justice; to increase parties' participation in the court processes and their satisfaction with the outcome; to allow

cases to settle more quickly with less expense to the parties; and to expand dispute resolution resources available to the parties. This Court incorporates by reference R.C. 2710 "Uniform Mediation Act" (UMA) and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

(B) Definitions: All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this Court through Local Rule 16.1, including, but not limited to the following:

1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
2. "Mediator" means an individual who conducts a mediation session.
3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation session or retaining a mediator.
4. "Proceeding" means either of the following:
    a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery.
    b. A legislative hearing or similar process.
5. "Party" means a party who participates in a mediation session and whose agreement is necessary to resolve the dispute.

(C) Mediation Referral: The Court may refer a case to mediation on the motion of any party, on the agreement of the parties, or on its own order.

1. Referral Process: The Court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by "Notice of Scheduled Mediation" which shall, at a minimum indicate the date, time, place and contact information of the mediation. Referrals can be made on the following case types: civil matters, full administration estates, releases from administration, guardianships, conservatorships, name changes, or trust proceedings.
2. Domestic Violence and Capacity to Mediate: All parties and counsel shall advise the Judge of any domestic violence allegations and any issues that would impact a parties' capacity to mediate known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
3. Eligibility of Cases: The Court will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.
4. Outside Referrals: If a dispute involves such issues as mental health, mental retardation, developmental disability, or aging adults, but a guardianship case has not been filed, a

party may file a motion to refer the matter to mediation. A case may be referred to mediation if mediation is likely to resolve the dispute as a less restrictive alternative to guardianship.

(D) Selection and Assignment of Mediator: All mediators shall satisfy the training requirements set forth in Sup.R. 16 for probate matters. The following methods may be used to determine the mediator for the case:

1. The court mediator may facilitate the mediation.
2. The Court randomly assigns a mediator to the case from the Court's roster of approved mediators.
3. Specific appointments may be made by the Court taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case.
4. Subject to the approval of the Court, the parties may select a mediator.
5. A mediator shall promptly advise the Court of any grounds for disqualification or any issues affecting the ability to serve.

(E) Mediation Procedure

1. In accordance with all applicable provisions of this rule, if a case is deemed appropriate by the Court, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.
2. The Court shall utilize procedures for all cases that will:
    a. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.
    b. Screen for domestic violence both before and during mediation.
    c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
    d. Prohibit the use of mediation in any of the following:
        1. As an alternative to the prosecution or adjudication of domestic violence;
        2. In determining whether to grant, modify or terminate a protection order;
        3. In determining the terms and conditions of a protection order; and
        4. In determining the penalty for violation of a protection order.

(F) Party Participation

1. Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions.

2. The judge and/or mediator may require the attendance of the parties' attorneys at the mediation sessions if the mediator deems it necessary and appropriate.
3. If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings or been ordered to appear for mediation, they shall promptly inform the mediator as well as the judge.
4. If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence, or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.
5. By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

(G) Confidentiality/Privilege

1. All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10, the Rules of Evidence and any other pertinent judicial rule(s).
2. All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) R.C. 2710.01 to 2710.10 and the Rules of Evidence and any other pertinent judicial rule(s). In furtherance of the confidentially set forth in this rule, parties and non-parties desiring confidentiality of mediation communications shall execute a written "Agreement to Mediate" prior to the mediation session. If a new or different person(s) attend a subsequent session, their signatures shall be obtained prior to proceeding further in the process.
3. All communications, negotiations, or settlement discussions by and between participants in the course of a mediation are not subject to discovery or admissible in evidence, and shall remain confidential and are protected from disclosure, except as otherwise provided by law.
4. The mediator shall be prohibited from being called as a witness in any subsequent legal proceeding, (Except as to the terms of the settlement agreement).

(H) Mediator Conflicts of Interest

1. In accordance with R.C. 2710.08(A) and (B), the mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the mediator's

impartiality as soon as such conflict(s) become known to the mediator. If counsel or a mediation party requests that the assigned mediator withdraw because of the facts so disclosed, the assigned mediator should withdraw and request that the judge appoint another mediator from the list of qualified mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

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

(J) Stay of Proceedings: All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the Judge.

(K) Mediation Memorandum of Understanding: The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel (if the "Mediation Memorandum" is signed it will not be privileged pursuant to R.C. 2710.05 (A)(1)). The written "Mediation Memorandum of Understanding" may become an order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel, the parties, or an officer of the court will be regarded unless made in open court.

(L) Mediator Report: At the conclusion of the mediation and in compliance with R.C. 2710.06 the Court shall be informed of the status of the mediation including all of the following:

1. Whether the mediation occurred or was terminated;
2. Whether a settlement was reached on some, all or none of the issues;
3. Attendance of the parties;
4. Future mediation sessions(s), including date and time;
5. The amount and allocation of outstanding court costs; and
6. Any agreements made by the parties as to who will prepare any necessary journal entries.

(M) Payment for Mediation Services: The fee charged for the first two (2) hours of mediation services shall be paid by the Court through the Court's dispute resolution fund up to a maximum of Three Hundred Dollars ($300.00) on a per case basis. Charges for the mediator's time which exceeds the first two (2) hours shall be equally divided between the parties unless

as otherwise agreed by the parties or ordered by the Court. For good cause, the Court may modify the fee schedule.

(N) Miscellaneous: If any individual ordered by the Court to attend mediation fails to attend mediation without good cause, the Court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the judge.

(O) Complaints: The Court Administrator is designated to accept and consider written comments and complaints regarding the performance of mediators receiving referrals from the Court. The Court Administrator will provide a copy of the comments and complaints submitted to the Court to the mediator who is the subject of the complaint or comment. The Court Administrator may forward any comments and complaints to the Judge for consideration and appropriate action. The Court will take appropriate action promptly. The Court will maintain a written record in the mediator's file regarding the nature and disposition of any comment or complaint, and will notify the person making the comment or complaint and the mediator of the disposition.

Local Rule 26.1 RECORD RETENTION

(A) This Court has established a Schedule of Records Retention and Disposition which is on file with the Court and which schedule is followed in conjunction with the Rules of Superintendence. The Schedule of Records Retention and Disposition includes a provision that allows for the destruction of paper filings filed with the Court after the clerk converts the filing to electronic medium.

Local Rule 44.1 OMISSION OF PERSONAL IDENTIFIERS

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

(B) "Personal identifiers" mean social security numbers, except the last four (4) digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers, except the last four (4) digits; and employer and employee identification numbers.

(C) When personal identifiers are omitted from a case document filed with this Court, the party shall submit or file that information on a separate form provided by the Court if so requested by the Court or upon motion filed by a party.

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

Local Rule 45.1 RESTRICTING PUBLIC ACCESS

(A) Pursuant to R.C. 2101.11, all documents filed in the probate court shall be made available on the court's website to the general public unless otherwise by restricted by statute or court order.

(B) Adoptions, Civil Commitments, Involuntary Treatment for Alcohol and/or Substance Use, Minor Settlements, Adult Protective Services cases, and all post November 8, 1990 Ohio Estate tax filings are confidential records pursuant to statute and are not available for inspection by the general public. These records may be accessed only as authorized by the Judge or other applicable law.

(C) All requests to restrict public access to information and all requests to obtain access to restricted information shall be governed by Sup.R. 45(E) and (F).

Local Rule 51.1 STANDARD PROBATE FORMS

(A) Litigants shall use the standard probate forms adopted by the Ohio Supreme Court and the local forms adopted by the Wayne County Probate Court when such a form exists. All required forms are available at the Court or can be found on the Court's website. The Court may choose to reject any filings where all necessary forms have not been included.

Local Rule 53.1 HOURS OF THE COURT

(A) The Probate Court and its offices shall be open for the transaction of business from 8:00 A.M. to 4:30 P.M. Monday through Friday. The Court shall be closed on Saturdays, Sundays, legal holidays, and such other times as the Probate Judge may order.

(B) All filings requiring a new case number or the payment of court costs shall be filed by 4:00 p.m.

Local Rule 55.1 EXAMINATION OF RECORDS

(A) Copies of public records may be obtained from the Court pursuant to the Court's public records policy. Costs for said records are outlined on the Court's Table of Fees.

Local Rule 56.1 CONTINUANCES

(A) Except on motion of the Court, no continuance shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. When possible, the motion should reflect that opposing counsel was contacted and opposing counsel's position on the motion. Failure by opposing parties to object to a continuance within a reasonable time, which shall be no later than 7 days after receiving notice, shall be considered consent to the continuance.

(B) A proposed entry shall be filed with every motion for continuance, leaving the time and date blank for the Court to set a new date.

(C) Requests for continuances due to conflicting trial date assignments shall be accompanied by a copy of the conflicting assignment. The Court will consider which trial date was set first in ruling on motions for continuance.

(D) If the Court previously granted a continuance of a hearing, subsequent motions to continue must fully comply with Civ.R. 6(B)(3).

Local Rule 57.1 FACSIMILE FILINGS

(A) Except as provided by special administrative order, the Court will not accept filings by facsimile transmission or electronic mail.

Local Rule 57.2 ELECTRONIC FILINGS AND SIGNATURES

(A) The Court has an administrative order governing e-filing, signatures, and use of the Court's case management software. This administrative order is adopted herein and may from time to time be amended. Any attorney who becomes a registered user agrees to accept service of process by electronic means.

(B) While electronic documents may be submitted to the Clerk twenty-four (24) hours a day, seven days (7) days a week (except when the case management system is unavailable due to maintenance, repair, or disaster), documents submitted on a Saturday, or Sunday, or Court holiday will be deemed filed on the following business day.

(C) Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has complied with the mechanism established by the Court for the payment of filing fees.

(D) Any document electronically filed wherein the content and/or signature is indecipherable, or any document that does not comply with the Rules of Civil Procedure, may be rejected by the Court.

(E) Attorney Signatures: Documents filed electronically that require an attorney's signature shall be signed either in ink and e-filed using the case management system or, alternatively, submitted with a conformed signature of "/s/ Attorney's name" using the case management system in accordance with the administrative order.

(F) Other Signatures: Documents containing original ink signatures may be filed in person at the Probate Court or filed electronically via the Court's case management system by counsel. All original documents containing original ink signatures that are filed electronically from the attorney's office must be retained in original format by the attorney who e-filed the document. Non-attorney electronic or digital signatures shall be governed by the Court's administrative order posted on the Court's website.

(G) Any signature on an electronically transmitted document, either in script or in typed form, shall be considered that of the attorney or party it purports to be for all purposes. Only if it is well established that the documents were transmitted without authority will the Court order that a filing be stricken.

(H) Original Last Will and Testaments, Codicils, Power of Attorney and Living Will documents in guardianship cases, exhibits that cannot be captured in electronic format, and any other document that the Court determines should be filed in its original format, will not be accepted for filing electronically and must be filed in person at the Court.

Local Rule 57.3 ELECTRONICALLY SIGNED DOCUMENTS BY THE COURT

(A) The Court has an administrative order governing e-filing and use of the Court's case management software. Electronic transmission of a document with an electronic signature by a Judge, Magistrate, or other court employee that is sent in compliance with procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk, constitute filing of the document for all purposes of the Ohio Rules of Civil Procedure, Rules of Superintendence, and the local rules of this Court.

Local Rule 58.1 DEPOSIT FOR COURT COSTS

(A) All deposits for court proceedings shall be in accordance with the Court's Deposit, Fee and Costs Schedule in effect on the date of filing of the pleading.

(B) Advance costs shall be held without interest, and upon dismissal or termination of any case or action, any deposit of more than Two Dollars ($2.00) will be paid to the attorney of record, and no further accounting shall be required. Any funds remaining on deposit in the amount of Two Dollars ($2.00) or less shall be transferred to the Court's indigent guardianship fund unless a refund is requested by the litigant who deposited the funds within thirty days of the case closing.

Local Rule 59.1 AGREED ENTRIES

(A) Unless excused by the Court, all agreed judgments and orders shall be signed by both parties and counsel.

Local Rule 60.1 ADMINISTRATION OF ESTATES

(A) All applicants seeking to administer a summary release, release from administration, or full administration shall file a copy of the obituary for decedent. In the event an applicant asserts an obituary is nonexistent, but the Court is able to locate one, the Court will make it part of the record.

Local Rule 60.2 FIDUCIARY ACCEPTANCE & OBLIGATIONS

(A) All executors and administrators shall personally sign and file the Fiduciary's Acceptance prior to the issuance of the Letters of Authority in accordance with R.C. 2109.02. A local form is available for use until a standard form is provided by the Supreme Court.

(B) All guardians and trustees shall personally sign and file the Fiduciary's Acceptance prior to the issuance of the letters of authority granting them the authority to act. A local form is available for use until a standard form is provided by the Supreme Court.

(C) Individuals who file an application to be appointed in any type of fiduciary capacity by the Court are subject to a background check.

(D) All applicants, administrators, executors, guardians, and trustees shall use diligent efforts to locate next of kin and beneficiaries. Applicants and fiduciaries are encouraged to make use of Lexis/Nexis people search, Westlaw people search, online White Pages search, Google search, social media search, locate property records, local board of elections search, local

court records search, friends, relatives, and neighbors in conducting searches. Under certain circumstances, the Court may require any one of these location methods to be used or a specific address to be verified. If, despite all efforts undertaken, the person's whereabouts remain unknown, the fiduciary or applicant shall file an affidavit indicating the whereabouts are unknown using the Court's local form. Throughout the administration of an estate, guardianship, or trust, the applicant/fiduciary remains under a continuing obligation to update the Court with and amended Form 1.0 or amended Form 15.0 with completed affidavits, where applicable.

Local Rule 61.1 APPRAISERS & APPRAISALS

(A) When required by law, there shall be one or more suitable and disinterested appraisers appointed by the fiduciary of an estate with court approval. The following persons shall be disqualified from being such an appraiser:

1. A person related by blood or marriage to the decedent;
2. A beneficiary of the estate;
3. A person related by blood, marriage or employment to the attorney for the estate; and
4. A person related by blood, marriage or employment to the fiduciary for the estate.

(B) Real Estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or such other persons who by experience and training are qualified to make real estate appraisals. The name, address and qualifications of the appraiser must be provided to the Court if requested.

(C) No appraiser shall be permitted to directly or indirectly purchase or acquire any of the property he or she appraises, except at public auction.

(D) Readily ascertainable value of real property: In accordance with R.C. 2115.06, and notwithstanding sections (A) through (C) of this rule, the market value of real estate as found in the Wayne County Auditor's property records may be accepted as the readily ascertainable value of the property and no further appraisal of such property shall be required except as provided under section (G) of this rule.

(E) Readily ascertainable value of motor vehicle: In accordance with R.C. 2115.06, and notwithstanding sections (A) through (C) of this rule, in lieu of an actual valuation by an appraiser, the following will be accepted by the Court as the readily ascertainable value of the motor vehicle and no further appraisal of such property will be required except as provided under section (G) of this rule:

1. The "Avg Retail" or "Clean Trade-In" shown in the J.D. Power (formerly N.A.D.A.) Used Car Guide;
2. The "Private Party" value shown in the current Kelly Blue Book; and
3. The "Average" or "Clean" value shown in Edmunds.

In the event that the vehicle is in such a condition that it will be considered a "salvage" vehicle, a stipulated value agreed to by all beneficiaries in writing may be also accepted.

(F) Readily ascertainable value of household furnishings: In accordance with R.C. 2115.06, and notwithstanding sections (A) through (C) of this rule, in lieu of an actual valuation by an appraiser, the market value of tangible personal property such as household goods and furnishings, may be noted on the Inventory without appraisal if:
   1. The fiduciary is also the sole beneficiary of the estate; or
   2. The estimated sum of said property is under $5000 and the value is stipulated to by all interested parties in writing and provided to the Court.

(G) Disputed Appraisal: An administrator, executor, fiduciary, beneficiary, or creditor of a decedent's estate may file a written request with the Probate Court not later than the date set for hearing on the inventory and Appraisal pursuant to RC §2115.16 that any property deemed to have been appraised by readily ascertainable value shall be appraised by a suitable and disinterested appraiser as provided in sections (A) through (C) of this rule.

(H) The Court may maintain a list of qualified appraisers who have served as an appraiser in the past which shall be accessible upon request. Any person(s) who desire to be added to the list who has/have not been previously appointed may submit a written summary of credentials to the Court for the Court to determine in the person's area of expertise in order to be placed upon the list of qualified appraisers.

Local Rule 61.2 INVENTORIES

(A) An administrator or executor filing an inventory shall, pursuant to R.C. 2115.16 and Civ.R. 73(E)(7), send a copy of the "Notice of Hearing on Inventory" using the Court's local form with a copy of the inventory to each heir of an intestate estate or to each heir and beneficiary of a testate estate, who have not waived notice of hearing, by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered, or regular mail evidenced by a certificate of mailing. The administrator or executor shall file proof of service with the Court prior to the inventory hearing in the form of a copy of the notice with the proof of service attached. The administrator or executor is not required to provide a copy of the notice of hearing and inventory to any heir or a beneficiary whose residence is unknown. If the mailing is returned undeliverable by the U.S. Postal Service, then service shall be deemed incomplete and the fiduciary shall complete service in another authorized manner.

(B) A guardian filing an inventory shall send a copy of the "Notice of Hearing on Inventory" using the Court's local form with a copy of the inventory to the ward, unless specifically exempted by the Court, and the next of kin entitled to inherit from the ward, who have not

waived notice of hearing, by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered, or regular mail evidenced by a certificate of mailing. The guardian shall file proof of service with the Court prior to the hearing in the form of a copy of the notice with the proof of service attached. The guardian is not required to provide a copy of the notice of hearing and inventory to any next of kin whose residence is unknown. If the mailing is returned undeliverable by the U.S. Postal Service, then service shall be deemed incomplete and the fiduciary shall complete service in another authorized manner.

(C) A trustee filing an inventory shall send a copy of the "Notice of Hearing on Inventory" using the Court's local form with a copy of the inventory to the vested beneficiaries, who have not waived notice of hearing. Service shall be made by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered, or regular mail evidenced by a certificate of mailing. The trustee shall file proof of service with the Court prior to the hearing in the form of a copy of the notice with the proof of service attached. If the mailing is returned undeliverable by the U.S. Postal Service, then service shall be deemed incomplete and the trustee shall complete service in another authorized manner.

(D) Upon discovering one or more new probate assets after the filing of the inventory and prior to the approval of the final account, the fiduciary or his attorney shall file a Report of Newly Discovered Assets (available on the Court's website) in accordance with R.C. 2113.69. Real estate and tangible personal property that are included in a Report of Newly Discovered Assets shall be valued pursuant to Local Rule 61.1. The fiduciary will not be required to make an inventory or provide an additional appraisement of the asset(s) unless ordered to do so by the Court, either upon its own motion or upon the application of any interested party.

(E) Upon discovering that an Inventory filed with the Court contains an error which cannot be corrected by filing a Report of Newly Discovered Assets, the fiduciary shall file an Amended Inventory.

(F) Inventories filed in guardianship proceedings shall be accompanied by documentation that supports the value of the asset listed on the inventory. Documentation may include a print out from the Auditor's website showing the appraised value of real estate, the readily ascertainable value of a motor vehicle as determined under Local Rule 61.1(E) hereinabove, copies of bank statements, etc. In other proceedings, the Court may request documentation which supports the value of assets listed on the inventory at any time.

(G) Inventories filed in estate proceedings shall set forth values as of the date of death of the decedent. Inventories filed by guardians of the estate shall set forth values as of the date of the guardian's appointment.

Local Rule 64.1 ACCOUNTS

(A) All Accounts must be personally signed by the fiduciary. All fiduciaries must sign the account when multiple fiduciaries have been appointed.

(B) An administrator or executor filing an account pursuant to R.C. 2109.301 shall send a copy of the "Notice of Hearing on Account" using the Court's local form to each heir of an intestate estate or to each beneficiary of a testate estate, who have not waived notice of hearing, by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered and, if needed, regular mail evidenced by a certificate of mailing if the certified mail or express mail is found to be unclaimed or refused. A copy of the Notice of Hearing on Account and proof of service shall be filed with the Court. An administrator or executor is not required to provide a copy of the account to any of the following:

1. An heir or a beneficiary whose residence is unknown;
2. A beneficiary of a specific bequest or devise who has received the beneficiary's distribution and for which a receipt has been filed or exhibited with the court.

(C) A guardian filing an account pursuant to R.C. 2109.302 shall send a copy of the "Notice of Hearing on Account" using the Court's local form with a copy of the account to the ward, unless specifically exempted by the Court, and the next of kin entitled to inherit from the ward, who have not waived notice of hearing, by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered and, if needed, regular mail evidenced by a certificate of mailing if certified mail or express mail is found to be unclaimed or refused. The guardian shall file a copy of the Notice of Hearing on Account and proof of service with the Court. The guardian is not required to provide a copy of the notice of hearing to any next of kin whose residence is unknown.

(D) A trustee filing an account pursuant to R.C. 2109.303 shall send a copy of the "Notice of Hearing on Account" using the Court's local form with a copy of the account to any vested beneficiaries, who have not waived notice of hearing, by United States certified or express mail return receipt requested; by a commercial carrier service utilizing any form of delivery requiring a signed receipt that shows to whom it was delivered, date of delivery, and address where delivered and, if needed, regular mail evidenced by a certificate of mailing if certified mail or express mail is found to be unclaimed or refused. The trustee shall file a copy of the Notice of Hearing on Account and proof of service with the Court.

(E) An administrator or executor filing an account pursuant to R.C. 2109.301 must file with the probate court a certificate of service of account simultaneously with the filing of the account.

(F) All accounts filed by executors or administrators of estates shall comply with R.C. 2109.301. All accounts filed by guardians shall comply with R.C. 2109.302 and shall be filed on an annual basis. All accounts filed by testamentary trustees shall comply with R.C. 2109.303 and shall be filed on an annual basis and shall cover a one year period.

(G) The probate court shall not approve the final account of any executor or administrator until the following events have occurred:

1. Three months have passed since the death of the decedent.
2. The surviving spouse has filed an election to take under or against the will, or the time for making the election has expired.
3. All courts costs have been paid in full.

(H) If an administrator or executor learns of the existence of newly discovered assets after approval of the final account or otherwise comes into possession of assets belonging to the estate after the filing of the final account, the executor or administrator shall file a supplemental final account with respect to the disposition of the assets, unless a certificate of termination is applicable. When a supplemental account is required, the administrator or executor shall follow the notice requirements contained in Rule 64.1(C).

(I) If land has been sold during the accounting period, the account shall show the gross amount of the proceeds and include a copy of the closing statement itemizing all of the disbursements pursuant to Sup. R. 64.

(J) The Court requires copies of vouchers to be maintained by fiduciaries for all accounts. At the time of filing a guardianship or trust account, these vouchers shall be submitted to the Court. Vouchers shall also be submitted for any estate account if the Court so requests. Submitted vouchers will be kept by the Probate Court until the account is approved. After the account is approved, the vouchers will be destroyed in accordance with the Court's record retention policy. Any party who wishes for the vouchers to be returned to them shall file a written notice with the Court at the time of the filing of the account. Accounts requiring vouchers will not be approved without vouchers or other proof which verifies each disbursement. Acceptable vouchers include, but are not limited to, a statement from a financial institution specifying the payee, check amount and the date of payment; canceled checks; signed receipts or consents; and invoices that have been marked paid by the creditor.

(K) Receipts for distributive shares signed by persons holding power of attorney may be accepted, provided the power of attorney is recorded in the county in which the estate is being administered and a copy of the recorded power is attached to the account, in accordance with Sup. R. 64.

(L) The Court requires verification of intangible assets remaining in the hands of the fiduciary at the end of the accounting period. All fiduciaries shall provide the following supporting documentation for intangible assets remaining at the end of the accounting period:

1. For stocks and bond, copies of certificates where they exist.
2. Brokerage statements where investments are held by a broker.
3. Dividend reinvestment statements where dividends are being reinvested.
4. Statement of the transfer agent where securities are in book entry form.
5. Bank statements.
6. A completed bank certificate utilizing the Court's local form.
7. Other satisfactory evidence of the existence of the asset on hand.

Local Rule 66.1 ESTABLISHMENT OF GUARDIANSHIPS

(A) When establishing a guardianship, the Court will consider a limited guardianship before establishing a plenary guardianship in accordance with Sup. R. 66.04.

(B) The Court will not issue Letters of Guardianship to any direct service provider of the ward unless otherwise authorized by law.

(C) The Court will not accept for filing any guardianship application for a minor where the sole purpose of the guardianship is to establish a residency for school purposes.

(D) A separate guardianship must be established for each prospective ward.

(E) An applicant for appointment as a guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that record check. Background checks may include history with child welfare agencies. In place of a civil and criminal background check, an Ohio attorney applicant currently in good standing with the Supreme Court of Ohio, may obtain and submit to the Court a Certificate in Good Standing with disciplinary information, issued by the Supreme Court of Ohio.

(F) The Court will require each guardian appointed by the Court for an incompetent to submit proof of compliance with the guardian's educational requirements as outlined in Local Rule 66.5 below.

(G) The Court will not issue Letters of Guardianship to any applicant who has not met their ward prior to the hearing on the application.

(H) At a hearing on an application to establish a guardian over a minor's person, the proposed ward is required to be present unless prior permission not to appear is received from the Court.

(I) A certified copy of the minor's birth certificate shall be filed with all applications to establish a guardian over a minor's person.

(J) Guardians of minor persons shall not move the minor's residence outside the State of Ohio without written permission from the Court.

(K) When the Court appoints a guardian for a minor, notification will be given by the Court to the Wayne County Child Support Enforcement Agency.

(L) When a person who is required to receive notice of an application to appoint a guardian (or other filing within a guardianship case) cannot be located, the applicant or guardian shall file an affidavit with the Court listing all efforts taken to locate the individual. The guardian is under a continuing obligation to keep the Court apprised of the location of all individuals who are (or should be) listed on Form 15.0, and to file an updated form when necessary.

Local Rule 66.2 EMERGENCY GUARDIANSHIPS

(A) Pursuant to Ohio Revised Code Section 2111.02, if a minor or incompetent has not been placed under a guardianship, and if an emergency exists and it is reasonably certain that immediate action is required to prevent significant injury to the person or estate of the minor or incompetent, at any time after it receives notice of the emergency, the Probate Court, ex parte, may issue any order that it considers necessary to prevent injury to the person or estate of the minor or incompetent, or may appoint an emergency guardian for a maximum period of seventy-two hours.

Applications for emergency guardianship should be made using Local Form 17.01 and Supreme Court Forms 17.1(A) and 17.1. Applications should also contain any attachments or exhibits that may assist the Probate Court in determining whether to grant an emergency guardianship.

All applications must be accompanied by a motion and entry to appoint a disinterested process server, whose name must be included in the motion. In lieu of appointing the process server, the Court may elect to appoint the Court's investigator to serve notice of the hearing on the proposed ward.

(B) Once the application has been filed and the appropriate filing fee paid, the application and any accompanying materials will be reviewed by the hearing officer. The hearing officer may, but is not required to, meet with the applicant or attorney filing the application.

(C) Emergency guardianship will be granted only if there is reasonable certainty that immediate action is required to prevent significant injury to the person or estate of the individual. The Probate Court recognizes that emergency guardianship should not be granted where another remedy may be appropriate.

(D) If the Court declines to grant an emergency guardianship, the Court may, in its discretion, schedule the matter on an expedited basis.

(E) If the Court approves the request for emergency guardianship, the following will occur:
1. A Judgment Entry will issue granting emergency guardianship for a period of seventy-two (72) hours.
2. A hearing will be scheduled within seventy-two (72) hours in order to determine whether to extend the emergency order for up to thirty (30) days.
3. If a complete application has been filed to establish an ongoing guardianship for the proposed ward after the expiration of the emergency 30 day period, a hearing will also be scheduled on the regular guardianship docket on this request for appointment of a guardian.
4. As soon as possible after the issuance of the emergency guardianship order, the process server or court investigator should visit with the proposed ward in order to serve notice of the emergency guardianship proceedings and any hearings. The process server or court investigator shall file a return with the Court prior to the initial hearing, noting the date, time, and location of service. Any fees incurred by a process server shall be paid by the applicant in advance. In the event that the Court's investigator is used, the applicable fee will be assessed in the case.

(F) After notice to the respondent and hearing, the Probate Court may extend the seventy-two (72) hour emergency guardianship for a period not to exceed thirty (30) days.

Local Rule 66.3 COMMENTS AND COMPLAINTS REGARDING GUARDIANS

(A) The following procedure will be followed upon the Court's receipt of a complaint or comment regarding a guardian's performance or a guardian's decision in denying a request regarding visitation with the ward:
1. A complaint in hard copy or electronic format may be made to any deputy clerk in the Probate Division or to the court administrator.
2. All complaints received in hard copy or electronic format will be docketed by the Probate Court in the pertinent case and in the administrative case file specifically designated for maintaining copies of complaints received regarding guardians. Complainants are encouraged to attach supporting documentation and affidavits to their complaint.
3. The complaint will be promptly delivered to the Judge, who will develop a plan of action for the complaint within ten (10) days. Plans of action may include any of the following:
    a. The matter may be set for review hearing, in which case a hearing notice will be sent to the complainant and the guardian.

b. The judge may conduct an investigation into the complaint, which may or may not involve the use of a probate court investigator, after which a written response will be prepared and sent to the complainant and the guardian.
c. The judge may determine that, on its face, the complaint does not warrant further action, in which case a written response will be prepared and sent to the complainant.

4. In all cases, a copy of the submitted comment or complaint shall be provided to the guardian who is the subject of the comment or complaint.
5. In all cases in which the probate court generates a response pursuant to Items (3)(b) or (c) above, the response of the probate court will be docketed and the complaint and response will be maintained in the probate court file.
6. At the conclusion of the review process, the Court will also make a notation in the court's administrative file regarding the disposition of the complaint, and include a copy of the court's response, if applicable.

Local Rule 66.4 GUARDIANS WITH TEN (10) OR MORE WARDS

(A) A roster of guardians for adults having ten (10) or more wards will be maintained by this Court under the Court's administrative docket. Any guardian who has ten (10) or more wards shall, at all times, keep the Court informed of changes to name, address, telephone number, email address, and the status of the guardian's educational requirements as set forth in Local Rule 66.5 below. The list maintained by the Court will reviewed by the Court and updated, if needed, on or after January 1st of each year.

(B) Every guardian with ten or more wards shall file their fee schedule annually by the 15th day of April which differentiates fees for guardianship work and legal work. The Court will maintain the fee schedule in the Court's administrative docket.

(C) Every guardian with ten or more wards shall include in each guardian's report filed a certification that the guardian is unaware of any circumstances that may disqualify the guardian from serving as guardian.

Local Rule 66.5 GUARDIAN EDUCATION

(A) At the time a guardian of an incompetent is appointed, or not more than six months thereafter, the guardian shall file documentation that he/she has completed a six hour guardian fundamentals course in accordance with Sup. R. 66.06(A), unless the Court has agreed to waive the same in accordance with the Rules of Superintendence. Guardians shall ensure that the six hour fundamentals course is a course provided by the Supreme Court, the Wayne County Probate Court, or another entity for which the guardian has received prior approval to

attend by the Wayne County Probate Court. The documentation provided to the Court shall contain the title, date, location, and provider of the education or a certificate of completion.

(B) An individual who is already serving as guardian of an incompetent on June 1, 2015, or who has served as a guardian in the five years immediately preceding his/her appointment, shall have until June 1, 2016, to complete the training required under division (A) of this rule unless the Court waives or extends the requirement for good cause. The Court will exempt guardians from the six hour training requirement who are currently serving as guardians as of June 1, 2015, and who meet at least one of the criteria listed below:

1. Are guardians through APSI and have completed the training requirements associated with that program,
2. Are volunteer guardians with the Wayne County Volunteer Guardianship Association and have completed the training requirements associated with that program, or
3. Are related to the ward by consanguinity or affinity, unless training is otherwise deemed necessary by the Court as indicated in a court order.

Individuals meeting the aforementioned criteria, or who are otherwise determined to be exempt from the six hour training requirement, shall remain subject to the three hours of continuing education required in (C) below beginning in calendar year 2017.

(C) In each succeeding year following the completion of the six hour guardian fundamentals course required under (A), every guardian of an incompetent shall successfully complete three hours of continuing education in accordance with Sup. R. 66.07(A), unless the Court has waived the same. This continuing education shall consist of advanced education related to the needs of guardians and shall be provided by the Supreme Court, the Wayne County Probate Court, or another entity for which the guardian has received prior approval to attend by the Wayne County Probate Court.

(D) On or before January 1st of each year, a guardian of an incompetent shall report to the Probate Court information documenting compliance with the continuing education requirement under (C) of this rule for any active cases including the title, date, location, and provider of the education or a certificate of completion.

(E) If a guardian of an incompetent fails to comply with the continuing education requirement under (C) and (D) of this rule, the guardian shall not be eligible for new appointments to serve as guardian until the requirement has been satisfied. If the deficiency is more than three calendar years, the guardian shall complete, at a minimum, the six hour fundamentals course to qualify again to serve as a guardian.

(F) Each year, a guardian who is subject to provision (C) hereinabove may request that the Court relieve the guardian the requirement to attend a continuing education course for the current calendar year if the guardian meets the following criteria:

1. The guardian has completed the Fundamentals of Guardianship course as provided for in (A) hereinabove or was otherwise relieved of the requirement by this Court;

2. The guardian has completed at least two years of continuing education courses as provided for in (C) hereinabove; and
3. The guardian timely filed the guardian's report, statement of expert evaluation (if required), and annual plan for the preceding calendar year.

Local Rule 66.6 RESPONSIBILITIES OF GUARDIAN OF INCOMPETENT

(A) At all times, a guardian shall obey all orders and rules of the Court and shall perform all duties in accordance with the local rules, the Ohio Rules of Superintendence, and all state and federal laws governing guardianships.

(B) A guardian shall immediately report any allegations of abuse, neglect or exploitation of a ward to the Court, as well as the following entities when applicable: Adult Protective Services (if the ward is age 60 or older), a long-term care ombudsman (if the ward resides in a long term care facility), or law enforcement.

(C) A guardian shall seek to limit or terminate the guardianship authority and promptly notify the probate court if any of the following occurs:
1. A ward's ability to make decisions and function independently has improved.
2. Less restrictive alternatives are available.
3. A plenary guardianship is no longer in the best interest of the ward.
4. The ward has died.

(D) A guardian shall notify the Court of any changes in the ward's address and the reason for the change at least 10 days prior to the change, unless impracticable. If impracticable, the guardian shall notify the Court of the change in the ward's address and reason for the change immediately following the change.

(E) A ward's change of residence to a more restrictive setting shall be subject to the court's approval, unless a delay in authorizing the change of residence would affect the health and safety of the ward. A guardian shall apply to the Court for permission to change the ward's residence, unless a delay would affect the health and safety of the ward, prior to moving the ward's placement.

(F) A guardian shall seek approval from the Court before filing a suit for a ward.

(G) When a guardian of the person is appointed, a guardian's report shall be filed by the guardian annually between October 1st and December 31st using Supreme Court Form 17.7.
1. Each guardian report shall have attached to it an Annual Guardianship Plan that states the guardian's goals for meeting the ward's personal and financial needs using the Court approved form; and
2. A completed Statement of Expert Evaluation (Supreme Court Form 17.1).

Where a physician or clinical psychologist states on a Statement of Expert Evaluation (bottom of page 3) that "to a reasonable degree of medical certainty it is unlikely the ward's mental competence will improve, the Court will not require the filing of subsequent Statements of Expert Evaluation when filing annual Guardian's Reports unless otherwise ordered by the Court.

(H) A guardian shall not receive incentives or compensation from any direct service provider providing services to the ward.

(I) A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs, and shall report the same to the Court for review and determination as to whether a waiver of said conflict is in the best interest of the ward.

(J) Within three months of the guardian's appointment, a guardian shall file a list of the ward's important legal papers, including but not limited to estate planning documents, advance directives, powers of attorney, and the location of such legal papers.

(K) A guardian, who is not an attorney, must deposit with the Court any and all wills of the ward for safekeeping pursuant to R.C. 2107.07.

(L) A guardian shall abide by Rule 66.09 of the Rules of Superintendence at all times.

(M) A guardian shall not remove a ward from the State of Ohio without first obtaining permission from the Court.

(N) A guardian shall identify those persons with whom the ward desires to communicate and/or visit. The guardian shall facilitate communication and visitation, provided the visitation/communication is in the ward's best interest.

(O) A guardian shall provide the Court with any names of persons or entities whom the guardian has excluded (or seeks to exclude) from visitation or communicating with a ward.

Local Rule 66.7 DUTIES SPECIFIC TO GUARDIAN OF ESTATE

(A) When a guardianship of the estate has been ordered, applications and entries to expend funds will not be accepted for filing or approval until an inventory has been filed in accordance with Sup. R. 66.

Local Rule 66.8 ATTORNEY REQUIRED FOR GUARDIAN OF ESTATE

(A) All guardians of the estate of a ward are required to retain and maintain an attorney licensed to practice law in the State of Ohio, to assist and advise them regarding their duties.

Local Rule 66.9 RESPONSIBILITIES OF GUARDIAN OF MINOR PERSON

(A) At all times, a guardian shall obey all orders and rules of the Court and shall perform all duties in accordance with the local rules, the Ohio Rules of Superintendence, and all state and federal laws governing guardianships.

(B) A guardian shall notify the Court of any changes in the ward's address and the reason for the change at least 10 days prior to the change, unless impracticable. If impracticable, the guardian shall notify the Court of the change in the ward's address and reason for the change immediately following the change.

(C) A guardian shall not permanently remove a ward from the State of Ohio without first obtaining permission from the Court.

(D) A guardian's report shall be filed by the guardian annually between Jan. 1st and Jan. 31st using Wayne County Probate Court Local Form 16.7.1.

Local Rule 68.1 SETTLEMENT OF INJURY CLAIMS OF MINORS

(A) Unless otherwise ordered by the Court, all minor settlement applications must be accompanied by a current statement of the examining physician in respect to the injuries sustained, the extent of recovery thereof, and the permanency of any injuries. The application shall state what additional consideration, if any, is being paid to persons other than the minor as a result of the incident causing the injury to the minor. The application shall state what arrangement, if any, has been made with respect to counsel fees. Counsel fees shall be subject to approval by the Court.

(B) The injured minor and the applicant shall appear at the hearing on all applications, unless the presence of either is excused by the Court prior to hearing.

Local Rule 70.1 WRONGFUL DEATH

(A) An application to approve settlement and distribution of Wrongful Death and Survival Claims (Standard Probate Form 14.0) shall contain a statement of facts, including the amount to be allocated to the settlement of the wrongful death claim and the amount, if any, to be allocated to the settlement of the survival claim. The application shall include the proposed distribution of the net proceeds allocated to the wrongful death claim.

(B) An application to approve settlement and distribution of Wrongful Death and Survival Claims that lists a minor child as beneficiary shall be accompanied by a certified copy of the minor's birth certificate issued within the last 60 days.

(C) The fiduciary shall give written notice of the hearing and a copy of the application to all interested persons who have not waived notice of the hearing. Notwithstanding the waivers and consents of the interested persons, the court shall retain jurisdiction over the settlement, allocation, and distribution of the claims.

(D) The fiduciary must submit a fee agreement to the Court for review. Along with the agreement, counsel shall file a motion and proposed order to approve the fee agreement. Counsel fees shall be subject to approval by the Court. A contingency fee of 33.3% is presumed reasonable. Fees in excess of this amount will be set for hearing. If an estate is opened for the sole purpose of pursuing a wrongful death action, fees for administering the estate shall be included in the contingency fee amount awarded.

(E) For all decedents with a date of death on or after April 5, 2023:

1. Any person claiming to be an "other next of kin" of a decedent, and who wishes to claim damages as a result of a decedent's wrongful death, shall provide notice of their claim by filing a "Notice of Wrongful Death Claim" using the Court's local form no more than two years after the date of decedent's death under R.C. 2125.02. If there is an open probate estate for the decedent, the form shall be filed in the estate case. If there is not an open probate estate, the notice shall be filed under its own case number on the record to meet the statutory requirement for submitting a claim. The claimant is required to keep the Court informed of their current address.
2. Estate fiduciaries shall review the case dockets for a "Notice of Wrongful Death Claim" prior to each request to approve a wrongful death settlement, regardless of the date the request is filed. The estate fiduciary shall file a "Verification of Fiduciary" form with each request to approve a wrongful death settlement.

Local Rule 71.1 COUNSEL FEES – ATTORNEY SERVING AS FIDUCIARY

(A) In all matters where an attorney is appointed as the fiduciary of an estate, guardianship, or trust, and the fiduciary is also the attorney of record, detailed records describing the services provided as an attorney, including time involved shall be maintained and upon request shall be submitted to the Court for review. Rule 1.5 of the Ohio Rules of Professional Conduct shall govern the reasonableness of all fees, notwithstanding statutory allowances. The Court assumes an attorney who is appointed as fiduciary has been selected due to the attorney's special knowledge and abilities resulting in a savings of fees to the estate, guardianship or trust.

(B) The Court may determine fees after a hearing or without hearing, regardless of the submission of consents to fees.

Local Rule 71.2 COUNSEL FEES – ESTATES

(A) Court's Authority to Determine Attorney Fees: Attorney fees for the administration of a decedent's estate shall be reasonable and beneficial to the decedent's estate. Attorney fees are governed by the Rules of Professional Conduct and the Rules of Superintendence adopted by the Supreme Court of Ohio. The Court has the ultimate responsibility and authority to determine attorney fees in a decedent's estate as required by such Rules.

(B) Attorney Fees Based Upon Fee Computation Form

1. Ordinary Fees: Attorney fees for the administration of a decedent's estate that are equal to or less than the fee computed in accordance with the schedule of compensation set forth below shall be presumed reasonable and approved without a hearing. Attorneys seeking payment of said fees shall file a computation worksheet with the Court using the schedule outlined below on the form provided by the Court. An itemization of the attorney's time spent shall be maintained by the attorney but is not required to be filed with the Court. This schedule should not be considered or represented to clients as a schedule of minimum or maximum attorney fees to be charged.
    a. Appraised value (when not sold) or gross proceeds (when sold) of personal property included on the inventory; gross proceeds of sale of real estate under power of sale in Will, purchased by election of surviving spouse at appraised value or sold by judicial proceedings; and amount of estate income for which the fiduciary accounts:
        1. 4% on the first $100,000;
        2. 3% on the next $300,000;
        3. 2.5% on the balance.
    b. Appraised value of real estate transferred to heirs or devisees by affidavit or certificate of transfer when no sale is involved at a rate of 2%.
    c. On non-probate property (except life insurance) for which an attorney does not receive separate compensation at a rate of 2%.
2. For purposes of (2) above, appraised value includes the "readily ascertainable value" of property which may be used in lieu of an appraisal pursuant to Rule 61.1 above.
3. Where the attorney, law partner, or firm associate is appointed as fiduciary, the total administration fee may not exceed the fiduciary commission plus one-half of the guideline counsel fee.
4. Extraordinary Fees: In addition to attorney fees for ordinary services, the attorney for the fiduciary upon application may be allowed further reasonable attorney fees for any extraordinary service. What is an extraordinary service may vary depending upon many factors including the complexity and difficulty of the estate and the various matters and questions involved therein. All motions for extraordinary fees shall be accompanied by

a completed computation form referred to in (1) above showing the "ordinary" fee and an itemized statement of the services performed, date of services, time spent rendering the services, and the rate charged. All motions for extraordinary fees must be made in writing and served on the fiduciary and all estate residual beneficiaries. A hearing will be set on all applications for extraordinary fees, prior to approval of the final account, unless written consents from the fiduciary and all residual beneficiaries are filed with the Court. The attorney will not be compensated for preparing motions for extraordinary attorney fees or any hearings conducted on the issue of fees.

(C) Attorney Fees Based Upon Hourly Rate

1. Attorneys who wish to receive attorney fees for the administration of a decedent's estate filed on or after January 31, 2017, based upon the attorney's hourly rate shall file a motion for attorney fees, a completed attorney fee computation worksheet discussed hereinabove, along with a fee agreement signed by the fiduciary prior to the filing of any court action that outlines the attorney's hourly rate, and an itemization of the services performed, dates of service, time spent rendering the service, and the rate charged. The attorney will not be compensated for either preparing the motion for attorney fees or any hearings on the issue of fees.
2. Attorneys who wish to receive attorney fees under (C) shall ensure that the fiduciary receives a statement as to services performed to date every six (6) months.

(D) Attorney fees in a Release from Administration which do not exceed $750.00, or the amount calculated when utilizing the local computation of fees form, are presumed reasonable. Attorney fees in excess of these amounts may be reduced and/or set for hearing. The local computation of fees form is not required to be filed, unless the attorney is seeking fees based on the calculation. All attorney fees related to the Release of Administration shall be disclosed on the Assets and Liabilities form (Form 5.1).

(E) Notwithstanding anything herein to the contrary, if by reason of the application or the percentages to values of assets, disparity or injustice results and whether or not consents have been submitted, filed, or are otherwise not necessary, such disparity or injustice may be reviewed and adjusted by the Court on the Court's own motion with respect to any account reflecting such compensation or upon exceptions to such an account filed by an interested party.

Local Rule 71.3 COUNSEL FEES – GUARDIANSHIPS

(A) Attorney fees in guardianship matters shall be based on actual services performed by the attorney and the reasonable value of the services. All applications for the allowance of attorney fees shall include an itemized statement showing the services performed, dates of services, the time spent rendering the services, and the rate charged per hour.

(B) An attorney who is also serving as guardian must simultaneously file separate applications for authority to pay the attorney fees and the guardian fees. The attorney's fees must comply with this rule. The guardian fee must comply with Rule 73.1. Billing statements for legal services must not contain any charges for activities that are non-legal, guardian services, such as writing checks and paying bills. The attorney will not be compensated for preparing the fee statement/application or any hearings thereon. The Court may require a hearing on the applications before ruling on the proposed fees.

(C) The Court presumes that attorneys are familiar with Sup.R. 71 and Prof.Cond.R. 1.5 governing all fees and expenses of attorneys.

Local Rule 71.4 COUNSEL FEES – TRUSTS

(A) Attorney fees in trust matters shall be based on actual services performed by the attorney and the reasonable value of the services. All applications for the allowance of attorney fees shall include an itemized statement showing the services performed, dates of services, the time spent rendering the services, and the rate charged per hour. The attorney will not be compensated for preparing the fee statement/application or any hearings related to the approval of attorney fees.

(B) The Court presumes that attorneys are familiar with Sup.R. 71 and Prof.Cond.R. 1.5 governing all fees and expenses of attorneys.

Local Rule 73.1 GUARDIAN'S COMPENSATION

(A) Guardians, unless otherwise provided by law or ordered by the Court, may charge an amount for ordinary services in accordance with the following schedule:
   1. Amounts equal to 3% on all amounts of income plus an amount equal to 3% on all amounts expended during the accounting period.

(B) Investments and reinvestments of funds constituting corpus shall not be considered as income or disbursements in applying the above formula, nor shall the final distribution of unexpended balance to the ward or the ward's personal representative at the expiration of the guardianship be considered as an expenditure in applying the above formula.

(C) The foregoing allowance is subject to a minimum charge of $75.00 per year.

(D) Compensation for servicing mortgages and land contracts in lieu of the compensation allowed in paragraph (A)(1) above may be charged at annual rate of 3/4 of 1% of the principal.

(E) Additional compensation for management of real estate as may be ordered by the Court on written motion.

(F) If the real estate of the ward is sold through a land sale proceeding, guardian's compensation shall be the same as that fixed by law for administrators and executors. The fund realized from the land sale proceedings shall not be considered as income under paragraph (A)(1) above.

(G) All applications for compensation for guardians of wards who are veterans must comply with R.C. Chapter 5905 and all other applicable rules and regulations of the Department of Veterans' Affairs.

(H) On written motion, further allowances for extraordinary services or expenses may be ordered by the Court when it is shown that the same is just and reasonable. All requests for extraordinary fees shall be accompanied by an itemized statement showing the amount of time spent, dates of service, and fee charged.

(I) Notwithstanding anything herein to the contrary, if any disparity or injustice results by reason of applying the above formulas, any application for fees may be reviewed and adjusted by the Court on the Court's own motion.

Local Rule 74.1 TRUSTEE'S COMPENSATION

(A) A trustee's application for compensation shall be filed with the account for the period covered by the account using the Court's local form.

(B) Trustees shall be allowed compensation annually for ordinary services performed in connection with the administration of each separate trust estate. Trustee's compensation for services shall be computed annually upon application and entry and shall be supported by calculations and documentation. The trustee's ordinary compensation shall be calculated using the following fee schedule, unless otherwise ordered:

1. Income Compensation: Five percent (5%) of gross income received during the accounting period not exceeding $20,000 of gross income, and four percent (4%) of gross income in excess of $20,000, chargeable to income.
2. Principal Compensation: Four Dollars ($4) per thousand on the first $100,000 of principal, and three dollars ($3) per thousand on the balance of corpus, chargeable to principal.
3. Principal Distributions: Four Dollars ($4) per thousand on the first $100,000 of fair market value of corpus distributed, and three dollars ($3) per thousand on the balance of corpus.
4. For purposes of calculating trustee's compensation, the "income" shall be the income received during the period covered by the account, and the "corpus" shall be the sum

reflected as the balance forward shown on the inventory or prior account, whichever has been filed most recently.

Local Rule 75.1 RELIEVING ESTATE FROM ADMINISTRATION

(A) Except as hereinafter provided, standard forms shall be used in relieving estates from administration.

(B) On the schedule of debts, decedent's funeral bill and/or burial expenses shall be shown and copy of the funeral bill shall be attached. The attorney fees to be charged in the release of administration must also be listed. If commissioner is seeking fiduciary fees, the local computation of fees form shall be filed.

(C) The appraisal of assets shall be subject to Local Rule 61.1.

(D) The Court may waive a noticed hearing in those instances where it appears no beneficiaries or creditors will be prejudiced.

(E) Commissioners shall file a report of distribution within 60 days of appointment.

Local Rule 75.2 SUMMARY RELEASE FROM ADMINISTRATION

(A) Standard forms shall be used in applying for a summary release from administration.

Local Rule 75.3 FIDUCIARY BONDS

(A) Attorneys shall not act as sureties in any case, nor shall they be permitted to become sureties on the bond of any fiduciary.

(B) Where bond is required, the Court will not accept personal sureties.

Local Rule 75.4 ELECTRONIC RETURN RECEIPT

(A) The Court shall accept service of process methods as outlined in Civil Rule 4.1 including electronic return receipt service of process utilizing technology developed by the United States Postal Service for service by certified mail. This technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for electronic technology in the sending of certified mail and receipt of confirmation to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.

(B) All service of process of complaints or other documents served with electronic return receipt services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's Office.

Local Rule 75.5 NAME CHANGES

(A) When an application to change, correct, conform or change identifying information on a birth record, the application must be accompanied by a copy of the applicant's state I.D. or driver's license, when one has been obtained, as well as a certified copy of the applicable birth record which is less than 60 days old.

(B) When one of the above referenced applications pertains to a minor, and a hearing has been set, the minor child shall attend the hearing if the minor is five years of age or older.

(C) All applicants may be subject to a background check.

Local Rule 75.6 ADOPTIONS

(A) In all adoption proceedings, the child that the parties are seeking to adopt shall be present at any hearings unless excused by the Court.

(B) In all adoptions, married petitioner(s) must be married for not less than one (1) year prior to the final approval of the adoption

(C) All petitioners for adoption are required to be represented by an attorney, except for proceedings for the recognition of foreign adoptions and adult adoptions.

(D) All petitions for adoption shall be accompanied by a certified copy of the adoptee's birth certificate. The birth certificate must include the identity of the attendant, the attendant's signature, and the facility at which the adoptee was born (commonly referred to as the long form birth certificate or "Certificate of Live Birth"). The birth certificate shall have been certified within the last 60 days.

(E) When the Court grants an adoption petition of a minor, notification will be given by the Court to the appropriate Child Support Enforcement Agency.

Local Rule 75.7 CHANGES TO BIRTH RECORDS

(A) In any action in which the Court grants a correction or modification of an existing birth record, or in any action involving the initial registration of a birth record, the successful applicant is responsible for obtaining a copy of the birth record from the Ohio Department of Health, Office of Vital Statistics, if so desired.

Local Rule 75.9 REAL ESTATE ONLY

(A) An application for Certificate of Transfer may be approved pursuant to R.C. 2113.61(D) without a full administration or release from administration six months after the date of death if: (1) the sole probate asset of the decedent is real estate and (2) the decedent was not subject to Medicaid Estate Recovery. The applicant shall utilize the local form provided by the Court and attach any documents required by the form.

Local Rule 78.1 CASE MANAGEMENT – CIVIL ACTIONS

(A) After service has been perfected on all parties, the Court shall set a scheduling conference for the case. In land sale proceedings, a scheduling conference shall only be conducted if a judgment has not issued within the first 4 months of filing.

(B) Notice of the scheduling conference shall be given to all counsel of record and pro se litigants by mail, facsimile, e-mail and/or by telephone by the Court not less than fourteen (l4) days prior to the conference. Any application for continuance of the conference shall be in writing and filed with the Court in a timely manner.

(C) The following decisions shall be made at the scheduling conference and all counsel attending must have full authority to enter into a binding pretrial order.

1. A discovery schedule shall be agreed upon by all parties and/or set by the Court for the completion of discovery.
2. A date for exchange for expert witnesses shall be determined.
3. A date for filing of all motions and pretrial statements.
4. A date for filing proposed jury instructions.
5. Dates for future pretrials, status conferences, and the trial.
6. Whether or not mediation would be appropriate.

(D) All motions shall be accompanied by a proposed entry for the Judge's signature. Motions and proposed entries filed in civil actions shall be served on all parties in accordance with Rule 5 of the Rules of Civil Procedure. All motions shall contain proof of service in accordance with the rule.

Local Rule 78.2 CASE MANAGEMENT – ESTATES, GUARDIANSHIPS, CONSERVATORSHIPS, AND TRUSTS

(A) Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory, account, and guardian's report. The citation process set forth in section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record and the fiduciary shall be subject to the citation process.

(B) The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and the attorney shall appear for a status review.

(C) Conservators shall be subject to the same bond, inventory, accounting, and educational requirements as guardians.

(D) All motions shall be accompanied by a proposed entry for the Judge's signature. Motions and proposed entries filed in civil actions shall be served on all parties in accordance with Rule 5 of the Rules of Civil Procedure. All motions shall contain proof of service in accordance with the rule.

Local Rule 78.3 JURY USE AND MANAGEMENT

(A) Opportunity for Service

1. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.
2. Jury service is an obligation of all qualified citizens of Wayne County, Ohio.

(B) Jury Source List

1. Pursuant to court order, the jury source list shall be obtained from the Board of Elections' tape of registered voters. The court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service.
2. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
3. The court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction.
4. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

(C) Random Selection Procedures

1. The Jury Commission shall, in the manner prescribed by law, by means of a computer program and equipment which will thoroughly intermix and randomize the names from the voter registration tape without exposing them, select an adequate number of persons who shall constitute the prospective jurors for that calendar year.
2. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

(D) Eligibility for Jury Service

1. All persons shall be eligible for jury service except those who:
    a. Are less than eighteen years of age;
    b. Are not citizens of the United States;
    c. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Wayne County;
    d. Are not able to communicate in the English language;
    e. Have been convicted of a felony and have not had their civil rights restored.

(E) Term of and Availability for Jury Service

1. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
2. Jurors shall be "on call" for a two-month period. They do not report every day. (The court has a telephone system allowing jurors to call to hear a message which informs them as to whether they are still needed for jury service.) Once seated, a juror is excused for the remainder of the term.

(F) Exemption, Excuse and Deferral

1. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.
2. Prospective jurors are excused for the following reasons: over age 70 and request to be excused; elected public officers, physicians, attorneys at law, cloistered members of religious organizations, dentists, persons on active military duty, members of the Ohio National Guard, active volunteer firefighters who have served for five consecutive years.
3. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.
4. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded.

(G) Voir Dire

1. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
2. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel for each party in writing prior to the day on which jury selection is to begin.

3. The trial judge shall conduct the voir dire examination. Counsel will then supplement the court's voir dire.
4. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
5. In all cases, the voir dire process shall be on the record.
6. Rules on Voir Dire
    a. The cases may not be argued in any way while questioning the jurors.
    b. Counsel may not engage in efforts to indoctrinate jurors.
    c. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.
    d. Jurors may not be asked what kind of verdict they might return under any circumstance.
    e. Questions are to be asked collectively of the entire panel whenever possible.\

(H) Removal from the Jury Panel for Cause

1. In the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

(I) Peremptory Challenges

1. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

(J) Administration of the Jury System

1. The responsibility for administration of the jury system shall be vested exclusively in the Wayne County Common Pleas Court.
2. All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

(K) Notification and Summoning Procedures

1. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:
    a. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
    b. Delivered by ordinary mail.
2. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
3. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
    a. Determining whether a person meets the criteria for eligibility;

b. Providing basic background information ordinarily sought during voir dire examination; and
c. Efficiently managing the jury system.

4. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.
5. Jurors who fail to report for service may face contempt charges, depending on the circumstances.

(L) Monitoring the Jury System

1. The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:
    a. The representativeness and inclusiveness of the jury source list;
    b. The effectiveness of qualification and summoning procedures;
    c. The responsiveness of individual citizens to jury duty summonses;
    d. The efficient use of jurors; and
    e. The cost-effectiveness of the jury management system.

(M) Juror Use

1. The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
2. The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

(N) Jury Facilities

1. The court shall provide an adequate and suitable environment for jurors.
2. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
3. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
4. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
5. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

(O) Juror Compensation

1. Persons called for jury service should receive a fee for their service in the amounts set by the Board of County Commissioners pursuant to R.C. 2313.34.
2. Such fees shall be paid promptly.

3. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to or otherwise penalizing employees who miss work because of jury service.

(P) Juror Orientation and Instruction

1. The court shall have an orientation program:\
    a. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and
    b. Presented in a uniform and efficient manner using a combination of written and oral materials.
2. The trial judge should:
    a. Give preliminary instructions to all prospective jurors.
    b. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principles;
    c. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
    d. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
    e. Use written instructions.
    f. Before dismissing a jury at the conclusion of a case, the trial judge should:
        1. Release the jurors from their duty of confidentiality;
        2. Explain their rights regarding inquiries from counsel or the press;
        3. Advise them that they are discharged from service; and
        4. Express appreciation to the jurors for their service, but not express approval or disapproval of the results of their deliberation.
3. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

(Q) Jury Size and Unanimity of Verdict

1. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

(R) Jury Deliberations

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.

2. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
3. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
4. Training should be provided to personnel who escort and assist jurors during deliberations.

(S) Sequestration of Jurors

1. A jury should be sequestered only when required by law or for good cause, including but not limited to insulating its members from improper information or influences.
2. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

Local Rule 78.4 MENTALLY ILL PERSON SUBJECT TO COURT ORDER

(A) Any Affidavit of Mental Illness filed pursuant to Ohio Revised Code Section 5122.11 shall be accompanied by a certificate of examination by a psychiatrist or a licensed clinical psychologist and licensed physician, stating that the person who issued the certificate has examined the person and is of the opinion that the person is a mentally ill person subject to court order, or shall be accompanied by a written statement by the applicant, under oath, that the person has refused to submit to an examination by a psychiatrist or a licensed psychologist and licensed physician.

(B) Assisted Outpatient Treatment (AOT)

a. The Court will operate an AOT program for the purpose of monitoring compliance of persons with a mental illness subject to court order who are supervised in an outpatient setting within the community.
b. This Rule applies to all individuals subject to the jurisdiction of this Court under R.C. Chapter 5122 and R.C. 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402.
c. Eligibility, Referral and Selection Requirements
    i. A person will be eligible to participate in the AOT program if:
        1. The person is found to be a person with mental illness subject to order under R.C. 5122.01(B);
        2. The person has an open civil commitment case and is subject to this Court’s jurisdiction;
        3. The person is at least eighteen years or older;
        4. The person is residing in the community and subject to outpatient orders; and
        5. Any other consideration the Court deems appropriate.
d. Referral and Selection Procedure

i. All cases in which the Court determines outpatient treatment to be appropriate shall be part of the AOT program until such time as the Court deems the participant to no longer be appropriate for the program.
ii. If a person is released from the program but later wishes to re-engage and continues to meet the eligibility requirements set forth hereinabove, that person will be placed in the AOT program.

e. Expectations of the AOT Monitor
   i. The AOT monitor will act as a liaison between service providers, law enforcement, and the Court.
   ii. The AOT monitor will track treatment adherence and may assist in care coordination, if the participant's case-manager is unable to do so.
   iii. The AOT monitor will complete progress updates, coordinate and conduct training, respond to public inquiries, ensure timely legal filings, and support community engagement.

f. Expectations of Participants
   i. The AOT participant shall:
      1. Appear for status review hearings when scheduled;
      2. Consistently engage with their treatment plan as deemed necessary by the treatment team for stability and recovery;
      3. Avoid criminal activity;
      4. Refrain from the use of illegal substances;
      5. Fulfill all directives, requirements, and Court orders related to the underlying civil commitment or case matter.
   ii. It is the expectation for the AOT participant to successfully transition into voluntary treatment engagement where the individual is empowered to make sound, independent decisions regarding their care.

g. Procedures for Community Partners and Confidentiality
   i. Upon placement in the AOT program, the Court asks the participant to sign a waiver that authorizes the release of information from treatment providers. If necessary, the Court will issue an order allowing community organizations to release information in order for the Court to monitor the participant's compliance with court orders.
   ii. Any person, institution, or provider with relevant information can provide said information to the Court by contacting the Court's AOT monitor. This information will be kept confidential pursuant to R.C. Chapter 5122. Information provided to the AOT monitor will be compiled into a report that the AOT monitor will file in the participant's case file. The information will be discussed at the status review hearings.
   iii. Hospitals, facilities, treatment providers, county alcohol, drug addiction, and mental health boards, attorneys, and participants shall follow the confidentiality requirements outlined in R.C. Chapter 5122 for civil commitment cases, as well as any court orders related to the release of said information.

h. Notification of Parties and Nonparties
   i. The Court shall provide notice of AOT status hearings to:
      1. The AOT participant;
      2. Participant's counsel (if any);

3. The county alcohol, drug addiction, and mental health board or its designee; and
4. Any other person or agency designated by the Court

i. Review Hearings
   i. Initial Status Hearing
      1. At the initial status hearing, the Court will:
         a. Appoint counsel, if requested.
         b. Request the participant execute any necessary waivers for treatment providers and order the release of said information, if necessary.
         c. Review the individualized treatment plan for the participant.
         d. Discuss the expectations for compliance with the treatment plan and the program, as well as the consequences for non-compliance.
   ii. Subsequent Status Hearings
      1. The Court will conduct status hearings at intervals it deems appropriate during the court ordered treatment period.
      2. The Court may review the following at each status hearing:
         a. Participant's individualized treatment plan;
         b. Adherence to treatment; and
         c. AOT goals.
      3. The Court may modify the treatment plan, continue participation, or terminate court ordered treatment based on compliance and clinical recommendations.
      4. The Court will require the AOT Monitor, the participant, the participant's counsel (unless waived), and the participant's case-manager to appear for status hearings. Other interested persons, such as treatment professionals and support persons, may also appear.

j. Criteria for Completion
   1. The Court may successfully discharge a participant from the AOT program if the following criteria are met:
      a. The AOT participant has consistently engaged with the participant's treatment plan including medication management, counseling and/or case management sessions, and other services deemed necessary by the treatment team for stability and recovery.
      b. The AOT participant has demonstrated improvement in mental health symptoms, ability to function independently in the community, and engagement in healthy social activities.
      c. The AOT participant has successfully transitioned into voluntary treatment engagement where the participant is empowered to make sound, independent decisions regarding his/her care.
   2. Those individuals who are deemed to no longer benefit from the program, but who have not successfully completed the program, may be:
      a. Unsuccessfully discharged from the program.
      b. Hospitalized for stabilization if the warranted under the law.

Local Rule 78.5 COMMENTS AND COMPLAINTS REGARDING GUARDIANS AD LITEMS

(A) The following procedure will be followed upon the Court's receipt of a complaint or comment in hard copy or electronic format regarding a guardian ad litem:

1. A complaint in hard copy or electronic format may be made to any deputy clerk in the Probate Division or to the court administrator.
2. All complaints received in hard copy or electronic format will be docketed by the Probate Court in the pertinent case and in the administrative case file specifically designated for maintaining copies of complaints received regarding guardians ad litems. Complainants are encouraged to attach supporting documentation and affidavits to their complaint.
3. The complaint will be promptly delivered to the Judge, who will develop a plan of action for the complaint within ten (10) days. Plans of action may include any of the following:
    a. The matter may be set for review hearing.
    b. The judge may conduct an investigation into the complaint, which may or may not involve the use of a probate court investigator, after which a written response will be prepared and sent to the complainant and the guardian ad litem.
    c. The judge may determine that, on its face, the complaint does not warrant further action, in which case a written response will be prepared and sent to the complainant.
4. In all cases, a copy of the submitted comment or complaint shall be provided to the guardian ad litem who is the subject of the comment or complaint.
5. In all cases in which the probate court generates a response pursuant to Items (3)(b) or (c) above, the response of the probate court will be docketed and the complaint and response will be maintained in the probate court file.
6. At the conclusion of the review process, the Court will also make a notation in the court's administrative file regarding the disposition of the complaint, and include a copy of the court's response, if applicable.