

FILED

DEC 30 2024

IN THE COMMON PLEAS COURT OF VAN WERT COUNTY, OHIO
JUVENILE DIVISION

KEVIN H. TAYLOR
PROBATE/JUVENILE JUDGE
VAN WERT CO. OHIO

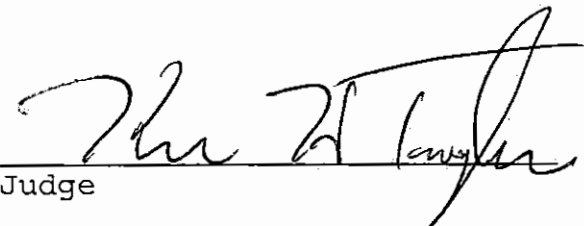
IN RE: ADOPTION OF
LOCAL RULES OF THE COURT

ADMINISTRATIVE ORDER

The Van Wert County Common Pleas Court, Juvenile Division, hereby adopts the Local Rules of Practice, attached hereto, effective January 1, 2025.

These rules supersede any other rules previously adopted as Uniform Rules of the Juvenile Division of the Common Pleas Court of Van Wert County, Ohio, and the same as repealed.

It is so ordered.



Judge

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DEC 30 2024

KEVIN H. TAYLOR
PROBATE/JUVENILE JUDGE
VAN WERT CO. OHIO

COURT OF COMMON PLEAS
JUVENILE DIVISION
VAN WERT COUNTY, OHIO

LOCAL RULES OF PRACTICE

Effective January 1, 2025

KEVIN H. TAYLOR, Judge

108 E. Main Street
Van Wert, Ohio 45891
Phone: (419) 238-1118 Fax: (419) 238-7315

<https://vwprobjuvcourt.com/homeJU.php>

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LOCAL RULE 1

ADOPTION AND AMENDMENT OF RULES

The Van Wert County Juvenile Court hereby adopts the following rules of practice pursuant to authority under Article IV, Section 5(B) of the Ohio Constitution, Rule 45 of the Ohio Rules of Juvenile Procedure; Chapters 2151 and 2152 of the Ohio Revised Code, and Rule 5 of the Rules of Superintendence for the Court of Ohio. These rules are effective January 5, 2015, as amended on January 1, 2025, and may be amended from time to time as necessary and shall supersede any prior published rules of court.

LOCAL RULE 2

HOURS

The Juvenile Court and its office shall be open for the transaction of business from 8:30 A.M. to 5:00 P.M. Monday, and 8:30 A.M. to 4:00 P.M., Tuesday through Friday.

The Juvenile Court shall be closed on Saturday, Sunday, Legal Holidays (as designated by the County Commissioners), and at such times as the Judge deems necessary and proper.

If the court is closed due to an emergency, all filings due on that date shall be considered timely if filed the next open business day. If business hours are reduced due to budget constraints, or if the office is closed an entire day, then any filings due on that date shall be considered timely if filed the next open business day.

LOCAL RULE 3

CONDUCT IN THE COURT

1. **Proper Decorum.** Proper decorum in the court is necessary to the administration of the court's function. Any conduct that interferes with or tends to interfere with the proper administration of the court's business is prohibited.
2. **Recording Proceedings.** No person in the Courthouse shall use a radio device, television transmission device, or a voice recording device (other than a device used by a court reporter making a record in the proceeding). No person shall take pictures or video without the express consent of the Court in advance and pursuant to Sup. R. 12 and Local Rule 12.
3. **Prohibited Items.** Food and beverages are prohibited in the courtroom during all hearings, except for water with the consent of the Judge or Magistrate. Smoking and/or vaping is prohibited throughout the building at all times.
4. **Cell Phone Use.** Upon entering the courtroom, all persons, including counsel, shall discontinue all cell phone use and cell phones are to be on a setting that will not emit a sound during the proceedings. Cell phones may only be used at the direction of the Judge or Magistrate and may not distract from Court proceedings. Cell phones may not be used to record the proceedings and may not be used to take photographs during the proceedings.
5. **Conduct.** All parties and all attorneys shall appear on time to any hearing scheduled in their case and shall be prepared to conduct the business of that hearing.
6. **Notifying the Court When Party or Counsel Will Be Late.** When a party or counsel is going to be late for a hearing, all reasonable efforts shall be made to notify the Court as soon as practical to explain the reason and provide an anticipated time of appearance.
7. **Courtroom Attire.** All persons appearing in court shall have appropriate attire. The Judge or Magistrate shall have sole discretion to determine inappropriate attire. All parties and all attorneys shall dress in a manner respectful of the proceedings of the Court and all other participants. An offending party may be asked to return later, and the Court may assess court costs (including counsel fees) to the offending party. This rule shall not apply if a person is detained by law enforcement and is appearing at an immediate hearing.

LOCAL RULE 4

RECORDS

1. **Probation Reports.** Probation reports and records of the probation department shall be considered confidential information and shall not be made public. The inspection of probation records shall be limited to those authorized pursuant to R.C. 2151.14, or by Court Order. A party wishing to inspect probation records must file a motion with the Court.
2. **Maintenance of Official Cases.** The records of official cases shall be maintained as provided by law (R.C. 2151.18, Sup. R. 26 and Sup. R. 44-47) and as provided by local rules of this Court.
3. **Court Records.** Case documents as defined by the Ohio Rules of Superintendence (Sup. R. 44) involving juveniles shall be available to the juvenile, parent(s), custodian(s), guardian(s), and attorney(s) of record, of any child affected by any order of the proceeding. Otherwise, such records shall not be available to any person except by order of the presiding Judge, Magistrate or by legal process from a court of competent jurisdiction.

Court Records Available to Victims or Victim's Representative (R.C. 2930.063): A victim has the right to receive assignment notices, a copy of the certificate of judgment and the judgment entry from the clerk at no cost to the victim. Copies of other case documents may be requested and are subject to the approval of release by the presiding Judge, Magistrate or by legal process from a court of competent jurisdiction.

Upon request for copies of pleadings or documents from a case file, the Clerk shall furnish said copies within the mandates of R.C. 149.43 and any other applicable laws or case law, after paying the appropriate copying fee.

4. **Paternity, Child Support and Custody cases.** The Court shall maintain a family file in all paternity, child support and custody cases.
 - a. The Family File shall contain the following documents:
 - i. Personal Identifiers Sheet
 - ii. Praeceptum for Capias
 - iii. Health care documents, including but not limited to physical health, psychological health, psychiatric health, mental health, and counseling documents
 - iv. Drug and alcohol use assessments and pre-disposition treatment facility reports
 - v. Guardian ad Litem reports, including collateral source documents attached to or filed with the reports
 - vi. Home investigation reports, including collateral source documents attached to or filed with the reports
 - vii. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports

- viii. Domestic violence risk assessments
 - ix. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements (Supreme Court Forms, including Affidavit of Basic Information, Income, and Expenses as well as Parenting Proceeding Affidavits)
 - x. Asset appraisals and evaluations
 - xi. Mediation reports
 - xii. Tax Returns
 - xiii. Reports of supervised parenting time or supervised parenting time exchanges
 - xiv. Application for child support services
 - xv. Letters to the Court from parties, child(ren) an/or other individuals that are accepted for filing by the Court
 - xvi. Victim impact statements
 - xvii. School reports
 - xviii. Other items as directed by the Court.
- b. Upon Motion of any party or upon the Court's own motion, in accordance with Sup. R. 45(E), other documents may be ordered to be kept in the Family File.
- c. The Official File shall contain, in place of the document contained in the Family File, a Notice of Filing prepared by the Deputy Clerk reflecting the filing of the document and the date thereof (e.g., "Notice is hereby given that on *[date of file]* a *[name of document]* was filed by *[person or party filing document]*, which shall be maintained in the Family File").
- d. Contents of the Family File may be inspected and reviewed by the following individuals in the performance of their duties or as the Court may direct:
- i. Parties
 - ii. A party's attorney of record
 - iii. County's CSEA counsel
 - iv. Mediators appointed to a case
 - v. Court Personnel
 - vi. Guardians Ad Litem appointed to a case
 - vii. Home Investigators appointed to a case
 - viii. Parenting coordinators appointed to a case.
- Other individuals may request and review the contents of the Family File through Court Motion to Review Family file Court Form #1a. The court may order the same upon good cause shown through Court Form #1b.
- e. Copies of documentary records which are not in the Family File and are not otherwise prohibited by law or rule shall be furnished by the clerk to person entitled by law to have such copies, upon payment of the fee as directed by the Court. Records, transcripts, and copies of electronically recorded transcripts

shall be subject to an ongoing order of the Court that no public use may be made of such records or transcripts.

5. **Adult Cases (Contributing to the Delinquency of a Minor, etc.).** The records of these cases shall be public records as provided by law, and the same shall be maintained in a separate appearance docket for such cases.
6. **Official Cases.** All official matters filed in the Juvenile Division shall be assigned a case number.
7. **Unofficial Cases.** All cases designated as unofficial by the Court shall not be subject to the provisions of the foregoing rules; and no person shall have access to such cases without an order of the Judge.
8. **Records of the Proceedings.** Pursuant to R.C. 2301.20 and Juv. R. 37, a complete record of all testimony, or other oral proceedings shall be taken in shorthand, stenotype or by any other adequate mechanical or electronic recording device.
9. **Public Use of Documents.** No public use shall be made by any person, including any party, of any record or transcript thereof except in the course of an appeal or as authorized by the Court.
10. **Costs.** Copies of records may be provided at a cost per page as authorized by the Court.
11. **Review and Copies of Proceedings.** Pursuant to Rule 11 of the Ohio Rules of Superintendence, upon request of any party to any proceedings before the Court, the Court may permit review of any unsealed electronically recorded transcript by such party. Upon any party's request to obtain a copy or copies of unsealed electronically recorded transcripts, the Court shall provide such copy or copies to the requesting party, subject to the restrictions set forth in subsection (F) of this rule.
12. **Requests for Transcripts of the Proceedings.**
 - a. Except as otherwise provided in section (G) of this rule, transcripts of proceedings shall be provided only for the purpose of an appeal, an objection or other use as authorized by the Court.
 - b. Except as otherwise provided in section (G) of this rule, all transcripts prepared by the Court shall contain this disclaimer in bold, clear, and conspicuous type on the front page thereof:

THE COURT HAS PROVIDED THIS TRANSCRIPT FOR THE SOLE PURPOSE OF AN APPEAL OR OBJECTION OR OTHER PURPOSE. PURSUANT TO OHIO JUVENILE RULE 37, ANY PUBLIC USE OF ANY PART OF THIS DOCUMENT BY ANY PERSON OR PARTY, WITHOUT THE CONSENT OF SAID COURT, IS PROHIBITED. COPYING OF ANY PART OF THIS TRANSCRIPT BY ANY PERSON OR PARTY MAY SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

DISTRIBUTION OR DISSEMINATION OF ANY PART OF THIS TRANSCRIPT, BY ANY PERSON OR PARTY, TO ANY OTHER PERSON

OR PARTY FOR ANY PURPOSE OTHER THAN SAID APPEAL OR OBJECTION MAY, REGARDLESS OF THE MEANS OF DISTRIBUTION OR DISSEMINATION, SUBJECT SAID PERSON OR PARTY TO SANCTION BY THIS COURT FOR CONTEMPT OF COURT.

13. **Limits on Use of Records, Transcripts or Electronically Recorded Transcripts.** Requests for consent of the Court to use or disseminate records, transcripts, or electronically recorded transcripts prepared or released for purposes other than for appeal or objection, shall be provided in accordance with this subsection:
- a. Such records and transcripts shall be released only after the parties to the case or cases involved in the request are provided with a reasonable opportunity to be heard on the question of whether or not said records should be open or closed.
 - b. Upon receipt of the request, the Court shall ascertain the names of and the last known addresses of all parties and their counsel of record to the case or cases involved in the request and shall send notice to said parties and their counsel of record to the case or cases involved in the request and shall send notice to said parties and their counsel of record by ordinary mail regarding the request.
 - c. Said notice shall advise the parties and their counsel of the nature of the request and the identity of the person or entity by whom the request was made.
 - d. In the text of said notice, the Court shall advise the parties that the Court will release the records requested to the requesting person or entity unless a party or their counsel files, within fourteen (14) calendar days of the date of the mailing of the notice, a motion for a closure hearing regarding the request.
 - e. Upon receipt of a motion for a closure hearing relating to a public records request, the court shall schedule a preliminary hearing within thirty (30) days of the filing of the motion and shall notify the person or entity making the request, the moving party or parties, and the other parties to the case of the date and time of the preliminary hearing.
14. **Costs.** The cost of preparation of a printed transcript of any court proceeding shall be paid by the requesting party before the transcript is prepared, in accordance with Local Rule 7.
15. **Listening to Audio Recordings.** Requests to listen to audio recordings by parties or attorneys of record must be approved by the Judge. Notice must be given by the requesting party to all other parties and attorneys of record with the understanding that audio recordings may include what is considered "off the record" communications and statements by the attorneys and clients.
16. **Access to Recordings and Transcripts by Victims (R.C. 2930.063).** Any criminal or delinquency proceeding in which a video or audio recording of the court's proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the video recording or audio recording for the actual cost to copy the video recording or audio recording.

- a. If a transcript of the court proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the transcript at the same reduced cost that is available to a party to the case.

17. Penalty for Violating This Rule. A citation for contempt of court may be issued against anyone who divulges or received information from confidential records without authorization of the Judge.

18. Prohibition Against Removing Records. Records shall not be removed from the Court. Violation of this provision may result in the issuance of a citation for contempt.

LOCAL RULE 5

CASE MANAGEMENT

1. **Purpose.** This rule is adopted in compliance with the mandate of Rule 39 of the Rules of Superintendence for Common Pleas Courts, to achieve the timely disposition of cases.
 - a. This rule shall be applied and interpreted to the achievement of that goal and consistent with all applicable statutes and Rules promulgated by the Supreme Court of Ohio and this Court.
 - b. All cases filed in this Court shall be handled and concluded pursuant to the time frames set forth herein, which are intended to be outside time limits. The Court may, in appropriate cases, modify these schedules as necessary.
2. **Unruly Cases.**
 - a. Upon the filing, the Judge or other person designated by the Judge shall review the complaint to determine if the complaint shall be subject to diversion without a formal court hearing or shall be heard by the Court.
 - b. Within thirty (30) days from the filing of the complaint, an adjudicatory hearing shall be held.
 - c. Within ninety (90) days from the filing of the case, the trial shall be completed.
3. **Adult Criminal.**
 - a. Within thirty (30) days from the filing of the case, an arraignment shall be conducted.
 - b. Within seventy (70) days of the filing of the case, the trial date shall be confirmed, and a final pre-trial conference shall be held.
 - c. Within ninety (90) days of the filing of the case, the trial shall be completed.
4. **Abuse, Neglect, and Dependency.**
 - a. Within sixty (60) days of the filing of the case, an adjudicatory hearing shall be held;
 - b. Within ninety (90) days of the filing of the case, the dispositional hearing shall be completed.
5. **Delinquency.** Except as required by Chapters 2151 and 2152 of the Revised Code and Juvenile Rule 29 (A), delinquency and all other cases not specifically mentioned herein, shall be handled and concluded as follows:
 - a. Upon the filing, the Judge or other person designated by the Judge shall review the complaint to determine if the complaint shall be subject to diversion without a formal court hearing or shall be heard by the Court.
 - b. Within forty-two (42) days of the filing of the case, an initial hearing shall be held;

- c. Within sixteen (16) weeks of the filing of the case, the trial date shall be confirmed, and the final pre-trial conference shall be held;
- d. Within twenty-four (24) weeks of the filing of the case, the trial shall be completed.

6. Parentage cases.

- a. Within twelve (12) weeks of the filing of the case, an initial hearing shall be held;
- b. Within twenty-four (24) weeks of the filing of the case, the trial date shall be confirmed, and a final pre-trial conference shall be held;
- c. Within seventy-two (72) weeks of the filing of the case, the trial shall be completed.

7. Motion for Permanent Custody.

- a. Within forty-two (42) days of the filing of the case, the trial date shall be confirmed;
- b. Within one hundred twenty (120) days of the filing of the case, the trial shall be completed.

8. Custody, Change of Custody, Parenting Time, Visitation and Support Enforcement or Modification.

- a. Within eight (8) weeks of the filing of the case, an initial hearing shall be held;
- b. Within twenty-four (24) weeks of the filing of the case, the trial date and final pre-trial conference shall be held;
- c. Within thirty-six (36) weeks of the filing of the case, the trial shall be completed.

9. Case Management Conference. The first court date assigned by the Clerk's Office in a case shall also be considered the Case Management Conference. The Case Management Conference shall, when appropriate, include consideration of referral to appropriate and available alternative dispute resolution programs.

LOCAL RULE 6

COMPLAINTS, MOTIONS, AND OTHER FILINGS

1. **General Requirements and Duties of the Clerks.**

- a. The Clerks of the Juvenile Division shall not prepare complaints unless instructed to do so by the Judge. The Court shall not be placed in the position of promoting the conclusion that cases are being started by the Court, which can cast the Court in a non-judicial character. This rule does not apply to the filing of motions by the Probation department for violation of terms of probation or court orders.
- b. The Clerk may refuse to file any document submitted which does not comply with this rule. No pleading or motion shall be accepted for filing until the information requested in the form is provided, unless waived by the Judge or Magistrate.

2. **General Filing Requirements.** All complaints and motions shall be prepared as follows:

- a. The Filing shall be legibly printed, or typewritten and double spaced, on 8-1/2" by 11" paper;
- b. The case number and proper case caption shall be on all pleadings filed after the complaint;
- c. The filing shall be signed by the filing party, with the filing party's name written under the signature of the filing party;
- d. For filings by an attorney, the name of the attorney, the attorney's registration number, the firm name (if any), office address, office telephone number, office facsimile number, attorney's Ohio Supreme Court number, and attorney's email address shall be included on all filings.
- e. All filings shall contain a separately signed statement indicating either the matter of service to other parties of the filing, or instructions to the Clerk regarding serving other parties.
- f. All complaints and motions re-opening a case must contain an address for all parties. The address must be a street address and, if applicable, any post office box number used as a mailing address. If a party is requesting non-disclosure of the party's address, the party must comply with Ohio Revised Code Section 3127.23(D).

3. **Specific Filing Requirements.**

- a. *Complaints to Establish Parent-Child Relationship and Motions to Establish Allocation of Parental Rights and Responsibilities* shall be accompanied by the following:
 - i. A Personal Identifiers form;

- ii. One of the following: a request for genetic testing; copy of genetic testing results, or confirmation that the Affidavit of Paternity has been filed and not rescinded;
 - iii. A completed Uniformed Domestic Relations Form – Affidavit (Parenting Proceeding Affidavit);
 - iv. A completed IV-D Application for Child Support Services; and
 - v. A request/instruction to the Clerk regarding how to serve all other parties.
- b. *Complaints to Establish the Allocation of Parental Rights and Responsibilities* shall be accompanied by the following:
 - i. A Personal Identifier's Form;
 - ii. A copy of document(s) establishing parentage;
 - iii. A completed Uniformed Domestic Relations Form – Affidavit (Parenting Proceeding Affidavit);
 - iv. A completed IV-D Application for Child Support Services
 - v. A request/instruction to the Clerk regarding how to serve all other parties
- c. *Motions to Modify the Allocation of Parental Rights and Responsibilities* (i.e. change of custody or change in parenting time/visitation) shall be accompanied by the following:
 - i. A completed Uniformed Domestic Relations Form – Affidavit (Parenting Proceeding Affidavit);
 - ii. Completed IV-D Application for Child Support Services, if the same has not previously been filed with the Court;
 - iii. A request/instruction to the Clerk regarding how to serve all other parties
- d. *Complaints/Motions to Intervene and/or Custody/Visitation* filed by third parties shall be accompanied by the following:
 - i. A Personal Identifier's Form;
 - ii. A completed Uniformed Domestic Relations Form – Affidavit (Parenting Proceeding Affidavit);
 - iii. Completed IV-D Application for Child Support Services, if the same has not been previously filed with the Court; and
 - iv. A request/instruction to the Clerk regarding how to serve all other parties.
- e. *Motions to Modify Child Support* shall be accompanied by the following:
 - i. Completed IV-D Application for Child Support Services if the same has not been previously filed with the Court; and

- ii. A request/instruction to the Clerk regarding how to serve all other parties.
- f. *Motions for Contempt/Orders to Show Cause* shall be accompanied by the following:
 - i. A Show Cause Order, and
 - ii. A request/instruction to the Clerk regarding how to serve all other parties.
- g. *Notices of Intent to Relocate* shall be filed together with a fee, as may be established, to cover the cost of service of said notice, using the form located on the Court's website. Said notice shall include the address to which the party is relocating, if known, and, at a minimum, the city and state to which he or she is relocating. Such notice must be sent within the following time frames:
 - i. If relocation within the school district of residence – in advance of the move;
 - ii. If relocating outside the school district of residence – at least thirty (30) days in advance of the move;
 - iii. If relocating outside the county of residence – at least sixty (60) days in advance of the move.Shorter time periods for the filing of the notice of intent to relocate may be granted by the Court for good cause shown.

4. Instructions for Service of Initial Pleading - All initial pleadings shall include instructions to the clerk indicating the manner of service.

If service of process is not made upon a party within six months after the filing of the Complaint or a Motion reopening a case, the Court on its own initiative may dismiss the action as to that party, without prejudice.

- 5. Failure of Service:** If a filing party receives notice that an opposing party has not been served, the filing party must give the clerk new instructions to serve the opposing party. Service can be made in the following manner:
- a. Personal service
 - b. Residence service
 - c. Certified or express mail
 - d. Commercial carrier service
 - e. Service by publication
 - f. Service by posting

If service is initially attempted by certified mail, express mail, or commercial carrier service and was refused or unclaimed, service may be made by ordinary mail with a certificate of mailing filed at least ten (10) days prior to the hearing date.

If instructions for service are not given to the clerk, the party will not be served, and the case will not be able to go forward. If the address for the party is unknown, the rules of service by publication or posting must be followed.

6. Motions Requesting Immediate Relief or Relief While the Case Is Pending

- a. *Motions for Ex Parte Orders* - All complaints and other pleadings wherein *ex parte* hearings or orders and/or emergency hearings or orders are requested, shall be accompanied by an affidavit, otherwise supported by documentation attested to under oath, or supported by sworn testimony which specifically sets forth the facts upon which the alleged emergency is based. Complaints or motions that reactivate dormant cases wherein *ex parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- b. *Motions for Temporary Support* - In all cases in which an order of temporary support is requested, the motion for temporary support shall be accompanied by a completed child support computation worksheet and a completed and executed Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income and Expenses. The party responding to such motion or pleading shall file a completed and executed Uniform Domestic Relations Form Affidavit 1 – Affidavit of Basic Information, Income and Expenses with the Court not later than the fourteenth day after the date on which the motion or pleading was served. After the fourteenth day, the matter will be deemed submitted.
- c. *Motions for Temporary Custody* - In all cases in which an order of temporary custody is requested, the motion for temporary custody shall be accompanied by a completed and executed Uniform Domestic Relations Form – Affidavit 3 (Parenting Proceeding Affidavit) pursuant to O.R.C. Sections 3127.23 and 3109.04(M), and an affidavit in support of the motion. The party responding to such a motion or pleading shall file with the response a completed and executed Uniform Domestic Relations Form – Affidavit 3 (Parenting Proceeding Affidavit) pursuant to O.R.C. 3127.23 and 3109.04(M) and an affidavit in support of the respondent's position on the motion not later than the fourteenth day after the date on which the motion or pleading was served. After the fourteenth day, the matter will be deemed submitted.
- d. *Requests for Oral Hearing* - After issuance of an order of temporary custody or temporary support pursuant to Rules 6(E) or Rule 6(F) above, any party may request an oral hearing on the motion. Such request shall not suspend or delay the operation of the order until specifically modified or vacated.
- e. *Hearings on Temporary Custody and Support* - At hearing on any motion for temporary custody or support, testimonial evidence presented by each side shall be limited to the party and one (1) additional witness. Each side shall be limited to one (1) hour in the presentation of the case at such hearing.
- f. *Required Memoranda or Affidavits* - All motions shall specify the order or modification requested, the circumstances which justify the order or modification and shall be supported by a memorandum or affidavit that is

incorporated into or annexed to the motion. Motions and supporting memoranda or affidavits shall be filed along with a copy for service on parties.

7. **THE FAILURE OF A PARTY OR ATTORNEY TO CORRECTLY FOLLOW THE AFOREMENTIONED PROVISIONS MAY RESULT IN DISMISSAL OF THE PLEADING, MOTION OR JUDGMENT ENTRY.**

LOCAL RULE 7

PUBLICATION BY POSTING

1. **Service by Publication.** Pursuant to Ohio Juvenile Rule 16(A), service by publication shall be made by posting and mailing unless otherwise ordered by the Court. A party shall request service by publication by filing a request for service as well as an affidavit in support of the request.
2. **Notices.** Pursuant to Juvenile Rule 16(A), notice shall be posted at the Juvenile Courthouse, located at 108 E. Main Street, Van Wert, Ohio, as well as any two of the following locations that the Court designates as locations where publication of service of process by posting may be made:
 - a. The Van Wert County Courthouse, General Division of the Common Pleas Court, 121 E. Main Street, Van Wert, Ohio, or any other location to which it might relocate.
 - b. The Van Wert County Department of Job and Family Services, 114 E. Main Street, Van Wert, Ohio or any other location to which it might relocate.
 - c. The Van Wert County Department of Health, 1179 Westwood Dr., Ste. 300, Van Wert, Ohio, or any other location to which it might relocate.

The Clerk of this Court shall cause the notice to be posted in a conspicuous place and manner in the above places for seven (7) consecutive days prior to the date of the hearing. Upon completion, the Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

3. **Ordinary Mail Service Required.** In addition, the Clerk of this Court shall cause the summons and pleadings to be mailed by ordinary mail, address correction requested, to the last known address of the party to be served and obtain a certificate of mailing from the United States Post Office.

RULE 8

DEPOSIT FOR COURT COSTS

1. General Requirement of a Security Deposit.

- a. Except for cases listed in section (A)(2), a security deposit for costs is required to file all complaints and motions listed in Section (B)
- b. A security deposit shall not be required in the following cases:
 - i. Complaints and motions regarding a delinquent, unruly, neglected, dependent or abused child;
 - ii. Complaints, tickets, and motions regarding juvenile traffic offenders; and
 - iii. Cases involving criminal charges filed against adults.

2. Security Deposit Required. For all cases in which a security deposit is required, no complaint or motion shall be filed until the security deposit has been paid. The Court may grant an exception to the security deposit and/or court costs if a motion is filed or if an Affidavit of Poverty, required by O.R.C. 2323.30 and R.C.C. 2323.31, is submitted with the complaint or motion. The Affidavit of Poverty is subject to review by the Court at any stage of the proceedings. The security deposit shall be in accordance with the following schedule:

- | | |
|--|-----------|
| a. Petitions, complaints, counter/cross-claims, third-party claims
(including contempt motions, motions to reallocate parental rights
and responsibilities, motions for custody, etc.) | \$225.00 |
| b. Proceedings in aid of execution | \$225.00 |
| c. Motion to vacate, revive or modify a former judgment entry | \$225.00 |
| d. Application for Expungement/Seal of record | |
| i. Juvenile | no charge |
| ii. Adult | \$ 50.00 |
| e. Home Investigation | \$750.00 |
| f. Service by Publication (in newspaper) | |
| **Costs are paid directly to the publisher of the newspaper | |
| g. Notice of Intent to Relocate | \$ 15.00 |

The schedule of costs is subject to change and any question regarding the schedule of costs should be directed to the Clerk.

3. Payment of Fines and Costs. Upon termination of the case, costs and/or fines shall be assessed pursuant to the judgment entry. Fines and/or court costs, assessed against a party, are due and payable immediately, unless otherwise ordered by the Court. If costs remain unpaid, appropriate orders will be imposed to collect the costs.

If any deposit remains, the Clerk shall refund the amount to the party that deposited the money, unless the amount is \$5.00 or less. If the deposit funds remaining is less than \$5.00 after all court costs and fines have been assessed, the Court will not refund the amount unless a written request for the refund is made within fourteen (14) days after the termination of the case and the costs are assessed.

4. **Costs for copies.** Any copies that are made by the Clerk's Office shall be charged at twenty-five (25) cents per page.

5. **Costs for Transcripts.**

- a. A party requesting all or any part of a transcript of any proceeding shall request from the Court a written estimate for the approximate cost of the transcript. The requesting party shall deposit enough funds to cover the full amount of the written estimate with the Transcriber as a security deposit for production of the transcript.
- b. Upon completion of the transcript, the Transcriber shall provide the requesting party with a statement for services. If the monies on deposit are insufficient to satisfy those fees, the requesting party or attorney shall forthwith deposit sufficient funds to satisfy the balance of the cost with the Transcriber. If there are excess funds on deposit with the Transcriber, the unused portions shall be refunded by the Transcriber to the requesting party.

6. **Statutory Charges.**

- a. Pursuant to the authority of O.R.C. 2303.201(A), it is determined that for the efficient operation of this Court, additional funds are required to obtain computerized legal research services.
 - i. The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of three dollars (\$3.00) upon the filing of each cause or appeal under O.R.C. 2303.20(A), (Q), and (U).
 - ii. All funds collected pursuant to this rule shall be paid to the County Treasurer to be maintained by the County Auditor in a separate account for utilization by this Court in procuring and maintaining computerized legal research services.
- b. Pursuant to the authority of O.R.C. 2303.201(B), it is determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas, Probate and Juvenile Division.
 - i. The Clerk of this Court is directed and hereby authorized to charge an additional fee of ten dollars (\$10.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under O.R.C. 2303.20 (A), (P), (Q), (T), and (U).
 - ii. All funds collected pursuant to his Rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account,

to be dispersed upon an Order of the Court of Common Pleas, Probate and Juvenile Division, and subject to appropriation by the Board of Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas, Probate and Juvenile Division.

- c. Pursuant to the authority of O.R.C. 2303.201 (E)(1), it is determined that, for the efficient operation of this Court, additional funds are necessary to acquire and pay for special projects of the Court.
 - i. The Clerk of this Court is directed and hereby authorized to charge an additional fee of forty dollars (\$40.00) upon the filing of each criminal cause, civil action or proceeding, or judgment by confession.
 - ii. All funds collected pursuant to this Rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be dispersed upon an Order of the Court of Common Pleas, Probate and Juvenile Division, and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Court of the projects.
- d. Pursuant to the authority of O.R.C. 2303.201 (E)(1), it is determined that, for the efficient operation of this Court, additional funds are necessary to acquire and pay for special projects of the Court.
 - i. The Clerk of this Court is directed and hereby authorized to charge an additional fee of twenty dollars (\$20.00) upon the filing of each juvenile cause.
 - ii. All funds collected pursuant to this Rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, to be dispersed upon an Order of the Court of Common Pleas, Probate and Juvenile Division, and subject to appropriation by the Board of County Commissioners in an amount no greater than the actual cost to the Court of the projects.
- e. Pursuant to the authority of O.R.C. 307.62, it is necessary to collect as costs a fee for Crime Stoppers.
 - i. The Clerk of this Court is directed and hereby authorized to charge an additional fee of one dollar (\$1.00) upon the filing of each criminal case against an adult.
 - ii. All funds collected pursuant to this Rule shall be paid to Van Wert County Crime Stoppers.
- f. Pursuant to the authority of O.R.C. 2303.201 (C), it is necessary to collect as costs a fee for Legal Aid Societies.
 - i. The Clerk of this Court is directed and hereby authorized to charge an additional fee of fifteen dollars (\$15.00) upon the filing of each custody, visitation and parentage action.

- ii. All funds collected, except for an amount equal to one percent retained to cover administrative costs, shall, pursuant to this Rule, be paid to the Treasurer of the State of Ohio.

7. Deposit for Guardians ad Litem.

- a. Except for cases listed in (A)(2) above, any party filing a motion for a guardian ad litem shall file a \$500 security deposit with the Clerk. The Court, upon motion and for good cause shown, may waive the requirement for a security deposit.
- b. The Court may, during the proceedings, and shall, at the end of the proceedings, allocate the fees for the guardian ad litem between the parties.

LOCAL RULE 9

USE OF ELECTRONICALLY PRODUCED TICKET

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Van Wert County Juvenile Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

LOCAL RULE 10

FACSIMILE (FAX) FILING

1. **Applicability.** The Court shall accept for filing all documents that comply with these Local Rules via facsimile filing, except the following:
 - a. All initial filings in a matter, to include complaints and motions re-opening any case;
 - b. Any filing that requires a filing fee.
2. **Original Filing.** A document filed by fax shall be accepted as the original filing. The source document need not be filed with the Clerk of Court but must be maintained in the filer's records. The source document shall be available for production on request by the court with original signatures as otherwise required under the applicable rules, together with the facsimile cover sheet used for the filing. The source document shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
3. **Definitions.** As used in these rules, unless the context requires otherwise:
 - a. 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.
 - b. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
 - c. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. **Cover Page.**
 - a. Any document being filed by facsimile must be attached to a cover page containing the following information:
 - i. the name of the court;
 - ii. the title of the case;
 - iii. the case number;
 - iv. the assigned judge/magistrate;
 - v. the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);
 - vi. the date of transmission;
 - vii. the transmitting fax number;

- viii. an indication of the number of pages included in the transmission, including the cover page;
 - ix. if a judge or case number has not been assigned, state that fact on the cover page; and
 - x. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available.
- b. If a document is sent by fax to the Clerk without the cover page information listed above, the Clerk, in its discretion, may do either of the following:
- i. enter the document in the Case Docket and file the document; or
 - ii. deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk.
- c. The Clerk is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk may inform the sending party of a failed fax filing.

5. Signature.

- a. A party who wishes to file a signed source document by fax shall either:
- b. fax a copy of the signed source document; or
- c. fax 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.
- d. A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

6. Exhibits.

- a. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile 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 document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
- b. 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 Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

7. Time of Filing.

- a. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.
 - b. The Clerk may, but need not, acknowledge receipt of a facsimile transmission.
 - c. The risks of transmitting a document by fax to the Clerk shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk through whatever technological means are available.
8. **Fees and Costs.** No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court cost and/or any fees have been paid. Documents tendered to the Clerk without payment of court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed. No additional fee shall be assessed for facsimile filings.
9. **Length of Document.** Facsimile filings shall not exceed twenty-five (25) pages in length. The filer shall not transmit service copies by facsimile.

LOCAL RULE 11

BOND

Adoption. Unless otherwise ordered by the Court, the following Bond Schedule is adopted to secure the appearance of a person charged with the following offenses:

1. Adult Offenders (Regardless of residency)

- | | |
|--|-----------------------|
| a) Contributing to Delinquency/Unruliness of Minor
(O.R.C. 2919.24) [M1] | \$1000.00 |
| b) Endangering Children (O.R.C. 2919.22(B)(1)) [M1] | \$1000.00 |
| c) Interference with Custody (O.R.C. 2919.23(B)) [M1, M3] | \$ 500.00 |
| d) Criminal Non-Support (O.R.C. 2919.21(C)) [M1] | \$ 500.00 |
| e) Parental Education Neglect (O.R.C. 2919.222) [M4] | \$ 350.00 |
| f) Any other cases of Misdemeanor charging an adult with any act
or omission with respect to any child which is in violation of State
Law or Ordinance | \$ 350.00 |
| g) Probation Violation | \$ 200.00 (CASH ONLY) |

Unless otherwise indicated above, bond may be posted in the following manners:

- i. By depositing the cash sum equal to 10% of the total bond required from said defendant; or
- ii. By obtaining a surety bond in the face amount of the bond required from said defendant.

The Van Wert County Sheriff agrees and is authorized to accept all such bonds and hold them for the benefit of the Van Wert County Juvenile Court, during non-business hours.

In all cases not covered above, bond shall be established in accordance with Rule 46, Ohio Rules of Criminal Procedure.

Unless otherwise specifically ordered by the Court, all monies posted for bond shall be deposited in the name of the defendant only.

2. Juvenile Traffic Offenders (Out of State residents ONLY)

- a) Bond in all juvenile traffic cases in which the alleged offender is an out of state resident shall be one-hundred forty-four (\$144.00) dollars.
- b) All Juvenile Traffic Offender Bonds shall be paid to the Van Wert County Juvenile Court

LOCAL RULE 12

USE OF RESTRAINTS ON JUVENILES

Restraints on a juvenile shall be removed prior to the commencement of a court proceeding unless the Court determines on the record, after providing the juvenile and any party an opportunity to be heard on the issuance of physical restraint of the child, that they are necessary to prevent:

- (A) Physical harm to the juvenile or other persons in the courtroom; or
- (B) Disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or
- (C) The juvenile, evidenced by an escape history or other relevant factors, from fleeing the courtroom.

Restraints shall include but not be limited to: handcuffs, chains, shackles, irons, or straightjackets.

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

LOCAL RULE 13

COUNSEL OF RECORD

- A. **Retained counsel.** Any attorney retained to represent a party in Court shall immediately file a written designation of counsel with the Court.
- a. A copy of the designation shall be provided to all counsel of record and/or any unrepresented party.
 - b. Upon the filing of the designation or other appearance in the proceeding, the attorney will be considered the counsel of record until such time as a Judgment Entry of Withdrawal is approved by the Court and filed in the case.
 - c. The Court will not consider such representation to include any other pending case with the same party unless the designation is also filed in the other pending case(s).
- B. **Appointment of Counsel.** The Court shall appoint counsel in all cases required by Juvenile Rule 4, Criminal Rule 44, and any other applicable law or rule.
- a. **Eligibility.** Any party requesting Court-appointed counsel must fill out a Financial Disclosure Form. Forms are available from the Clerk's Office as well as on the Court's website. The Court will review the application and determine whether the party financially qualifies for Court-appointed counsel.
 - b. **Lists of Approved Attorneys.** The Court shall maintain a list of approved attorneys qualified to serve as counsel in each type of proceeding:
 - i. To be placed on the list, the attorney must be licensed to practice in the State of Ohio and in good standing. The Clerk of this Court shall maintain these lists, and attorneys wishing to be placed on a list should submit a letter to the Judge for review. Final approval for placement on the various lists remains at the sole discretion of the Judge.
 - ii. Attorneys on the assigned counsel list will be considered for appointment on a rotating basis. Once the Clerk has found an available attorney willing to accept the appointment, the next attorney will then be considered first for the next appointment. Cases that require specialized skill or knowledge or involve parties previously represented by court appointed counsel may require that the Court make an appropriate alternative appointment.
 - iii. The Court Administrator shall review the assignments on a quarterly basis to ensure the equitable distribution of appointments among persons on each list maintained by the Court.

LOCAL RULE 14
GUARDIANS AD LITEM

1. **Qualifications for Appointments as Guardian Ad Litem**— In order for a person to be assigned as Guardian Ad Litem for a minor child, he/she must meet the qualifications set forth in Sup.R. 48 and shall present proof to the Court of having met those qualifications. It shall be the responsibility of the person seeking to be placed on the Court's list of Guardians Ad Litem approved for appointment to submit to the Court documentation of having met those qualifications set forth in Sup.R. 48. In order to continue to be maintained on the list of persons approved for appointment as Guardian Ad Litem, each person must submit annually, not later than January 15th of each calendar year, the certification required under Sup.R. 48.03(C) (Form GAL-2, Appendix) and proof of having met the annual training requirements under Sup.R. 48.04 and 48.05.
2. **Duties of Guardian Ad Litem and Attorney/Guardian Ad Litem** – Every Guardian Ad Litem shall perform his or her duties in accordance with Sup.R. 48.
3. **Guardian Ad Litem in Custody, Parenting Time or Visitation Proceedings** – When appointed to serve as Guardian Ad Litem in a Custody, Parenting Time or Visitation Proceeding in which the child protective services agency is not a party, fees shall be paid at the rate of \$100.00/hour unless otherwise ordered by the Court. The attorney appointed to serve as Guardian Ad Litem shall keep accurate records of time expended, services rendered, and expenses incurred as required by Sup.R. 48.03(H). When the attorney appointed to serve as Guardian Ad Litem determines that the cost deposit required by Local Rule 3.7 is nearing exhaustion, the Guardian Ad Litem shall file a Motion for Further Deposit for Guardian Ad Litem Fees, including the amount of the deposit earned to date by the Guardian Ad Litem, the additional costs anticipated for the Guardian Ad Litem's future services in the matter pending, and requesting that the Court order an additional deposit to cover those anticipated additional costs. The Court will, in its discretion, apportion the final payment of the fees of the Guardian Ad Litem between the parties to the proceeding. Failure of a party to timely pay all Guardian Ad Litem fees as ordered by the court may subject the party to the imposition of appropriate sanctions for contempt.
4. **Guardian Ad Litem in Abuse, Neglect, and Dependency Proceedings** – When appointed to serve as Guardian Ad Litem in an Abuse, Neglect, and Dependency Proceeding in which the child protective services agency is a party, fees shall be paid at the rate of \$75.00/hour unless otherwise ordered by the Court. The attorney appointed to serve as Guardian Ad Litem shall keep accurate records of time expended, services rendered, and expenses incurred as required by Sup.R. 48.03(H).
5. **Termination of Duties of Guardian Ad Litem** – In Custody, Parenting and Visitation proceedings in which the child protective services agency is not a party, the services of the Guardian Ad Litem shall terminate upon the journalization of the order resolving

the pleading or motion then pending before the Court for which the Guardian Ad Litem was appointed.

When appointed as Guardian Ad Litem in a Dependency, Neglect or Abuse case, the Guardian Ad Litem shall continue to serve until final termination of the case, unless otherwise ordered. When appointed as Guardian Ad Litem in a Delinquency or Unruly case, the Guardian Ad Litem's services terminate upon the journalization of the order resolving the matter then pending before the court, unless otherwise ordered.

6. **Guardian Ad Litem Report** – Unless otherwise directed by the Court, the Guardian Ad Litem shall prepare a written report and shall mail or hand-deliver the report to the Court, counsel of record, and any party unrepresented by counsel, not less than seven (7) days in advance of the hearing date. While the Guardian Ad Litem report will be made available to parties and counsel, the report shall be considered confidential, and in the best interest of the minor child, shall be filed in the Family File. The Court shall consider the recommendation of the Guardian Ad Litem in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

A Guardian Ad Litem may meet the requirements for a written report under Sup.R. 48.06 by fully completing this Court's form GAL-1 (Appendix), or by submitting his or her report in some other written format. The Guardian ad Litem report shall also include the Notice Form GAL-3 (Appendix), upon distribution to counsel and/or unrepresented parties.

7. **Relief from Duties of Guardian ad Litem** – The Guardian ad Litem shall consider any and all factors for the best interest of the child. The Guardian ad Litem shall also comply with all of the duties imposed by Sup. R. 48.03(D).

Should a Guardian ad Litem be unable to comply with the duties of Sup. R. 48.03(D), the Guardian ad Litem shall request, in writing, relief from the Court of a specific duty and the reason that said duty cannot be fulfilled. The Guardian ad Litem may use the form GAL-4 (Appendix) or any equivalent Motion for Relief, which shall also be accompanied by an appropriate Entry for the Court's review and approval.

8. **Comment Process** – In compliance with Sup. R. 48.07, the parties and counsel participating in any case where a Guardian Ad Litem has been appointed may present comments or complaint regarding the performance of the Guardian Ad Litem as follows:
 - a. Any comments or complaints regarding the performance of Guardians Ad Litem shall be in writing and submitted to the attention of the Judge of the Court of Common Pleas, Juvenile Division.
 - b. Within seven (7) days of receipt, the Court will provide a copy of the comments or complaints and a Court notice of the response date to the Guardian Ad Litem who is the subject of the comments or complaint.
 - c. Within fourteen (14) days of the receipt, the Guardian Ad Litem may respond in writing to the comments or complaints in conformance with the Court notice accompanying the comments or complaints. A copy of any response will be provided to the commenting or complaining party by the Court.

- d. After receipt of all appropriate information, including any supplements or amendments requested by the Court, the Court will issue a disposition within thirty (30) days and notify the person making the comment or complaint and the Guardian Ad Litem of the disposition.
 - e. The nature of the comments or complaints and the disposition shall be maintained in the individual file of each Guardian Ad Litem maintained in the Juvenile Division of the Common Pleas Court.
9. **Application for Payment of Guardian Ad Litem Fees** – The fees and expenses for service as a compensated Guardian Ad Litem will be ordered paid upon timely application to the Court. For purposes of this rule, an application for the payment of Guardian Ad Litem fees will be considered timely, if received by the Clerk within thirty (30) days of the completion of the last hearing covered by the billing period. Failure of the Guardian Ad Litem to timely file the application for payment of fees and expenses with all necessary supporting documentation may result in reduced and/or non-payment of fees and expenses.

LOCAL RULE 15

DIVERSION

1. **Establishment and Eligibility for Diversion.** In keeping Ohio Juvenile Rule 9, informal intake conferences may be conducted in lieu of formal actions for certain delinquency and status offense cases. In most cases, informal conferences will be available for only first-time misdemeanor charges or status offenses. Although no formal finding or record shall result, to be eligible for an informal conference a youth must be willing to admit to the operative facts to the action.
2. **Discretion of Probation Department and Court.** The Probation Department has discretion to determine whether a matter is suitable for diversion. In any event, the Court may always order a matter to be handled informally.

LOCAL RULE 16

PRETRIAL CONFERENCE

1. **Appearances required.** In all delinquency, unruly, dependency/neglect/abuse or contempt cases, trial counsel shall appear at a pretrial conference with their clients, unless other arrangements have been made in advance with the Court.
2. **Appearance by telephone or other means.** If counsel or a client wishes to appear at a pretrial conference by telephone or through Zoom, prior approval must be given by the Court.
3. **Pretrial matters.** At the pretrial conference, counsel shall be fully prepared to discuss all the issues set out below, as applicable depending on the type of case:
 - a. Those matters set forth in Rule 16 of the Civil Rules regarding Pretrial Procedure.
 - b. Further discovery proceedings including a completion date.
 - c. Trial briefs.
 - d. Identification of witnesses and disclosure of their statements and potential testimony.
 - e. View of the scene.
 - f. Status of case for trial.
 - g. Narrowing trial issues by stipulation.
 - h. Deadlines for pretrial motions.

LOCAL RULE 17

PROCEEDINGS UPON MOTION TO DETERMINE COMPETENCY

1. **Adoption of Rules.** These rules are adopted pursuant to R.C. 2152.51(B) to expedite proceedings under R.C. 2152.51 to R.C. 2152.59, 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 determination under those sections.
2. **Procedure After Motion Filed.** Upon the filing of a motion for a determination of competency, or upon the Court's own motion, all delinquency proceedings are stayed pending a determination of competency. If the Court determines that the child is not competent, but could likely attain competency, the delinquency proceedings shall continue to be stayed until such time as the child attains competency or until the delinquency proceeding is dismissed.
3. **Scheduling of Hearings.** Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in compliance with applicable deadlines as established by R.C. 2152.53 to R.C. 2152.59.
4. **Notice Provided to the Parties.** The Court shall provide written notice of the date, time and place of the next scheduled hearing relating to competency to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parent, guardian or custodian. Mailed notice shall not be required for any party or other individual designated in this rule if written notice was provided to that party or individual at the conclusion of the immediately preceding hearing.

LOCAL RULE 18

MEDIATION

- A. **Adoption.** The Court adopts this rule, effective January 1, 2007, as amended, effective January 1, 2025. Through this rule, the Court incorporates by reference R.C. 2710 "Uniform mediation Act (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities and Rule 16.20-16.26 of the Supreme Court of Ohio Rules of Superintendence.
- B. **Purpose.** Court-sponsored mediation has been established to promote greater efficiency and public satisfaction for the earliest possible resolution of cases.
- C. **Cases Eligible for Mediation.** Subject to the exceptions listed below, the Court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The Court may issue an order for mediation on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator. Mediation is prohibited in the following cases:
1. As an alternative to the prosecution or adjudication of domestic violence, pursuant to R.C. 2919.25, 2919.26, 2919.27, and 3113.31; however, nothing in this provision shall prohibit mediation in the following circumstances:
 - a) In a subsequent divorce or custody case, even though the case may result in the termination of the provisions of a protection order pursuant to R.C. 3113.31;
 - b) A juvenile delinquency case.
 2. In cases involving protection orders, the Court may not use mediation as a way to determine whether to grant, modify, or terminate the protection order, to terminate the terms or conditions of a protection order, or in determining the penalty for violation of a protection order.
- D. **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 a "Notice of Scheduled Mediation" which shall, at a minimum, indicate the date, time, place and contact information of the mediation.
- E. **Required Disclosures by the parties.** The parties and their counsel must disclose the following information, and must participate in any screening required by the Court, if the opposing parties are:
1. Related by blood, adoption or marriage;
 2. Have resided in a common residence; or
 3. Have known or alleged domestic abuse at any time prior to the mediation.

F. **Eligibility of Cases.** The mediator shall determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral that is deemed inappropriate.

G. **Mediator Training and Education.** A mediator shall meet the qualifications and all training requirements of Sup. R. 16.20 through Sup. R. 16.26.

H. **Procedures.**

1. Duties of the Court.

- a) The Court shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children Services, domestic violence prevention, counseling, substance abuse, and mental health services.
- b) If a Court determines that mediation should be ordered and the case is deemed appropriate by the mediator, mediation shall be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason. If necessary and mutually acceptable for the resolution of the issues, the mediator may schedule multiple mediation sessions.

2. Participation by parties and non-parties.

- a) Parties to informal cases may voluntarily attend mediation sessions.
- b) Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases. Fees may be charged for non-attendance.
- c) The Court and/or the mediator may require the attendance of the parties' attorneys at mediation sessions if the mediator deems it necessary and appropriate.
- d) 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, they shall promptly inform the mediator as well as the Court.
- e) By participating in mediation, a non-party participant agrees to be bound by this rule and submits to the Court's jurisdiction to the extent necessary for the 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 R.C. 2710.04(A)(2).

3. Confidentiality. Except as provided below, all mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential. No one shall disclose any of these communications unless all parties and the mediator consent to the disclosure. This Court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator. These provisions apply to the parties and any non-

party participant, as provided in Section (H)(2), above. All mediation communications are confidential, except for the following:

- a) Parties may share all mediation communications with their attorneys;
 - b) Threats of abuse or neglect of a child or an adult;
 - c) Statements made during the mediation process to plan or hide an ongoing crime;
 - d) Statements made during the mediation process that reveal a felony.
4. Mediator Conflicts of Interest. In accordance with R.C. 2710.08(A) and R.C. 2710.08(B), the mediator shall disclose to all parties, counsel, and, if applicable, 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 party request that the mediator withdraw because of the information disclosed, the assigned mediator should withdraw and request that the Court appoint another mediator. The parties shall be free to retain the Mediator by an informed, written waiver of the conflict of interest.
5. Termination. If the mediator determines that further mediation efforts would be of no benefit to the parties, the mediator, in writing, shall inform all interested parties and the Court that the mediation is terminated.
6. Stay of proceedings. All remaining Court orders shall continue in effect. No order is stayed during the mediation process except by a 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 Court.
7. Continuances. It is the policy of this Court to determine matters in a timely way. Continuance of a scheduled mediation shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the Court. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance.
8. Guardian ad Litem. A guardian ad litem for the child shall be appointed by the Court and shall participate in the mediation if any of the following circumstances apply:
- a) The child in the proceeding was the subject of a prior abuse or neglect action;
 - b) In all cases where one of the parties was the perpetrator of an act which resulted in an adjudication that any other child was abused or neglected; and
 - c) In any case where the Mediator believes it to be in the best interest of the child.
9. Mediation Reports, Memorandums of Understanding, and Agreements.
- a) Pursuant to R.C. 2710.06, at the conclusion of a mediation session, the mediator shall inform the Court 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; and
 - (4) Any future mediation schedule, including the date and time.
 - b) The mediator, the parties or counsel may immediately prepare a written memorandum of understanding, which memorializes the agreement reached by the parties.
 - (1) The memorandum of understanding may be signed by the parties and counsel.
 - (2) A signed memorandum of understanding is not privileged pursuant to R.C. 2710.05(A)(1).
 - (3) The memorandum of understanding may become a written order of the Court after review and approval of all parties and their attorneys, if any.
 - c) No oral agreement by counsel or parties or an officer of the Court will be regarded unless made in open court.
- I. **Fees and costs.** Mediation is sponsored by the Court and is available to the parties at no cost. Failure of a party to attend mediation may result in the Court assessing a fee against the party.
- J. **Sanctions.** 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 court costs, contempt, or other appropriate sanctions at the discretion of the Court.
- K. **Evaluation.** 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 any Court-referred mediator.

LOCAL RULE 19

CONTINUANCES

- A. **When Granted.** Continuances shall be granted only when imperative to secure fair treatment for the parties.
- B. **Process for Requesting a Continuance.** To obtain a continuance, the party or counsel must file a written motion that contains the following requirements or attachments:
1. A request for continuance and the reason why the request is imperative to secure fair treatment for the parties.
 2. The date the other party/parties or counsel was contacted and whether the party/parties approve or object to the request for continuance.
 3. The signature of the party and counsel of the party, if any, requesting the continuance, pursuant to C.P. Sup. R. 41(A).
 4. If the request for a continuance is due to a scheduling conflict involving another court, the motion shall be accompanied by a copy of the assignment notice issued by the other court as required by C.P. Sup. R. 41(B)(1).
 5. If the party requesting the continuance has counsel, a proposed journal entry granting the request for a continuance must be attached.
- C. **Objection to Continuance.** If a party objects to the request for continuance, the party must file a written objection to the request no later than two business days after notification by the party requesting the continuance.
- D. **Caution for Counsel.** Counsel considering representation of a party in a matter already scheduled for hearing should not assume that a continuance will be granted due to an existing scheduling conflict of which counsel, or the party, was aware prior to counsel's assuming representation.
- E. **Effect on Proceedings When a Continuance is Filed.** An order of continuance shall be signed by the Judge or Magistrate before the hearing or trial assignment will be vacated and a continuance deemed granted. All parties and counsel shall be required to appear as scheduled unless notified by the Court that the requested continuance has been granted.

LOCAL RULE 20

PUBLIC OR MEDIA ACCESS TO JUVENILE COURT PROCEEDINGS

1. **Intent.** This rule is to be construed as requiring the court to balance all interests involved to maintain the privacy, dignity, decorum, and impartiality of the court proceeding, while at the same time providing public access as allowed by law.
2. **Media.** For purposes of this rule, media or media agency means any person or organization actively engaging in news gathering or reporting, to include newspaper, radio, television, news service, magazine, or any other print or electronic media platform.
3. **Access by the public and media.** Juvenile Court proceedings are neither presumptively open nor presumptively closed. Requests for access by the media to courtroom proceedings are governed by Supreme Court Rule of Superintendence 12 and Ohio Revised Code Section 2151.35. Broadcasting, televising, recording, and photographing by the media during courtroom sessions, including recesses between sessions, shall not be permitted unless first authorized by the Court.
4. **Requests for Access.** Requests for permission to broadcast, televise, record or photograph in the courtroom shall be in writing and shall be submitted to the trial judge at least forty-eight (48) hours in advance. Request forms may be obtained from the judge's courtroom. Notice shall be provided in advance to all parties. A record hearing shall be held on all requests and shall include the parties to the case. In the event the trial judge approves the media request, (s)he shall prepare and sign a journal entry setting forth the conditions of media broadcasting, televising, recording, or photographing, including addressing items set forth in §9 of this rule below. This entry shall be made a part of the record of the case and provided to all parties and media personnel.
5. **Standard for access in abuse, neglect, dependency, and custody cases.** The juvenile court may restrict public access to its proceedings in abuse, neglect, dependency and custody cases pursuant to Juv. R. 27 and R.C. 2151.35 if, after hearing evidence and argument on the issue, the court finds that: (1) there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the proceeding, and (2) the potential for harm outweighs the benefits of public access.
6. **Requests for Closure.** A party to a matter may request that any portion of juvenile court proceedings be closed to the public and/or the media. A motion requesting closure shall be filed at least seven (7) days prior to any hearing for which closure is sought. The seven (7) day requirement may be waived at the discretion of the judge or magistrate before whom the proceeding is scheduled upon good cause shown, and specifically in matters in which a request for media access was made less than seven (7) days prior to the scheduled hearing. The public, media, and parties to the case shall all be permitted to present evidence at the time of the closure hearing.

7. **Standards for closure.** Any party requesting that a proceeding be closed to the public that is not an abuse, neglect, dependency, or custody case, shall have the burden of proof at the closure hearing, and the Court shall be required to find that: (1) there exists a reasonable and substantial basis for believing that public access could harm the child or endanger the fairness of the adjudication, (2) the potential for harm outweighs the benefits of public access, and (3) there are no reasonable alternatives to closure.
8. **Equipment and location of media.** If permitted access to a hearing, the judicial officer shall specify the place in the courtroom where media and equipment are to be located. The judicial officer shall include such terms in the journal entry as will limit potential distraction for the participants, maintain the dignity of the proceedings, and prevent material interference with the achievement of a fair trial. Location and number of equipment and operators shall be governed by Supreme Court Rule of Superintendence 12(B) or other such applicable section.
9. **Limits to Media Access.** There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the judge. Media representatives shall not be permitted to transmit or record anything other than the court proceedings from the courtroom while the court is in session. There shall be no right of access to any portions of any hearing that specifically address the social history, mental examination, or physical examination of a child.
10. **Duty to inform victims and witnesses.** The judicial officer shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed. Objections shall be honored by the media.
11. **Revocation of Permission.** Upon the failure of any media representative to comply with the conditions prescribed by this rule, Supreme Court Rule of Superintendence 12, or the judge, the judge may revoke the permission to broadcast or photograph the trial or hearing.

LOCAL RULE 21

JURY TRIALS

1. **Demand for Jury Trial.** Any adult charged with a criminal offense under the Ohio Revised Code, may demand a trial by jury.
2. **Jury Trial Required Unless Waived.** Any child charged as a serious youthful offender under Ohio Revised Code Section 2152.13 shall be entitled to a trial by jury, unless waived in open Court and in writing.
3. **Limitations on Continuances Within Fourteen Days of Trial.** No jury trial assignment date will be vacated subsequent to fourteen (14) days before said trial date except in case of severe illness or death of a party or his/her counsel. An attorney's caseload is not sufficient grounds for the continuance of a jury trial.
4. **Juries and Jurors.** In the event of a jury trial, the Court, unless it rules otherwise, will follow all of the Rules regarding juries, jurors, jury service and jury trials of the Local Rules of Practice of the Court of Common Pleas, General Division, of Van Wert County, Ohio.

LOCAL RULE 22

TRANSCRIPT OF PROCEEDINGS

1. **Complete Record.** A complete record of all testimony or other oral proceedings shall be made in all cases by means of an audio or digital recording device through the Court. If a party requests a record by a court reporter, the party shall be responsible for arranging a court reporter and paying all costs. The party is also subject to all requirements contained in Local Rule 4.
2. **Deposit Required.** Except as provided in section (B) below, a party requesting a transcript of a proceeding shall request a written estimate from the Transcriber of the cost of the transcript. The party shall deposit the amount of the estimate with the Transcriber as security for the fees to produce the transcript. Upon completion of the transcript, the Transcriber shall provide the party with a statement for services.
 - a. In the event the monies on deposit are insufficient to satisfy those fees, the requesting party or attorney shall pay the remaining amount immediately to the Transcriber.
 - b. If there are excess funds on deposit, the excess funds shall be returned to the appropriate party.
3. **Indigent party.** In certain proceedings, if the party is indigent, the party may apply to the Court to waive the requirement of the deposit. The party shall file a motion and an appropriate proposed entry. Upon good cause shown and in appropriate cases, the Court may grant the request.
4. **Limitation on Use of Transcript.** Any transcripts provided pursuant to this Rule are subject to all limitations contained in Local Rule 4, R.C. 2301.20 and Juv. R. 37.

LOCAL RULE 23
CHILD RELOCATION

1. Notice of Intent to Relocate.

A residential parent, prior to relocating to a new residence, must file with the Court a Notice of Intent to Relocate in advance of the move. (See O.R.C. 3109.051(G)). The Notice shall provide the last known address of all parties, a new residential address of the parent, the parent's telephone number, and the name and address of the school in the district which the child(ren) shall attend, if applicable. If these items are not available at the time of the notice, they shall be provided immediately upon the receipt of the information by the relocating parent.

2. Procedure and filing.

- a. The party filing the Notice of Intent to Relocate shall file with the Notice one (1) of the following:
 - i. A request that a copy of the Notice of Intent to Relocate be served by certified mail on the other party, or
 - ii. A Motion requesting that the other party or parties not receive a copy of the Notice of Intent to Relocate, pursuant to O.R.C. Section 3109.051 (G)(4).
- b. If the other party is served with the Notice of Intent to Relocate under Subdivision (A) above, and files an Objection within fourteen (14) days from the service of the Notice, the Court shall assign the matter for hearing to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.
- c. If the other party is served with the Notice of Intent to Relocate under Subdivision (A) above and does not file an Objection within fourteen (14) days from the service of the Notice, the Court may on its own motion assign the matter for hearing to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.
- d. If the other party is not served with the Notice of Intent to Relocate, pursuant to sub-division (A) (2) above and Revised Code Section 3109.051 (G) (4), the matter shall be scheduled for hearing, with service of summons, the motion and notice of hearing on the other party or parties.

LOCAL RULE 24

MAGISTRATES

1. **Authority.** Pursuant to Rule 40 of the Rules of Juvenile Procedure, Rule 19 of the Rules of Criminal Procedure, Rule 53 of the Civil Rules of Procedure and Ohio Revised Code Section 2151.16, the magistrate is empowered and authorized to conduct hearings, make orders, and render decisions in any case assigned to the magistrate.
2. **Motions to Set Aside Magistrate's Orders.** The magistrate may issue orders pursuant to Rule 40 of the Rules of Juvenile Procedure, Rule 19 of the Rules of Criminal Procedure, and Rule 53 of the Civil Rules of Procedure. Any party filing a motion to set aside a magistrate's order must comply with this Local Rule, as well as Rule 19 of the Ohio Rules of Criminal Procedure, Rule 40 of the Ohio Rules of Juvenile Procedure and/or Rule 53 of the Ohio Civil Rules of Procedure, as applicable.
 - a. **Filing.** Parties may file a motion to set aside the order, which shall be heard by the Judge. The motion shall be filed no later than ten days after the magistrate's order is entered. The motion shall be accompanied by a memorandum stating the party's position with particularity. The memorandum shall be on 8 ½ x 11 plain white paper, preferably typed, and if typed, in 12-point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the filing party, the Judge may waive all or part of this requirement. Memoranda that do not meet the requirements of this rule may not be considered by the Court in ruling on the motion to set aside. If a finding of fact or weight of the evidence is part or all the basis for the motion, a transcript of the proceeding before the magistrate must be filed with the Court. Partial transcripts may be permitted upon leave of Court. Failure to file a transcript when one is required by this rule is a basis for dismissal of the motion.
 - b. **Response.** Responses to a motion to set aside a magistrate's order may be filed by any party within ten (10) days of the filing of said motion. Responses shall be on 8 ½ x 11 plain white paper, preferably typed, and if typed, in 12-point type or larger, double-spaced, with margins not less than one inch wide, and shall not exceed 25 pages, excluding exhibits. Upon motion of the party filing the response, the Judge may waive all or part of this requirement. Responses that do not meet the requirements of this rule may not be considered by the court in ruling on the motion to set aside.
3. **Objection to Decisions of the Magistrate.** The magistrate may issue decisions pursuant to Rule 40 of the Rules of Juvenile Procedure, Rule 19 of the Rules of Criminal Procedure, and Rule 53 of the Civil Rules of Procedure. Any party filing an objection to the magistrate's decision must comply with this Local Rule, as well as Rule 19 of the Ohio Criminal Rules, Rule 40 of the Ohio Rules of Juvenile Procedure and/or Rule 53 of the Ohio Civil Rules of Procedure, as applicable.
 - a. **Filing.** Objections shall be in writing and shall be filed within fourteen (14) days of the filing of the decision to which the objections are being made. Any request for

extension of time in which to file objections to a decision of the magistrate shall be filed within fourteen (14) days of the filing of the decision to which the objections are to be made and shall state with specificity good cause for the extension. Absent good cause, any request for an extension of time in which to file objections to a decision of the magistrate filed more than fourteen (14) days after the filing of the decision shall be subject to summary denial by the Court.

- b. Response. If any party files objections to the decision of the magistrate pursuant to Ohio Civil Rule 53, Ohio Juvenile Rule 40, or Ohio Criminal Rule 19, an opposing party shall file any response to those objections within fourteen (14) days after the filing of the objections. The objections will be taken under consideration by the Court after the time for the filing of the response provided in this rule has passed.
 - c. Objection to Factual Findings of the Magistrate. An objection to a factual finding of the magistrate shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding, or an affidavit of that evidence if a transcript is not available. The objecting party shall file the transcript or affidavit with the Court within thirty (30) days after filing objections unless the court extends the time in writing to allow for the preparation of the transcript. Any request for an extension of time for filing the transcript shall be made prior to the expiration of the thirty (30) days provided by this rule, Ohio Juvenile Rule 40, Ohio Criminal Rule 19, and Ohio Civil Rule 53. If a party files timely objections prior to the date on which the transcript is prepared, the party may supplement the objections within seven (7) days after the date on which the transcript is filed with the court. Absent leave of Court, the objecting party may not supplement objections more than seven (7) days after the date on which the transcript is filed with the Court. Leave to supplement objections must be requested by the objecting party within seven (7) days after the date on which the transcript is filed with the Court.
 - d. Transcript. The party objecting to a decision of a magistrate is responsible for arranging the preparation of the transcript necessary to pursue the objection, and the timely filing of the transcript with the court. The party or counsel shall contact the juvenile court, secure from the transcriber an estimate of the costs for preparation of the transcript, the date on which the transcript will be available, and make satisfactory arrangements with the transcriber for the payment of the cost of preparation of the transcript.
 - i. Parties requesting payment for the preparation of the transcript at public expense shall apply for prior approval of payment by motion to the Court. The motion shall include the estimated cost of the transcript and the date on which the transcript will be available as provided by the transcriber. Unless otherwise approved by the Court by journal entry, the transcriber will be paid from public funds only for the preparation of the original transcript necessary for the objections and not for the costs of any copy of the original transcript.
4. **Motions to Disqualify a Magistrate**. If the magistrate allegedly is interested in a proceeding pending before the Court, allegedly is related to or has a bias or prejudice for or against a party to a proceeding pending before the court or a party's counsel, or allegedly otherwise is disqualified to preside in a proceeding pending before the court,

any party to the proceeding or the party's counsel may file a motion and sworn affidavit of disqualification.

The motion and sworn affidavit of disqualification shall be filed with the Juvenile Clerk of Court not less than seven calendar days before the day on which the next hearing in the proceeding is scheduled. The motion and affidavit shall include all the following:

- a. The specific allegations on which the claim of interest, bias, prejudice, or disqualification is based and the facts to support each of those allegations;
- b. A certificate indicating that a copy of the motion and affidavit has been provided to the magistrate against whom the affidavit is filed and that all other parties or their counsel have been noticed or served per the Ohio Civil Rules;
- c. The date of the next scheduled hearing in the proceeding or, if there is no hearing scheduled, a statement that there is no hearing scheduled.

LOCAL RULE 25

PREPARATION OF JUDGMENT ENTRIES AND ORDERS

1. **Filing of Judgment Entries and Orders.** In all Delinquency, Serious Youthful Offender, Unruly, Juvenile Traffic Offender and Juvenile Tobacco Offender cases, Dependent, Neglected, Abused cases, as well as Adult Criminal cases, the Court will prepare all final orders, unless the Court otherwise directs.

In all Parent-Child Relationship and other civil actions, it is the responsibility of counsel for the party so designated by the Court to prepare the appropriate judgment entry. The counsel for the party so designated shall submit the proposed entry to counsel for the opposing party for approval within seven (7) days of the announcement of the decision or the filing of the Magistrate's Decision. Counsel for the opposing party shall either approve or reject the proposed entry within five (5) days after the receipt thereof.

When the entry is approved by counsel, it shall be presented to the Court for approval and journalization of record. If counsel are unable to agree upon the entry, each counsel shall prepare and submit his/her own proposed entry for consideration by the Court, and either the approved entry, or the two (2) proposed entries shall be presented to the Court within twenty-one (21) days after the decision of the Court is announced.

2. **Agreed Entries.**

- a. Generally. Agreed entries shall bear the signature of all parties and counsel.
- b. Reducing Support or Arrearage. Agreed Entries to reduce or terminate child support payments or to reduce or erase arrearages are not accepted. A filed motion, with proper service to the Van Wert County Child Support Enforcement Agency, followed by a hearing is required.

An exception to the above will be made only in cases where the party against whom a reduction of support or arrearages is sought is represented by counsel, and an entry is presented, signed by all parties and counsel, setting forth the factual basis for such reduction and the fact that the party against whom the reduction was made agreed to the reduction voluntarily and with the advice and consent of counsel. An applicable motion with waiver of service and payment of the post-decree motion filing fee is required before the Magistrate will review the Agreed Entry.

- c. Change of Residential Parent. Agreed entries changing the residential parent are not accepted. A filed motion, with proper service to all parties, followed by a hearing is required.

An exception to the above will be made only in cases where the party losing residential parent status is represented by counsel, and an entry is presented, signed by all parties and counsel, setting forth the agreement regarding the change in status and the effect thereon to child support payments, medical and dental insurance coverage and status of tax exemptions. An applicable motion with

waiver of service and payment of the post-decree motion filing fee is required before the Magistrate will review the Agreed Entry.

- d. Shared Parenting Plans. Minor changes to Shared Parenting Plans are exempted.

LOCAL RULE 26

RULES FOR RESIDENTIAL AND NON-RESIDENTIAL PARENTS

The "Court's Standard Rules for Residential and Non-Residential Parents and the Allocation of Parental Rights and Responsibilities", formerly referred to as the "Court's Standard Rules of Custody and Visitation" are attached to these local rules as Appendix A, Appendix B, and Appendix C. These standard orders shall be used in all cases in which the parties and/or the Court adopt in an order or judgment entry one of the standard parenting time orders contained in Appendix A, Appendix B, and Appendix C. The Appendix shall be attached to any order or judgment entry that adopts the parenting time schedules contained therein.

LOCAL RULE 27

COURT MAILBOX

1. **Establishment of Attorney Mailboxes.** In order to reduce the cost of postage, the Clerk of Courts maintains a set of mailboxes (Clerks' mailboxes) for attorneys who request to have documents placed in the Clerk's mailbox rather than deposited with the United States Postal Service.
2. **Annual Request for Mailbox.** Any attorney who desires to use a Clerks' mailbox shall annually fill out a form prescribed by the Clerk of Courts. That form shall be turned in prior to January 1 of each calendar year. Failure to fill out the form annually will result in the documents being sent regular mail through the United States Postal Service, beginning January 1 until such time as the attorney fills out another request.
3. **Effect of Registered Mailbox.** Once registered, all assignment notices, orders, magistrate's decisions, judgment entries, and all other documents that are required to be sent to the attorney by the Court shall be placed in the Clerk's mailbox.
4. **Date of Service.** The date of service, for time deadlines, shall be the date that the Clerk's indicates on the docket as placing it in the mailbox.
5. **Effect of Service.** In addition, where copies of pleadings, motions, briefs, memoranda and other papers have been placed in the appropriate attorney's mailbox in the Clerk of Courts' office and certificate of delivery reflects such action, it shall be deemed by the Court as delivery to counsel pursuant to the requirements of the Ohio Rules of Civil Procedure.

APPENDIX A
VAN WERT COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
MODEL PARENTING TIME SCHEDULES AND ALLOCATION
OF CERTAIN PARENTAL RIGHTS AND RESPONSIBILITIES
(Effective 4/8/19)

Purpose of Appendix A:

Most studies show and psychologists uniformly agree that the children who do best following a divorce are from families which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child.

However, children clearly profit by continued meaningful exposure to both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible based upon the changing needs of a child as the child grows.

Liberal parenting time arrangements are encouraged. These schedules do not prohibit parents from developing their own schedule based on the ages and specific needs of their families. For guidance on tailoring an age specific parenting plan, it is recommended that the parties review the Planning for Parenting Time, Ohio's Guide for parents Living Apart which can be found on the Ohio Supreme Court's website. <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

This Appendix is not created to give parents legal weapons to use against each other. The Court will consider a parent's breach of an obligation first in the light of the effect that it has on the children and secondly its effect on the other parent.

I. OBLIGATIONS IMPOSED ON BOTH PARENTS

Mutual respect: Neither parent shall criticize the other or allow any other person to do so in the presence of the children.

Communication between Parents: Both parents will communicate directly with each other regarding any matters involving their children. Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor children unless such communications are amicable and are of minor significance.

The children shall not be used as messengers. The children shall not have direct access to the other parent with regards to modifications of schedules, etc. Instead, any requests for changes to schedules shall occur directly between the biological parents.

All parental communication shall focus solely on the best interest of the children and both parents will refrain from making negative and disparaging comments about the other parent.

Each parent shall provide the other with his or her current residence address, mailing address, telephone number and email addresses and immediately notify the other parent of any changes in that information.

II. MODEL PARENTING TIME SCHEDULES

These schedules are for situations in which neither parent has filed a motion for shared parenting and a proposed shared parenting plan with the Court pursuant to Section 3109.04(D)(1) of the Ohio Revised Code. Specific items in the Journal Entry take precedence over this schedule. **THE PARENTING TIME OPTION SELECTED BELOW DOES NOT CREATE A PRESUMPTION OF A DEVIATION IN CHILD SUPPORT.** It is for parenting time purposes only and child support shall be considered on a case by case basis.

Parent 1 is the parent designated as the residential parent (primary residential parent for shared parenting plans). This is the parent from whose home the child(ren) attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

Parent 2 is the parent designated as the non-residential parent (secondary residential parent for shared parenting plans).

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

For Parents traveling less than 30 miles one way:

(CHOOSE ONE OPTION)

_____ **OPTION A**

1. The children shall reside equally with both parents on an alternating weekly basis. The children shall transition from one parent's residence to the other every Sunday at 7:00 p.m. unless the parties agree upon a different day and time.

2. The parent who is not exercising weekly parenting time shall be entitled to spend one weekday evening with the children from 5:00 p.m. until 8:00 p.m. on Wednesday unless the parties agree otherwise.
3. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

OPTION B

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Monday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 1 shall have parenting time with the children each Monday beginning at 7:00 p.m. until drop-off to school/daycare on Wednesday (or 7:00 p.m. if

there is no school and daycare is not needed). Parent 2 shall have parenting time with the children from Wednesday after school/daycare (or 7:00 p.m. if no school or daycare) until drop-off to school/daycare on Friday (or 7:00 p.m. if there is no school and daycare is not needed). The parent who has the children in the morning is responsible for taking the children to school/daycare on the days that school/daycare is necessary. If there is no school and daycare is not needed, the receiving parent shall be responsible for picking up the children.

3. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations or they may arrange one two-week vacation. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

For parents traveling less than 45 miles one way.

_____ **OPTION C**

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Monday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and

birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.

2. Weekdays: Parent 2 shall have one weekday overnight per week on Wednesday from 5:00 p.m. until the drop-off to school/daycare on Thursday (or 7:00 p.m. if there is no school and daycare is not needed). Parent 1 shall have the remaining weekday parenting time. The parent who has the children in the morning is responsible for taking the children to school/daycare on the days that school/daycare is necessary. If there is no school and daycare is not needed, the receiving parent shall be responsible for picking up the children.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the

vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

OPTION D

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Sunday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 2 shall have one weekday evening on Wednesday from 5:00 p.m. until 8:00 p.m. Parent 1 shall have the remaining weekday parenting time.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

For Parents traveling less than 150 miles one way.

 OPTION E

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Sunday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 1 shall have the children during the week.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said

vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

HOLIDAYS: The following holidays take priority over weekly parenting time and vacation parenting time.

Holiday	Time	Odd Years	Even Years
Easter	Last day of school at 7pm to Sun at 7pm	Parent 1	Parent 2
Memorial Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Mother's Day	From 9am to 7pm	Mother	Mother
Father's Day	From 9am to 7pm	Father	Father
July 4 th	July 3 at 7pm to July 5 at 7pm	Parent 1	Parent 2
Labor Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Trick or Treat	From 9am to 8pm (if the child is in school, from after school until 8pm)	Parent 1	Parent 2
Thanksgiving	Wed at 7pm to Sun at 7pm	Parent 2	Parent 1
First ½ of Christmas	Last day of school at 7pm to Dec 26 at 7p.m.	Parent 1	Parent 2
Second ½ of Christmas	Dec 26 at 7 p.m. until 7pm the day before school resumes	Parent 2	Parent 1
Child's Birthday	From 9am to 7pm (if the child is in school, from after school to 8pm)	Parent 1	Parent 2

All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides shall be used.

III. RULES GOVERNING PARENTING TIME

EXCHANGES AND TRANSPORTATION:

- A. It shall be the responsibility of the party receiving the child to begin their parenting time to provide transportation for the child. The parties may designate a licensed insured driver known to the children to provide any of this transportation, if necessary.
- B. The parent from whom the children are being picked up shall have the children ready and available at the designated time. For reasons beyond the parent's control, there will be a 15 minute grace period for having the children ready and available.
- C. If the parents live within 30 miles of each other, there will be a 15 minute grace period for pick-up and delivery of the children for parenting time. If the parents live over 30 miles apart from each other, there will be a 30 minute grace period. If the receiving parent exceeds the grace period, that parent's parenting time shall be forfeited unless the other parent has been given prior notice and arrangements made or if the receiving parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.
- D. Repeated violations of the grace period shall be cause to modify the parenting time order or to modify the order designating the residential parent.
- E. The party transporting the children must have and utilize a car seat/booster seat and must comply with all child restraint laws.

EXTRACURRICULAR ACTIVITIES: Regardless of where the children are staying, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all activities (handwritten, if no formal schedule is provided by the activity), and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.

Neither parent shall unilaterally enroll a child in a new activity that infringes on the other parent's parenting time. Written consent is required for enrollment of a child in a new activity that encompasses parenting time of both parents. Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.) unless both parents gave consent. **Parents need to realize the significance of these activities in their children's lives and flexibility is encouraged.**

It is the responsibility of the parents to discuss the children's extracurricular activities in advance, including times, dates and transportation needs, so that the children are not deprived of activities and maintaining friends. Both parents are encouraged to attend all of their children's activities. Both parents are encouraged to share the cost of the children's activities.

SCHOOL WORK: Both parents must provide time for the children to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the parent who is exercising parenting time with the children must inform the other parent of the schoolwork to be completed when exchanging the children.

COMMUNICATION BETWEEN PARENTS AND CHILDREN: Both parents shall encourage free communications between the children and the other parent. Neither parent shall do anything to impede or restrict communications by email, mail, text or phone calls between the children and the other parent regardless of who initiated the contact.

The non-visiting parent shall have the right to initiate at a minimum two telephone calls to the children each week. Each child shall have the right to communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means such as texting, Skype, Face Time, etc.

CLOTHING AND THE CHILDREN'S APPEARANCE

A. Parties operating under option A or B: Each parent is expected to maintain suitable clothing, outerwear, bottles, formula, and diapers for the children during their periods of parenting time. Each parent shall return all items that are sent with the child at the conclusion of the parenting time.

B. Parties operating under option C or D: Parent 1 is responsible for providing sufficient appropriate clean clothing and outerwear for every parenting time period. Parent 2 is expected to maintain bottles, formula and diapers for the children during their periods of parenting time. If the planned parenting time activities require special or unusual clothing needs, Parent 2 must notify Parent 1 in advance. If the child does not own the type of clothing requested, Parent 1 is not obligated to comply with the request. All clothing sent by Parent 1 MUST be returned immediately after the parenting time period in good condition, reasonable wear and tear excepted.

C. Absent an agreement by both parents, the children's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to coloring of hair, tattoos and body piercing.

ILLNESS: Because parenting includes the responsibility to care for the children during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the children's illness. It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness. A child who is confined to bed rest pursuant to a physician's instructions is presumed too ill for parenting time exchanges to take place. The parent who is exercising parenting time with the children at the time of the illness shall notify the other parent of the illness prior to the exchange of the children. Any parenting time that is missed due to the illness of the children shall be made up within 30 days or as the parents mutually agree.

MEDICATION: If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the medication shall pass from one parent to the other during the exchanges of the child along with written instructions for the administration of the medication and the name and telephone number of the medical care provider. Each parent shall administer the medication to the child pursuant to the physician's instructions.

MEDICAL, DENTAL, AND OPTICAL CARE:

- A. The children shall continue to be cared for by the same health care providers unless otherwise agreed to by the parties or for geographic reasons is not practical.
- B. Routine medical, dental and optical care will be arranged by and be the responsibility of Parent 1. Consulting with Parent 2 is not required before such routine care is undertaken.

- C. Either parent who has the physical custody of the children at the time, shall promptly notify the other of any illness or injury that requires the children to be seen or treated by a doctor or other health care provider.
- D. Either parent who has parenting time with the children at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consulting the other parent if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the children's treatment and condition, the name of the treating physicians and the location of the medical facility where the children have been admitted or treated.
- E. Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child without the consent of the other parent in advance. In the event that no agreement can be reached, the parties can petition the Court for a determination as to whether the procedure should occur.
- F. Both parents agree to utilize only in network providers to provide services to the minor children unless the parties mutually agree to a specific out of network provider. Any party who takes the children outside of the network without the approval of the other party will be solely responsible for all costs incurred for the service.

EDUCATION

- A. School District: Unless otherwise agreed, the children shall attend the public schools in the school district where Parent 1 resides. Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of the Court is first obtained, unless the children were so enrolled during the marriage or prior to the custody action.
- B. School Records, Notices, and Activities:
 - 1. Parent 1 shall make contact with the administrators of the schools that the children attend and cause the school to enter in its student records the name, residence address and telephone number of Parent 2 and any information the school may need to reach Parent 2 for routine or emergency reasons.
 - 2. Parent 1 shall direct and authorize the school to release any and all information concerning the children to Parent 2. Parent 1 and the school shall make such arrangements necessary to timely provide to Parent 2 copies of all

grade reports, notices and bulletins that Parent 1 would routinely receive from the school.

3. If for any reason, the school is unable to provide Parent 2 with the grade reports, notices and bulletins that Parent 1 routinely receives, the Parent 1 shall make copies of the same and immediately deliver them to Parent 2.
4. Parent 1 shall be responsible to provide the following information and deliver the same to Parent 2 as soon as it is available: School programs, scheduled events in which the children are participants, or have a particular interest in, including but not limited to, academic, drama, athletic, instrumental or vocal music programs, school clubs or other organized programs or events, extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including, but not limited to organized sports, scouting, 4-H, YMCA, YWCA, theater, music recitals, church pageants and programs and any other programs or events.
5. Parent 1 shall notify Parent 2 of all parent teacher meetings and said meetings shall be scheduled so that both parents can attend together whenever possible.
6. Each parent is responsible to set up his or her own online access to school records and information, if available.

RELOCATION

Notice of Intent to Relocate: Each parent must file a notice of intent to relocate any time they change their residence from that of the residence where they resided at the time of the last parenting order. Said notice must be filed with the Court that issued the parenting order. Said notice must be filed at least thirty (30) days in advance of the relocation, absent emergency circumstances. The Court shall send a copy to the non-moving parent. The Court, on its own motion or the motion of the non-moving 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. If neither the Court nor the non-moving parent files a motion with the Court, the moving parent is entitled to relocate at the conclusion of the thirty (30) day period.

NONCOMPLIANCE WITH COURT ORDER: The duties and rights of parents outlined in this Appendix may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent

does not obey another order of the Court (for instance, to pay support, medical bills, etc). A parent may seek enforcement of a periodic child support order by contacting the Van Wert County Child Support Enforcement Agency. The failure of any party to obey a Court Order may be subject the violating parent to Court imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

RECORDS ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051 (H) and 3319.321 (B)(5)(a), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321(F), the parent who is not the residential parent is entitled to access to any record that is related to the child(ren), under the same terms and conditions as the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

DAY CARE CENTER ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051(l), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C. Sections 5104.011, the parent who is not the residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

SCHOOL ACTIVITIES NOTICE: Pursuant to Ohio Revised Code Section 3109.051 (J), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321 (F), the parent who is not the residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

Any time a Judgment Entry orders parenting time in accordance with one of the options in Appendix A, a copy of Appendix A shall be attached to and incorporated in the Judgment entry.

This version of the local rules is intended to be prospective in application only. All Judgment Entries that make reference to the Standard Rules of Visitation that were filed prior to 4/8/19 shall be governed by the local rules in effect as of the date of that entry.

APPENDIX B
VAN WERT COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
MODEL PARENTING TIME SCHEDULES AND ALLOCATION
OF CERTAIN PARENTAL RIGHTS AND RESPONSIBILITIES
FOR PARENTS TRAVELING OVER 150 MILES ONE WAY
(Effective 4/8/19)

Purpose of Appendix B:

Most studies show and psychologists uniformly agree that the children who do best following a divorce are from families which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child.

However, children clearly profit by continued meaningful exposure to both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible based upon the changing needs of a child as the child grows.

Liberal parenting time arrangements are encouraged. These schedules do not prohibit parents from developing their own schedule based on the ages and specific needs of their families. For guidance on tailoring an age specific parenting plan, it is recommended that the parties review the Planning for Parenting Time, Ohio's Guide for parents Living Apart which¹⁷ can be found on the Ohio Supreme Court's website. <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

This Appendix is not created to give parents legal weapons to use against each other. The Court will consider a parent's breach of an obligation first in the light of the effect that it has on the children and secondly its effect on the other parent.

I. OBLIGATIONS IMPOSED ON BOTH PARENTS

Mutual respect: Neither parent shall criticize the other or allow any other person to do so in the presence of the children.

Communication between Parents: Both parents will communicate directly with each other regarding any matters involving their children. Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor children unless such communications are amicable and are of minor significance.

The children shall not be used as messengers. The children shall not have direct access to the other parent with regards to modifications of schedules, etc. Instead, any requests for changes to schedules shall occur directly between the biological parents.

All parental communication shall focus solely on the best interest of the children and both parents will refrain from making negative and disparaging comments about the other parent.

Each parent shall provide the other with his or her current residence address, mailing address, telephone number and email addresses and immediately notify the other parent of any changes in that information.

II. MODEL PARENTING TIME SCHEDULE

Specific items in the Journal Entry take precedence over this schedule.

Parent 1 is the parent designated as the residential parent. This is the parent from whose home the children attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

Parent 2 is the parent designated as the non-residential parent.

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides.

(CHOOSE ONE OPTION)

OPTION 1

1. Parent 2 shall have parenting time with the children from 7:00 p.m. two days following the last day of school before summer vacation until two weeks preceding the first day of school in the fall. If, however, the children must attend summer school in order to pass to the next grade, Parent 2 shall have parenting time from 7:00 p.m. the day after the conclusion of the summer school until one week preceding the first day of school in the fall.
2. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26th at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26th at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
3. During even numbered years, Parent 2 shall have parenting time with the children on Thanksgiving break from 7:00 p.m. on the last day of school before Thanksgiving break until the day preceding the commencement of school at the end of Thanksgiving break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
4. During odd years, Parent 2 shall have parenting time with the children on Spring break from 7:00 p.m. on the last day of school before Spring break until the day preceding the commencement of school at the end of Spring break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
5. At such other times as Parent 2 may visit or have business in the immediate area of Parent 1's residence, Parent 2 shall receive the equivalent of a weekend visitation. Parent 2 must give Parent 1 ten (10) days advance notice of his/her intent to exercise the same. Parent 2 shall not take advantage of this provision more than once every three calendar months.
6. Parent 2 may have a once a month weekend visit if the children's traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

OPTION 2

1. Parent 2 shall be afforded eight (8) weeks of parenting time with the children during the children's summer break from school. These visits may occur in blocks of time of four (4) weeks. Parent 2 shall provide Parent 1 with advance written notice of at

least sixty (60) days. Parent 2 has priority over any vacation time of Parent 1 unless Parent 1 has vacation time during an annual mandatory shut down of their place of employment or if Parent 1 is required to give more than sixty (60) days of notice to their employer to take a vacation and Parent 2 has no similar requirement. Parent 1 shall also give Parent 2 notice of at least sixty (60) days of vacations, or special plans of the children to avoid planning conflicts. If the children must attend summer school in order to pass to the next grade, Parent 2 shall schedule the parenting time around the summer school.

2. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26th at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26th at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
3. During even numbered years, Parent 2 shall have parenting time with the children on Thanksgiving break from 7:00 p.m. on the last day of school before Thanksgiving break until the day preceding the commencement of school at the end of Thanksgiving break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
4. During odd years, Parent 2 shall have parenting time with the children on Spring break from 7:00 p.m. on the last day of school before Spring break until the day preceding the commencement of school at the end of Spring break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
5. At such other times as Parent 2 may visit or have business in the immediate area of Parent 1's residence, Parent 2 shall receive the equivalent of a weekend visitation. Parent 2 must give Parent 1 ten (10) days advance notice of his/her intent to exercise the same. Parent 2 shall not take advantage of this provision more than once every three calendar months.
6. Parent 2 may have a once a month weekend visit if the children's traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

III. RULES GOVERNING PARENTING TIME

EXCHANGES AND TRANSPORTATION:

- A. It shall be the responsibility of the party receiving the children to begin their parenting time to provide transportation for the children. The parties may designate a licensed insured driver known to the children to provide any of this transportation, if necessary. If either parent elects to use public transportation such as airline, train or bus, it shall be the responsibility of the parent then having parenting time with the children to timely deliver the children to the terminal to connect with their transportation.
- B. The parent from whom the children are being picked up shall have the children ready and available at the designated time. For reasons beyond the parent's control, there will be a 15 minute grace period for having the children ready and available.
- C. There will be a 30 minute grace period for picking up the children. If the receiving parent exceeds the grace period, that parent's parenting time shall be forfeited unless the other parent has been given prior notice and arrangements made or if the receiving parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.
- D. Repeated violations of the grace period shall be cause to modify the parenting time order or to modify the order designating the residential parent.
- E. The party transporting the children must have and utilize a car seat/booster seat and must comply with all child restraint laws.

COMMUNICATION BETWEEN PARENTS AND CHILDREN:

Both parents shall encourage free communications between the children and the other parent. Neither parent shall do anything to impede or restrict communications by email, mail, text or phone calls between the children and the other parent regardless of who initiated the contact.

The non-visiting parent shall have the right to initiate at a minimum two telephone calls to the children each week. If the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the call.

Each child shall have the right to communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means such as texting, Skype, Face Time, etc.

CLOTHING AND THE CHILDREN'S APPEARANCE

A. Parent 1 is responsible for providing sufficient appropriate clean clothing and outerwear for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, Parent 2 must notify Parent 1 in advance. If the child does not own the type of clothing requested, Parent 1 is not obligated to comply with the request. All clothing sent by Parent 1 MUST be returned immediately after the parenting time period in good condition, reasonable wear and tear excepted.

For all visits with the exception of summer visitation, if the children are infants, Parent 1 shall send sufficient bottles, formula and diapers to last the duration of the parenting time. For summer visitation, Parent 1 shall send sufficient bottles, formula and diapers to last one week, then Parent 2 is responsible for same for the remaining parenting time.

B. Absent an agreement by both parents, the children's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to cutting/coloring of hair, tattoos and body piercing.

ILLNESS: Because parenting includes the responsibility to care for the children during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the children's illness. It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness. A child who is confined to bed rest pursuant to a physician's instructions is presumed too ill for parenting time exchanges to take place. The parent who is exercising parenting time with the children at the time of the illness shall notify the other parent of the illness prior to the exchange of the children. Any parenting time that is missed due to the illness of the children shall be made up within 30 days or as the parents mutually agree.

MEDICATION: If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the medication shall pass from one parent to the other during the exchanges of the child along with written instructions for the administration of the medication and the name and telephone number of the medical care provider. Each parent shall administer the medication to the child pursuant to the physician's instructions.

MEDICAL, DENTAL, AND OPTICAL CARE:

- A. The children shall continue to be cared for by the same health care providers unless otherwise agreed to by the parties or for geographic reasons is not practical.
- B. Routine medical, dental and optical care will be arranged by and be the responsibility of Parent 1. Consulting with Parent 2 is not required before such routine care is undertaken.
- C. Either parent who has the physical custody of the children at the time, shall promptly notify the other of any illness or injury that requires the children to be seen or treated by a doctor or other health care provider.
- D. Either parent who has parenting time with the children at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consulting the other parent if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the children's treatment and condition, the name of the treating physicians and the location of the medical facility where the children have been admitted or treated.
- E. Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child without the consent of the other parent in advance. In the event that no agreement can be reached, the parties can petition the Court for a determination as to whether the procedure should occur.
- F. Both parties agree to utilize only in network providers to provide services to the minor children unless the parties mutually agree to a specific out of network provider. Any party who takes the children outside of the network without the approval of the other party will be solely responsible for all costs incurred for the service.

EDUCATION

- A. School District: Unless otherwise agreed, the children shall attend the public schools in the school district where Parent 1 resides. Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of the Court first obtained, unless the children were so enrolled during the marriage or custody action.

B. School Records, Notices, and Activities:

1. Parent 1 shall make contact with the administrators of the schools that the children attend and cause the school to enter in its student records the name, residence address and telephone number of Parent 2 and any information the school may need to reach Parent 2 for routine or emergency reasons.
2. Parent 1 shall direct and authorize the school to release any and all information concerning the children to Parent 2. Parent 1 and the school shall make such arrangements necessary to timely provide to Parent 2 copies of all grade reports, notices and bulletins that Parent 1 would routinely receive from the school.
3. If for any reason, the school is unable to provide Parent 2 with the grade reports, notices and bulletins that Parent 1 routinely receives, the Parent 1 shall make copies of the same and immediately deliver them to Parent 2.
4. Parent 1 shall be responsible to provide the following information and deliver the same to Parent 2 as soon as it is available: School programs, scheduled events in which the children are participants, or have a particular interest in, including but not limited to, academic, drama, athletic, instrumental or vocal music programs, school clubs or other organized programs or events, extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including, but not limited to organized sports, scouting, 4-H, YMCA, YWCA, theater, music recitals, church pageants and programs and any other programs of events.
5. Parent 1 shall notify Parent 2 of all parent teacher meetings and said meetings shall be scheduled so that both parents can attend together, if possible.
6. Each parent is responsible to set up his or her own online access to school records and information, if available.

NOTICE OF INTENT TO RELOCATE: Each parent must file a notice of intent to relocate any time they change their residence from that of the residence where they resided at the time of the last parenting order. Said notice must be filed with the Court that issued the parenting order. Said notice must be filed at least thirty (30) days in advance of the relocation, absent emergency circumstances. The Court shall send a copy of the notice to the non-moving parent. The Court, on its own motion or the motion of the non-moving 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. If neither the Court nor the non-

moving parent files a motion with the Court, the moving parent is entitled to relocate at the conclusion of the thirty (30) day period.

NONCOMPLIANCE WITH COURT ORDER: The duties and rights of parents outlined in this Appendix may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent does not obey another order of the Court (for instance, to pay support, medical bills, etc). A parent may seek enforcement of a periodic child support order by contacting the Van Wert County Child Support Enforcement Agency. The failure of any party to obey a Court order may be subject the violating parent to Court imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

RECORDS ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051 (H) and 3319.321 (B)(5)(a), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321(F), the parent who is not the residential parent is entitled to access to any record that is related to the child(ren), under the same terms and conditions as the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

DAY CARE CENTER ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051(l), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C. Sections 5104.011, the parent who is not the residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

SCHOOL ACTIVITIES NOTICE: Pursuant to Ohio Revised Code Section 3109.051 (J), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321 (F), the parent who is not the residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

Any time a Judgment Entry orders parenting time in accordance with one of the options in Appendix B, a copy of Appendix B shall be attached to and incorporated in the Judgment entry.

This version of the local rules is intended to be prospective in application only. All Judgment Entries that make reference to the Standard Rules of Visitation that were filed prior to 4/8/19 shall be governed by the local rules in effect as of the date of that entry.

APPENDIX C

HOLIDAY SCHEDULE

(Effective 4/8/19)

Parent 1 is the parent designated as the residential parent (primary residential parent for shared parenting plans). This is the parent from whose home the child(ren) attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

Parent 2 is the parent designated as the non-residential parent (secondary residential parent for shared parenting plans).

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

HOLIDAYS: The following holidays take priority over weekly parenting time and vacation parenting time.

Holiday	Time	Odd Years	Even Years
Easter	Last day of school at 7pm to Sun at 7pm	Parent 1	Parent 2
Memorial Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Mother's Day	From 9am to 7pm	Mother	Mother
Father's Day	From 9am to 7pm	Father	Father
July 4 th	July 3 at 7pm to July 5 at 7pm	Parent 1	Parent 2
Labor Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Trick or Treat	From 9am to 8pm (if the child is in school, from after school until 8pm)	Parent 1	Parent 2
Thanksgiving	Wed at 7pm to Sun at 7pm	Parent 2	Parent 1
First ½ of Christmas	Last day of school at 7pm to Dec 26 at 7p.m.	Parent 1	Parent 2
Second ½ of Christmas	Dec 26 at 7 p.m. until 7pm the day before school resumes	Parent 2	Parent 1

Child's Birthday	From 9am to 7pm (if the child is in school, from after school to 8pm)	Parent 1	Parent 2
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All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides shall be used.