

## LOCAL RULE 1.

## GENERAL

### 1.01 ADOPTION, SCOPE AND CONSTRUCTION OF RULES

- A. The Juvenile Division of the Common Pleas Court for Wayne County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.
- B. These Rules are intended to supplement and complement the Ohio Rules of Juvenile Procedure (Juv.R), the ~~Superintendence Rules of the Supreme Court~~ Rules of Superintendence for the Courts of Ohio (Sup.R.) and controlling statutes.
- C. These Rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court and statutes governing proceedings of this court. In their application, they shall be construed so as to provide fairness and to secure just, expeditious and inexpensive determination of all proceedings.
- D. -These Rules shall be cited as “Wayne County Juvenile Court Local Rules X.XX.”
- E. These rules shall be effective ~~May 11, 2018XXXXXXXX~~ and may be revised from time to time as is necessary by this court or as required by Statute or Rules of Superintendence for the Courts of Ohio issued by the Supreme Court of the State.

### 1.02 CONDUCT 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. Children, who are not cited to appear before the Court, are not permitted in the courtroom unless consent from the Court is first obtained. Children in the waiting room must be supervised by an adult at all times.

### 1.03 ATTIRE

- A. 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.
- B. 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.

#### 1.04 TERM 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.

#### 1.05 HOURS OF 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.

#### 1.06 COURT SECURITY

- A. Except as determined by the Judge, all persons entering court facilities at 107 W. Liberty St., Wooster, Ohio, shall pass through the metal detector or other such device. All persons entering the Court are subject to search. All packages, parcels, briefcases, bags, purses, wallets or any other containers are subject to search by security personnel.
- B. No person, with the exception of Court security personnel, law enforcement officers, and prosecutors, who are on duty and performing their assigned responsibilities, may enter or remain in the Courthouse while in the possession of a firearm or other deadly weapon. This rule is in accordance with the Ohio Supreme Court Security Standards. Pursuant to Ohio Revised Code Section 2923.123(C)(6) this rule prohibits persons from carrying a handgun into the Courthouse even if they have a valid concealed carry permit under O.R.C. Sections 2923.125 and 2923.1213.
- C. ~~Superintendence Rule Sup.R. 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 Sup.R. 9(B)~~, the plan is not available for public access.

### LOCAL RULE 2. RECORDS

#### 2.01 COURT RECORDS

- A. The inspection of court records by attorneys and other interested parties shall be governed by Juv. R. 32(C) and Juv. R. 37, Sup. R. 44-47, R.C. 2151.14, and this Court's local rules, and shall be available during regular business hours.
- B. Reports and records of the probation department, and court records regarding delinquent, unruly, abused, neglected and dependent children shall be considered confidential information and shall not be made public without permission of the Court.
- C. Records of adult cases shall be public record as provided by law.
- D. No person except a Judge or Magistrate, or a representative of either, shall remove any documents or case files from the custody of the Clerk of Court.

## 2.02 RECORD OF PROCEEDINGS

- A. A complete record of testimony or other oral proceedings shall be made upon request of a party or upon the Court's own motion, pursuant to ~~Rule Juv.R. 37 of the Juvenile Rules of Procedure~~ or when required by statute. A record will be made by electronic recording device. With prior notice to the Court and opposing parties, a party may have the proceedings transcribed by a certified Court reporter at that party's own expense. Court reporters transcribing proceedings in this Court shall be bound by these local rules. 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.
- B. Transcripts of proceedings may be ordered from the Court-appointed transcriber by parties to the proceedings or by non-parties with the court's permission. A deposit shall be required based on the estimated length of the transcript. The original transcript shall be filed with the Court and become a part of the record of the case. Parties can receive copies of the transcript from the Court transcriber at their own expense.
- C. No audio or video recordings may be made in the Court without prior permission of the Judge.
- D. No photographs during a proceeding shall be taken without prior permission of the Judge.

## 2.03 COST FOR COPIES

- A. Upon request and payment of a photocopy fee, the Clerk shall provide copies of an original document permitted to be distributed. Copies shall be provided during regular business hours and within a reasonable time as determined by the clerk. Copies of paper filings are \$1.00 for the first page and 10 cents for each additional page. Copies of electronic filings are \$2.00 per document and \$1.00 per page.

## 2.04 PSYCHOLOGICAL REPORTS

- A. 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. If a psychological evaluation is part of a case plan for Children Services, the psychological evaluation shall be sent to Children Services and maintained by the agency. 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.
  - 1. Attorneys are permitted to let their clients review the evaluation. Attorneys are not permitted to release copies of any portion of the evaluation except for the recommendations section of the report, absent a court order.
  - 2. A psychological evaluation may be viewed by a self-represented party at Children Services. No photographs are permitted to be taken of the report. A copy of the recommendations section of the report will be provided to the party upon request.
- C. Psychological evaluations conducted on a parent or child in private custody/visitation actions will be filed with the Clerk's office, time-stamped, docketed and placed under seal. The clerk shall notify the parties to the proceeding upon receipt of the evaluation.
  - 1. Copies of the psychological evaluations conducted on a parent or child can be requested by counsel. Attorneys are permitted to let their clients review the evaluation.

Attorneys are not permitted to release copies of any portion of the evaluation except for the recommendations section of the report, absent a court order.

2. A psychological evaluation may be viewed by a self-represented party to the case at the office of the clerk of court. No photographs are permitted to be taken of the report. A copy of the recommendations section of the report will be provided to the party upon request.
- D. At any time when a magistrate or the judge believes that given the highly sensitive nature of information contained in an evaluation, release of the evaluation or the information contained therein to the parties may not be in the best interest of the children, the Court may place the evaluation under seal in the Court, only to be released upon application and order of the Court.

## **2.05 USE OF INITIALS**

- A. In a juvenile court decision submitted for publication or a decision, a press release, or information used in a public presentation, the names of all juveniles shall be replaced with initials. Full names of juveniles may otherwise be used in pleadings and documents filed in the Court, unless one the following exists:
  1. The juvenile is a victim identified in a delinquency proceeding,
  2. The juvenile is the subject of a motion for judicial bypass, or
  3. The juvenile is the subject of an abuse, neglect, or dependency proceeding.

## **2.06 RECORDS SUBPOENAED FROM CHILDREN SERVICES**

- A. Agency records submitted for in camera review shall be filed under seal and the clerk shall not release the records absent a court order. The inspection of the records by counsel, if authorized by the Judge or Magistrate, shall proceed under the direction of the clerks. The clerks will direct counsel to the location at which the records may be viewed and may be physically present during the viewing. No copies of the records shall be made absent court order.

## **LOCAL RULE 3. DEPOSIT OF COSTS**

### **3.01 DEPOSIT**

- 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. Such advance deposit shall be in accordance with the court's administrative order establishing court costs, deposits, schedule of fines and fees. Deposit of costs shall not be required when a complaint is filed by law enforcement officer, Wayne County Children Services Board (WCCSB), or the Wayne County Child Support Enforcement Agency (WCCSEA).

### **3.02 WAIVER OF COSTS**

- A. 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 of indigency, identifying assets and earnings of the party, together with a statement as to whether counsel has received any 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. The Court shall consider the guidelines set forth by the Ohio Public Defender's Office in making the determination. Nothing herein shall be construed to prevent the Court from assessing costs.

- B. If, during the course of a proceeding, the court determines that a party who has filed an Affidavit of Indigency is or has become able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a reasonable period of time commensurate with the circumstances.

### **3.03 COSTS DEPOSIT APPLIED**

- A. 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.
- B. All judgment entries shall contain a provision allocating payment of costs. In the absence of any provision, after application of deposits, the balance of costs shall be paid as follows: by the Plaintiff in an uncontested paternity, or custody proceeding; equally between the parties in a contested paternity or custody proceeding; by the Juvenile in a delinquency or traffic proceeding; and by the obligor in any proceeding relating to the enforcement or modification of a support order.

### **3.04 SUBSEQUENT DEPOSIT**

- A. The Court or Clerk of Courts may require an additional deposit during the pendency of an action.

## **LOCAL RULE 4. SUBPOENAS**

- A. Except for good cause shown, neither the Clerk nor the Sheriff shall be required to issue subpoenas, unless requests are filed with the Clerk at least seven days prior to the trial date. The form of subpoena shall be in accordance with ~~Juvenile Rule~~Juv.R. 17(A) and service of the subpoena shall be in accordance with ~~Juvenile Rule~~Juv.R. 17(C). The issuers of the subpoena shall comply with Juvenile Rule 17(D) and be responsible for attaching to each subpoena the text of ~~Juvenile Rule~~Juv.R. 17(D) and (E). The Clerk shall serve each subpoena as directed within forty-eight (48) hours of receipt.

## **LOCAL RULE 5. PLEADINGS**

### **5.01 FORM**

- A. All pleadings, motions, briefs and other papers shall be legibly typewritten or printed on letter size

paper (approximately 8 ½" X 11"), without backing or cover, and printed on only one side.

- B. The captions in every complaint or petition involving custody, visitation, support or parental fitness shall be titled "In Re (insert legal name of child)." All complaints shall describe the general nature of the action and state the name, address, and date of birth, if known, of each party, how paternity was established, what parental rights and responsibilities exist, and whether child support has been ordered.
- C. The caption of subsequent pleadings, motions and other papers shall state the case number, the name of the Judge to whom the case is assigned, and the proper caption as set forth above.
- D. Every pleading, motion and other paper filed in the cause shall be identified by title and shall bear the name, address, telephone number, fax number, and business e-mail address of the attorney or the party filing the same. If the filing is made by an attorney, the Supreme Court Registration Number of the attorney and the name of the firm with which the attorney is affiliated, if any, must also be included.

### 5.02 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.

### 5.03 REQUIRED AFFIDAVITS IN CUSTODY PROCEEDINGS

- A. All parties initiating a new proceeding, or reopening a closed proceeding, that concerns the allocation of parental rights and responsibilities, parentage, support, or visitation, shall file the following using the Court's prescribed form(s):

1. ~~An Affidavit Regarding Child's Residence for Last Five Years~~A Parenting Proceeding Affidavit pursuant to O.R.C. 3127.23;
2. ~~A Private Health Insurance Coverage Information Sheet~~An Employment, Healthcare, and Tax Information Affidavit;
3. ~~Tax Dependent Information Sheet~~A Party Information Form;

4. A copy of the child's birth record, unless the applicant is unable to obtain a copy because the applicant has not established paternity or a copy was previously filed in the case; and
  5. IV-D Application for Child Support Services.
- B. Forms 1 through 4 hereinabove shall be attached to and filed with each party's initial pleading or motion regarding parentage/parenting/visitation/support and be served upon opposing parties as provided under the Juvenile and Civil Rules.
  - C. Form 5 hereinabove will be maintained in the Court's file and forwarded to the Child Support Enforcement Agency by the Court so that a IV-D case can be opened.

#### **5.04 MOTIONS**

- A. All procedural motions shall be accompanied by a proposed Judgment Entry or Order. Motions pertaining to custody, visitation, modifications of dispositions, and other contested matters may be submitted without a proposed order.

#### **5.05 MOTIONS TO CONTINUE**

- A. 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, the date on which the need arose, and representation that the other attorneys of record, guardian ad litem, and self-represented parties have been contacted along with their positions as to whether they are consenting to the continuance.
  2. The motion for continuance must be accompanied by a proposed entry. If the motion is for a parentage/custody/visitation/support hearing, the proposed entry must contain a new hearing date previously obtained by the moving party and cleared with opposing counsel.
- B. Due to the nature of the proceedings, motions to continue initial hearings and emergency hearings involving neglect, abuse and dependency cases will only be granted in extraordinary circumstances.

#### **5.06 MOTIONS FOR CONTEMPT**

- A. All Motions for a party to appear and show cause why he or she should not be held in contempt of a prior Court Order must state the specific facts forming the basis for the motion or be accompanied by an affidavit setting forth the specific facts forming the basis for the motion.
- B. All Motions for Contempt/Show Cause must comply with the requirements of O.R.C. § 2705.
- C. A party requesting a Court order to compel a person's appearance at a hearing to show cause must provide the Court with a proposed order at the time the motion is filed.
- D. All Motions for Contempt must be served in accordance with the Rules of Juvenile Procedure. In addition, when imprisonment is the requested sanction, the party required to show cause will be served with a copy of the Motion and Court Order requiring the party's appearance at a hearing by personal service or by certified mail. If service is made by certified mail, service

will only be deemed effective if it bears the signature of the addressee.

#### **5.07 MOTIONS TO CONVEY PRISONERS**

- A. It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a witness who is incarcerated, to file a Motion to Convey with a Proposed Order to Convey to transport the person to the hearing.
- B. A Motion to Convey must be filed at least three weeks prior to the hearing date if the party or witness is incarcerated outside of Wayne County, and at least two weeks prior to the hearing date if the party or witness is incarcerated in Wayne County.
- C. The Court determines whether to transport prisoners on a case by case basis considering the interests that are at stake.

#### **5.08 EX PARTE MOTIONS**

- A. Motions requesting ex parte orders that affect children are discouraged. However, the Court may issue such orders where it is shown that the child or children are at immediate or imminent risk of irreparable harm unless immediate action is taken. Such motions for ex parte orders shall have supporting affidavits that clearly delineate the immediate or imminent risk of irreparable harm.
- B. All motions requesting an ex parte order shall be accompanied by a proposed order. Counsel for the moving party shall prepare and present to the Court the proposed order for the specific relief requested. The proposed order may be altered by interlineations at the direction of the Court, and shall also contain notice of the date and time of the review hearing.
- C. Hearings on the merits of the ex parte order should be held within ten (10) days of journalization of the ex parte order, unless waived by both parties or statutorily mandated to be heard at any earlier time. Hearings on the merits shall be conducted by the judge or by a designated magistrate, and shall be recorded.

#### **5.09 AGREED ENTRIES**

- A. If a new/original complaint or motion is filed with the court and is accompanied by an agreed order, the new complaint or motion must contain all the requirements generally required with such pleadings. The agreed order contained in new filings must be filed as a PROPOSED AGREED ORDER. All such new/original complaints or motions are required to have a hearing before a proposed agreed order will be adopted. If adopted, the Court will prepare an Entry adopting the PROPOSED AGREED ORDER.
- B. If an agreed order is requested by a Judge or Magistrate as a result of a hearing on the issue before the court, the agreed order shall be submitted directly to that Judge or Magistrate within the time specified by the Judge or Magistrate. Failure to submit an agreed order signed by all parties and any counsel within the specified time frame may result in the dismissal of the pending matter, the Court issuing interim order(s) or a decision and final appealable order based upon the record and/or other action as the Court deems proper as allowed by rule and/or statute.



- C. Proposed agreed orders and agreed orders pertaining to custody/visitation/support shall include provisions that paternity has been established, how paternity was established, whether an existing child support order is being suspended or terminated, whether there are any assigned or unassigned arrearages and if so, how they are to be paid and by whom, and shall contain the required statutory language for support orders contained in the Ohio Revised Code including notices to the parties concerning their duty to provide certain information. All agreed orders which contain a child support order shall have attached a completed computation sheet on the form required by the Ohio Revised Code. All agreed orders shall contain provision for payment of uninsured medical expenses and health insurance availability and designation of health insurance obligor, if any. If the standard order of parenting time of this Court is not included in the agreed order provisions, each agreed order shall contain the following provisions:
- a. “Out-of-State Relocation: If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the Court, that parent shall file a notice of intent to relocate with the Court. Except as provided in ORC 3109.051 (G)(2), (3), and (4), the Court shall send a copy of the notice to the non-residential parent. Upon receipt of the notice, the Court, on its own motion or the motion of the non-residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.”
  - b. “Access to records: The non-residential parent shall have access to the same records, same school activities and to any daycare center which the child(ren) attend on the same basis that said records and access is legally permitted to the residential parent, unless a restrictive order has been issued from any court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.”
  - c. Notice of Change of Address: Both parents shall give written notice to the other parent immediately upon any change of address and/or phone number, unless a restrictive order has been obtained from the Court. A copy of the notice, including the party’s name and case number, shall also be provided to the Wayne County Juvenile Court, 107 West Liberty St., 2<sup>nd</sup> floor, Wooster, OH 44691.”
- D. Parties and/or counsel who file a PROPOSED AGREED ENTRY will be notified by the court if a hearing is scheduled to determine whether the proposed entry will be adopted, or if the entry is adopted by the court, parties/counsel will receive the order adopting the entry without a hearing, which is at the discretion of the assigned Judge or Magistrate.

#### **5.10 FACSIMILE FILINGS**

The Court does not accept filings by facsimile.

#### **5.11 ELECTRONIC FILING**

- A. The Court has an administrative order governing e-filing and use of the Court’s case management software. Any attorney or party who becomes a registered user agrees to accept service of process by electronic means.
- B. 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.
- C. While electronic documents may be submitted to the Clerk twenty-four (24) hours a day, seven days (7) days a week (except when the CMS 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.
  - D. 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.

## **5.12 DISCOVERY**

Discovery is governed by the Rules of Juvenile Procedure. If the parties wish to use additional discovery methods outlined in the Rules of Civil Procedure, the parties shall first obtain permission from the Court.

## **5.13 PETITIONS TO PARTICIPATE IN BRIDGES**

All petitions to participate in the Bridges Program pursuant to R.C. 5101.1412 shall filed within thirty (30) days of execution of a Voluntary Participation Agreement. All petitions shall be accompanied by a copy of a court entry reflecting that the participant aged out of the custody of a children services agency at or about eighteen years of age.

## **LOCAL RULE 6. SERVICE**

### **6.01 SERVICE BY PARTIES**

- A. All service of copies and notice to parties must comply with Juvenile Rules 16 and 20 and Civil Rules 4 through 4.6 and 5.
- A. Waiver of service of summons by a party must be notarized or be upon the record.
- B. Service by publication can be made by newspaper publication or by posting and mail. Service by publication of a motion for permanent custody must be accomplished by publication in the newspaper if the address of the party is unknown.
- C. A request for service by publication must be accompanied by an affidavit executed by the party stating that service cannot be made because the residence of the person is unknown and cannot be ascertained with reasonable diligence. The affidavit must also provide what attempts were made to ascertain the address and the last known address of the person to be served. Service by publication will not be made if the required affidavit has not first been filed with the Court and any costs associated with making the publication have been advanced to the Court.
- D. Publication by the newspaper
  - a. The Clerk will serve notice by publication in a newspaper of general circulation in Wayne County.
  - b. A request for service by publication in a newspaper shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.
  - c. A request for service by publication by newspaper shall be submitted at least twenty days before the date and time of the hearing stated in the notice and the clerk shall ensure that

- the notice is published at least seven days in advance of the hearing.
- d. The publication will be published one time and service is considered complete on the date of publication.
  - e. The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service.
- E. Publication by posting and mail
- a. The Clerk will serve notice by publication by posting and mail as set forth below.
  - b. A request for service by publication by posting and mail shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint and the date, time and place the person is to appear.
  - c. A request for service by publication by posting and mail shall be submitted at least fifteen days before the date and time of the hearing stated in the notice.
  - d. The notice shall be posted on the Wayne County Juvenile Court web site, in a section designated "Legal Notices - Custody," for seven consecutive days.
  - e. In addition to posting the notice, the Clerk shall mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, address correction requested, to the last known address of the party to be served, if known.
  - f. If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven day period that the notice is posted pursuant to this rule, the Clerk must mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address.
  - g. Upon completion of service by posting and mail, the Clerk shall docket where and when the posting was completed and a copy of all certificates of mailing.
  - h. Service is deemed complete when the notation of posting and mail is docketed by the clerk.

## **6.02 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, 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.

## **LOCAL RULE 7. HEARINGS**

### **7.01 FAILURE TO APPEAR**

- A. If a moving party or the moving party's attorney fails to appear or fails to prosecute within fifteen

minutes of the scheduled hearing time, the Judge or Magistrate may dismiss the action or the motion. All parties and attorneys must inform the Court of potential scheduling conflicts within the building as soon as they become aware that a conflict may arise.

- B. If the opposing party or the opposing party's counsel fails to appear within fifteen minutes of the scheduled hearing time, the Judge or Magistrate may proceed to hear and determine all issues.
- C. Failure of a party or counsel to appear may result in sanctions being imposed by the Court.

## **7.02 CHILD RESTRAINTS IN COURTROOM**

- 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 Juvenile Rule 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.

## **7.03 MOTIONS IN LIMINE**

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

## **7.04 WAIVER OF HEARING FOR FIRST TIME JUVENILE TRAFFIC OFFENDERS**

- A. Pursuant to Ohio Traffic Rule 13.1, the court hereby establishes a juvenile traffic violations bureau to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as presented herein.
- B. The Judge of the Probate/Juvenile Division of the Wayne County Court of Common Pleas shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of the juvenile traffic violations bureau as needed.

- C. Pursuant to Ohio Revised Code Section 2151.01 and Rules 1, 2, 9(a), 22, and 29(F)(2)(A) of the Rules of Juvenile Procedure, the Court will accept a waiver of appearance and entry of plea of admission in writing, and acceptance of predetermined disposition for certain juvenile traffic offenders who meet the following criteria.
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 the offense is 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; and
  5. The offense does not allege operating a motor vehicle without an operator's license, operating under a suspended license, or operating without proper safety equipment; and
  6. The offense does not allege failure to stop for a school bus; and
  7. The offense does not involve a traffic accident or leaving the scene of an accident; and
  8. The offense does not involve willfully eluding or fleeing a police officer; and
  9. The offense does not involve drag racing; and
  10. The citing officer has not indicated on the face of the Uniform Traffic Citation that a court appearance is necessary.
- D. If 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.
- E. 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."
  3. In addition, points will be assessed pursuant to statute and reported to the Bureau of Motor Vehicles on the juvenile driving record.
- F. 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.
- G. If the child and parents, guardian or custodian avail themselves of these waiver privileges, they must do so in strict compliance with the written instructions and this rule.

## 7.05 REMOTE HEARINGS

- 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. 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, and the Court may – if otherwise permitted by law – sua sponte schedule a hearing to occur by a particular medium. In determining what medium to hold a hearing, the Court will consider the nature of the hearing, the parties' technical capabilities, the parties' wishes, the status of service on necessary parties, and the types of evidence anticipated for the hearing. None of these factors is dispositive in this analysis.
- C. Any objections by a party to the Court's determination of hearing medium shall be filed with the Court within ten (10) calendar days of the determination or order.
- D. Where a hearing is scheduled to take place through video conferencing software, all parties and counsel 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 for each party and counsel. Parties shall forward this link to any subpoenaed witnesses for the hearing. At the time of the hearing, parties and counsel shall follow this link using a computer or mobile device with stable video, audio, and internet capabilities to then participate in the hearing. Witnesses will be admitted to the hearing where appropriate and must also have stable video, audio, and internet capabilities when called to participate.
- E. 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 stable telephone capabilities in advance of the hearing.
- F. Regardless of hearing medium, a record will be maintained in accordance with Local Rule 2.02.
- A.G. Should a party, counsel, or witness participate in a hearing remotely, this individual shall continue to comply with Local Rules 1.02 (Conduct in Court), 1.03 (Attire), and 7.01 (Failure to Appear). The remaining Local Rules shall apply so long as they do not specify the courthouse or facility-or-room.

## **LOCAL RULE 8. CASE MANAGEMENT PLAN**

Pursuant to Sup. R. 5, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Wherever possible, cases will be resolved in the shortest amount of time. The deadlines set forth by the Ohio Rules of Superintendence shall be construed as maximums and shall not preclude the more rapid resolution of cases under these rules. Case management conferences and pretrial conferences will be set if the judge or magistrate deems the

same to be appropriate. Deviation from the established time frames is permissible to assure a just result.

#### **8.01 DELINQUENCY, UNRULY, AND TRAFFIC CASES**

- A. A detention hearing will be held not later than 72 hours, or the next court day, whichever is earlier, after a child is placed in detention.
- B. If the youth was not placed in detention, a summons will issue within three days of filing and an initial hearing will be set within 14 days of filing.
- C. Adjudication hearing shall be conducted within 60 days of filing of the complaint.
- D. Disposition shall be scheduled within 90 days of the filing of the complaint.

#### **8.02 ABUSE, NEGLECT, DEPENDENCY PROCEEDINGS**

- A. When a child is removed from the home on an ex parte basis, a hearing will be held the next court date or within 72 hours, whichever is earlier.
- B. When a private agency files a request for permanent commitment based on a permanent surrender, a hearing will be held within 30 days from the filing.
- C. In all other cases, a summons will issue within three days of filing and a hearing will be held no later than 14 days after the complaint is filed.
- D. An adjudicatory hearing will be held within 60 days of the complaint being filed.
- E. Disposition will occur no later than 90 days from the date a complaint was filed.
- F. Review hearings shall be scheduled as deemed necessary by the Court.
- G. An annual review hearing will be set at the time of disposition and shall be set for no more than thirty days prior to the expiration of the dispositional order
- H. A hearing on a motion for permanent custody shall be set within 120 days of the filing of the motion for permanent custody.

#### **8.03 PARENTAGE, CUSTODY, VISITATION AND CHILD SUPPORT CASES**

- A. If an ex parte emergency order was signed, a hearing will be set within 10 days.
- B. If a motion requesting emergency orders is filed but is not signed on an ex parte basis, a hearing will be set within 30 days.
- C. If temporary orders are not requested, a pretrial shall be set within 45 days of the filing of the complaint.
- D. Service of process will be sent within 3 days of the filing of the complaint and shall include a temporary orders hearing or a pretrial date, whichever is applicable, as well as a final hearing date.

#### **8.04 TRAFFIC CASES (NON-WAIVERABLE)**

- A. A summons shall issue within 5 days of filing.
- B. Arraignment shall be scheduled within 30 days of filing.
- C. Adjudicatory hearings shall be held within 60 days of filing.
- D. Dispositional hearings shall be held within 90 days of filing.

#### **LOCAL RULE 9. COUNSEL**

- A. Attorneys wishing to receive court appointments shall comply with the provisions of OAC 120-1-

- 10.
- B. Applications may be obtained from and shall be submitted to the Court Administrator's Office and shall contain a resume stating the attorney's training, experience, and expertise in successfully handling Juvenile Court cases.
  - C. Attorneys shall maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct.
  - D. Applications shall be updated every year by December 31st, to remain on the appointed counsel list.
  - E. Attorneys are under an ongoing obligation to notify the court of changes to their status and contact information.
  - F. If a party requests counsel, and qualifies for the same, the Court will first appoint counsel employed at the Wayne County Public Defender's Office, if available.
  - G. Attorneys thereafter shall be appointed on the basis of a rotating schedule which shall ensure that each attorney on the list is provided with an opportunity to obtain an equitable share of appointments.
  - H. The Court may, in its discretion, deviate from this schedule in order to assure the efficient and orderly administration of justice. Reasons for deviation may include, but are not limited to situations where an attorney does not respond to the inquiry by the Assignment Office within a reasonable time, is unavailable to represent the defendant, has a conflict, may not have the requisite skills or experience needed to represent during the pendency of the matter, or the interests of justice requires the appointment of a specific attorney instead of the next available attorney.
  - I. The Court shall take into account all of the following when making an appointment:
    - 1. The anticipated complexity of the case in which appointment will be made.
    - 2. Any educational, mental health, language, or other challenges facing the party for whom the appointment is made.
    - 3. The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues.
    - 4. The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case.
    - 5. Intangible factors, including the court or judicial officers view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
  - J. If the assignment clerk passes over the name of an attorney for any reason, the assignment clerk shall return to that attorney for the next appointment to the extent administratively feasible. If the attorney continues to not respond to inquiries, or the attorney refuses a second time to represent a defendant due to unavailability, the assignment clerk shall not return to the attorney until the next rotation.
  - K. Not more than one attorney per indigent defendant will be appointed, unless the Court otherwise orders.
  - L. An attorney may be removed from the list for court appointment assignments for good cause, including but not limited to the following reasons:
    - 1. Failure to maintain licensure to practice law in the state of Ohio and to remain in good standing with the Supreme Court of Ohio.
    - 2. Failure to meet the criteria required by local rule.
    - 3. Routine failure to respond timely to the assignment clerk when attempting to assign cases or repeated refusal to accept assignment of cases.
    - 4. Routine failure to respond to a judge or magistrate's staff when attempting to schedule hearings.



5. Routine failure to attend scheduled court hearings or to arrive timely.
  6. Routine failure to adequately prepare for court hearings.
  7. Routine failure to maintain appropriate contact with clients.
- M. Any attorney appointed to provide legal representation for an indigent party shall be compensated according to a schedule approved by the County Commissioners. Counsel shall maintain itemized time records for each appointed case showing the date of service, nature of services rendered, and hours worked. Counsel's itemized time records shall be provided to the Court upon request.
- N. Requests for compensation shall be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement shall meet the time guidelines established by the Ohio Public Defender Commission. An attorney may be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements.
- O. 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 10. GUARDIAN~~S~~ AD LITEMS**

### **A. APPOINTMENT**

1. When a party requests the appointment of a guardian ad litem pursuant to O.R.C. 2151.281 or O.R.C. 3109.04, or when the appointment of a guardian ad litem is deemed appropriate by the Court or is otherwise required by statute or rule, the Court shall enter an order appointing a guardian ad litem.
2. Any party who requests the appointment of a guardian ad litem shall file a written request no later than 60 days prior to the final hearing. The Court, in the interest of justice, may adjust the time for making a request for the appointment of a guardian ad litem.
3. Unless otherwise ordered by the Court, in custody/visitation/support case, the party requesting the appointment of a guardian ad litem shall deposit the sum of \$1000.00 with the clerk of the court with his/her request unless the Court orders a different amount.

### **B. RESPONSIBILITIES OF A GUARDIAN AD LITEM**

1. Unless excepted by order of Court, a guardian ad litem shall at all times abide by all provisions set forth under Rules 48 through 48.07 of the Ohio Supreme Court Rules of Superintendence governing guardians ad litem~~s~~.
2. Unless excepted by order of Court, a guardian ad litem shall meet the qualifications and satisfy all training and continuing education requirements set forth in Rule 48.04 and 48.05 of the ~~Ohio Supreme Court~~ Rules of Superintendence governing guardians ad litem~~s~~. A guardian ad litem shall promptly advise the Court of any grounds for disqualification or unavailability to serve.
3. A guardian ad litem shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing educational and training requirements so the Court may maintain the files in accordance with Rule 48.07 of the ~~Ohio Supreme Court~~ Rules of Superintendence and any other request for verification of the qualifications of the guardian ad litem made by the Court.
4. As an officer of the court, a guardian ad litem shall make no disclosures about the case or the investigation except in reports to the court or as necessary to perform the duties of a

guardian ad litem. A guardian ad litem shall maintain the confidential nature of personal identifiers, as defined in Rule 44 of the Rules of Superintendence, or addresses where there are allegations of domestic violence or risk to a party's or child's safety. A guardian ad litem may recommend that the court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence.

5. A guardian ad litem who is to be paid by the court or a party, shall keep accurate records of the time spent, services rendered, and expenses incurred in each case and file an itemized statement and accounting with the court and provide a copy to each party or other entity responsible for payment. An itemized statement and accounting shall be filed and provided on a monthly basis, pursuant to Rule 48.03(H) of the Rules of Superintendence.

### C. GUARDIAN AD LITEM REPORTS

1. Unless waived by all parties or unless the due date is extended by the Court, the final report shall be filed ~~with the Court and served on counsel by the guardian ad litem no less than seven days before the dispositional hearing in abuse, neglect, and dependency proceeding and 14 days before the hearing in all other case types and provided to parties and counsel pursuant to the procedures and deadlines imposed by Rule 48.06 of the Rules of Superintendence.~~
2. All guardian ad litem reports shall be filed with the Clerk's office, time-stamped, docketed and placed under seal.
3. ~~Copies of the reports shall be served on counsel by the guardian ad litem no later than the date on which they are filed with the Court. While counsel may choose to let the client view the report, in whole or in part, this report shall NOT be copied, photographed, reproduced, or otherwise disseminated to the client or another person, except pursuant to an order of the Court.~~
- 4.3. ~~A report may be viewed by a self-represented party to the case at the office of the clerk of court under the supervision of the clerk. No photographs are permitted to be taken of the report. Copies will not be provided absent a court order. After the guardian ad litem has disseminated the report, parties and counsel are prohibited from further disclosure or dissemination of the report without advance approval from the Court. All reports shall include a warning of this restriction and possible consequences, in accordance with Rule 48.06(A)(2) of the Rules of Superintendence.~~
- 5.4. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

### D. COURT PROCEDURE

1. The Court will maintain a public list of approved guardians ad litem while maintaining

individual privacy under Rules 44 through 47 of the Rules of Superintendence. Individuals who are interested in serving as guardian ad litem in cases shall submit a résumé to the Court with any pertinent background information regarding the applicant, produce an FBI background check, and demonstrate compliance with the training and qualification requirements set forth in Rules [48.04](#) and [48.05](#) of the Rules of Superintendence. The Court will consider not only the applicant's qualifications, but also the applicant's experience, past performance on cases, working relationship with court staff, thoroughness, and ability to provide a detailed report to the Court when evaluating whether to add the applicant to the approved list of guardians ad litem.

2. Guardians ad litem will be evaluated on an annual basis to determine whether they qualify to remain on the Court's appointment list.
3. Any ~~Guardian-guardian~~ ad ~~Litem-litem~~ may be removed from the Court's appointment list at his or her own request. The Court may, in its own discretion, remove any ~~Guardian-guardian~~ ad ~~Litem-litem~~ from the Court's appointment list at any time.
4. If the appointment of a guardian ad litem is warranted in an abuse/neglect/dependency proceeding, the Court will first appoint a guardian ad litem using the Court's Volunteer Guardian Ad Litem program (CASA). If a guardian ad litem is not available, the Court will then consider a paid guardian ad litem from a rotating schedule which shall ensure that each guardian ad litem on the list is provided with an opportunity to obtain an equitable share of appointments. The Court will maintain a like rotating schedule in case types other than abuse/neglect/dependency proceedings which may require a guardian ad litem.
5. The Court may, in its discretion, deviate from the aforementioned schedules in order to assure the efficient and orderly administration of justice, while also taking into account budgetary constraints. Reasons for deviation may include, but are not limited to, limitations on available funds and the ability of the guardian ad litem to work at a lower rate, financial situation of the parties and the means to pay the guardian ad litem for work performed, failure to respond to the inquiry by the Assignment Office in a timely manner, a guardian ad litem's unavailability, a conflict of interest, uncertainty whether the guardian ad litem possesses requisite skills or experience needed, the unique circumstances present in the case, and/or the guardian ad litem's ability to perform the work needed within the time constraints present in the case.
6. If the assignment clerk passes over a listed guardian ad litem for any reason, the assignment clerk shall return to that guardian ad litem for the next appointment to the extent administratively feasible. If the guardian ad litem fails to respond to telephone calls of the Assignment Officer, the guardian ad litem will be passed over until the next rotation.
7. At any time, a guardian ad litem may be removed from the list for court appointment assignments for good cause, including but not limited to failing to comply with the educational requirements or requests by the Court to ensure that Rules [48.04](#) and [48.05](#) of the Rules of Superintendence is satisfied, routine failure to respond timely to court staff when attempting to assign cases or repeated refusal to accept assignment of cases, routine failure to attend scheduled court hearings or to arrive timely, routine failure to adequately prepare for court hearings or file reports, or routine failure to maintain appropriate contact with parties to the case.
8. Pursuant to the provisions of Rule [48.07](#) of the Rules of Superintendence for the Courts of Ohio, the Court's chief deputy clerk is designated to receive written comments and complaints regarding guardians ad litem in the performance of their duties. All comments and complaints must be in writing, include a case number, and describe the complaint in full detail. A copy of all comments and complaints submitted to the Court shall be provided to the guardian ad litem who is the subject of the complaint or comment and shall be forwarded to the judge for

consideration and action. A copy will also be provided to the coordinator of the Wayne County Juvenile Court's Volunteer Guardian ad Litem Program if the guardian ad litem is a part of said program. A copy of the comments or complaint shall be maintained in the guardian ad litem's file. After disposition of the complaint by the judge, the complainant shall be informed of the disposition.

#### **E. COMPENSATION**

1. Rates of compensation for guardians ad litem in court appointed cases such as abuse, neglect, dependency, delinquency, unruly, and traffic cases shall be as determined from time to time by the Wayne County Board of County Commissioners.
2. Rates of compensation for guardians ad litem in custody, visitation, and support matters wherein the parties are required to deposit a fee in advance, shall ~~be \$2024.00 per hour for non-attorney guardians ad litem and \$5075.00 per hour for attorney guardians ad litem and at a lower contracted rate for non-attorney guardians ad litem~~, unless otherwise ordered by the Court after considering the circumstances present in the case. All rates will be established within the appointing order in accordance with Sup.R. 48.02(A)(5).
3. Guardians ad litem in custody, support and visitation cases shall not perform the required duties until the full deposit amount has been made at the Court. Guardian ad litem fees will be limited to the amount of the deposit, unless the Court orders otherwise for good cause.
- ~~4. Guardian ad litem in custody, support and visitation cases shall file monthly time sheets or billing statements in custody, support and visitation cases reflecting time spent, services rendered, and expenses incurred in each case. A copy of the itemization shall be provided to each party or other entity responsible for payment.~~

### **LOCAL RULE 11. JUVENILE COMPETENCY - EXPEDITED PROCEEDINGS UNDER R.C. 2152.51 TO 2152.59**

#### **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.

### **LOCAL RULE 12. MAGISTRATE**

#### **A. GENERAL PROVISION**

Magistrates shall be appointed to hear all matters not otherwise acted upon by a judge of the Juvenile Division, including without limitation, delinquency, unruly, traffic, abuse, neglect, dependency, allocation of parental rights and responsibilities, parenting time enforcement and modification, child support enforcement and modification, URESA, UIFSA, and determination of parentage matters and any other matters as referred by a judge of the Juvenile Division. A magistrate, acting in these matters, shall have all powers set forth in Rule 40 of the Ohio Rules of Juvenile Procedure.

#### **B. MOTIONS TO SET ASIDE**

1. Motions to set aside must state with particularity the reasons for the motion and be filed no later than 10 days after the magistrate's order was filed.
2. The filing of a motion to set aside a magistrate's order does not operate as an automatic stay of that order.

#### **C. OBJECTIONS**

1. Any party may appeal to the Court from a decision made by a magistrate by filing an objection to the magistrate's decision, stating the reasons for the objection with particularity, no later than fourteen days after the magistrate's decision is filed.
2. Any party wishing to respond to the objection shall do so no later than fourteen days after the objection to the magistrate's decision is filed unless a request for a transcript has been filed.
3. Objections to a magistrate's decision shall be accompanied by a transcript of the proceedings or an affidavit of the evidence presented if a transcript is not available. When an affidavit is submitted in lieu of a transcript the affidavit shall state the reason why a transcript is not available.
4. A request for a transcript must be made concurrent with the filing of the objections and be made by filing a precipe for the transcript with the clerk. Deposit of funds equal to the estimated costs of the transcript shall be made with the court reporter within five (5) days of the court reporter notifying the party of the estimated cost.
5. Upon completion of all transcripts, the court reporter shall notify counsel for all parties in writing, 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.
6. If the basis for the objection is not based on an issue of fact, the party filing the objection may notify the Court in writing, at the time of the filing of the objection, that the party is requesting that the Court rule on the objection without a transcript of the proceedings.

7. Once a transcript has been requested, all parties are permitted to file a memorandum in support or opposition to the objection within fourteen days of the filing of the transcript.
8. The party responding to the objection to the magistrate's decision shall file a memorandum in opposition to the objection, if any, within fourteen days of the filing of the memorandum in support of the objection.
9. The timely filing of an objection to the magistrate's decision operates as an automatic stay of execution of the decision until the Court disposes of the objection.
10. For good cause shown, the Court may extend or modify the timetable set forth herein upon written request of either party.
11. Objections shall in all other manners conform with the provisions of Ohio Rule of Juvenile Procedure 40.
12. Unless the Court otherwise orders, objections will be ruled upon without oral hearing or argument.

**LOCAL RULE 13. PARENTING TIME**

The following parenting time guidelines will apply based upon consideration of the factors set forth in R.C. 3109.051(D). Careful consideration should be given to fostering parenting time between the child and both parents. This schedule will apply where the child has a positive and well-established relationship with the parent whom the child does not primarily reside.

**A. Flexibility and cooperation.** Flexibility and cooperation by the parents in handling all aspects of parenting time 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 parenting time. The parties may, from time to time, mutually agree to a schedule that varies from the court ordered schedule of parenting time to accommodate their needs and the needs of the children.

**B. Specific Parenting Time.** Except as provided in Section 13C, 13D, 13E, 13F and 13G, the non-residential parent shall have parenting time as follows:

1. Alternate weekends from Friday to Sunday. If the parties are unable to agree otherwise, said parenting time shall commence at 6:00 p.m. on Fridays and end at 8:00 p.m. on Sundays. This schedule shall be followed year-round; and
2. Two midweek parenting times per week. If the parties are unable to agree, then the midweek parenting time shall be every Tuesday and Thursday evenings from 4:30 p.m. until 8:00 p.m. or at the child's availability after school if the child is in school, but no earlier than 4:30 p.m. If a child is in a child care arrangement, the parent may pick up the child from the caretaker.
3. Parents may wish to change a holiday by agreement at least one (1) week in advance in order to observe family or religious traditions. If the holiday is not changed by agreement, holiday times are found in Appendix A. The schedule for days of special meaning is found in Appendix B. If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the child on Father's Day in even-numbered years.
4. Holiday Break. For purposes of this section, "holiday" means a holiday or day of special meaning other than Christmas and Christmas Eve or New Year's Day. A holiday that falls on the other parent's

weekend shall be spent with the parent who is designated to have the child for that holiday, and the other parent shall have the child for the rest of the weekend. This time does not have to be made up.

5. Christmas/Winter Break. For purposes of this section “Christmas Break” and “Winter Break” mean the same thing. Except as otherwise provided, each parent shall have the child for one-half of the Christmas break. Christmas break shall be deemed as commencing the day after the last day of school at 9:00 a.m. until the day before school reconvenes at 8:00 p.m. (including weekends) but not including December 24<sup>th</sup>, December 25<sup>th</sup>, December 26<sup>th</sup> and January 1<sup>st</sup>. For a child age 36 months until enrolled in school, Christmas Break shall be deemed as commencing December 21<sup>st</sup> at 9:00 a.m. until January 1<sup>st</sup> at 9:00 a.m. In the event there is an odd number of days during Christmas break, the nonresidential parent shall have the child 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 1<sup>st</sup> 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.

6. Spring Break. Unless otherwise agreed, if a child “of compulsory school age” (as outlined in R.C. 3321.01(A)(1)) has Spring Break or Spring Vacation, the non-residential parent shall have the Spring Break every year. If Easter falls during the Spring Break, the Easter holiday schedule shall take priority for that day.

7. School Summer Recess. “School summer recess” is defined as beginning at 9:00 a.m. on the day after the last day the child attends school and ending at 8:00 p.m. on the day before school reconvenes. The non-residential parent shall have parenting time for six (6) 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:

- a. Alternating weekends shall continue throughout the summer months, regardless of the weeks the non-residential parent chooses to exercise his or her summer visitation.
- b. A week is considered seven (7) consecutive days and unless agreed otherwise, shall be from Sunday at 6:00 p.m. until the following Sunday at 6:00 p.m.
- c. Each parent shall be entitled to take the child 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 a written agenda indicating the vacation destination, phone numbers where he or she can be reached, times of arrival and departure and method of travel. An itinerary with contact telephone numbers must be given to the other parent no later than ten (10) days prior to departure. This time shall not interfere with or conflict with the holiday or days of special meaning schedule.
- d. If summer school is necessary for the child to pass to the next grade, then either parent may exercise his or her summer recess parenting time (as described in paragraph (c) above) so long as the parent insures the child attends all classes.

8. Extracurricular Activities. The continued participation in extracurricular activities (school related or otherwise) shall continue uninterrupted regardless of this parenting time schedule. It shall be the responsibility of the parent with whom the child is 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 child participates. The parent enrolling the child in the activity shall provide to the coach, leader, or facilitator of the activity, the other parent’s name, telephone number, email and contact information. 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, email address, and telephone number if reasonably available) shall also be provided to the other parent. Extracurricular activities of the child shall not be scheduled by the residential parent so as to unreasonably interfere with parenting time.

9. Transportation. Absent agreement otherwise, the nonresidential parent shall arrange for the pick up of the child at the beginning of each parenting time and the residential parent shall arrange for the pick up of the child at the end of each parenting time for return to their residence. The transportation provider shall be the parent or any individual known to the child. Any person driving the child must comply with all child restraint laws. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child.

10. Cancellation. If a nonresidential parent is unable to exercise parenting time, 24 hours' notice must be provided to the residential parent, absent exigent circumstances. A nonresidential parent more than thirty (30) minutes late for parenting time forfeits that parenting time. The court may consider frequently missed parenting time, with or without notice, as grounds for modification of the parenting time schedule and/or contempt. A residential parent may cancel scheduled parenting time due to a child's illness and should give 24 hours' notice, if possible. Any parenting time canceled due to illness shall be made up as soon as is practical, at the choice of the non-residential parent.

11. Car Seat. For any and all children required by law to ride in a car seat or booster seat, each parent shall provide an appropriate seat for the child.

12. Purpose. A time for the child to be and do things with the parent or that parent's family with whom they do not live.

13. Communication. Open and free communication by telephone, email, text, Skype, Facetime, or other electronic means, and otherwise shall be permitted between the child and the parent with whom they are not then residing. If long distance charges are involved, contact should be generally limited to not more than 15 minutes. If the child is visiting with the nonresidential parent under Local Rule 13(G)(1) through (7), communication shall take place at least twice weekly. A parent shall not withhold communication of a child with the other parent as a form of punishment.

14. Step-Parent Name. A parent should not suggest, encourage or require a child to refer to any person other than the child's parent as "mom" or "dad", etc., nor permit any other person to do so.

15 Non-compliance. A parent seeking compliance with a court order of parenting time shall first file a motion to enforce an order of visitation (Wayne County Juvenile Form 7.1). Continued and willful denial of parenting time may be addressed by a motion for contempt, the penalties for which include a jail sentence, fine and/or changes in custody. A parent may not withhold parenting time rights because the other parent does not obey a court order, for instance, to pay support or medical bills. A parent may seek enforcement of a periodic child or spousal support order by calling the appropriate child support enforcement agency.

16. Address and Telephone Numbers. Unless the court orders otherwise, each parent must keep the other parent informed of his or her current address and telephone numbers and an alternate telephone number in the event of an emergency.

17. Relocation. Upon either parent learning or determining, whichever occurs first, that he/she will be moving, he/she shall immediately notify the other parent 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 child. If the parent intends to move out of state, that parent shall file a notice of intent to relocate with the Court at least two weeks in advance of any move.



Except as provided in ORC 3109.051 (G)(2), (3), and (4), the Court shall send a copy of the notice to the non-residential parent. Upon receipt of the notice, the Court, on its own motion or the motion of the non-residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child

18. Clothing. Each parent is responsible for providing sufficient, appropriate, and clean clothing for every parenting time. If the planned parenting time activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance of the parenting time. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request however, the residential parent must promptly notify the non-residential parent of same. All clothing sent by either parent shall be returned within a reasonable timeframe.

19. Access to Records. The non-residential parent shall have access to the same records, same school activities and to any daycare center which the child(ren) attend on the same basis that said records and access is legally permitted to the residential parent, unless a restrictive order has been issued from any court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.

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

C. **When a Child is a Newborn to 6 Months of Age.** The Specific Parenting Time and time on holidays and days of special meaning for the non-residential parent is set forth in Appendix C. In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

D. **When a Child is 6 Months to 12 Months of Age.** The Specific Parenting Time and time on holidays and days of special meaning for the non-residential parent is set forth in Appendix D. In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

E. **When a Child is 12 Months to 24 Months of Age.** The Specific Parenting Time and time on holidays and days of special meaning for the non-residential parent is set forth in Appendix E. In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

F. **When a Child is 24 Months to 36 Months of Age.** The Specific Parenting Time and time on holidays and days of special meaning for the non-residential parent is set forth in Appendix F. In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

G. **Travel Distance of 100 Miles or More.** If the parents reside 100 miles or more from each other, the Specific Parenting time Schedule shall not apply. If the parties cannot agree on a specific parenting time schedule (unless the court otherwise orders), the following will normally be ordered as the specific parenting time schedule by the court:

1. When the child is at least three years of age but not over seven years of age, the non-residential parent is entitled to two (2) consecutive weeks, commencing the first Sunday of the summer school recess.
2. When the child is at least seven years of age but not over twelve years of age, the non-residential parent is entitled to four (4) consecutive weeks, commencing the first Sunday of the summer school recess. The residential parent shall be permitted to have the child overnight one (1) weekend from Friday at 6:00 p.m. until Sunday at 8:00 p.m. during the four (4) weeks of parenting time. The

parents shall agree upon the designated weekend with priority given to the nonresidential parent's vacation plans. The residential parent shall be responsible for transportation both ways if the residential parent chooses to exercise weekend visitation.

3. When the child is at least twelve years of age, the non-residential parent is entitled to eight (8) consecutive weeks, commencing the first Sunday of the summer school recess. The residential parent shall be permitted to have the child for three (3) weekends from Friday at 6:00 p.m. until Sunday at 8:00 p.m. during the eight (8) weeks of parenting time. The parents shall agree upon the designated weekend with priority given to the nonresidential parent's vacation plans. The residential parent shall be responsible for transportation if the residential parent chooses to exercise weekend visitation. The residential parent shall be responsible for transportation both ways if the residential parent chooses to exercise weekend visitation.
4. In even-numbered years, the nonresidential parent shall have the child on Christmas Day in addition to seven (7) consecutive days over the child's Christmas Break. In odd-numbered years, the non-residential parent shall have the child not less than seven (7) consecutive days over the Christmas Break, but not on Christmas Day, unless otherwise agreed. 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 1<sup>st</sup> of the applicable year. Absent timely notification by the nonresidential parent, the residential parent's Christmas break schedule shall have priority. Christmas break shall be deemed as commencing the day after the last day of school at 9:00 a.m. until the day before school reconvenes at 8:00 p.m.
5. In odd numbered years, the nonresidential parent shall have the child from after school on the last day of school before Thanksgiving until 8:00 P.M. on the day before school starts after Thanksgiving.
6. The nonresidential parent shall have the child every Spring Break from the last day of school (after school) until the day before school reconvenes at 8:00 p.m. This scheduled break takes priority over Easter. If Easter falls during the spring break, then the nonresidential parent shall have the Easter holiday as well.
7. If travel time, by car, is less than three (3) hours one way, the nonresidential parent shall have the child one long weekend each month, to include a Friday or a Monday in-service day, from the last day of school at 3:00 p.m. until 8:00 p.m. the day before school commences. 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 8:00 p.m. (on Mondays). This provision is subject to Local Rule 13(G)(1), (2), and (3).
8. Responsibility for transportation costs shall be included in the court's order. If the parents cannot agree on costs of transportation, costs shall be divided equally. The court may consider the costs of transportation to effectuate parenting time as a factor in deviating from the child support calculation.
9. When a child of parents residing more than 100 miles from each other has not yet attained the age of three years, parenting time shall be as ordered by the court.
10. When a child of parents residing more than 100 miles apart from each other has attained the age of three years, the parenting time schedule shall be as set forth in this Rule unless the court otherwise orders.
11. In addition, the general rules of Local Rule 13B, Sections 10 through 20, also apply.



## APPENDIX A TO LOCAL RULE 13

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

### THREE YEARS AND OLDER

For the purpose of parenting time, Holidays, and days of special meaning, are as follows:

Holiday	Even Years	Odd Years	As agreed or
<del>New Year's Day</del>	<del>Parent 1</del>	<del>Parent 2</del>	<del>12/31 at 5:00 p.m. to 1/1 at 8:00 p.m.</del>
Martin Luther King Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Easter	Parent 1	Parent 2	Sunday 9:00 a.m. to 8:00 p.m.
Memorial Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Fourth of July	Parent 1	Parent 2	July 4 <sup>th</sup> 9:00 a.m. to 7/5 at 8:00 p.m.
Labor Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Thanksgiving	Parent 1	Parent 2	Wednesday after school or 3:00 p.m. to Sunday at 8:00 p.m.
Christmas Eve	Parent 2	Parent 1	12/23 at 9:00 a.m. to 12/24 at 9:00 p.m.
Christmas Day	Parent 1	Parent 2	12/24 at 9:00 p.m. to 12/26 at 9:00 a.m.
<del>New Year's Eve</del>	<del>Parent 2</del>	<del>Parent 1</del>	<del>12/31 at 5:00 p.m. to 1/1 at 8:00 p.m.</del>

## APPENDIX B TO LOCAL RULE 13

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

### THREE YEARS AND OLDER

Days of Special Meaning:

Event	Even Years	Odd Years	As Agreed Or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. to 8:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. to 8:00 p.m.
Child's Birthday, in school	Parent 2	Parent 1	5:00 p.m. to 8:00 p.m.
Child's Birthday, not in school	Parent 2	Parent 1	9:00 a.m. to 8:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. to 8:00 p.m.
Father's Day	Father	Father	9:00 a.m. to 8:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the child on Father's Day in even-numbered years.

In addition, the general rules of Local Rule 13B, Sections 9-20, also apply.

**APPENDIX C TO LOCAL RULE 13**

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

**BIRTH – SIX MONTHS**

The non-residential parent shall have the following specific parenting time:

Tuesdays	Thursdays	Fridays	Saturday or Sunday*
5:00 p.m. until 7:00 p.m.	5:00 p.m. until 7:00 p.m.	5:00 p.m. until 7:00 p.m.	Noon until 2:00 p.m.

\*The day is to coincide with Parent 2’s non-work day, otherwise Sunday

On holidays and days of special meaning, the non-residential parent (“Parent 2”) shall have the following specific parenting time:

Holiday	Time
New Year’s Day	2:00 p.m. until 4:00 p.m.
Martin Luther King Day	2:00 p.m. until 4:00 p.m.
Easter	2:00 p.m. until 4:00 p.m.
Memorial Day	2:00 p.m. until 4:00 p.m.
Fourth of July	2:00 p.m. until 4:00 p.m.
Labor Day	2:00 p.m. until 4:00 p.m.
Thanksgiving	2:00 p.m. until 4:00 p.m.
Christmas Eve	2:00 p.m. until 4:00 p.m.
Christmas Day	2:00 p.m. until 4:00 p.m.
Parent 2 Birthday	2:00 p.m. until 4:00 p.m.
Mother’s Day if “Parent 2” is Mother or Father’s Day if “Parent 2” is Father	2:00 p.m. until 4:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother’s Day in odd-numbered years and Parent 2 will have the child on Mother’s Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father’s Day in odd-numbered years and Parent 2 will have the child on Father’s Day in even-numbered years.

In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

**APPENDIX D TO LOCAL RULE 13**

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

SIX MONTHS TO 12 MONTHS

The non-residential parent shall have the following specific parenting time:

Tuesdays	Thursdays	Saturday or Sunday*
5:00 p.m. until 8:00 p.m.	5:00 p.m. until 8:00 p.m.	9:00 a.m. until 7:00 p.m.

\*The day is to coincide with Parent 2’s non-work day, otherwise Sunday

On holidays and days of special meaning, the non-residential parent (“Parent 2”) shall have the following specific parenting time:

Holiday	Even Years	Odd Years	As agreed or
New Year’s Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Easter	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Memorial Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Fourth of July	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Labor Day	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Thanksgiving	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.
Christmas Eve	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Christmas Day	Parent 1	Parent 2	9:00 a.m. until 7:00 p.m.

Days of Special Meaning:

Event	Even Years	Odd Years	As Agreed Or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 7:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 7:00 p.m.
Child’s Birthday	Parent 2	Parent 1	9:00 a.m. until 7:00 p.m.
Mother’s Day	Mother	Mother	9:00 a.m. until 7:00 p.m.
Father’s Day	Father	Father	9:00 a.m. until 7:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother’s Day in odd-numbered years and Parent 2 will have the child on Mother’s Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father’s Day in odd-numbered years and Parent 2 will have the child on Father’s Day in even-numbered years.

In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

**APPENDIX E TO LOCAL RULE 13**

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

12 MONTHS TO 24 MONTHS

The non-residential parent shall have the following specific parenting time:

Tuesdays	Thursdays	Alternating Weekends
5:00 p.m. until 8:00 p.m.	5:00 p.m. until 8:00 p.m.	Friday 7:00 p.m. until Saturday at 10:00 a.m.

On holidays and days of special meaning, the parties shall follow the specific parenting time below:

Holiday	Even Years	Odd Years	As agreed or
New Year's Day	Parent 1	Parent 2	9:00 a.m. until 8:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Easter	Parent 1	Parent 2	9:00 a.m. until 8:00 p.m.
Memorial Day	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Fourth of July	Parent 1	Parent 2	9:00 a.m. until 8:00 p.m.
Labor Day	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Thanksgiving	Parent 1	Parent 2	9:00 a.m. until 8:00 p.m.
Christmas Eve	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Christmas Day	Parent 1	Parent 2	9:00 a.m. until 8:00 p.m.

Days of Special Meaning:

Event	Even Years	Odd Years	As agreed or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 8:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 8:00 p.m.
Child's Birthday	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 8:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 8:00 p.m.

**Summer.** The non-residential parent shall have the child during the summer months for three non-consecutive weeks which shall include the non-residential parent's alternating weekends, with two weeks between each of the weeks chosen. A week is considered seven (7) consecutive days and unless agreed otherwise shall be from Sunday at 6:00 p.m. until the following Sunday at 6:00 p.m. During those times that the non-residential parent is exercising summer visitation, the residential parent shall have visitation time on Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the

child on Father's Day in even-numbered years.

In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.



**APPENDIX F TO LOCAL RULE 13**

Parent 1: \_\_\_\_\_ Parent 2: \_\_\_\_\_  
Name Name

24 MONTHS TO 36 MONTHS

The non-residential parent shall have the following specific parenting time:

Tuesdays	Thursdays	Alternating Weekends
5:00 p.m. until 8:00 p.m.	5:00 p.m. until 8:00 p.m.	Friday 7:00 p.m. until Sunday at 12:00 p.m.

On holidays and days of special meaning, the parties shall follow the specific parenting time below:

Holiday	Even Years	Odd Years	As agreed or
New Year's Day	Parent 1	Parent 2	12/31 at 5:00 p.m. to 1/1 at 8:00 p.m.
Martin Luther King Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Easter	Parent 1	Parent 2	Sunday 9:00 a.m. to 8:00 p.m.
Memorial Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Fourth of July	Parent 1	Parent 2	July 4 <sup>th</sup> 9:00 a.m. to 7/5 at 8:00 p.m.
Labor Day	Parent 2	Parent 1	Sunday 8:00 p.m. to Monday 8:00 p.m.
Thanksgiving	Parent 1	Parent 2	Wed. after school or 3:00 p.m. to Sunday at 8:00 p.m.
Christmas Eve	Parent 2	Parent 1	12/23 at 9:00 a.m. to 12/24 at 9:00 p.m.
Christmas Day	Parent 1	Parent 2	12/24 at 9:00 p.m. to 12/26 at 9:00 a.m.

Days of Special Meaning:

Event	Even Years	Odd Years	As agreed or
Parent 1 Birthday	Parent 1	Parent 1	9:00 a.m. until 8:00 p.m.
Parent 2 Birthday	Parent 2	Parent 2	9:00 a.m. until 8:00 p.m.
Child's Birthday, in school	Parent 2	Parent 1	5:00 p.m. until 8:00 p.m.
Child's Birthday, not in school	Parent 2	Parent 1	9:00 a.m. until 8:00 p.m.
Mother's Day	Mother	Mother	9:00 a.m. until 8:00 p.m.
Father's Day	Father	Father	9:00 a.m. until 8:00 p.m.

**Summer.** The non-residential parent shall have the child during the summer months for three non-consecutive weeks which shall include the non-residential parent's alternating weekends, with two weeks between each of the weeks chosen. A week is considered seven (7) consecutive days and unless agreed otherwise shall be from Sunday at 6:00 p.m. until the following Sunday at 6:00 p.m. During those times that the non-residential parent is exercising summer visitation, the residential parent shall have visitation time on Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.

If both parents are mothers, then Parent 1 will have the child on Mother's Day in odd-numbered years and Parent 2 will have the child on Mother's Day in even-numbered years. If both parents are fathers, then Parent 1 will have the child on Father's Day in odd-numbered years and Parent 2 will have the child on Father's Day in even-numbered years.

In addition, the general rules of Local Rule 13B, Sections 9-19, also apply.

## **LOCAL RULE 14. 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

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 a determination may be made on motion of counsel or by the judge.

I. Peremptory Challenges

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
 

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:
    - i. Release the jurors from their duty of confidentiality;
    - ii. Explain their rights regarding inquiries from counsel or the press;
    - iii. Advise them that they are discharged from service; and
    - iv. 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  
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 16. 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 Chapter 2710 "Uniform Mediation Act" (UMA) and ~~Rule 16 of the Supreme Court Rules of Superintendence~~ Sup.R. 16.
- B. Definitions: All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this Court through Local Rule 16, 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: allocation of parental rights and responsibilities and parenting time proceedings under the JUV-G case-type.
2. Domestic Violence: All parties and counsel shall advise the Judge of any domestic violence allegations 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.

D. Selection and Assignment of Mediator: All mediators shall satisfy the training requirements set forth in Sup.R 16(C) for juvenile matters and/or domestic abuse, if applicable. 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.

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 and ensure that R.C. 3109.052 is met.
  - c. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.
  - d. The Court will 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.
3. In any matter in which violence or the fear of violence is alleged, suspected, or present, the Court will only utilize mediators who meet the specialized training requirements set forth in Sup.R 16(C)(2) and will further allow mediation to proceed ONLY IF the following criteria are met:
  - a. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
  - b. The parties have the capacity to mediate without fear of coercion or control.
  - c. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
  - d. Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
  - e. Written findings of fact have been issued finding that mediation is appropriate under R.C. 3109.052.
4. Mediation will be scheduled for two hours in duration unless the parties otherwise agree. In the event that the parties wish to continue mediation beyond the initial two hours, Court approval must be obtained.

#### 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 a 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 confidentiality 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

5. 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

1. 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

1. 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

1. In cases where mediation is ordered on the Court’s own motion, the fee charged for the first two (2) hours of mediation services shall be paid by the Court or a Court employed mediator will be utilized. In the event that the parties wish to continue mediation beyond the initial two hours, Court approval must be obtained and costs may be assessed to the parties.
2. In cases where mediation has been requested by the parties and the parties are deemed indigent, the fee charged for the first two (2) hours of mediation services shall be paid by the Court or a Court employed mediator will be utilized. In the event that the parties wish to continue mediation beyond the initial two hours, Court approval must be obtained and costs may be assessed to the parties.
3. In cases where mediation has been requested by the parties and one or more party has been found to have the ability to pay for mediation, the Court will appoint an approved

mediator or use a Court employed mediator. If a non-Court employed mediator is used, the fee charged for mediation services shall be no more than One Hundred Fifty Dollars \$150.00 per hour. In the event that the parties wish to continue mediation beyond the initial two hours, Court approval must be obtained.

4. In cases where mediation has been requested by the parties and all parties have agreed to use a specific mediator who has been approved by the Court, the parties shall determine the mediator's rate, how the cost of mediation is to be assessed, and require the parties to advance the cost of mediation.

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.