

LAKE COUNTY

RULES OF
JUVENILE COURT



MICHAEL L. DELEONE,
JUDGE

I. THE OPERATION OF THE COURT

A. APPLICABILITY

These rules shall pertain to the Juvenile Division of the Lake County Court of Common Pleas, including civil, criminal, delinquent and unruly cases.

B. TERM OF COURT; HOURS; SECURITY

1. **TERM:** The Court shall be in continuous session for the transaction of judicial business.
2. **HOURS:** The office of the Clerk of Court shall be open daily Monday through Friday from 7:45 A.M. to 4:30 P.M.
 - a. **EXCEPTIONS:** The Court shall be in session at such other times and hours as the Judge thereof shall prescribe to meet special situations or conditions.
3. **SECURITY:** The Juvenile Division adopts the Rules on Courthouse Security as promulgated by the Lake County Common Pleas Judges together with the specific security rules for the Juvenile Division filed with the Ohio Supreme Court on July 29, 1995. In addition, the following rules shall be applicable to all individuals conducting business before the Juvenile Division.
 - a. No firearms or weapons are permitted within the Juvenile Justice Center except in accordance with the above described rules.
 - b. All persons entering the Juvenile Justice Center, including elected officials, Court personnel, attorneys, law enforcement and security officers, shall be subject to security screening. Screening shall occur for each visit and each re-entry to the Center regardless of the purpose or the hour. Any person refusing to be screened shall be denied access to the Center.
 - c. The Court reserves the right to expel any person from the Juvenile Justice Center whose conduct disrupts the proceedings before the Court or poses a threat to the security of the Court.

C. ASSIGNMENT OF CASES FOR HEARINGS

1. **TRIAL DATES:** Cases assigned for trial for a specific date may be tried before or after that date.
2. **NOTICE:** The Court will routinely advise the parties of the trial and other hearing dates, but it shall be the responsibility of the parties and their attorneys to keep themselves apprised of all Court dates.
3. **CONTINUANCES:**
 - a. Must be in compliance with Rule 23 of the Ohio Rules of Juvenile Procedure.
 - b. No case assigned for trial may be continued except on written motion, subject to approval of Court.
 - c. Continuances requested based upon a conflict with a case previously scheduled in another Court must include a copy of the prior notice with the date the notice was sent clearly shown.

- d. Counsel requesting a continuance must contact all opposing counsel for approval and note the agreement or denial of same on the motion. Approval of all counsel does not necessarily mean that the Court will grant the request.

II. CLERK OF COURT

A. CLERK'S CUSTODY OF FILES

1. The Clerk of this Court shall not permit original files to be taken from the office by anyone other than Court personnel, unless the same are to be delivered to the Judge or a Magistrate of said Court, or unless removal is authorized, in writing, by the Judge or a Magistrate.
2. a. LEGAL FILES: The Court has general custody of, and authority over its own records and files. No pleadings, documents, depositions, or exhibits shall be removed from the file except by order of the Court. Parties to a cause of action and their attorneys shall have the right to inspect the legal file at all reasonable times. No person except parties or their attorneys shall be permitted to examine the complaint filed in any case, until after service of summons is perfected.
b. SOCIAL FILES: No person, including parties or counsel for either, shall have access to or the right to inspect any social file without written authorization from the Judge or a Magistrate of the Court.
3. When a notice of appeal has been filed in a case, the entire file becomes subject to the exclusive direction and control of the Court of Appeals, and any existing authority to allow removal of any portion of the file is immediately revoked.

B. SECURITY FOR COSTS

1. DEPOSIT FEE SCHEDULE The Court shall determine a Deposit Fee Schedule and shall post such schedule in the Clerk of Court's office.
2. RETURN OF BOND IN CRIMINAL CASES If a defendant has posted bond in a criminal case, the Clerk of Court (prior to releasing such bond) shall determine whether the defendant has paid the Court costs. If the defendant has not paid the Court costs, then unless the defendant is indigent, the Clerk shall deduct the amount of Court costs due from the bond and shall then release the balance to the defendant.

C. SERVICE BY PUBLICATION BY POSTING AND MAIL

In accordance with the provisions of Ohio Rules of Juvenile Procedure #16 (A), service by publication shall be made in all cases by posting and mail.

Posting shall be made on the website of the Lake County Juvenile Court in a section to be designated for such purpose.

The Clerk of Court no longer will perform service by publication in a newspaper. In the event a party should desire such service, it shall be the responsibility of such party to arrange for publication with the newspaper. Upon completion of service by newspaper publication, proof of same shall be submitted to the Clerk

of Court for filing.

D. SPECIAL PROJECTS FEES

Regarding Special Project Fees #4, Pursuant to Ohio Revised Code section 2151.541(A)(1), the Lake County Court of Common Pleas, Juvenile Division, has determined that for the efficient operation of the court, additional funds are required to computerize the court and make available computerized legal research services. Therefore, an additional fee of three dollars (\$3.00) shall be charged on the filing of each delinquency, unruly, traffic, tobacco violation, or other criminal case, civil action, or proceeding.

Regarding Special Project Fees # 2, Pursuant to Ohio Revised Code section 2151.541(B)(1), the Lake County Lake County Court of Common Pleas, Juvenile Division, has determined that for the efficient operation of the court, additional funds are required to computerize the office of the clerk. Therefore, an additional fee of ten dollars (\$10.00) shall be charged on the filing of each delinquency, unruly, traffic, tobacco violation, or other criminal case, civil action, or proceeding.

Regarding Special Project Fees #2, Pursuant to Ohio Revised Code section 2301.031(B)(1), the Lake County Lake County Court of Common Pleas, Juvenile Division, has determined that for the efficient operation of the court, additional funds are required to computerize the office of the clerk. Therefore, an additional fee of ten dollars (\$10.00) shall be charged on the filing of each delinquency, unruly, traffic, tobacco violation, or other criminal case, civil action, or proceeding.

Regarding Special Project Fees #3, Pursuant to Ohio Revised Code section 2303.201(E)(1), the Lake County Court of Common Pleas, Juvenile Division, has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court. Therefore, an additional ten dollars (\$10.00) shall be charged as court costs upon the filing of each criminal cause, civil action or proceeding, or judgment by confession, in order to be used for the hiring and training of court staff, the employment of magistrates, and the training and education of the judge, acting judge, and magistrates, and other related services. This fee shall be in addition to all court costs presently being charged.

Pursuant to Ohio Revised Code section 2303.201(E)(1), the Lake County Court of Common Pleas, Juvenile Division, has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for mediation services provided by the Court, as further set forth in Article XXIII of these Local Rules. Therefore, a fee of sixty dollars (\$60.00) shall be charged as upon the filing of all complaints for the allocation of parental rights and responsibilities, visitation, and companionship.

All monies collected under this Article II, Section D shall be paid to the Lake County Treasurer for deposit into a special projects fund and disbursed upon an order of the Lake County Court of Common Pleas, Juvenile Division and subject to appropriation by the Lake County Board of County Commissioners, in an amount no greater than

the actual cost to the court for the related purposes as set forth in each respective division herein.

III. CASE MANAGEMENT

A. Physical Inventory

Pursuant to Rule 5 of the Rules of Superintendence, a physical inventory shall be performed of all cases pending on or before September 1, 1991, and annually thereafter, which inventory shall:

1. List all open cases.
2. Provide the status of each case.

B. Case Processing Time Tables

1. Traffic Cases

- a. Case filing: All traffic cases must be filed with the Court within one week of the date of issuance.
- b. Plea continuances: Continuance will not extend more than 30 days beyond the date of issuance.
 1. First continuance will not exceed two weeks.
 2. Second continuance will not exceed one week.
- c. Summons
 1. In the event a summons is issued for a plea hearing, such hearing shall be held not later than ten days after the filing of citation.
 2. In the event a summons is issued for failure to appear, such case shall be held seven days from previous Court date.
- d. Pretrial hearing: Cases will be set for pretrial not later than 30 days after date of "not true" plea.
- e. Trial: Cases will be set for trial not later than three weeks after the pretrial.
- f. Motions: All motions will be heard within 30 days from the date of filing.

2. Unruly and Delinquency Cases

- a. For those cases where alleged unruly or delinquent offenders are held in the detention center, a plea hearing shall be held the following day.
- b. All other unruly and delinquency cases will be set for plea hearing not later than 30 days after the date of filing.
- c. Pretrial hearing: Case will be set for pretrial not later than 30 days after date of "not true" plea.
- d. Motions: All motions will be heard within 30 days from the date of filing.
- e. Adjudication: Case will be set for adjudicatory trial not later than three weeks after the pretrial.
- f. Dispositional hearing: The dispositional hearing will be set not later

than 90 days after the plea hearing.

3. Dependent, Neglect and Abuse Cases

- a. Seventy-two hour hearing: When a child is removed from home, hearing shall be held within 72 hours (working days) of filing.
- b. Adjudication: Cases shall be set for adjudicatory hearing not later than 30 days after the date of filing.
- c. Case plan review: Case plan review hearing to be set not later than 30 days after adjudication.
- d. Termination hearing: Shall be held not later than one year after removal of child from home, or Court orders, whichever comes first.
- e. Motion to extend
 1. Temporary commitments: Hearing on motion shall be held within 30 days of filing, but before termination date.
 2. Protective supervision: Hearing on motion shall be held within 30 days of filing, but before termination date.

4. Contributing Cases

- a. Arraignment: An arraignment will be held not later than 30 days from the date of filing.
- b. Pretrial hearing: Cases will be set for pretrial not later than 30 days after date of "not guilty" plea.
- c. Trial: Case will be set for trial not later than three weeks after the pretrial.
- d. Motions: All motions will be heard within 30 days from the date of filing.
- e. Sentencing hearing. A sentence hearing will be held not later than 30 days from the acceptance of a guilty plea or a finding of guilty.

5. Parent/Child Relationship Cases, Custody and Nonsupport Cases

- a. Attorneys, as instructed by the Court, shall submit a Journal Entry not later than 30 days after the date of hearing.
- b. Clerk's office shall record the due date and assure compliance.
- c. Local rules of General Division for civil cases apply regarding pretrial and trial procedure.

C. Visiting/Retired Judges

With the consent of the Supreme Court of Ohio and after receipt of the appropriate judicial assignments, visiting/retired judges may preside over special dockets in order to insure compliance with case management docket time frames.

IV. A. CIVIL CASES

The Juvenile Division will conduct all civil cases strictly in accordance with the Ohio Rules of Civil Procedure without regard to rules of any other Court or Division having concurrent jurisdiction.

B. DOMESTIC RELATIONS CASES

The Juvenile Division recognizes and will accept forms and documents filed pursuant to the Rules of the Lake County Common Pleas Court, Domestic Relations Division, and adopts said Rules relative to the domestic relations cases certified to it, except that discovery shall be enforced pursuant to the Civil Rules.

V. PARENTING TIME/VISITATION RIGHTS

The Juvenile Division of the Lake County Court of Common Pleas hereby adopts the following parenting time schedules applicable to all cases involving custody and parenting time within this Division, whether initiated herein or certified by the Domestic Relations Division. When in the children's best interest, the parties may agree to a different schedule. The Court may order a unique schedule as dictated by the child(ren)'s best interest.

Parenting time with child(ren) shall be at a minimum as follows:

For children from birth to age 6 months: two (2) periods of 3 hours and one (1) period of 8 hours spaced throughout each week: Tuesday, Thursday, and Saturday unless otherwise agreed by the parties. If the parents cannot agree on the days and times, the parenting time shall be Tuesdays and Thursdays from 5:00 P.M. to 8:00 P.M., and Saturday from 10:00 A.M. to 6:00 P.M.

For children from 6 months to age 12 months: two (2) periods of 3 hours and one overnight spaced throughout each week: Tuesday, Thursday, and Saturday unless otherwise agreed by the parties. If the parents cannot agree on the days and times, the parenting time shall be Tuesdays and Thursdays from 5:00 P.M. to 8:00 P.M., and Saturday from 3:00 P.M. until Sunday at noon.

For children 13 months and older:

WEEKENDS: Alternating weekends from Friday at the time of release from school or extracurricular activities until Sunday at 7:00 P.M. If the parties cannot agree to the time on Friday, it shall be 5:00 P.M.

MIDWEEK: In addition to weekends, the child(ren) shall spend a minimum of one (1) day with the non-residential parent from the time of school release or extracurricular activities until 8:00 P.M. If the parents cannot agree on the day of midweek parenting time, it shall be on Wednesday. If the parties cannot agree to the time that the midweek visitation shall commence, it shall be 5:00 P.M.

DAYS OF SPECIAL MEANING:

Mother’s Day and mother’s birthday shall always be spent with mother. Father’s Day and father’s birthday shall always be spent with Father. If the parties cannot agree, the time shall be 10:00 A.M. until 8:00 P.M. if the birthday falls on a non-school day, and from the time of release from school or extracurricular activities until 8:00 P.M. if the birthday falls on a school day.

The child(ren)’s birthday shall be spent with the mother in even numbered years and with the father in odd numbered years. If the parties cannot agree, the time shall be 10:00 A.M. until 8:00 P.M. for children not in school on the birthday and from the time of release from school or extracurricular activities until 8:00 P.M. for children in school on the birthday. The child(ren)’s brothers and sisters shall attend the birthday event when they are not in school.

HOLIDAYS: If not changed by agreement, the holiday times shall be as follows:

HOLIDAY	EVEN NUMBERED YEARS	ODD NUMBERED YEARS	TIME PERIOD
Easter	Father	Mother	10:00 A.M. until 7:00 P.M.
Memorial Day	Mother	Father	9:00 A.M. until 9:00 P.M.
July 4 th	Father	Mother	9:00 A.M. until 10:30 P.M.
Labor Day	Mother	Father	9:00 A.M. until 9:00 P.M.
Thanksgiving	Father	Mother	9:00 A.M. until 9:00 P.M.
Christmas Eve	Mother	Father	10:00 A.M. on 12/24 until 10:00 A.M. on 12/25
Christmas Day	Father	Mother	10:00 A.M. on 12/25 until 10:00 A.M. on 12/26
New Year’s Eve/Day	Mother	Father	5:00 P.M. on 12/31 until 11:00 A.M. on 1/1
New Year’s Day	Father	Mother	11:00 A.M. until 7:00 P.M.
Spring Break	Mother	Father	School release until the Sunday prior to school resuming at 7:00 P.M.

The parent having possession on Christmas Day shall retain possession during the second half of the winter school break and the other parent shall have possession during the first half of the winter school break.

If the child(ren) are not of school age, the extended possessory periods shall be determined from the school calendar of the district where the residential parent resides.

If the parent has parenting time on a weekend immediate preceding his/her designated Monday holiday, the possession time shall be extended overnight on Sunday through the holiday period.

SUMMER VACATION: Each parent is entitled to four (4) weeks of uninterrupted summer parenting time each year to be scheduled in two (2) two (2) week uninterrupted periods. Parents are to arrange the summer schedule no later than May 15th each year. If there is a conflict between the parties as to the dates of summer parenting time, the nonresidential parent's dates shall be given priority.

PRECEDENCE: The summer vacation periods and holiday rotations shall take precedence over the weekend and midweek parenting times.

TRANSPORTATION: The person who is receiving the child(ren) shall be responsible for transportation.

COURT ORDERS: The aforementioned schedule shall appear in every Court Order which also disposes of a child support order and/or the allocation of parental rights and responsibilities, unless the parties jointly agree to a different schedule. The Court shall deviate from this schedule when in the children's best interest.

VI. ORAL HEARINGS

A. MOTIONS

Pursuant to Rule 19 of the Juvenile Rules and Rule 7 (B)(2) of the Civil Rules, it shall be the policy of this Court that all Motions shall be considered and decided without oral hearing unless one of the parties requests such hearing, or the Court determines that a hearing would be advisable. Motions will be decided upon brief written statements of reasons in support thereof and opposition thereto.

B. OBJECTIONS TO MAGISTRATE'S DECISIONS

1. Objections shall be considered and decided without oral hearing unless one of the parties requests such hearing, and for good cause shown, or the Court determines that a hearing would be advisable. Oral argument, if it is to occur, shall be set after all briefs have been filed, or the time for filing has expired.
2. The Court may, upon its own motion or written motion, and at such times as appropriate, determine factual objections by reviewing the audio or video tape of the proceeding. If the Court determines that the use of audio or video tape is appropriate, copies of such tapes shall be provided to all counsel.

VII. MEDIA ATTENDANCE

Pursuant to Rules 27 and 37 of the Ohio Rules of Juvenile Procedure, and to the Ohio Revised Code, all Juvenile Court proceedings and records are within the control of and subject to the discretion of the Judge. This rule, therefore, may be amended, changed or overridden on a case by case basis when, in the discretion of the Court, the best interest of the child requires more stringent or total confidentiality.

Notwithstanding the above, it shall be the general procedure of this Court that the media may attend all cases in which there is an allegation of delinquency or unruliness, subject to the following conditions:

1. No media representative shall report the name of the accused child or otherwise identify the child or the child's family.
2. No media representative shall report the name of any victim if such victim is under the age of eighteen (18) years, nor shall they otherwise identify the victim or the victim's family.
3. No information shall be published relative to the child's social history, personal or educational background, or mental or physical condition, or that of the child's family, without prior consent of the Court.
4. The media shall advise the Court, in advance, if they intend to record the proceedings in any manner, other than written notes. If the recording is to be audio or visual, then the voices and faces of anyone under age eighteen (18) will be distorted, or blacked out, so that identification is impossible.
5. Due to the potential confidential nature of the proceedings, all media representatives wishing to be admitted must arrive at the hearing room prior to commencement of the hearing, and present proper identification.
6. Any media representatives wishing to attend hearings as set out above will be required to sign in, which signature will indicate their agreement to abide by the above provisions.

This rule is specifically inapplicable to cases of abuse, neglect or dependency, which cases shall be determined separately after a hearing is held pursuant to the rulings of the Supreme Court of Ohio.

VIII. TIME LIMITS FOR REIMBURSEMENT OF COUNTY EXPENDITURES FOR ASSIGNED COUNSEL

In order for the County to be reimbursed for assigned counsel expenditures, invoices for such services must be submitted within ninety (90) days of the end of the calendar month in which the case was terminated. In order to meet those guidelines, the Juvenile Court of Lake County must have the invoices for such services within eighty (80) days of the end of the calendar month in which the case was terminated.

Any invoices submitted beyond this deadline will mean that the County cannot be reimbursed for such fees and, therefore, the fees approved will automatically be reduced by forty percent (40%), which is equal to the amount of reimbursement lost.

This Rule is not to be interpreted as in any way limiting the ability of assigned counsel to file interim billings.

IX. ELECTRONIC FILING STANDARDS

A. FILINGS BY ELECTRONIC TRANSMISSION

1. The provisions of this local rule are adopted under Rule 8 of the Ohio Rules of Juvenile Procedure, subject to the provisions and exceptions set out below.
2. Pleadings and other papers may be filed with the Clerk of the Juvenile Court by facsimile transmission to 440-350-2724 or email to Juv_electronicfiling@lakecountyohio.gov
3. These rules apply to all proceedings in the Lake County Juvenile Court.
4. No email filing shall exceed 10 MB in size. All pages of a document must be fully contained in a single email attachment. All documents electronically filed by email shall be submitted in

Portable Document Format (PDF) format, paper size 8.5 x 11 inch, and in portrait layout mode. When more than one document is contained within a single email, each document shall be a separate, readily identifiable attachment.

B. ORIGINAL FILING

1. A document filed by fax or email shall be accepted as the effective original filing. The person making a fax or email filing need not file any source document with the Clerk of Court, but must, however, maintain in his or her records and have available for production on request by the Court the source document filed by fax or email, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile or email cover sheet used for the subject filing.
2. The source document filed by fax or email shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

C. EXCEPTIONS

1. Facsimile or email filing of Complaints in delinquency and unruly cases shall be accepted only when an emergency exists requiring an immediate hearing and no officer is available to deliver the original Complaint. The Court will accept such facsimile or email filing upon the condition that an original shall be filed within twenty-four hours.
2. In the event an original signed pleading is not received in delinquency or unruly cases, within the twenty-four-hour period, then the facsimile or email filing shall be considered null and void and will be dismissed sua sponte.

D. DEFINITIONS

As used in these rules, unless the context requires otherwise:

1. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
3. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4. "Email" means a message distributed by electronic means from one computer user to one or more recipients via a network or is a method of exchanging digital messages from an author to one or more recipients.

E. COVER PAGE

1. The person filing a document by fax or email shall also provide therewith a cover page containing the following information (see sample cover page form attached):
 - a. Name of the Court;
 - b. Title of the case;
 - c. Case number;
 - d. Name of the Judge;
 - e. Title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendant's Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss);
 - f. Date of transmission;
 - g. Transmitting fax number or email address;
 - h. An indication of the number of pages included in the transmission, including the cover page;
 - i. If a case number has not been assigned, state that fact on the cover page;
 - j. Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax or email document if available; and
 - k. If applicable, a statement explaining how costs are being submitted.
2. If a document is sent by fax or email to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:
 - a. Enter the document in the Case Docket and file the document;
or
 - b. Deposit the document in a file of failed faxed or emailed documents with a notation of the reason for the failure; in this instance, the document *shall not* be considered filed with the Clerk of Court.
 - c. The Clerk of Court is not required to send any form of notice to the sending party of a failed fax or email filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax or email filing.

F. SIGNATURE

1. A party who wishes to file a signed source document by fax or email shall either:
 - a. Fax or email a copy of the signed source documents; or
 - b. Fax or email a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document
 - c. A party who files a signed document by fax or email represents that the physically signed source document is in his/her possession or control.

G. EXHIBITS

1. Each exhibit to a facsimile or email produced document that cannot be accurately transmitted via facsimile or email transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) Court days following the filing of the facsimile or email document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g. Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court. (See sample exhibit cover sheet attached.)

H. TIME OF FILING

1. Subject to the provisions of these rules, all documents sent by fax or email and accepted by the Clerk shall be considered filed with the Clerk of Court as of the date and time the fax or email transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile or email transmission of documents on the basis of 24 hours per day, seven days per week, including holidays. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk.

2. Fax or email filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court or emailed to Juv_electronicfiling@lakecountyohio.gov

I. RISK OF TRANSMISSION

1. The risks of transmitting a document by fax or email to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile or email filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.
2. The Clerk of Court may, but need not, acknowledge receipt of a facsimile or email transmission.

J. BLURRED OR SEMI-CLEAR FILINGS

1. In the event a fax or email filed document or page thereof is received in a blurred or semi-clear state, the Clerk shall notify the filing party immediately upon receipt thereof. If the filing party is able to clarify the document, either by retransmitting or filing an original on the same date, such clarification shall be accepted without further action.
2. If the filing party cannot clarify the document as set out in paragraph (J) (1), it shall be the filing party's sole responsibility to contact the Court to resolve the issue.

K. FILING FEE

1. Any document filed by fax or email that requires a filing fee may be rejected by the Clerk of Court unless the filer has established a mechanism for payment of filing fees with the Clerk of Court prior to the transmission.
2. No additional fee shall be assessed for facsimile or email filings.

L. LENGTH OF DOCUMENT

Facsimile or email filings shall not exceed twenty pages in length. Service copies shall not be transmitted by facsimile or email, unless otherwise provided for by the Ohio Rules of Civil Procedure or Juvenile Procedure.

M. EFFECTIVE DATE

These local rules shall be effective April 1, 2005, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the Court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

JOHN SMITH, Plaintiff,

V.

Case No.: 1234567

BILL JONES, Defendant.

Judge _____ *(in the alternative a notation here that the case is not yet assigned)*

PLAINTIFF SMITH'S NOTICE OFFILING EXHIBIT "G"
TO
PLAINTIFF SMITH'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss. The referenced pleading was filed by electronic transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted electronically and is therefore being timely filed as a separate document with the Court pursuant to Local Rule XX.X.

Respectfully Submitted,

Attorney Name (Sup. Ct. Reg. No.)
Office/Firm
Address
Telephone
Facsimile
E-mail

Counsel for Plaintiff John Smith

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Filing Exhibit "G" was sent by ordinary U.S. mail on [date] to counsel for defendant Bill Jones, [name and address of recipient].

Attorney Name
Counsel for Plaintiff John Smith

FACSIMILE FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: _____

FAX NUMBER: _____

EMAIL ADDRESS: _____

SENDING PARTY INFORMATION:

NAME: _____

SUPREME COURT REGISTRATION NO. (if applicable): _____

OFFICE/FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER*: _____

TITLE OF THE DOCUMENT: _____

JUDGE*: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED, IF APPLICABLE:

* If a judge or case number has not been assigned, please state that fact in the space provided

X. PATERNITY DETERMINATIONS

In order to prevent dire consequences resulting from determinations of paternity entered by this Court, findings of paternity will not be made unless the parties have submitted to genetic testing prior to such finding, or have been ordered to submit to such testing and have refused. The Court reserves the right to grant exceptions to this Rule, for good cause, in extreme circumstances.

XI. STANDARDS OF PRACTICE

A. For Representation of Parents in Abuse and Neglect Cases:
The Lake County Juvenile Court adopts the American Bar Association Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases, all as attached hereto as Exhibit "A".

B. For Representation of Juveniles in Delinquency Cases:
The Lake County Juvenile Court adopts the Ohio Public Defender's Standards of Practice for Attorneys Representing Juveniles in Delinquency Cases, all as attached hereto as Exhibit "B".

XII. DIGITAL SIGNATURES OF THE JUDGES AND MAGISTRATES OF THIS COURT

- A. Digital signatures of the Judges and Magistrates of this Court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and orders issued by this Court. Digital signatures issued in accordance with this rule shall have the same force and effect as a manual signature by the signatory.
- B. Digital signature means a signature that consists of one or more unique letters, characters, numbers or other symbols incorporated in, attached to or associated in an electronic document and intended by the party using it to have the same force and effect as the use of a manual signature. Digital signatures utilized by this Court shall be subject to the following procedure:
 - 1. The digital signature creation data shall at all times be under the control of the signatory.
 - 2. The digital signature created by the digital signature creation data shall be capable of verification as authentic by the Court.
 - 3. The digital signature shall be linked to the data in the electronic document to which it pertains in such a manner so as to assure that if the data are changed after the digital signature is entered, the digital signature shall be invalidated. Such invalidation shall be readily detectable in both the digitally stored signed document and in any paper copy of that document generated from the digitally stored data.

XIII. PROTECTION OF PERSONAL AND PRIVATE INFORMATION IN RECORDS OF THE COURT

The following information is deemed "personal and private" and may not be included in a public record:

1. Social Security number;
2. Full financial account number (it may be listed as “ ----- 1234”); and
3. Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of this Court. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings, such as preliminary and final judicial reports which itemize state tax liens that use Social Security numbers as case numbers, or medical records.

The Clerk and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Clerk’s office of the Juvenile Court.

Personal and private information must be submitted in a separate filing which will be deemed by the Court as a non-public record. The information will be kept in a separate envelope within the case file marked as follows:

The enclosed personal and private information has been deemed by the Court as non-public. It is for the use of the Court, the attorneys of record listed in the case, and the Clerk of Court’s office only. Any other person must have a Court order to view the contents of this envelope.

Journal entries that necessarily include personal and private information must be submitted to the Clerk’s office as follows: a copy that includes the personal and private information for placement in the non-public envelope, and a copy with personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) will have the notation “personal and private information redacted” at all places in the document where such information was removed. The Court will sign both journal entries.

The Clerk will not remove any personal and private information from a stamp-filed document, including records or transcripts transmitted to this Court from another Court, without a Court order to do so. The Clerk may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this order.

Any personal and private information in documents filed prior to the implementation of this rule is considered public. Any personal and private information in records or transcripts transmitted to this Court from another Court is considered public. A party or an attorney in a case, or any other person whose personal and private information is contained in a public record of this Court, may petition the Court for the removal of personal and private information, and if the request is granted, the personal and private information will be removed from a stamp-filed document and placed in a separate envelope and deemed a non-public record.

All public documents filed with the Clerk of Court’s office may be imaged and be placed on the Court’s website for viewing.

XIV. JUVENILE TRAFFIC VIOLATIONS BUREAU

- A. Pursuant to Traf R 13.1, the Court hereby establishes a juvenile traffic violations bureau to be operated in the manner prescribed by Traf R 13 and 13.1, and as presented herein.
- B. The Judge of the Juvenile Division of the Lake 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. The violations bureau shall accept appearance, waiver of adjudicatory hearing, plea of admit, and payment of fines and costs for offenses within its authority. The violations bureau shall be responsible for the receipt of and accounting for all fines and costs levied through the juvenile traffic violations bureau.
- C. All juvenile traffic offenses may be disposed of by the juvenile traffic violations bureau, except the following juvenile traffic offenses require an appearance before the Court for adjudication:
1. offenses that would be indictable if committed by adult;
 2. a violation of R.C. 4511.19 (A) or (B), or similar municipal ordinance;
 3. leaving the scene of an accident;
 4. driving while under suspension or revocation of an operator's license;
 5. driving without being licensed to drive;
 6. failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
 7. willfully eluding or fleeing a police officer;
 8. drag racing;
 9. traffic violations that are listed in R. C. 4510.31 (A), or any municipal ordinances similarly relating to the offenses referred to in that section;
 10. a second or subsequent moving offense;
 11. an offense that involves an accident;
 12. an offense that involves speed in excess of 20 MPH over the speed limit;
 13. an offense that involves speed in excess of the speed limit in a school zone;
 14. any traffic offense, otherwise eligible to be disposed of by said violations bureau, that the court, in its discretion, determines should not be disposed of by said violations bureau.
- D. Upon determination by the violations clerk or a duly appointed deputy clerk that a mandatory court appearance is not required, an alleged juvenile traffic offender may elect to proceed without a formal court appearance by either:
1. Appearing personally at the court, accompanied by a parent, guardian, or custodian no later than the deadline date shown on the court notice and entering an admission in writing to the offense charged by signing the appropriate Admission and Waiver form available at the violations bureau. The Admission and Waiver form must also be signed by the parent, guardian or custodian. Upon said admission and waiver, the child or his/her parent must pay the fines and court costs imposed in accordance with the schedule of fines and costs established by the Court; or

2. The child and the child's parent, guardian or custodian signing the Admission and Waiver form and returning the completed form and a check or money order for the total amount of the fines and costs assessed by the court in accordance with the schedule of fines and costs to the juvenile traffic violations bureau no later than the deadline date shown on the court notice.
- E. The waiver shall constitute an admission of the facts alleged in the traffic citation. The waiver shall further constitute a waiver of the right to an adjudicatory hearing, the right to remain silent, the right to cross-examine witnesses against the offender, the right to present witnesses and other evidence in the offender's defense, the right to counsel, and the right to appeal the finding of True.
 - F. If payment in full is not tendered at the time of the entry of admission, then the bureau shall NOT accept the admission and a court appearance shall be required.

XV. ELECTRONIC NOTIFICATION

- A. All Hearing Notices provided by the Court to attorneys shall be issued by way of electronic mail (e-mail), except for good cause shown. Judgment Entries, Magistrate's Decisions and Magistrate's Orders may be issued by way of e-mail, at the discretion of the Court. Attorneys are responsible for ensuring that the Court has their updated e-mail address, and shall cause their e-mail address to appear within their signature block on all filings. Attorneys are responsible for notifying their clients of the date and time of all hearings.

XVI. JUVENILE COMPETENCY

General Purpose:

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

Expedited Hearings:

Juvenile competency proceedings shall be scheduled and heard on an expedited basis.

Notice:

Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the juvenile's attorney, the juvenile's Guardian ad Litem and the juvenile'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.

Stay of Proceedings:

Upon the filing of a motion for determination regarding a juvenile'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 juvenile is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the juvenile attains competency or the proceeding is dismissed.

XVII. USE OF ELECTRONICALLY PRODUCED TICKETS/CITATIONS

The use and filing of a ticket/citation that is produced by a computer or other electronic means is hereby authorized in the Lake County, Ohio Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket, except that the provision of the rule relative to the color and weight of paper and method of binding shall not be applicable to any ticket/citation that is produced by a computer or other electronic means. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the juvenile or defendant with a paper copy of the ticket. A law enforcement officer who files a ticket electronically, and electronically affixes the officer's signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issues pursuant to law.

XVIII. USE OF PHYSICAL RESTRAINT

- A) Physical restraint of any juvenile appearing in any court proceeding shall occur only as follows:
- i) Upon the request of any party(as defined in Juv. R. 2(Y)), any staff member of the Lake County Juvenile Court including the Hearing Officer, or any law enforcement officer, the Court shall conduct a hearing prior to or at the commencement of the scheduled proceeding, to determine whether or not the use of physical restraints is necessary during the Juvenile's hearing.
 - a. During the Physical Restraint Hearing, the Court shall determine the following:
 - i. Whether or not the Juvenile represents a current and significant threat to the safety of other persons in the courtroom.
 - ii. Whether or not there a significant risk that the child will flee the courtroom.
 - iii. Whether or not there is a least restrictive alternative to the use of physical restraints.
- B) If the Court determines the utilization of physical restraints is necessary during the Juvenile's court appearance, the court shall determine whether leg restraints only, wrist restraints only, or both, are necessary to reduce the risk to persons or flight.
- C) This rule applies only to court appearances. The transportation of juveniles from the detention facility to the courtroom or from the courtroom to the detention facility is not affected by this rule.

XIX. Guardian ad Litem Compensation

A Guardian ad Litem appointed to a case involving an allocation of parental rights and responsibilities, custody, parenting time, companionship, or visitation rights shall be

compensated at the rate of \$150.00 per hour for all reasonable and necessary time expended.

A Guardian ad Litem appointed to a private filing of a case involving abuse, neglect, or dependency shall be compensated at the rate of \$150.00 per hour for all reasonable and necessary time expended.

XX. Comments and Complaints regarding Guardians ad Litem

Comments and complaints regarding a Guardian ad Litem shall be submitted to the Director of Administration. The Director of Administration shall provide a copy of the comment or complaint to the Guardian ad Litem and forward the same to the Judge. The Guardian ad Litem will have 14 days to respond to the comment or complaint.

The Judge will issue a timely disposition of the comment or complaint. The Director of Administration shall notify the person making the comment or complaint and the Guardian ad Litem of the disposition.

The Director of Administration shall maintain a written record in the file of the Guardian ad Litem regarding the nature and disposition of the comment or complaint.

XXI. Appearance, Withdrawal, or Substitution of Counsel

Appearance: An attorney who is retained by a party in any proceeding pending in this Court shall enter his/her notice of appearance as counsel of record on behalf of said party. Said notice of appearance shall be filed with the Court and served upon all parties or attorneys of record.

Withdrawal: After entering an appearance as counsel, no attorney shall be relieved of his/her responsibility as counsel of record unless:

1. Counsel timely files a written motion with the Court stating the grounds for withdrawing from the case, together with a proper certification that counsel has notified the client of the withdrawal, notified the client of all subsequent hearing dates and the necessity for attendance at those hearings, and has sent notice to opposing counsel, or party if unrepresented, of the withdrawal, and;
2. The Court grants the motion.

Substitution of counsel of record: An attorney entering a case, on behalf of a party who has had previous representation in the action, shall do so by written notice of substitution of counsel filed with the Clerk of Court and proper certification to all parties/attorneys of record, unless the attorney entering the case is employed by the same firm as the party's current attorney.

XXII. Pretrial Orders--Witness and Exhibit Lists

Witness Lists

Counsel or self-represented parties shall submit to the opposing party or counsel a list of names and addresses of all witnesses, including expert witnesses, expected to be called during the trial or motion hearing. A copy of the list shall be filed with the Clerk of Court. Unless otherwise

ordered by the Court, witness lists shall be exchanged no later than fourteen (14) days prior to the trial or motion hearing.

No party shall be permitted to call any witness, except the parties or rebuttal witnesses, whose name was not included on the witness list, unless good cause can be shown or the Court determines that allowing the witness to testify serves the interests of justice.

No expert witness shall be permitted to give opinion testimony unless a copy of the expert's report has been provided to the opposing party or counsel no later than fourteen (14) days prior to trial.

Exhibit Lists

Counsel or self-represented parties shall submit to the opposing party or counsel:

A list of exhibits expected to be introduced during the trial or motion hearing,

Copies of all exhibits to be used at trial or motion hearing with Plaintiff's marked with numbers beginning with "1" and Defendant's marked with letters beginning with "A",

Copies of any reports and curriculum vitae of any expert witness expected to testify.

A copy of the list shall be filed with the Clerk of Court.

Unless otherwise ordered by the Court, exhibit lists shall be exchanged no later than fourteen (14) days prior to the trial or motion hearing.

Exhibits shall not be filed with the Clerk's Office.

No party shall be permitted to introduce any exhibit that was not included on the Exhibit List, unless good cause can be shown or the Court determines that allowing the introduction of the exhibit serves the interests of justice.

XXIII. MEDIATION

- A. All provisions of R.C. Chapter 2710, the "Ohio Uniform Mediation Act," including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this Court through this local rule.
- B. All cases involving the allocation of parental rights and responsibilities for the care of a child shall be eligible for mediation pursuant to this local rule.
- C. Except as otherwise provided in R.C. 2710.05, all mediation communications, as defined in R.C. 2710.01(B), are privileged and are generally not subject to discovery or admissible as evidence in a proceeding, in accordance with R.C. 2710.03. The Court Mediator shall explain all provisions regarding confidentiality and privilege of mediation communications to the participants prior to engaging in mediation.
- D. Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify, or terminate a protection order; in

determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order. Nothing in this local rule shall prohibit the use of mediation in a subsequent custody case, even though the case may result in the termination of the provisions of a protection order pursuant to R.C. 3113.31.

E. The Court Mediator will maintain information for the public and Court personnel as appropriate. The information will include: 1) attorney referral contact information; 2) information regarding Children Services; and 3) resource information for local domestic violence support services, counseling, and substance abuse and mental health services. The Court Mediator shall provide such information as appropriate to the participants of mediation.

F. Procedure

1. The Judge or Magistrate may refer or order a case to mediation or to return to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.
2. Prior to referring a case to mediation, the Court shall screen for drug abuse, domestic abuse and domestic violence, and for the capacity of the parties to mediate. Specifically in regard to domestic abuse and domestic violence, the Court shall consider whether any of the following apply to the case:
 - a. Whether either parent previously has been convicted of or pleaded guilty to a violation of R.C. 2919.25 involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding.
 - b. Whether either parent previously has been convicted of or pleaded guilty to an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense.
 - c. Whether either parent has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child.

In such cases, the Court may schedule a Mediation Screening Hearing. The Court may only refer the case to mediation if it determines that it is in the best interests of the parties to order mediation and makes specific written findings of fact to support its determination. In all cases, the Court Mediator shall be under a continuing obligation to screen for drug abuse, domestic abuse and domestic violence, and for the capacity of the parties to mediate during the mediation.

3. The Court Mediator will give notice to all parties and their attorneys, if any, of the time, date, locations, and means (electronic or in person) in whatever manner is appropriate given time constraints and other considerations. A mediator may schedule multiple mediation sessions as is necessary in a case.
4. Once a case has been referred to mediation, the proceedings shall be stayed until and unless the Court Mediator notifies the Court that the Mediation has been unsuccessful and has been terminated, and the matter is referred to the Court for formal action.
5. Parties who are ordered into mediation must attend scheduled mediation sessions and proceed in good faith. Attendance by counsel is encouraged but optional. Other individuals designated by a party may attend and participate in mediation upon the prior written approval of the Mediator and provided that such attendance or participation does not jeopardize the mediation process. In any case where a Guardian ad litem has been

appointed, the Guardian must attend mediation. 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 or Magistrate. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined.

6. Each party may submit to the Court Mediator a summary of facts and circumstances of the dispute together with any arguments in support of their case. Parties shall provide any additional information or material which they believe will aid the mediator in understanding the dispute or which the Court Mediator requests relevant to the issues at hand.
7. The Court Mediator may schedule such sessions as are necessary to complete the mediation process and the process shall continue until terminated by resolution or the mediator determines that continuation of the mediation procedure would be futile. Upon conclusion of the mediation, the Court shall be informed as follows:
 - a. If the mediation reaches an impasse, the Court Mediator should report the lack of an agreement to the Court without comment or recommendation, unless there are specific issues upon which the parties agree and the parties agree in writing to submit their agreement on such issues to the Court without fully resolving the case. In such cases, the issues upon which the parties agree shall be reduced to writing and signed by the parties. In either case, the matter will be referred to the Court for further hearing; or
 - b. If an agreement is reached, the agreement shall be reduced to writing and signed by the parties, and an appropriate judgment entry reflecting the settlement shall be submitted to the Court for approval. If an attorney is not present at the mediation conference and the parties reach an agreement, the attorney will be sent a copy of the proposed mediation agreement by the Court to review prior to the client signing the agreement. If the agreement is approved by the parties and attorneys, the Court shall either hold a confirmation hearing to approve the terms of the agreement or adopt a Judgment Entry submitted by the parties for the Court's review and approval. If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.

G. Mediation Costs

The Judge or Magistrate may assess mediation court costs for the actual costs of mediation incurred by the parties as permitted by law.

- H. It is the policy of the Court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible that maintains the trust and confidence of the people. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of the Court Mediator to the Court Administrator.