

WAYNE COUNTY JUVENILE COURT
LOCAL RULES

1. Conduct in Court
2. Terms of Court
3. Hours of the Court
4. Counsel; Guardian Ad Litem
5. Court Records
6. Recording of Proceedings
- 6.1. Subpoenas
7. Intake; Detention
- 7.1 Competency, Expedited Hearings
8. Magistrate
9. Case Management; Motions
- 9.1. Waiver of Hearing for First Time Juvenile Traffic Offenders
10. Costs
11. Parentage Actions
12. Child Support Orders
13. Court Security
14. Objections
15. Jury Use and Management
16. Psychological Evaluations
17. Continuances
18. Electronically Produced Traffic Tickets
19. Child Restraints

Rules of Court
Wayne County Court of Common Pleas, Juvenile Division
(As amended effective July 2, 2016)

Rule 1.

Conduct in Court

Proper decorum in the court is necessary for the administration of the court's business. No radio or television transmission, voice recording device (other than a device used for purpose of the official record) or the making or taking of pictures shall be permitted, except upon consent of the judge and in accordance with Rule 11 of the Rules of Superintendence of Common Pleas.

Rule 2.

Terms of Court

The term of the court is one calendar year. All actions and other business pending at the expiration of any term of court is automatically continued without further order. Sessions of the court may be held at such places throughout the county as the judge shall from time to time decide.

Rule 3.

Hours of the Court

The regular business hours of the court shall be Monday through Friday, from 8:00 A.M. until 4:30 P.M. Court shall be in session at such times as ordered by the judge and as required to meet special situations or conditions.

Rule 4.

Counsel; Guardian Ad Litem

(A) **Court Personnel.** Court personnel shall avoid indicating counsel is or is not necessary in any particular case. No officer or employee of the court shall recommend attorneys to persons involved in actions in the court, except to assist in obtaining counsel for indigent participants.

(B) **Appointment of Counsel.** Counsel shall be appointed:

- (1) when a party entitled to appointed counsel requests appointed counsel and qualifies by reason of indigency;
- (2) for the child when it is alleged the child is abused;
- (3) for the child when a motion for permanent custody has been filed.

(C) **Appearance of Counsel.** An attorney shall enter an appearance by filing a written notice with the court or by personally appearing at a court hearing and informing the court.

(D) **Withdrawal of Counsel or Guardian ad Litem.** An attorney or guardian ad litem may withdraw only with the consent of the court upon good cause shown.

(E) **Appointment of Guardian ad Litem.** A guardian ad litem shall be appointed to protect the interests of a

child or incompetent adult when:

- (1) the child has no parent, guardian or legal custodian;
- (2) the interests of the child and the interests of the parent(s) may conflict;
- (3) the parent is under eighteen years of age or appears to be mentally incompetent;
- (4) appointment is deemed necessary to otherwise meet the requirement of a fair hearing.

(F) **Guardian ad Litem as Counsel.** When a volunteer guardian ad litem is available and the appointment of a volunteer is deemed appropriate by the court, an approved and qualified participant of the Wayne County Volunteer Guardian ad Litem Program shall be appointed. When the guardian ad litem appointed is an attorney admitted to practice in this state, the guardian ad litem may also serve as counsel to the ward.

(G) **Costs of Counsel or Guardian ad Litem.** The court may fix compensation for the services of appointed counsel and guardians ad litem, tax the same as part of the costs, and assess them against the child, his parents, or other person in *loco parentis* of such child.

Rule 4 (H) Proposed Change

(H) **Parentage Cases: Request; Deposit.** A party requesting the appointment of a guardian ad litem in a parentage action shall file a written request no later than 30 days prior to the hearing scheduled to determine custody or visitation issues. Unless otherwise ordered by the Court, the party requesting the appointment shall deposit with the request the amount set by the court's administrative order establishing court costs, deposits, schedule of fines and fees.

(I) **Guardian ad Litem Report Copies.** Attorneys may receive a copy of the Report of the Guardian ad Litem. Attorneys shall not make copies or disseminate any copies of the report. *Pro se* litigants may view the Guardian ad Litem Report but may not receive a copy of the report.

(J) **Guardians ad Litem - Superintendence Rule 48.** The Director of the Court's Guardian ad Litem Program shall be the person responsible for compliance with the requirements of Rule 48(G) of the Rules of Superintendence for the Courts of Ohio for GAL's appointed and trained by the Director and shall be the person designated to accept and consider written comments and complaints regarding the performance of guardians ad litem appointed by the Director and practicing before this court. The Court Administrator shall be the person responsible for compliance with the requirements of Rule 48(G) of the Rules of Superintendence for the Courts of Ohio for GAL's appointed and trained by the Judge of the Court and shall be the person designated to accept and consider written comments and complaints regarding the performance of guardians ad litem appointed by the Judge and practicing before this court. A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The Director of the Guardian ad Litem Program or Court Administrator may forward any comments and complaints to the judge of the Juvenile Court for consideration and appropriate action. Dispositions by the court of complaints or comments shall be made promptly. The Director of the Court's Guardian ad Litem Program and Court Administrator shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

(K) **GAL Reports**

Guardians ad litem shall conform with the requirements of Sup R 48(F)(1)(c) which requires that "...the report of the guardian ad litem must be filed with the court and made available to the parties for inspection no less than seven (7) days before the dispositional hearing."

(L) **GAL Itemized Statements**

As required by Sup R 48(D)(17), the guardians ad litem shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment. The itemized statement shall include the hourly rate charged, the exact number of hours expended in increments not less than one tenth of an hour and a calculation applying the total number of hours expended to the hourly rate showing the total dollar amount due. The itemized statement shall also include the amount of any expenses incurred by the guardian ad litem. Receipts for each expense item shall be attached to the statement. Total dollar amount due, including expenses, shall not exceed One Thousand Dollars (\$1,000.00) without prior approval of the Court.

Rule 5.

Court Records

Reports and records of the probation department shall be considered confidential information and shall not be made public. The inspection of court records by attorneys and other interested parties shall be governed by Rule 32(c) of the Rules of Juvenile Procedure. No person shall be permitted to read the court's social records unless authorized by the judge.

Rule 6.

Recording of Proceedings

A complete record of all testimony or other oral proceedings shall be made upon request of a party or upon the court's own motion, pursuant to Juvenile Rule 37, or when requested by statute¹. A record will be made by electronic recording device unless a written request for a court reporter is made at least 5 days prior to hearing. No public use of a record or transcript shall be made at least 5 days prior to hearing. No public use of a record or transcript shall be made by any person, including a party, except in the course of an appeal or as authorized by the court.

Rule 6.1.

Subpoenas

All counsel or parties appearing in this Court shall provide a completed subpoena for the Clerk of this Court upon the form provided. The Clerk shall serve each subpoena as directed within forty-eight (48) hours of receipt, unless the hearing is within ten (10) days in which case the subpoena will be issued immediately by the Clerk.

Rule 7.

Intake; Detention

(A) The Court recognizes the guidance set forth in Juvenile Rule 9 which states "In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the

¹RC Section 2151.35(a) currently requires a record of all testimony and other oral proceedings shall be made in all proceedings held pursuant to RC Section 2151.414 (permanent custody motion) or in which a disposition of permanent custody may be made pursuant to RC Section 2151.353(A)(4).

attention of the court”. In the absence of an intake department for the court, and pursuant to Juvenile Rule 9(B) which states “Information that a child is within the court’s jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interests of the child and public”, the court requires that complaints be screened as follows:

(1) **Delinquency and Unruly Allegations:** All complaints alleging a child to be delinquent or unruly, except those filed by probation department, shall be reviewed prior to filing by the Assistant Prosecuting Attorney assigned to the court, and shall not be accepted for filing unless approved in writing by the Assistant Prosecuting Attorney.

(2) **Abuse, Neglect and Dependency Allegations:** All complaints alleging a child to be abused, neglected or dependent, shall be screened by the Assistant Prosecuting Attorney and shall not be accepted for filing unless approved in writing by the Assistant Prosecuting Attorney except when filed by an attorney for Children Services Board. When the complaint is filed by a person other than a caseworker from the Wayne County Children Services Board, the Assistant Prosecuting Attorney shall request an independent investigation by the Wayne County Children Services Board and shall not approve for filing any complaint which is not found to be substantiated.

(B) A child may be released from detention without hearing when 1) the admitting officer indicates in writing that the child has been admitted to detention only because there was no person to assume responsibility for the child and the child may be released to a parent, custodian or guardian when located, and 2) the child’s parent, custodian or guardian appears to assume responsibility for the child and acknowledges in writing the child will be brought before the court as requested.

Rule 7.1 Juvenile Competency - Expedited Proceedings Under Sections 2152.51 to 2152.59 of the Revised Code.

(A) General Purpose.

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

(B) Expedited Hearings

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

(C) Notice

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

(D) Stay of Proceedings

Upon the filing of a motion for a determination regarding a child’s competency or upon the court’s own motion, the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

Rule 8.

Magistrate

(A) Pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the Ohio Rules of Civil Procedure, Rule 19 of the Ohio Rules of Criminal Procedure, and the Ohio Revised Code 2151.16 an magistrate is empowered and authorized to conduct hearings, make orders and decisions in any case assigned.

(B) All decisions prepared by counsel in cases assigned to the magistrate must be approved in writing by the magistrate before being presented to the court for approval.

Rule 9.

Case Management; Motions

(A) Adult Criminal Cases

(1) All criminal cases shall be scheduled for arraignment within fourteen (14) days of the filing of the complaint.

(2) If the defendant wishes to have counsel, a pre-trial shall be scheduled within fourteen (14) days of arraignment, and thereafter the case shall be scheduled for trial in accordance with the statutory time limits.

(3) All criminal cases shall be disposed of no more than ninety (90) days from the filing of the complaint unless an appropriate waiver of time is filed and the court approves an extended schedule.

(B) Parentage Cases

(1) Summons shall issue within five (5) days of filing and shall include thereon a pre-trial conference date not later than fifty (50) days from the date the complaint was filed together with a notice advising the defendant to appear personally before the court for the pre-trial conference.

(2) If agreement is reached as to the issues at pre-trial conference, a suitable judgment entry shall be provided to the court within fourteen (14) days. If agreement is not reached and genetic testing is ordered, such testing shall be scheduled within a thirty (30) day period, and the case shall be scheduled for a second pre-trial within forty-five (45) days of the first pre-trial.

(3) If agreement is not reached at the second pre-trial, a trial shall be scheduled to occur no later than 120 days after the complaint was filed.

(4) If service of summons is not made within ninety (90) days from date of issuance, the complaint shall be dismissed without prejudice on the court's own motion.

(C) Traffic Cases (non-waiverable); (see Rule 9.1 for waiver)

(1) Summons shall issue within five (5) days of filing.

(2) Arraignment shall be scheduled within thirty (30) days of filing.

(3) Pre-trial, if necessary, shall be scheduled within fourteen (14) days of arraignment

(4) Adjudicatory hearing shall be held within sixty (60) days of filing.

(5) Dispositional hearing shall be held within ninety (90) days of filing.

(D) Delinquency and Unruly Cases

(1) Summons shall be issued within five (5) days of filing.

(2) Arraignment shall be scheduled within fourteen (14) days of filing.

(3) Pre-trial, if necessary, shall be scheduled within fourteen (14) days of arraignment;

(4) Adjudicatory hearing shall be held within sixty (60) days of filing.

(5) Dispositional hearing for delinquency cases shall be held within 180 days of filing; dispositional

hearing for unruly cases shall be held within ninety (90) days of filing, although this time may be extended by court order to allow for evaluation and testing (i.e., substance abuse assessment, psychological testing, placement records.)

(E) Abuse, Neglect and Dependency Cases.

(1) Summons shall issue immediately or as soon as possible (no more than three (3) days) upon filing of the complaint.

(2) Preliminary hearing to explain rights and assign counsel, if requested or required, shall be scheduled within fourteen (14) days of filing.

(3) Adjudicatory hearing shall be held within sixty (60) days of filing.

(4) **Without exception**, dispositional hearing in abuse, neglect and dependency cases shall be held no later than ninety (90) days after the complaint was filed.

(F) Custody Actions

(1) Summons shall be issued within five (5) days of filing.

(2) Hearing shall be held within sixty (60) days of filing.

(3) Final order shall be issued within ninety (90) days of filing.

(4) Motions to Change Custody

(a) Motions to Change Custody must be accompanied by the following:

The child support calculation worksheet described in § 3119.022 R.C. for Sole Residential Parent or Shared Parenting orders; or the child support calculation worksheet described in 3119.023 R.C. for Split Parental Rights and Responsibilities, as appropriate.

Affidavit Regarding Child's Address and Persons with Whom the Child Has Lived within the Last Five Years required by § 3127.23 R.C.

The Private Health Insurance Coverage Information Sheet describing the availability of private health insurance coverage for the child subject to the medical Support Order in order to inform the Court in executing its responsibility under § 3119.30 R.C.

The Federal Income Tax Dependent Information Sheet determining pursuant to §3119.82 R.C. the person or persons designated to claim the child as a dependent for federal income tax purposes.

Motions to Change Custody filed without the documents required by this rule will be subject to dismissal by the Court.

(G) Motions

(1) Motions for modification of prior orders (custody, support, etc) shall be scheduled for hearing within forty-five (45) days of filing.

(2) Continuances. As the deputy does not schedule hearings without first checking the availability of counsel for a proposed hearing date, continuances should be requested only due to subsequent unforeseen circumstances. Requests for continuance shall be submitted to the court at least fourteen (14) days prior to a jury trial and at least seven (7) days prior to other hearings. Request for continuance shall be by motion, accompanied by a proposed entry which shall include:

(a) the reason for the request. If the reason is another case scheduled on the same date in another court, the motion shall include the name of the court, the caption, the date and time of

the conflicting case, and the date the conflicting case was assigned for trial or hearing;

(b) the time and date of the current assignment;

(c) a new date obtained from the Assignment Commissioner in the event the court grants the motion for continuance (if not possible, date and time should be left blank on the proposed entry).

(3) Counsel, when filing a motion, shall advise the deputy clerks in writing as to the amount of time reasonably expected for the hearing, as well as a list of those persons who should receive notice of hearing and how much service should be made.

(H) Trial.

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

(2) If requested by the court, the parties shall file trial briefs with the court stating their respective cases, both factual and legal, and bring to the court's attention any anticipated legal issues which counsel expects to arise during the trial. Copies shall be furnished to opposing counsel prior to trial. Total briefs shall be filed at least three (3) days prior to trial.

Rule 9.1

Waiver of Hearing for First Time Juvenile Traffic Offenders

Pursuant to Ohio Revised Code

2151.01 and

Procedure, the Court establishes a procedure for the waiver of appearance and entry of plea of admission in writing and acceptance of predetermined disposition for certain juvenile traffic offenders.

(A) Upon the filing of a uniform complaint, if it appears:

(1) the alleged juvenile traffic offender is a juvenile aged fifteen, sixteen or seventeen at the time of offense, and

(2) the alleged offense is a first traffic offense for the juvenile, and

(3) the offense is minor, i.e., a violation involving the assessment of two or fewer points by the Bureau of Motor Vehicles; and

(4) if a speeding offense, the speed alleged is not greater than fifteen miles per hour above the posted speed limit, nor an offense of speeding in a school zone;

(5) the offense does not allege operating a motor vehicle without an operator's license or operating without proper safety equipment; or passing a school bus;

(6) the offense does not involve a traffic accident;

(7) the citing officer has not indicated on the face of the Uniform Traffic Citation that a court appearance is necessary;

(8) and the citation alleges an offense which may be processed by a traffic violations bureau, the deputy clerk may enclose with the notice of hearing, a summons advising the alleged offender and his parents, guardian, or custodian of the procedure for executing a waiver of appearance, a written plea of admission, and notice of financial responsibility laws of Ohio, and the possible disposition of the proceedings if held without hearing.

(B) Upon appearance of the child and parent, guardian, or custodian before the deputy clerk, if said child enters

a written waiver of hearing and plea of admission to the allegations set forth in the complaint, the following dispositional orders will be entered:

(1) for minor misdemeanor offenses other than a violation of “seat belt law”, a fine in the amount set by the court's administrative order establishing court costs, deposits, schedule of minor misdemeanor fines and fees.

(2) for violation of “seat belt law”, the fine as set forth by statute and court costs and “state fees”.

In addition, points will be assessed pursuant to statute and reported to the Bureau of Motor Vehicles on the juvenile driving record.

(C) A waiver of hearing and admission will constitute an admission to the offense alleged in the complaint and a waiver of the child's right to hearing before the Judge or Magistrate, to cross-examination of witnesses, to subpoena witnesses on behalf of the child and to representation by an attorney.

(D) If the child and parents, guardian or custodian avail themselves of this waiver privileges, they must do so in strict compliance with the written instructions and this rule.

Rule 9.2

Electronic Return Receipt

(A) The Clerk of the Wayne County Court of Common Pleas - Juvenile Division shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods shall include 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.

Rule 10.

Costs

(A) No action shall be accepted for filing unless the party or parties offering same for filing shall first deposit a sum to secure the payment of costs that may accrue in such action or proceeding, except as shall otherwise be provided by law. Such advance deposit shall be in accordance with the court's administrative order establishing court costs, deposits, schedule of fines and fees.

(B) **Waiver of Costs.** The court may, by endorsement on the pleading, waive the deposit for costs upon good cause shown and upon filing with the court of an affidavit, identifying assets and earnings of the party, together with a statement of counsel that he has received no fees. In such case, said deposit shall be made prior to the hearing upon the merits of such case unless, prior to hearing, the court shall have ordered the case scheduled for hearing, costs waived upon the affidavit of the requesting party, including facts, supporting the conclusion that

hearing without costs is necessary in the interests of substantial justice.

Deposit of costs shall not be required when a complaint is filed by a law enforcement officer, a caseworker from Wayne County Children Services Board (WCCSB), or when presented for filing by the Wayne County Child Support Enforcement Agency (WCCSEA).

(C) **Costs Deposits Applied.** Upon final judgment, the deputy clerks are authorized and directed to forthwith apply the deposit for costs to the costs in the case, regardless of the party against whom the costs are assessed. The deputy clerk shall thereupon assess the costs against the proper party and reimburse the court costs depositor upon receipt of such costs.

Rule 11.

Parentage Actions

(A) **Genetic Testing.** Upon motion of any party, DNA testing will be ordered immediately and without hearing. The original results shall be provided directly to the court with copies to the parties and counsel. Upon receipt of the results, the court will set a pre-trial hearing. Costs for genetic testing will be prepaid by the moving party or by Wayne County Child Support Enforcement Agency (WCCSEA) and then be taxed as costs.

(B) **Status of WCCSEA.** The Wayne County Child Support Enforcement Agency (WCCSEA) is not a party to any paternity action except as a representative of the State. Any post-order motions must be served on the parties, and not WCCSEA.

(C) **Parenting Time/Companionship/Visitation Schedules.**

Liberal visitation is encouraged by the Court, taking into account the number of children, their ages, and the geographic proximity of the parties. The visitation schedule, to the extent possible, should encourage periods of visitation of significant duration and minimize frequent shifting of the children back and forth between their parents.

The parties are encouraged to agree upon a schedule of visitation. If they cannot agree, the Court will normally order visitation as set forth in the schedule attached to this Rule unless the particular circumstances indicate that such visitation would not be in the best interest of the children.

In split custody situations, this Rule shall not apply. When split custody is involved, visitation shall be as ordered by the Court, consistent with the philosophy of this Rule and provide, to the extent possible, that siblings shall be together during periods of visitation.

1) Flexibility and cooperation by the parents in handling all aspects of visitation is in the best interests of the children. The parties shall make reasonable efforts to accommodate each other's needs, as well as the needs of the children, in implementing the ordered schedule of visitation. The parties may, from time to time, mutually agree to visitation that varies from the ordered schedule of visitation to accommodate their needs and the needs of the children.

2) Basic Visitation Schedule

(a) Alternate weekends from Friday to Sunday for a period of forty-eight (48) consecutive hours. If the parties are unable to agree otherwise, said visitation shall commence at 6:00 P.M. on Fridays and end at 6:00

P.M. on Sundays;

(b) The nonresidential parent shall have one midweek visitation per week. If the parties are unable to agree, then this midweek visitation shall be every Wednesday evening from 4:30 P.M. (or as soon thereafter as the nonresidential parent is available) until 8:00 P.M.

(c) For the purpose of visitation, there are seven (7) holidays as follows:

- (1) Martin Luther King Day
- (2) President's Day
- (3) Easter
- (4) Memorial Day
- (5) Fourth of July
- (6) Labor Day
- (7) Thanksgiving

In the odd-numbered years, the mother shall have the children on the odd-numbered holidays and the father shall have visitation on the even-numbered holidays. In the even-numbered years, the father shall have the odd-numbered holidays and the mother shall have the even-numbered holidays.

Any holiday falling on a Monday or Friday shall be deemed as including the immediately preceding or immediately subsequent weekend, commencing at 10:00 a.m. (on Fridays) and ending at 8:00 p.m. on Mondays.

Thanksgiving shall always be deemed as commencing on the Wednesday before Thanksgiving (after school) until the subsequent Sunday at 6:00 p.m.

All other holiday visitation shall be from 10:00 a.m. until 8:00 p.m. on the day of the holiday.

(d) The non residential parent shall have the children for one-half of the Christmas break. "Christmas break" shall be deemed as commencing the day after the last day of school at 10:00 a.m. until the day before school reconvenes at 6:00 p.m. (including weekends) but not including December 24 and December 25. In the event there is an odd number of days during Christmas break, the nonresidential parent shall have the children for the extra day. The nonresidential parent's choice of dates during Christmas break has priority over the residential parent's Christmas break schedule if the nonresidential parent notifies the residential parent of the dates not later than October 1st of the applicable year. Absent timely notification by the nonresidential parent, the residential parent's Christmas break schedule shall have priority. For purposes of this paragraph a "day" is all or any portion of one calendar day.

(e) In even-numbered years, the nonresidential parent shall have the children from 9:00 p.m. on December 24, until 6:00 p.m. on December 25. In odd-numbered years, the nonresidential parent shall have the children from 10:00 a.m. until 9:00 p.m. on December 24 and from 6:00 p.m. to 11:00 p.m. on December 25. The children shall be with the residential parent on December 24 and December 25 at all other times not otherwise specified on these dates.

(f) On Mother's Day and Father's Day, no matter whose turn for visitation, the children will be with the appropriate parent. Visitation shall begin at 10:00 a.m. and continue until 6:00 p.m.

(g) Five (5) weeks, consecutively or separately (for the non-residential parent), during the school summer recess to be scheduled as early in the calendar year as possible, subject to the following:

- (1) The nonresidential parent's choice of the duration and dates of summer visitation has priority over the residential parent's summer vacation schedule if the nonresidential parent notifies the residential parent of the duration and dates of summer visitation not later than April 1 of the applicable year. Absent timely notification by the nonresidential parent, the residential parent's vacation schedule shall have priority.
- (2) Each parent shall be entitled to take the children on vacation away from that parent's residence for a period of up to fourteen (14) consecutive days upon advanced written notice to the other parent, accompanied by written agenda indicating the vacation destination, phone numbers where he or she can be reached, times of arrival and departure and method of travel. A complete itinerary with contact telephone numbers must be given to the other parent no later than ten (10) days prior to departure.
- (3) During the extended summer visitation (except the fourteen (14) day away-from-home vacations), children should continue to spend alternate weekends with each parent on the same schedule as the rest of the year. In addition, the residential parent shall enjoy companionship time with the children on the same mid-week visitation schedule granted to the nonresidential parent during the balance of the year.
- (4) Child support payable by the nonresidential parent shall abate by fifty (50%) percent during summer visitation of one week (7 consecutive days) or longer. The visitations of the residential parent during the nonresidential parent's summer visitation do not interrupt the nonresidential parent's consecutive visitation days for purposes of calculating this abatement. The nonresidential parent shall apply to the Wayne County Child Support Enforcement Agency for abatement of child support within sixty (60) days of the ending date of the extended visitation for which abatement is requested. Child support abatement does not apply to any visitation other than extended summer visitation.
- (5) "School summer recess" is defined as beginning the day after the last day the children attend school and ending the day before school reconvenes.

(h) The child shall celebrate his/her birthday in the home of the residential parent unless it falls on a visitation day. The other parent can make up for the birthday with a separate birthday party, if desired.

(i) When conflicts arise under this Basic Visitation Schedule, the following priority schedule shall apply (in descending order) with lower-numbered items taking priority over high-numbered items:

- (1) Visitation at Christmas time
- (2) Thanksgiving visitation
- (3) Extended summer visitation
- (4) Mother's Day and Father's Day
- (5) Other holiday visitation
- (6) Weekend visitation
- (7) Midweek visitation

(j) The continued participation in extracurricular activities (school related or otherwise) shall continue uninterrupted regardless of this visitation schedule. It shall be the responsibility of the parent with whom the children are with at the time of the activity to provide physical and reasonable economic costs of transportation to these activities. Each parent shall provide the other parent with notice of all extra-curricular activities (school

related or otherwise) in which the children participate. Schedules of extracurricular activities (handwritten by the parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall also be provided to the other parent. Extracurricular activities of the children shall not be scheduled by the residential parent so as to unreasonably interfere with visitation.

(k) Absent agreement otherwise, the nonresidential parent shall pick up the children at the beginning of each visitation and the residential parent shall pick up the children at the end of each visitation for return to their residence.

(l) If a nonresidential parent is unable to exercise visitation, 24 hours' notice must be provided to the residential parent, absent exigent circumstances. A nonresidential parent more than thirty (30) minutes late for visitation forfeits that visitation. The court may consider frequently missed visitation, with or without notice, as grounds for modification of the visitation schedule and/or contempt.

A residential parent may cancel scheduled visitation due to a child's illness and should give 24 hours' notice, if possible. Any visitation canceled due to illness shall be made up as soon as is practicable.

(m) Visitation is a time for the children to be and do things with the parent with whom they do not live. During visitation, the children should not be left with babysitters except for short durations or to facilitate work schedules.

(n) Open and free communication by telephone and otherwise shall be permitted between the children and the parent with whom they are not then residing. If long distance telephone charges are involved, calls should be generally limited to not more than 15 minutes.

(o) Upon either parent learning or determining, whichever occurs first, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by Ohio Revised Code Section 3109.051(G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information that is necessary to effectuate a smooth transition for the children.

(3) When the Oldest Child Is Less Than Eighteen Months. The Basic Visitation Schedule shall not apply when the oldest child of the parents is less than eighteen months of age. When the oldest child of the parents is less than eighteen months of age the nonresidential parent shall have two (2) weekly visits with the child(ren).

If the parties cannot agree, these visits shall be every Wednesday from 5:30 p.m. to 8:30 p.m. and every Sunday from 12:00 p.m. to 6:00 p.m.

The general rules of visitation set forth in subparagraphs (i) through (n) of the Basic Visitation Schedule shall apply.

When the oldest child of the parents has attained the age of eighteen months, the visitation schedule shall be pursuant to paragraph (4) of this rule.

(4) When the Oldest Child is Eighteen Months to Three Years. When the oldest child of the parents is age eighteen months to three years, the basic visitation shall not apply. When the oldest child of the parents is age eighteen months to three years, the nonresidential parent shall have two (2) weekly visits, with one (1) being

an overnight visit with the child(ren).

If the parties cannot agree, these visits shall be every Wednesday from 5:30 p.m. to 8:30 p.m. and every Saturday from 12:00 noon to Sunday at 6:00 p.m.

The general rules of visitation set forth in subparagraphs (i) through (n) of the Basic Visitation Schedule shall apply.

When the oldest child of the parents has attained the age of three years, visitation shall be pursuant to the basic visitation schedule as to all children of the parents.

(5) Travel Distance of 100 Miles or More. If the parents reside 100 miles or more from each other, the Basic Visitation Schedule shall not apply. If the parties cannot agree on a visitation schedule (unless the court otherwise orders), the following will normally be ordered as the visitation schedule by the court:

(a) Five (5) consecutive weeks for the nonresidential parent, commencing the first Sunday of the summer school vacation.

The residential parent shall be permitted to have the children overnight one (1) weekend from Saturday at 9:00 a.m. until Sunday at 6:00 p.m. during the five (5) weeks of visitation. This weekend of visitation for the residential parent shall be exercised in the geographic area of the nonresidential parent's residence, unless the parents otherwise agree. The parents shall agree upon the designated weekend with priority given to the nonresidential parent's vacation plans.

Child support payable by the nonresidential parent shall abate 50% during the five (5) weeks of visitation.

(b) Each year at Christmas, the nonresidential parent shall have the children not less than seven (7) consecutive days over the Christmas school vacation. In odd-numbered years, the nonresidential parent shall have the children on Christmas Day in addition to the seven (7) consecutive days provided for herein.

(c) In even-numbered years, the nonresidential parent shall have the children from the Wednesday preceding Thanksgiving (after school) until the Sunday subsequent to Thanksgiving at 8:00 p.m.

(d) The nonresidential parent shall have the children every spring school break from the last day of school (after school) until the day before school reconvenes at 8:00 p.m.

(e) If travel time, by car, is less than three (3) hours one way, the nonresidential parent shall have the children from Friday at 8:00 p.m. until Sunday at 8:00 p.m. the last weekend of each month during the school year. If said weekend is preceded on Friday by a holiday or followed on Monday by a holiday, said weekend shall be deemed as including the holiday and shall commence at 10:00 a.m. (on Fridays) and end at 8:30 p.m. (on Mondays).

(f) Open and free communication by telephone and otherwise shall be permitted between the children and the parent with whom they are not then residing. Long distance telephone calls should be generally limited to not more than 15 minutes. To the extent possible, the parties should arrange to place or receive said calls in a manner that will result in each party bearing approximately equal telephone charges.

(g) Responsibility for transportation costs shall be included in the court's order. If the parents cannot agree on costs of transportation, costs shall be as ordered by the court. The court may consider the costs of transportation to effectuate visitation as a factor in deviating from child support calculations.

(h) When a child or children of parents residing more than 100 miles from each other has not yet attained the age of five (5) years, visitation shall be as ordered by the court, consistent with the philosophy of visitation set forth by this Rule.

(i) When a child or children of parents residing more than 100 miles apart from each other has attained the age of fourteen (14) years, the visitation schedule shall be as set forth in this Rule unless the court otherwise orders.

(j) Upon either parent learning or determining whichever first occurs, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by Ohio Revised Code Section 3109.051(G) and provide the other parent with the moving date, new residence address and telephone number and such other pertinent information that is necessary to effectuate a smooth transition for the children.

Rule 12.

Child Support Orders

(A) When child support is to be ordered in parentage, neglect, abuse and dependency cases, the parties shall submit financial information to the Wayne County Child Support Enforcement Agency (WCCSEA) in order for a calculation of child support to be made and forwarded to the court with the necessary orders to insure payment and proper distribution, unless otherwise ordered.

(B) When child support is to be ordered in delinquency and unruly cases, financial information as required shall be submitted directly to the court and the court shall prepare the necessary orders to insure payment and proper distribution.

(C) A time-stamped copy of the support order shall be provided to WCCSEA. The entry shall include the following information:

- 1- The name and current address of the obligor(s) and obligee(s)
- 2- The social security number of the obligor, and when appropriate, obligee;
- 3- The amount and frequency of the payment plus administrative fee (2%);
- 4- If there is an arrearage, the amount and how much is to be paid to same;
- 5- The effective beginning date of the order;
- 6- The name and birth date(s) of the child(ren) for whom support is ordered;

(D) The parties (obligor and obligee) affected by any support order shall keep the WCCSEA informed of any change of address, employment or other condition that may affect the administration of a support order.

(E) When an order for support is made, such payments shall be through the Ohio Child Support Payment Central (CSPC). Any direct payments made between the parties shall be considered as "gifts" and no credit shall be given for such "gifts" by the court. When a support order is issued or modified, payments should be made through the CSPC until the appropriate withholding order becomes effective.

(F) The WCCSEA may accept an affidavit from an obligee granting credit for payment of support made just prior to a court order requiring payments through the CSPC. The affidavit will state when the WCCSEA should begin charging support against the obligor.

(G) The WCCSEA will modify its records to show an abatement of support during visitation periods only when a court order exists granting such abatement and only upon receipt of an affidavit signed by the obligor setting forth the specific visitation dates. The obligor shall apply to the WCCSEA within sixty (60) days of the ending date of the extended visitation for which abatement is requested. The obligee will have ten (10) days in which to dispute the information contained in the affidavit. (Effective for orders prior to May 9, 2003).

(H) The WCCSEA will not give credit against current support and/or an arrearage other than the above-listed without a court order.

(I) When a support order is issued or modified in a parentage case, the obligee shall complete an application for IV-D services during the hearing which will be filed with the order.

(J) Whenever the WCCSEA verifies graduation from, or termination of high school enrollment, or lack of full-time enrollment in an accredited high school and has record of the child, subject to a support order, reaching the age of 18; or proof of enrollment by the child in military service; or

the marriage of the child; or proof of death of the child; the WCCSEA will terminate the child support order for the child with notification to both parties. Findings for court hearing of the matter will not be required of the WCCSEA.

Rule 12.1

Motions to Modify Child Support; Requests for Judicial Hearing ("Objections") on Child Support Enforcement Agency Support Orders; Motions to Allocate Parental Rights and Responsibilities

(A) Motions to Modify Child Support; Requests for Judicial Hearing ("Objections") on Child Support Enforcement Agency Support Orders; Motions to Allocate Parental Rights and Responsibilities must be accompanied by the following:

The child support calculation worksheet described in § 3119.022 R.C. for Sole Residential Parent or Shared Parenting orders; or the child support calculation worksheet described in §3119.023 R.C. for Split Parental Rights and Responsibilities, as appropriate.

Affidavit Regarding Child's Address and Persons with Whom the Child Has Lived within the Last Five Years required by § 3127.23 R.C.

The Private Health Insurance Coverage Information Sheet describing the availability of private health insurance coverage for the child subject to the Medical Support Order in order to inform the Court in executing its responsibility under § 3119.30 R.C.

The Federal Income Tax Dependent Information Sheet determining pursuant to §3119.82 R.C. the person or persons designated to claim the child as a dependent for federal income tax purposes.

Motions to Modify Support or Motions to Allocate Parental Rights and Responsibilities filed without the documents required by this rule will be subject to dismissal by the Court.

Rule 13.

Court Security

Superintendence Rule 9(A) of the Ohio Rules of Superintendence of the Courts requires the Court to develop and implement a court security plan. The Court has met that requirement. In compliance with Rule 9(B), the plan is not available for public access.

Rule 14.

Objections

Pursuant to Ohio Rules of Juvenile Procedure 40(E)(3) and Civil Rule 53(E)(3) the Magistrates shall prepare a final Magistrate's Decision on the referenced matter. Objections to a Magistrate's Decision shall be in accordance with Ohio Rules of Juvenile Procedure 40(E)(3) and Civil Rule 53(E)(3) and the following procedures:

(A) The objecting party shall specifically state in his/her objections that he/she has or has not requested a transcript of all or part of the proceedings before the Magistrate.

(B) If the responding party wants all or part of a transcript, he/she shall notify the court in writing within ten (10) days of the date on which the objections were filed.

(C) Any party requesting a transcript shall, concurrent with the filing of his/her objections or notification with the court, file a precipe for the transcript with the clerk and court reporter and deposit, within five (5) days, an amount equal to the estimated costs of the transcript with the court reporter or an affidavit of indigency if appointed. Within five (5) days of filing the precipe for the transcript or any part thereof, the court reporter shall provide an estimate of costs.

(D) Upon completion of all transcripts, the court reporter shall notify counsel for all parties, notify the secretary of the assigned judge and file the transcript with the clerk. If either counsel wishes to review or copy the transcript it may be obtained from the clerk for that purpose. Notice shall be in writing from the clerk.

(E) Counsel for all objecting parties shall file a memorandum in support of objections within fifteen (15) days of the filing of all transcripts. The opposing party shall file his/her responding memorandum within fifteen (15) days of the date on which the objecting party's memorandum was filed.

(F) If neither party requests a transcript, a supporting memorandum must accompany objections. The opposing party shall file his/her responding memorandum within fifteen (15) days of the date on which the objections were filed.

(G) For good cause shown, the court may extend or modify the timetable set forth herein upon written request of either party.

(H) Unless the court otherwise orders, objections will be ruled upon without oral hearing or argument.

Rule 15.

Jury Use and Management

(General Division Local Rule 15 adopted June 30, 1994)

(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 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 Status.

(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) If 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 determination may be made on motion of counsel or by 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) The notification letter is Exhibit B to this rule. It is delivered to prospective jurors by ordinary mail. 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.

Rule 16.

Psychological Evaluations

(A) Costs

When psychological evaluations are ordered, the cost shall be paid by the parties, and not taxed as court costs. Payment arrangements are to be made between the service provider and the parties. Court orders as to the allocation of the responsibility of the payment of psychological evaluations may be reviewed at the final hearing upon the request of either party.

(B) Reports

Psychological evaluations conducted on a parent or child, pursuant to an order by this Court in Abuse,

Neglect and Dependency cases shall be shared with attorneys of record in a case after a discovery request has been filed. Under no circumstances shall an attorney who receives a copy of an evaluation of an adult party, make the evaluation available to the other litigants without prior written consent of the party to whom the evaluation applies.

Reports in parentage actions will be filed with the Clerk's office, time-stamped and docketed. The original report shall then be transmitted to and held by the Juvenile Clerk of Court by the date ordered by the Court but, in any event, no later than ten (10) days before the scheduled hearing. A copy of each report shall be sent to each of the attorneys of record directly by the psychological examiner. Under no circumstances shall an attorney make a copy of an evaluation of an adult party available to the other litigants without prior written consent of the party to whom the evaluation applies.

Rule 17.

Continuances

(A) Requirements

No continuances of any hearing before a Magistrate or Judge shall be considered unless the movant complies with the following requirements:

- (1) Motions must be in writing and state the specific reason for the request.
- (2) The motion must contain a statement that the opposing counsel or *pro se* party was contacted or a good faith attempt to contact was made, and that the opposing counsel or party either objects or does not object to the continuance.

(B) Journal Entry

The motion for continuance must be accompanied by a proposed entry containing a new hearing date previously obtained by the moving party and cleared with opposing counsel or party's calendar, and signature lines for the appropriate Magistrate or Judge. If the motion is granted, the Clerk shall serve the entry on the moving party and all other parties listed in the certificate of service of the motion.

Rule 18

Electronically Produced Traffic Tickets

- (A) Traffic tickets produced by computer or other electronic means may be filed in lieu of the Ohio Uniform Traffic Ticket, provided that the computer generated or electronic ticket conforms in all substantive respects, including layout and content, to the Ohio Uniform Traffic Ticket. The provisions of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.
- (B) If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by Ohio Traffic Rules 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other traffic tickets issued pursuant to the Ohio Traffic Rules.
- (C) A ticket produced by computer or other electronic means shall not require the signature of the defendant.

- (D) A law enforcement officer who issues an automated traffic ticket is considered to have signed the ticket, for purposes of Traffic Rule 3(E), if the issuing officer properly authorizes the appearance of his or her facsimile signature on the ticket. The phrase "electronically affixes the officer's signature thereto" may include a cursive signature, officer's unit number, or a typed name applied by computer or other electronic means.
- (E) Any electronic ticket used or filed in the Wayne County Juvenile Court shall substantially comply with all requirements of Ohio Traffic Rule 3 except as amended herein.

Rule 19

Child Restraints

- (A) This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
- (B) Physical restraints, including, but not limited to, handcuffs, chains or shackles, shall not be used on a juvenile during court proceedings unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:
 - (1) The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
 - (2) There is a significant risk the child will flee the courtroom.
- (C) The judge or magistrate shall permit any party, as defined in Juv. R.2(Y), to be heard on the issue of whether the use of a physical restraint is necessary for that particular child at that particular proceeding. If restraints are thought to be appropriate, the "Court Security Determination" form adopted by this Court shall be completed and filed with the Court in advance of any hearing where the juvenile's appearance is required.
- (D) When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
- (E) In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

NOTE: Rule 11 was updated May 9, 2003; Rule 12 was updated May 9, 2003; Rule 14 was added effective October 31, 2002; Rule 4(H) was added effective February 21, 1996; all other rules were effective July 1, 1995. Rule 4 was corrected to add section F which was omitted and Rule 11 was updated effective December 16, 2003. Rule 4, section H was amended on March 16, 2005. Rules 4, 9.1, and 10 were updated February, 2009; Rule 4 was updated March, 2009; Rule 9 was updated May, 2009; Rule 12 was updated May, 2009; Rule 9.2 was updated November, 2009; Rule 4 was updated June, 2010. Rule 7.1 was updated September, 2011; Rule 18 became effective January 2, 2015; Rule 19 became effective July 2, 2016.

Addendum A

WAYNE COUNTY JUVENILE COURT

SUBPOENA

STATE OF OHIO

WAYNE COUNTY

Case No. _____

TO: _____

You are hereby ordered to appear in the **WAYNE COUNTY JUVENILE COURT, IN THE COURTHOUSE, AT 107 WEST LIBERTY STREET, WOOSTER, OHIO**, on the _____ day of _____, 20____, at _____ o'clock ____M. to testify on behalf of _____ in the case of _____.

YOU MAY BE HELD IN CONTEMPT OF COURT FOR FAILURE TO APPEAR.

PRESENT THIS SUBPOENA TO THE CLERK OF COURTS WHEN YOU APPEAR.

ISSUED _____, 20____

BY: _____
DEPUTY CLERK

Attorney Requesting Subpoena: _____
(Please Print)

Phone Number: _____

Addendum B

WAYNE COUNTY JUVENILE COURT

**SUBPOENA
FOR THE PRODUCTION OF DOCUMENTARY EVIDENCE**

STATE OF OHIO

WAYNE COUNTY

Case No. _____

TO: _____

You are hereby ordered to appear in the **WAYNE COUNTY JUVENILE COURT, IN THE COURTHOUSE, AT 107 WEST LIBERTY STREET, WOOSTER, OHIO**, on the _____ day of _____, 20____, at _____ o'clock ____M. to testify on behalf of _____ in the case of

_____.

And to bring with you any and all records in regard to: _____

_____.

YOU MAY BE HELD IN CONTEMPT OF COURT FOR FAILURE TO APPEAR.

PRESENT THIS SUBPOENA TO THE CLERK OF COURTS WHEN YOU APPEAR.

ISSUED _____, 20____

BY: _____

DEPUTY CLERK

Attorney Requesting Subpoena: _____

(Please Print)

Phone Number: _____