

IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION

FILED  
DAVID B BENDER

JAN 26 2016

IN RE: LOCAL RULES OF COURT

PROBATE-JUVENILE JUDGE  
FAYETTE COUNTY, OHIO

**ENTRY ESTABLISHING LOCAL RULES OF COURT**

It is ORDERED that the following amended Local Rules of practice are established to supplement the Rules of Superintendence for the Court of Common Pleas, Juvenile Division, as amended, and are effective on January 1, 2016.

It is FURTHER ORDERED that these rules, having been submitted to the Fayette County Bar Association for comment, are adopted, and shall be filed with The Supreme Court of Ohio.  
ENTER THIS 26<sup>TH</sup> DAY OF JANUARY, 2016.

  
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DAVID B. BENDER, JUDGE

FAYETTE COUNTY, OHIO

# LOCAL RULES OF THE JUVENILE COURT

DAVID B. BENDER, JUDGE

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**LOCAL RULES OF THE JUVENILE COURT**  
**FAYETTE COUNTY, OHIO**

**RULE 1. HOURS OF THE COURT**

- A. The Juvenile Court and its offices shall be open for the transaction of business from 8:00 A.M. to 4:00 P.M. daily except Saturday, Sunday, legal holidays and Court holidays, or at other times as may be provided by order of the Judge or proclamation of the County Commissioners from time to time, or for special cases as the interest of justice may require.
- B. Court sessions shall be held at the Fayette County Courthouse in such manner as shall be ordered by the Judge; sessions may be held at such other places in this county as may be provided by order of the Judge from time to time, or for special cases as the interest of justice may require.
- C. Sessions may be adjourned from time to time as the justice of the case may require and for the Court to have an opportunity to obtain additional evidence or testimony.

**RULE 2. CONDUCT IN THE COURT**

- A. Proper decorum in the Court is necessary for the administration of the Court's functions; and conduct which interferes, or tends to interfere, with the proper administration of justice or the Court's business is prohibited.
- B. Proper attire is required in the courtroom. Those inappropriately dressed may be denied access to the courtroom.
- C. No radio or television transmission, telephone voice recording device, other than a device used by a Court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the expressed consent of the Court in advance and pursuant to Sup. R. 11.
- D. Any long distance telephone calls made from the Juvenile Court shall be made in a manner other than a direct call. Collect calls are acceptable.
- E. All electronic devices including cellular phones shall be turned off or silenced before entering the courtroom and shall not be used while Court is in session.
- F. Food and beverages are prohibited in the courtroom.
- G. The Court adopts the following as policy regarding the use of physical restraints on a juvenile or juveniles appearing for proceedings in the courtroom:
  - 1. As a general rule, juveniles appearing in Juvenile Court shall not be handcuffed or shackled while present in the courtroom. Exceptions will be considered at the sole discretion of the Judge for those juveniles who are charged with an offense of violence, juveniles who are considered a flight risk, juveniles who have a history of violence or retaliation, or juveniles that present a risk to the safety of themselves or others.

2. The Judge will consider this matter on a case by case basis and reflect his findings on the record prior to the hearing.
3. In instances where there is a legitimate concern regarding the use of restraints, the Probation Officer may present his/her concerns in writing to the Judge prior to the youth's hearing for the Judge's review and consideration.
4. This Court supports the standard procedures in place by law enforcement or any juvenile detention center for transport of juveniles which may include the use of restraints for officer safety and that of the youth(s) during transport.

### RULE 3. COURT RECORDS

- A. Reports and records of the Probation Department and Diversion Department shall be considered confidential information and shall not be made public.
- B. The inspection of Court Records by attorneys and other interested parties shall be governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure.
- C. The Court may limit or deny inspection for good cause shown pursuant to aforementioned Rule 32(C).
- D. Pretrial investigative reports prepared at the direction of the Court are considered confidential information and shall not be made public.
- E. Probation or Diversion reports, home studies, drug screen results, Victim Impact Statements, Case Plans, or social, physical or psychological examinations prepared at the direction of the Court shall be considered confidential information and shall not be made public. Inspection by attorneys or persons that the Court deems appropriate may be allowed by leave of the Court, but shall not be copied or reproduced in any way, except by leave of the Court.
- F. Home Investigation reports are considered confidential information and shall not be made public. When a Court Investigator files a Home Investigation report with the Court, a file stamped copy of the Investigator's report shall be disseminated by the Deputy Clerk to the attorneys of record in that case. If a party to the case is representing themselves *pro se*, then that party shall also receive a copy. The Deputy Clerk shall indicate the parties being served by way of certificate of service. The Court PROHIBITS that said distributed copies be reproduced further in any way, or be further distributed to anyone other than to the counsel and *pro se* parties of record.
- G. Guardian ad Litem reports are considered confidential information and shall not be made public. When a Guardian ad Litem files a Guardian ad Litem (GAL) report with the Court, the GAL shall provide an adequate number of copies to serve a file stamped copy of the GAL report upon each attorney of record in that case. If a party to the case is representing themselves *pro se*, then that party shall also receive a copy. The GAL shall indicate the parties being served by way of certificate of service. The Court PROHIBITS that said distributed copies be reproduced further in any way, or further distributed to anyone other than to the counsel and *pro se* parties of record.

- H. The Court requires the Guardian Ad Litem to adhere to all responsibilities of a GAL as defined in Sup. Rule 48 including the requiring of reports to be filed with the Court no less than seven (7) days prior to a hearing.
- I. Record checks by law enforcement, the military, and other agencies shall be directed to the Deputy Clerk.
- J. It is the Court's practice to make available for publication final dispositions of all Juvenile Traffic Offender, Delinquent and Unruly cases. For good cause shown, the Court will allow exclusion of a particular case.
- K. Copies of public records shall be provided at the cost of \$.15 per page by paper medium. If a request is received that copies be sent by regular U.S. Mail, such copies will be mailed only if the cost of the copies, postage, and any other mailing expenses are pre-paid (O.R.C. Section 149.03). Requests by e-mail will be accepted, but no copies will be mailed unless the costs are pre-paid.
- L. When a transcript of a proceeding is filed in the trial case, it becomes part of the record. If the case type is one that is not excluded by statute as a public record, copies of said transcript will be provided upon request at \$.15 per page.

#### RULE 4. MOTIONS

- A. The Ohio Rules of Juvenile Procedure shall apply except as otherwise provided by statute.
- B. The Court reserves the right to hear a handwritten or typed letter motion filed by a party to the action.
- C. See Rule 7N regarding filing of any motions by way of electronic transmission.

#### RULE 5. HEARING AND CONTINUANCES

- A. It is the Court's practice for the Deputy Clerk to schedule all hearings by contact with the attorney of record or his/her office to check with his/her calendar. Therefore, once notice is sent, the Court presumes that the scheduled date and time have been accepted and approved by the attorney or his/her staff. Any attorney requesting a continuance on the grounds of the Court's alleged failure to notify him/her must overcome this presumption.
- B. Requests for continuances will be made in accordance with Superintendence Rule 41 and Ohio Juvenile Rule 23.
- C. Motions for continuance shall be submitted in writing with the proper caption and case number, as far in advance of hearing dates as practicable. If the grounds for the request is conflicting assignment in another court, the attorney shall attach a time stamped copy of the notice of that conflicting assignment pursuant to Sup. Rule 41(B).
- D. No continuances, except on the Court's own motion, shall be granted in the absence of proof of reasonable notice to or consent by counsel for the adverse party, if represented by counsel, and,

if not, by the adverse party. Failure after such notice to object to a continuance within a reasonable time shall be deemed as consent thereto.

- E. An entry shall be submitted with a motion for continuance leaving the time and date of hearing blank for the Court to set a new date. Unless otherwise directed, it will be the responsibility of the attorney obtaining the continuance to notify all other counsel, unrepresented parties, and their own witnesses of the continuance. If the continuance is pursuant to the Court's own motion, each attorney will be responsible for notifying their own clients and witnesses, unless otherwise directed.
- F. If a hearing is not to proceed at the time designated, the Court must be notified of that fact. Upon unexcused failure to appear, the Court may proceed to hear the matter upon the evidence submitted.
- G. No case will be continued on the day of hearing except for good cause shown.
- H. Submission of a matter upon briefs without oral hearing may be authorized by the Judge.

#### RULE 6. COURT APPOINTED COUNSEL

- A. A list of attorneys available for appointment shall be maintained by the Court. Those attorneys on the list must be admitted to the practice of law in the State of Ohio and be in good standing with the Supreme Court of Ohio. The Deputy Clerk will rotate assignments among those available attorneys to assure equitable distribution of appointments.
- B. The manner of compensation for appointed attorneys shall be at an hourly rate in accordance with the fee schedule of the Fayette County Commissioners. The attorney shall apply for said fees in accordance with the rules on the Ohio Public Defender Commission's form, which may be provided by the Court upon request, or found on the Ohio Public Defender's website. Extraordinary fees shall be considered upon application to the Court.
- C. In the instance where the Court determines that a juvenile offender requires the appointment of counsel and said juvenile and his/her family is found to be non-indigent, and the parent(s) or guardian(s) will not voluntarily hire counsel for the youth, the Court will appoint counsel to represent the youth, and the parent(s) or guardian(s) will be billed for such representation at the rate determined by the rate set forth by the County Commissioners.
- D. Any party who is ordered by the Court to pay their own or another party's attorney fees, and who considers the amount of those fees to be unreasonable, may object in writing to the Court. The burden of proof of the reasonableness of fees is on the attorney.
- E. Anyone applying for court appointed counsel must do so at least ten (10) days prior to any scheduled hearing at which they wish to be represented. Pursuant to Ohio Administrative Code §120-1-03, there is a \$25.00 non-refundable fee to apply for court appointed counsel. To apply, the applicant must use the Financial Disclosure/Affidavit of Indigency form prescribed by the Ohio Public Defender's Office which is made available by the Court.

## RULE 7. FILINGS AND ENTRIES

- A. Once filed, no documents shall be altered, corrected or amended. If incorrect, an amended document, captioned as such, must be filed with the Court, except by leave of the Court.
- B. The Court requires that all document filings by an attorney will include the attorney registration number issued by the Supreme Court of Ohio, the attorney's full name, business address, phone number, fax number, and email address if applicable.
- C. The Court requires a separate original pleading captioned for each child in a family unit when initiating a new case. This requirement better facilitates the requirement of the Supreme Court of Ohio that the juvenile court open and maintain a separate case and case file per child. This pleading will be assigned a case number for that child.
  - 1. Additional filings such as service documents and affidavits included when a case is initiated, may contain more than one case caption/number if more than one child is subject to the same action.
  - 2. After a case is opened and case numbers assigned, subsequent filings in the action may contain more than one case caption, unless the particular filing is only regarding one of the children. If there are no issues regarding another child being brought before the court, no pleading shall be made or captioned for that child.
  - 3. When a case is reactivated, the pleadings reactivating the case may be captioned for more than one child.
  - 4. When a Motion for Permanent Custody is filed with the Court, a separate original pleading shall be made for each child and captioned only in the case regarding that child.
  - 5. The Court reserves the right to make exception to this rule at its discretion.
- D. If a pleading is being made in a new case, the Court will assign a case number and case designator. If there is an open case or a case is to be re-opened, the attorney is responsible for including the correct caption and case number on the pleading. In certain cases the case designator may change pursuant to the Rules of Superintendence. The attorney may inquire of the clerk as to the correct case designator before filing pleadings.
- E. The Court may refuse filings that do not comply with Sections B, C, and D of this rule.
- F. The Court offers two Pro Se filing packets that are available upon request. The Pro Se packet includes a Complaint/Motion form, Affidavit in Compliance, Affidavit of Income & Expenses (see Appendices A-1, A-2, and F-2 respectively) and application for IV-D services. A separate packet is available for a person requesting to be made a third party in a case which shall additionally require the filing of a Motion and Entry to Intervene (see Appendix A-3).
  - 1. The Court will accept a Pro Se motion for custody regarding a minor child when the parents are married to each other, but **not** if a divorce or dissolution action has been filed in Fayette County or any other jurisdiction.
  - 2. When child support or custody are ordered, the IV-D application must be signed by the receiving party before an entry setting forth that order is journalized.
  - 3. The Complaint/Motion, Affidavit in Compliance, Affidavit of Income & Expenses, and Motion and Entry to Intervene are Fayette County Juvenile Court forms, and are hereby adopted by local rule.

- G. The Court offers Caretaker Authorization Affidavit and Power of Attorney packets as authorized by O.R.C. Sections 3109.65 to 3109.73, said packets being available to the public at the Juvenile clerks counter (see Appendices B-1, B-2, B-3, and C-1, C-2, C-3, respectively).
1. The Information Sheet, Affidavit, Caretaker Authorization Affidavit, and Power of Attorney forms are Fayette County Juvenile Court forms, and are hereby adopted by local rule.
- H. The Court will not accept the filing of a new action by a party who owes Court costs from any previous action.
- I. All filings shall be reviewed by the Intake Officer for appropriate action.
- J. Unless the Court otherwise directs, counsel for the party in whose favor a verdict or opinion is rendered, shall within seven (7) days thereafter prepare the proper judgment entry, submit the original to the Court, and send a copy to counsel for the opposing party. Counsel for the opposing party shall have seven (7) days to object to the Court after the receipt thereof. A separate entry shall be prepared for each child of a family who is the subject of an action, except by leave of the Court.
- K. Upon failure to comply with Local Rule 7(J), the Court may prepare and file the entry or take other action it deems necessary including the dismissal of the case.
- L. If a person wishes to file a Juvenile CPO (Civil Protection Order) or DPO (Domestic Protection Order), the deputy clerk will refer that person to meet with a Victim Advocate at the Fayette County Prosecuting Attorney's Victim Witness Division. Said Advocate will determine eligibility for filing any petition and preparation of such as per the protocol set in place by the Fayette County Prosecuting Attorney's Victim Witness Division.
- M. Parties filing documents are responsible for redacting Social Security Numbers, except in the instance when a Social Security Number is required in a Decision, Entry or Order which addresses a child support issue. In that instance, the required Social Security Number shall not appear on the document itself, but shall appear on the Court's form, "Cover Page" (see Appendix D). Said form shall be filled out and attached and incorporated by reference to the original Decision, Entry or Order, and submitted to the Court. The Court will attach a copy of the original form to the Child Support Enforcement Agency's copy of the journalized Decision, Entry or Order for child support establishment, modification or enforcement purposes. All other copies of the Decision, Entry or Order shall not include the Cover Page which shall be maintained by the Court as a confidential record, not for public view.

N. FILING BY FACSIMILE TRANSMISSION:

Filings will be accepted by the Court by way of facsimile transmission to the Fayette County Probate/Juvenile Court at (740) 333-3598, and subject to the following conditions:

1. Documents will be accepted in this manner on a **very limited** basis as the Court expects filings by facsimile, to be made only due to an unforeseen or emergency circumstance, in the form of a motion together with a memorandum of support and certificate of service (ie.

for continuance or dismissal), or to file investigative reports in a timely manner. All other filings are encouraged to be filed in person or by ordinary U.S. Mail or overnight mail.

2. A fax transmission will be file stamped on the date of its receipt during the normal business hours of the Court, Monday through Friday between 8:00 AM and 4:00 PM. Any filings received after 4:00 PM will be file stamped for the following day. Any filings received on a weekend or holiday will be filed stamped on the following business day. Facsimile filings shall not exceed five (5) pages in length, exclusive of the cover page.
3. The following documents **WILL NOT** be accepted as filed by way of facsimile transmission: new or amended complaints, cases being opened or re-opened, exhibits (except that in support of a motion), discovery, wills, documents which must be filed under oath, or any filings that require a filing fee or deposit.
4. It is the practice of this Court that any document filed by fax shall be accepted as a temporary original filing. The Deputy Clerk will file stamp and docket the facsimile copy as being a faxed copy, and proceed accordingly. No later than one (1) week after the fax filing, the person submitting that fax filing must provide the original copy bearing the original signature(s) to the Court. The Clerk will then file stamp the original relating back to the date upon which the facsimile copy was filed. Both the facsimile and original will be kept together within the Court file.
5. As recommended by the Rules of Superintendence, the person filing a document by fax shall provide therewith a cover page containing the following information: (See Appendix R for sample cover page form)
  - (I) the name of the court;
  - (II) the title of the case;
  - (III) the case number;
  - (IV) the assigned judge;
  - (V) the title of the document being filed (e.g. 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 the case number has not been assigned, state that fact on the cover page;
  - (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.
6. If a document is received by the Juvenile Court without the cover page information listed above, the Clerk may, at his/her discretion:
  - (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.
    - (a) each clerk will maintain a separate file for failed faxes which is applicable to their caseload assignment.

7. The risks of transmitting a document by fax to the Probate/Juvenile Court shall be borne entirely by the sending party. Anyone using fax filing is urged to verify receipt of such filing by the clerk. The Clerk may, but is not required to, inform the sending party of a failed fax filing.
8. Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
9. The Court reserves the right to make exceptions on a case by case basis. The person requesting an exception shall inquire of the Court and state the reason prior to sending a document by facsimile.
10. Absolutely no filings will be accepted by the Probate/Juvenile Court by way of email, text, or any other computer or electrical transmission. No exceptions.

#### RULE 8. COURT COSTS AND FINES

- A. The business of this Court shall be conducted on a cash basis by way of cash, money order, or certified bank check. Payment by credit card is not accepted.
- B. Deposits shall be made upon the filing of an action pursuant to the Court's Deposit and Court Costs fee schedule, attached as Appendix E. Deposits made will be applied to costs, and any remaining costs due will be assessed to the appropriate party by Court order.
  1. A deposit may be refundable, at the discretion of the Court, if the case is dismissed before it is set for hearing and before any expenses have been incurred or charged to process the case.
- C. Costs shall be ordered upon final disposition of the case as determined by the Court, pursuant to the Court's Deposit and Court Costs schedule, and may be waived upon the discretion of the Court.
- D. An Affidavit of Poverty and Entry Approving Poverty Affidavit are available for those requesting the Court waive the costs and/or deposit in a case (see Appendices F-1 and G, respectively). The aforesaid are Fayette County Juvenile Court forms and are hereby adopted by local rule.
  1. The Poverty Affidavit shall only be considered if accompanied by the Affidavit of Income & Expenses (Appendix F-2) .
  2. The approval or denial of the Poverty Affidavit is at the discretion of the Court.
- E. Fines shall be assessed upon final disposition of the case according to Ohio law where mandated, or otherwise at the discretion of the Court.
- F. The Court may, at its discretion, place a court suspension on a youth's driver's license if costs and/or fines are not paid as ordered in a traffic, delinquent or unruly case.

- G. Requests for witness fees will be processed by the clerk only on the day the witness appears. The witness must present his/her copy of the subpoena for payment. If a witness is subpoenaed for more than one case on a given day, the witness will receive only one fee, per statute. Payment will be made according to O.R.C. Section 2335.08.
- H. There will be a one-time \$45.00 detention fee charged in the event a youth spends three (3) or more days in detention at the South Central Ohio Regional Juvenile Detention Center.
- I. The Court will enter into written pay agreements with parties who do not pay court costs on the day of disposition. The signed agreement will be attached to and incorporated within the Judgment Entry ordering the costs in that case.
- J. The fee for dispute resolution, as authorized by O.R.C. Section 2303.201(E)(1), shall be \$10.00 per case filed. The additional amount will be reflected in the costs taxed or deposit required in each type of case.
- K. A probation fee is set at \$10.00 per month, charged as costs to the youth's case. The Judge may waive said monthly fee upon request of the probation officer.
- L. A one-time, non-refundable \$20.00 Diversion fee will be assessed to those youths who participate in the Diversion Program.
- M. Once a transcript of a proceeding is filed and becomes part of the record, it is considered a public record unless the type of case it is filed in is excluded as a public record by statute. If the case is public record, the transcript shall be provided upon request at the cost of \$.15 per page.
- N. The cost of reproducing the recording of a court hearing onto compact disc is \$.60.

#### RULE 9. MANDATORY APPEARANCE

- A. The Court requires an appearance by the youth and a parent or guardian for all delinquent and unruly complaints, and for all traffic complaints which are not waivable offenses.
- B. Both parents, whether or not custodial, are required to appear with the youth for delinquent and unruly cases. Only the custodial parent is required to appear with the youth in traffic cases. This requirement may be waived by leave of the Court only.
- C. A youth's guardian/custodian may appear with him or her when applicable.

#### RULE 10. SEALING AND EXPUNGEMENT OF RECORDS

- A. All sealing and/or expungement of records shall be made in accordance with O.R.C. Sections 2151.355 through 2151.358, with the exception of Section D of this rule.
- B. Sealing/Expungement of eligible traffic, delinquent and unruly records shall be done, pursuant to statute, but shall be done automatically by the Court, upon the Court's own motion, with no requirement of an application by the party.

- C. Expungement of records which have not met the statutory time requirements, shall be considered by written application only.
- D. Cases which are in the Court's Diversion program by virtue of the youth's eligibility for the program, shall be sealed immediately upon the youth's successful completion of the program and subsequent dismissal of the case, pursuant to O.R.C. 2151.356(B)(1)(d).

#### RULE 11. JURY MANAGEMENT PLAN

- A. Due to the fact that this Court does not conduct jury trials on a regular basis in any one year, the Common Pleas Court General Division's jury plan will be followed, as needed.
- B. One Hundred (100) names of prospective jurors shall be drawn every four (4) months for the Court from the regularly maintained list of registered voters residing in this County and compiled by the Board of Elections. The Court shall summon jurors on a case by case basis. If a trial by jury is requested of the Court, a certain number of jurors as determined by the Court will be sent questionnaires to be filled out and returned to the Court to assist in the selection process.
- C. All citizens are eligible for jury service except those who are: less than eighteen (18) years of age or seventy-five (75) years or older; are not residents of Fayette County; are not able to communicate in the English language; or, have been convicted of a felony and have not had their civil rights restored.
- D. Jurors shall be paid according to statute. The Court will supply drinks/meals for the jurors during any deliberation period (s).

#### RULE 12. CASE MANAGEMENT PLAN

- A. In all cases, the Court will conduct an initial hearing within thirty (30) days of the filing of the complaint, except as otherwise required by statute.
- B. In all cases, the Court will conduct any pretrial hearing within sixty (60) days of the filing of the complaint except as otherwise required by statute.
- C. In all cases, the Court will conduct an adjudicatory and/or dispositional hearing within ninety (90) days of the filing of the complaint except as otherwise required by statute.
- D. When a youth is detained upon being charged, the Court shall hold a detention or initial hearing within twenty-four (24) hours, except when a youth is detained on a weekend, in which case the Court shall hold a detention or initial hearing before the end of the next business day, but not later than seventy-two (72) hours after detention.
- E. When a child is removed from the home by the Fayette County Department of Job and Family Services pursuant to an ex parte emergency order, a probable cause hearing shall be held before the end of the next business day after the day on which the order issued, except when the removal is on a weekend, in which case the Court shall hold a probable cause hearing no later than seventy-two (72) hours after the issuance of the emergency order.

- F. When a youth denies a charge upon initial hearing, and the youth is in detention or shelter care, and is charged with violating a section of the Ohio Revised Code which may be violated by an adult, the pre-trial or adjudication will be held within fifteen (15) days. Upon a showing of good cause, the adjudicatory hearing may be continued and detention or shelter care extended.
- G. Times may be waived or extended by leave of the Court for good cause.
- H. If a youth is indicted or charged as a Serious Youthful Offender (SYO), adult time frames shall be followed pursuant to statute.

#### RULE 13. CASE NUMBERING IDENTIFIERS

- A. In addition to those case type designators prescribed by the Rules of Superintendence, this Court adds the designator "P" for administrative cases, to be used for tracking and Title IV-D purposes. However, the official case number used will include the letters "AD" which are used for all adult cases.

#### RULE 14. CHILD SUPPORT ORDERS

- A. Upon the filing of a motion requesting modification of an existing child support order based upon a change of financial circumstances, the moving party shall file an affidavit setting forth their current income and itemized expenses. The party shall also set forth the income of any current spouse. If a hearing is set upon that motion, each party shall bring to the hearing their most recent federal income tax return, and/or three (3) months of check stubs.
- B. All persons required to pay child support pursuant to a decree or order of the Juvenile Court shall make those payments, plus processing fee, through the Ohio Child Support Payment Central office, unless otherwise specifically ordered by the Court.
- C. Completed child support worksheets, as prescribed by the laws of the State of Ohio relative to support guidelines, shall be presented to the Court at or prior to hearing on a motion or complaint for child support. If the parties are unable to agree on the proper completion of the worksheets, each shall present a proposed worksheet prior to the hearing. Proposed agreed entries for child support shall be accompanied by completed support worksheets. If the income of a party is unknown, the attorney shall obtain that information by filing a subpoena duces tecum upon the party and/or his or her employer.
- D. The attorney preparing the entry establishing or modifying child support shall also prepare all appropriate orders required by O.R.C. Section 3121.03.

#### RULE 15. COMPANIONSHIP GUIDELINES

- A. It is the Court's policy to encourage liberal companionship, and interaction of both parents with their minor children. However, the Court realizes that, depending upon individual circumstances, some non-residential parents are able and inclined to spend more times with their children than are others. Therefore, in cases where companionship is in question, the Court offers two (2) options in order to provide parents and children with the companionship schedule most appropriate for their circumstances. Several companionship procedures are applicable to both options and are set out in the Court of Common Pleas, Fayette County, Ohio

Companionship Guidelines, (see attached Appendix H), which the Juvenile Court adopts as its guidelines.

B. In addition:

- 1) The child's residence is not to be removed from the State of Ohio without a review of the Custody/Companionship by the Court.
- 2) The Court may deviate from the standard guidelines when it deems necessary and proper to do so.
- 3) The Court may order visitation with a third party, such as a grandparent, when it is in the child's best interest.

#### RULE 16. ADMINISTRATIVE ORDERS AND OBJECTIONS THERETO

- A. When an Administrative Order, which has been signed by the Administrative Officer is brought to the Court by the Child Support Enforcement Agency (CSEA), the clerk will file stamp the same and enter the information into the computer using the case type designator "P". The Supreme Court report file is not opened.
- B. The deputy clerk will give a file stamped copy of the order back to the CSEA who shall serve copies on the parties. These orders shall contain information concerning the parties rights to object to the Administrative Order.
- C. The CSEA shall file with the Court a copy of the order with a Certificate of Mailing stating they have mailed copies to the parties. The CSEA shall also bring an order for the Judge to sign which affirms the Administrative Order. After the Judge signs the Order, all copies are returned to the CSEA for service upon the parties.
- D. Objections to Administrative Orders shall be made pursuant to statute.
- E. The Juvenile Court offers and adopts local forms as Exhibit A (Parental Responsibilities), Exhibit B (Child Support Notice), and Exhibit C (Health Insurance Notice) which shall be attached and incorporated into Administrative, Companionship, or Child Support orders at the discretion of the Judge when applicable (see Appendices I, J, and K, respectively).

#### RULE 17. COURT SECURITY

(Not public record - filed with The Supreme Court of Ohio, Administrative Director's Office).

#### RULE 18. MEDIATION

- A. The Court has established a Mediation program to assist families in resolving issues which could otherwise become formal court actions; and to do so expeditiously and at little or no cost to the parties. Issues may be referred to Mediation after a complaint or motion is filed with the Court, before or after a hearing; referred by local schools; or a party may contact Mediation directly to request mediation services. Mediation proceedings and documentation are subject to strict standards of confidentiality.
- B. The Intake Officer shall review filings of new cases to determine eligibility for Mediation. The types of issues which may be referred to the program are: visitation with a minor child(ren);

health care issues for a child(ren), including financial responsibility; custody issues where the parties are in agreement; school truancy and/or Failure to Send; and the unruliness of a child(ren) at school or home.

- C. The Judge will not review any filing, initial or subsequent, until and unless the Mediator notices the Court that the Mediation has been unsuccessful and has been terminated, and the matter is referred to the Court for formal action.
- D. The Judge also may refer a matter to Mediation that began as a formal case, when and if it becomes apparent that the parties can work out a resolution without further Court intervention. Participation in Mediation is mandatory when referred by the Judge.
- E. When a matter is in Mediation by virtue of filings with or referral by the Court, any agreement made and signed by the parties, shall be filed with the Court for consideration. If the Court adopts the agreement, it shall put on an order adopting the terms of the agreement, and the agreement shall be docketed into the Court's journal. If there is a formal court case, even if there are no pending issues before the Court, the parties may request a change be made to their previous mediation agreement, and if the change is agreed upon, an Agreed Entry adopting said change will be filed in the case. If parties have been to mediation before, they may request to return to mediation without filing a new motion.
- F. Mediations are considered informal cases by the Supreme Court of Ohio, and are reported to the Supreme Court of Ohio as such on a monthly basis.
- G. Mediation services are provided through the Dispute Resolution Fee which is a part of the deposit required to open a case.

#### RULE 19. DIVERSION

- A. The Court has created a Diversion program for first-time offenders, with the goal of diverting unruly and misdemeanor first-time offenders from having a juvenile record.
- B. The Intake Officer shall screen all new Delinquent and Unruly complaints to determine the youth's eligibility for the Diversion program pursuant to the Diversion Eligibility Guidelines and Procedure established by this Court.
- C. If the youth meets the criteria, the Intake Officer shall provide said information and complaint to the Juvenile Clerk who will set the matter for hearing. The Judge will determine which cases may participate in the Diversion Program following adjudication.
  - 1) If the complaint was filed by law enforcement, a copy of the order shall be forwarded to the agency, and the agency shall not release any information to the public regarding the complaint until further order of the Court.
  - 2) If the complaint involves a victim, then Victim Witness will receive a copy of the complaint so that they may interact on behalf of the victim, and to recover further information from the victim regarding the case. Said information will be forwarded to the Judge for consideration of restitution issues.

- D. If the youth and/or his/her parent(s) fail to comply with the terms of the Diversion contract, the Diversion Officer shall refer the case back to the Court for further dispositional hearing.
- E. Upon referral back to the Court, the Deputy Clerk shall generate an Order of Reversal, a copy of which is forwarded to the filing law enforcement agency, who may then release any non-confidential information regarding the complaint to the public.
- F. If a youth successfully completes the Diversion Program, the Diversion Officer will notify the Judge by way of recommendation letter. The Judge will then issue an Order of Dismissal of the complaint. Said youth's record shall be immediately sealed, with expungement to follow pursuant to statute.
- G. Diversion cases shall be sealed and expunged pursuant to Local Rule 10(D). Upon receipt of the Order of Expungement, a public office or agency which has a record of the complaint shall destroy its records regarding that complaint, except for a record that is maintained for compiling statistical data, and that does not contain any reference to the person who is the subject of the order. This shall be done in the same manner as expunged formal cases pursuant to O.R.C. Section 2151.358, including the exceptions provided for in said statute.
- H. There is a one-time fee of \$20.00 for the Diversion program, assessed to the youth and/or parents and/or guardian (s). This fee is due at the beginning of the program.

#### RULE 20. FAMILY COURT PROJECT

REPEALED.

#### RULE 21. NOTICE BY PUBLICATION

- A. In accordance with Civil Rule 4.4 and Ohio Rules of Juvenile Procedure 16, publication may be perfected by posting and mailing or by newspaper publication.
- B. When publication is not perfected by mailing, the Clerk shall cause notices to be posted in a conspicuous place in the Fayette County Courthouse, the Carnegie Public Library in Washington Court House, and the Fayette County Department of Job and Family Services. Fayette County forms Affidavit of Service, Notice by Publication, and Entry of Posting, shall be used for publication in this manner (see Appendices L, M, and N, respectively).

#### RULE 22. NOTICE TO REPORT TO JAIL

- A. When a defendant is sentenced to a term in the Fayette County Jail, and commencement of the sentence is delayed, the Court will instruct the defendant when to report to the jail to commence the sentence. The defendant will be required to sign an Acknowledgment of receipt on the Fayette County form, Notice to Report to Jail, (see Appendix O), that they were informed of the date and time to report to the Fayette County Jail.
- B. Failure to report as instructed and acknowledged will result in the issuance of a Warrant to Arrest.

## RULE 23. COMPETENCY PROCEEDINGS

Juvenile competency is defined as a child's ability to understand the nature and objectives of a proceeding against the child and to assist in his or her defense (§2152.51(A)(1)).

Pursuant to O.R.C. §2152 and H.B. 86, the Juvenile Court adopts the following regarding the determination of the competency of a juvenile offender, 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.

A. Expedited Hearings:

Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Said hearing shall be held in compliance with applicable deadlines as established by O.R.C. Sections 2152.51 - 2152.59. (See Flowchart of Competency Hearings attached hereto as Appendix P).

B. Notice:

- 1) The Court shall provide written notice of the date, time, and place of the next scheduled hearing relating to competency the following parties: Prosecuting Attorney; the child's attorney; the child's guardian ad litem; and, the child's parent, guardian or custodian.
- 2) Mailed notice of hearing 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.

C. Stay of Proceedings: 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.

D. Competency Evaluator: The Court shall contract with an evaluator qualified pursuant to O.R.C. §2152.54 to perform competency evaluations. Upon the objection of any party to the contents of a competency assessment report, the Court may order an additional evaluation according to O.R.C. §2152.57 to be completed by an evaluator qualified according to O.R.C. §2152.54. The moving party shall provide the Court with a qualified evaluator and show that the evaluator meets the qualifications of O.R.C. §2152.54.

## RULE 24. ADULT CRIMINAL CASES & BOND

**Pursuant to Ohio Revised Code §2151.23(A)(6), Jurisdiction of Juvenile Court:** "The juvenile court has exclusive original jurisdiction under the Revised Code to hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code."

**In the event that an adult is criminally charged in the Juvenile Court and is detained in the Fayette County Jail (or other means of detention) pending appearance in Court, the Fayette County Juvenile Court establishes the criteria below as a guideline for law enforcement and the deputy clerks of the Court to follow:**

A. BOND SCHEDULE: (Pursuant to Rule 46(G) of the Ohio Rules of Criminal Procedure)

Any person arrested on the charges shown may be released on his/her own recognizance, unless he/she has a history of failure to appear when required in judicial proceedings, or if his/her physical, mental, or emotional condition appears to be such that he/she may pose a danger to himself or others if released immediately.

O.R.C.	Description of Charge	Level	Bond Amount
2919.21(C)	Non-Support	M1	\$ 1,500.00
2919.22(B)(1)	Abuse/Endangering Children	M1	\$ 1,500.00
2919.23(B)	Interference with Custody	M1	\$ 1,500.00
	“ “	M3	\$ 500.00
2919.24	Contributing to Delinquency/Unruly of Minor	M1	\$ 1,500.00
2151.421	Failure to Report Neglect or Injury	M4	\$ 250.00

B. APPEARANCE BOND:

The following appearance bonds could be ordered for an adult case in the Fayette County Juvenile Court to secure the defendant’s appearance in court:

- 1) OWN RECOGNIZANCE (O.R.) BOND: The defendant’s signature on the O.R. bond (prepared by the deputy clerk) and payment of the \$54.00 bond surcharge (see below) is the only requirement.
- 2) CASH/SURETY BOND: Bond may be posted at ten percent (10%) of the bond amount, full cash, property, or bondsman surety, PLUS a \$54.00 bond surcharge (see below) to assure defendant’s appearance in court. The Cash/Surety Bond (prepared by the deputy clerk) will require defendant’s signature, the bondman’s signature, and a copy of the bondsman’s power of attorney as an attachment.
  - a) If defendant appears in court: after sentencing, the bond money will be returned less the surcharge. The surcharge is retained by the Court to pay to the Treasurer of State of Ohio.
  - b) If defendant fails to appear: the bond is forfeited and the full bond amount will be due and payable to the court.

C. BOND SURCHARGE:

For any Own Recognizance (O.R.) or Cash/Surety Bond posted in an adult criminal (misdemeanor) case filed in Juvenile Court, the Juvenile Court **MUST** collect from the adult defendant the sum of \$54.00 which shall be held on deposit at the Court pending disposition of the case.

In the event of a guilty plea or conviction, said amount shall be broken down as follows and paid to the Treasurer of State by way of the Reparations Rotary Report in of the month of the conviction. If the adult defendant is found not guilty or the case is dismissed, then the money is returned to that person.

O.R.C.	Paid into Which Fund	Bond Surcharge	(If not guilty) Refundable?	(If indigent) Waivable?
2937.22	Indigent Defense Support Fund (\$120.08)	\$25.00	Yes	No
2949.091	Indigent Defense Support Fund	\$20.00	Yes	Yes
2743.70	Victims of Crime Fund	<u>\$ 9.00</u>	Yes	Yes
		<b>\$54.00</b>		

D. PERFORMANCE BOND:

A performance bond, unlike an appearance bond, is not to ensure someone’s appearance in court. A performance bond is ordered to ensure some type of action on the behalf of the defendant. This type of bond is usually posted for a set period of time and if, at the end of that time period the act has been performed, the defendant may file a motion to have the bond released. *A bond surcharge will NOT be collected for a performance bond.*

- 1) FAILURE TO SEND (O.R.C. §3321.38): When the parent of a child has been charged with Failure to Send their child to school and has been found guilty of that offense, the Judge may order that parent to post a performance bond on that case. This bond is to ensure that the parent sends the child to school. The parent may request that the court return the bond money after the student successfully attends school as ordered.
  - a) The Court adopts the Fayette County form “Adult Complaint” for filings by the local schools and Prosecuting Attorney’s office charging a parent(s) with Failure to Send (see Appendix Q).
- 2) PARENTAL PERFORMANCE BOND (O.R.C. §2151.359(A)(2) & §2152.61(B)): When a juvenile has been adjudicated for an unruly or delinquent offense and the Judge feels that the parent has not exerted control and authority over the child sufficient to prevent the unruly or delinquent behavior, the Judge may order the parent to post a Parental Performance Bond in an amount not to exceed \$500.00. Any future adjudication may result in full or partial forfeiture of the bond.

RULE 25. COURT RECORD, RECORDING OF PROCEEDINGS, AND TRANSCRIPTIONS

The Probate and Juvenile Court defines the requirements of the Court with regard to the record of court proceedings and transcriptions of the court record as follows:

- A. The Court shall ensure that all court proceedings are recorded by a reliable method, which may include a stenographic/shorthand reporter, audio-recording device, and/or video-recording device. The selection of the method in each case is at the sound discretion of the Court.
- B. A transcript prepared in regard to an appeal of any Probate or Juvenile Court case to the Court of Appeals shall be prepared in accordance with Rule 9 of the Ohio Rules of Appellate Procedure.
- C. A transcript of any other court proceeding in the Probate or Juvenile Court which is not before the Court of Appeals may be requested by any party to the case, or their legal representative, by

filing a written order for transcript with the deputy clerk together with a certificate of service upon the opposing party or parties in the case.

- 1) Said order shall address a specific case caption, and shall cite a specific date(s) or description of which hearing is to be typed, in part or in its entirety.
  - 2) The transcript shall be an accurate reflection of the verbal record of the hearing only. Any documents or evidence entered as exhibits during the court hearing should already be available to the party through discovery and will not be included as an attachment to the transcript.
  - 3) The body format of the transcript shall be consistent with Rule 9 of the Ohio Rules of Appellate Procedure.
  - 4) All costs to prepare a transcript shall be the obligation of the requesting party at the current rate ordered by the court. A deposit payable to the transcriptionist representing approximately half or all of the estimated cost may be required, at the discretion of the transcriptionist.
  - 5) The transcript shall be prepared in a timely manner.
  - 6) The original copy will be provided to the requester directly by the transcriptionist upon receipt of the full balance owed.
- D. The transcriber of any court proceedings must be assigned and approved by the trial court. A party may move to appoint a particular transcriber or the trial court may appoint a transcriber *sua sponte*; in either case, the selection of the transcriber is within the sound discretion of the trial court, so long as the trial court has a reasonable basis for determining that the transcriber has the necessary qualifications and training to produce a reliable transcript that reflects a true, accurate, and certifiable record of the Court in a timely manner.
- E. Correction or modification of the record: if any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by the trial court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated, the parties by stipulation, or the trial court may direct that omission or misstatement be corrected, and if necessary that a supplemental record be certified, filed, and transmitted. All other questions as to the form and content of the record shall be presented to the court of appeals.

## LIST OF APPENDICES

<u>APPENDIX</u>	<u>TITLE OF DOCUMENT</u>	<u>RULE</u>
A-1	Complaint / Motion (Pro Se)	7F
A-2	Affidavit in Compliance (Pro Se)	7F
A-3	Motion and Entry to Intervene (Pro Se)	7F
B-1	Information Sheet (Caretaker Authorization)	7G
B-2	Affidavit (Caretaker Authorization)	7G
B-3	Caretaker Authorization Affidavit	7G
C-1	Information Sheet (POA)	7G
C-2	Affidavit (POA)	7G
C-3	Power of Attorney	7G
D	Cover Page	7M
E	Court Deposit and Court Costs Fee Schedule	8B
F-1	Affidavit of Poverty	8D
F-2	Affidavit of Income & Expenses	7F, 8D
G	Entry Approving Poverty Affidavit	8D
H	Fayette County Companionship Guidelines	15A
I	Exhibit A (Parental Responsibilities)	16E
J	Exhibit B (Child Support Notice)	16E
K	Exhibit C (Health Insurance Notice)	16E
L	Affidavit of Service	21B
M	Notice by Publication	21B
N	Entry of Posting	21B
O	Notice to Report to Jail	22A
P	Flowchart of Competency Hearings	23A
Q	Adult Complaint (Failure to Send)	24D
R	Facsimile Filing Cover Sheet	7N

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

IN THE MATTER OF:

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Child's Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Child's Date of Birth:

**Check which applies:**

COMPLAINT / MOTION for:

\_\_\_\_\_ Parenting Time (ORC 3109.051)

\_\_\_\_\_ Custody (ORC 3109.04)

\_\_\_\_\_ Establish Support (ORC 3109.05)

\_\_\_\_\_ Modify Support (ORC 3119.79)

\_\_\_\_\_ Terminate Support (ORC 3119.92)

\_\_\_\_\_ Other \_\_\_\_\_

1. My name, address, and phone number are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. My relationship to the child is: \_\_\_\_\_

3. Paternity:

\_\_\_\_\_ has been determined (a copy of the Order or acknowledgement **MUST BE** attached)

\_\_\_\_\_ has not been established

4. My concern/complaint is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I am asking the Court to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you spoken with anyone at Children's Services about this child?  
\_\_\_\_\_  
\_\_\_\_\_

7. Name and phone number of any attorney who represents a party in this action:  
\_\_\_\_\_  
\_\_\_\_\_

8. Have you, the other parent or custodian/guardian of the child been to Court **ANYWHERE** regarding this child for **ANY** type of action, including a divorce or dissolution? If so, state what county/state, when, and what kind of case: \_\_\_\_\_

9. Names, address and phone numbers of the other parent and/or custodian/guardian of this child. **(THIS INFORMATION MUST BE PROVIDED FOR PURPOSE OF SERVICE)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Relationship to child

\_\_\_\_\_  
Relationship to child

10. I understand that under the current law of the State of Ohio, I am not entitled to have an attorney appointed to represent me in this matter.

\_\_\_\_\_  
Signature

Sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk or Notary Public

My commission expires: \_\_\_\_\_

(seal)

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

**IN THE MATTER OF:** \_\_\_\_\_ : **CASE NO.** \_\_\_\_\_  
: :  
: :  
**Plaintiff/Petitioner** \_\_\_\_\_ : :  
: :  
**vs./and** \_\_\_\_\_ : :  
: : **AFFIDAVIT IN COMPLIANCE**  
: : **WITH ORC §3127.23**  
\_\_\_\_\_ : :  
**Defendant/Petitioner** \_\_\_\_\_

(ANSWERS REQUIRING ADDITIONAL SPACE SHOULD BE CONTINUED ON THE BACK. A SEPARATE AFFIDAVIT MUST BE FILED FOR EACH CHILD.)

**STATE OF OHIO, COUNTY OF FAYETTE, SS:**

Upon being duly sworn, \_\_\_\_\_ (your name) hereby states the following:

1. My address and phone number are: \_\_\_\_\_  
\_\_\_\_\_
2. Name and date of birth of child involved in the proceeding: \_\_\_\_\_  
\_\_\_\_\_
3. Present address of this child: \_\_\_\_\_
4. The child currently resides with: \_\_\_\_\_
5. Names and dates of birth of the child's parents \_\_\_\_\_  
\_\_\_\_\_
6. The places and dates where the child has lived within the last five (5) years, **other than the current address**, are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. The child has lived with the following persons during the last five (5) years (names and current addresses): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Have you participated as a party, witness or in any other capacity in any other court case or proceeding concerning this child in this or any other county or state? \_\_\_\_\_

9. State any information you have about any other court case or proceeding concerning this child in this or any other county or state: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. State the name and address of any person not a party to the proceedings, who has had physical custody of this child, or who claims to have custody rights or visitation rights with this child:  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being abused or neglected; or were deemed to be the perpetrator of an abusive or neglectful act which was the basis for a child being adjudicated an abused or neglected child? (Yes / No). If yes, what were the circumstances? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that I have a continuing duty to inform the Court of any custody proceeding concerning this child in this or any other state of which I obtain information during this proceeding.

I swear that these statements are true and accurate to the best of my knowledge.

\_\_\_\_\_  
Affiant

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

Revised 12/11/13

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

IN THE MATTER OF: \_\_\_\_\_ : CASE NO: \_\_\_\_\_  
: :  
: :  
: :  
: :  
\_\_\_\_\_  
Child's Name : **MOTION AND ENTRY  
TO INTERVENE**

Now comes \_\_\_\_\_,  
(Your Name) (Relationship to child)

and moves this Court pursuant to Ohio Civil Rule 24 and O.R.C. Section 2151.23 for leave to intervene as a Third Party Petitioner in the above-entitled case.

In support of this Motion, I state as follows (*state your reasons why you should be allowed to intervene in this matter*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

**ENTRY**

Upon the Motion of \_\_\_\_\_ to intervene as a Third Party Petitioner herein, the Court finds said motion to be well taken and hereby grants the same.

\_\_\_\_\_  
DAVID B. BENDER, JUDGE

**CARETAKER AUTHORIZATION AFFIDAVIT  
INFORMATION SHEET**  
(Grandparent)

NAME(S) OF GRANDPARENTS: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ (Home) \_\_\_\_\_ (Cell)

FULL NAME OF CHILD: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

NAME OF MOTHER: \_\_\_\_\_

ADDRESS OF MOTHER: \_\_\_\_\_  
\_\_\_\_\_

NAME OF FATHER: \_\_\_\_\_

ADDRESS OF FATHER: \_\_\_\_\_  
\_\_\_\_\_

SCHOOL DISTRICT: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_



Relationship to the child: \_\_\_\_\_  
Any court involvement: \_\_\_\_\_

7. Are there any current orders of support for the child? (Yes / No)

If yes, against whom? \_\_\_\_\_

Amount ordered: \$ \_\_\_\_\_ Court/Agency Case No: \_\_\_\_\_

Name of Court or Agency: \_\_\_\_\_

8. Are there any outstanding restraining orders or civil protection orders against you or anyone else who has custody or visitation rights? (Yes / No)

If yes, from what Court: \_\_\_\_\_

9. Have you been or anyone in your family or your household ever been:

a. Convicted or pleaded guilty to domestic violence (O.R.C. §2919.25)? (Yes / No)

b. Convicted of or pleaded guilty to any offense involving physical harm to a family member? (Yes / No)

c. Convicted of or pleaded guilty to the abuse/neglect of a child? (Yes / No)

If yes, from what Court: \_\_\_\_\_

Further, Affiant sayeth naught.

\_\_\_\_\_  
Affiant's Signature

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

(10/23/13)

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

IN RE: \_\_\_\_\_  
          [Name of Child]

**CARETAKER AUTHORIZATION  
AFFIDAVIT**

**USE OF THIS AFFIDAVIT IS AUTHORIZED BY SECTIONS 3109.65 to 3109.73 OF THE OHIO REVISED CODE. Completion of Items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody and control of the child who is the subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school related matters regarding the child and to consent to medical, psychological or dental treatment for the child.**

STATE OF OHIO                    :  
  : ss.  
COUNTY OF FAYETTE         :

Now comes \_\_\_\_\_ (printed name of grandparent), being duly cautioned and sworn, and hereby states the following:

1. That the child named below resides in my home, that I am eighteen (18) years of age or older, and that I am the child's (maternal / paternal) grandparent.
  
2. Full Name of Child: \_\_\_\_\_
  
3. Child's Date of Birth: \_\_\_\_\_
  
4. My Full Name: \_\_\_\_\_
  
5. My home address: \_\_\_\_\_  
\_\_\_\_\_
  
6. My Date of Birth: \_\_\_\_\_
  
7. My Ohio Driver License Number *or* Ohio I.D. Number: \_\_\_\_\_
  
8. Despite having made reasonable attempts, I am: (please check appropriate box below)  
    € Unable to locate or contact the child's parents, or the child's guardian, or custodian; or,  
    € Unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or,

€ Unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:

- \_\_\_\_\_ The parent has been prohibited from receiving notice of a relocation; or
- \_\_\_\_\_ The parental rights of the parent have been terminated

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

10. I understand that this document does not authorize a child support enforcement agency (CSEA) to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued, administrative or judicial proceedings must be initiated.

**WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, AND PUNISHABLE BY THE SANCTIONS UNDER SECTION 2929.21 OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO SIX (6) MONTHS, A FINE OF UP TO \$1,000.00, OR BOTH.**

Further, Affiant sayeth naught.

\_\_\_\_\_  
Affiant's Signature

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, the grandparent who is filing this Caretaker Authorization Affidavit, do understand, acknowledge and indicate with my initials below, the following:

1. That the signing and notarization of this affidavit is sufficient to authorize the me to exercise care, physical custody and control of the child who is the subject, including authority to enroll the child in school, to discuss with the school district the child’s educational progress, to consent to all school related matters regarding the child and to consent to medical, psychological or dental treatment for the minor child.
2. That it is my responsibility to make notifications to the following parties **not later than one (1) week** after the date the affidavit terminates:
  - a. Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
  - b. Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination;
  - c. The juvenile court in which the affidavit was filed.
3. Further, I understand this affidavit does not affect the rights of the child’s parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give me legal custody of the child.

\_\_\_\_\_ *(initials)*

**ORDER**

I have reviewed the forgoing and (DO / DO NOT) wish to make a referral to the Fayette County Department of Job & Family Services for an investigation. Further, I find that this Caretaker Authorization Affidavit is in effect until otherwise terminated in accordance with the law.

\_\_\_\_\_  
DAVID B. BENDER, JUDGE

(10/23/13)

**POWER OF ATTORNEY  
INFORMATION SHEET**  
(Parent)

NAME(S) OF GRANDPARENTS: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ (Home) \_\_\_\_\_ (Cell)

FULL NAME OF CHILD: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

NAME OF MOTHER: \_\_\_\_\_

ADDRESS OF MOTHER: \_\_\_\_\_  
\_\_\_\_\_

NAME OF FATHER: \_\_\_\_\_

ADDRESS OF FATHER: \_\_\_\_\_  
\_\_\_\_\_

SCHOOL DISTRICT: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_



Relationship to the child: \_\_\_\_\_

Any court involvement: \_\_\_\_\_

7. Are there any current orders of support for the child? (Yes / No)

If yes, against whom? \_\_\_\_\_

Amount ordered: \$ \_\_\_\_\_ Court /Agency Case No: \_\_\_\_\_

Name of Court or Agency: \_\_\_\_\_

8. Are there any outstanding restraining orders or civil protection orders against you or anyone else who has custody or visitation rights? (Yes / No)

If yes, from what Court: \_\_\_\_\_

9. Have you been or anyone in your family or your household ever been:

d. Convicted or pleaded guilty to domestic violence (O.R.C. §2919.25)? (Yes / No)

e. Convicted of or pleaded guilty to any offense involving physical harm to a family member? (Yes / No)

f. Convicted of or pleaded guilty to the abuse/neglect of a child? (Yes / No)

If yes, from what Court: \_\_\_\_\_

Further, Affiant sayeth naught.

\_\_\_\_\_  
Affiant's Signature

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

(10/23/13)



I hereby certify that I/we am/are transferring the rights and responsibilities designated in this power of attorney because one of the following circumstances exists: *(please mark one)*

- \_\_\_\_\_ 1. I am:
  - € Seriously ill, incarcerated, or about to be incarcerated;
  - € Temporarily unable to provide financial support or parental guidance to the child;
  - € Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition;
  - € Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or,
  - € In or about to enter a residential treatment program for substance abuse.
  
- \_\_\_\_\_ 2. I am a parent of the child, the child's other parent is deceased, and I have the authority to execute the power of attorney; or,
  
- \_\_\_\_\_ 3. I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney-in-fact. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

If there is a court order naming me as the residential parent and legal custodian of the child who is the subject of this power of attorney, and I am the sole parent signing this document, I hereby certify that one of the following is the case: *(please mark one)*

- € I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent;
- € The other parent is prohibited from receiving a notice of relocation; or
- € The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occur first:

- 1. I revoke this POWER OF ATTORNEY in writing, and give notice of the revocation to the grandparent designated as attorney-in-fact, and file the same with the Juvenile Court with which this power of attorney was filed;

2. The child ceases to reside with the grandparent designated as attorney in fact;
3. This POWER OF ATTORNEY is terminated by a court order;
4. The death of the child who is the subject of the power of attorney; or,
5. The death of the grandparent designated as the attorney-in-fact.

**WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, AND IS PUNISHABLE BY THE SANCTIONS UNDER SECTION 2929.21 OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO SIX (6) MONTHS, A FINE OF UP TO \$1,000.00, OR BOTH.**

\_\_\_\_\_  
1<sup>st</sup> Parent/Custodian/Guardian Signature

STATE OF OHIO :  
: ss.  
COUNTY OF FAYETTE :

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
2<sup>nd</sup> Parent Signature

STATE OF OHIO :  
: ss.  
COUNTY OF FAYETTE :

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

~ ~ ~ ~ ~ ~ ~ ~ ~

\_\_\_\_\_  
Grandparent Signature (whom is designated  
As Attorney-in-Fact)

STATE OF OHIO :  
: ss.  
COUNTY OF FAYETTE :

Sworn to and subscribed in my presence at \_\_\_\_\_, Ohio on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

(SEAL)

**APPENDIX C-3 (Cont.)**

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, the parent who is creating and filing this Power of Attorney, do fully understand and acknowledge with my initials, that:

1. Within five (5) days of the **creation** and execution of this form, I **MUST** send notice to the non-residential parent by certified mail unless one of the following apply:
  - a. The other parent is prohibited from receiving a notice of relocation in accordance with O.R.C. §3109.051 of the creation of the power or attorney;
  - b. The other parent’s parental rights have be terminated by order of a juvenile court pursuant to O.R.C. Chapter 2151;
  - c. The other parent cannot be located with reasonable efforts; or
  - d. Both parents are executing the power of attorney.
  
2. That if I choose to **revoke** this Power of Attorney form, I am required to give prompt written notice of the revocation to the grandparent, and to the Juvenile Court with which the power of attorney was filed.

\_\_\_\_\_ *(initials)*

**ORDER**

I have reviewed the foregoing and (DO / DO NOT) wish to make a referral to the Fayette County Department of Job & Family Services for an investigation. Further, I find that this Power of Attorney is in effect until otherwise terminated in accordance with the law.

\_\_\_\_\_  
DAVID B. BENDER, JUDGE

(10/23/13)

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

Plaintiff / Petitioner	:	CASE NO. _____
	:	
vs. / and	:	
	:	
Defendant / Petitioner	:	<b><u>COVER PAGE</u></b>

In the Matter Of:

\_\_\_\_\_

---

Obligor's Name: \_\_\_\_\_

Obligor's DOB: \_\_\_\_\_

Obligor's SSN: \_\_\_\_\_

**FAYETTE COUNTY COMMON PLEAS COURT  
JUVENILE DIVISION  
DEPOSITS AND COURT COSTS**

DEPOSITS:

ALL Custody/Support/Visitation/Paternity  
(New or Reactivated).....\$100.00\*

\*Additional deposit required for subpoena requests: First subpoena “in county” included in pro se, additional “in county” requests \$20.00 each. All “out of county” requests \$25.00 each.

INITIAL COURT COSTS:

Unruly.....\$ 48.00  
Delinquent (Misdemeanor).....\$ 77.00  
Delinquent (Felony).....\$108.00  
Traffic.....\$ 87.00  
Seat Belt-Driver (includes \$30.00 fine).....\$ 88.00  
Seat Belt-Passenger (includes \$20.00 fine).....\$ 78.00

FEES EFFECTIVE: March 23, 2015

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

IN THE MATTER OF: \_\_\_\_\_ : CASE NO. \_\_\_\_\_  
: :  
: :  
\_\_\_\_\_  
(Juvenile's Name OR Plaintiff's Name) :  
: :  
And :  
: :  
: :  
\_\_\_\_\_  
(Defendant's Name) : **AFFIDAVIT OF POVERTY**

STATE OF OHIO :  
:SS.  
COUNTY OF FAYETTE :

I, \_\_\_\_\_ (Affiant), being first duly sworn and cautioned, deposes and says that he / she is the Plaintiff / Defendant or Parent / Guardian of the minor child in the above case, and that said case is brought in the Common Pleas Court of Fayette County, Ohio, Juvenile Division. A copy of the Affidavit of Income & Expenses form is attached hereto and incorporated by reference herein.

Affiant further states that he / she:

- € is without sufficient financial means to pay the required deposit to start said case
- € has no money with which to pay the court costs in this case
- € has no money with which to pay probation or diversion fees in this case
- € has no money with which to pay the costs in **ALL** of his/her child's cases which have been assessed prior to today's date (*all case numbers must be listed in caption*)
- € has no real or personal property with which to secure payment of said costs that may accrue, nor is said Affiant able to give bond or any other security to cover said costs as provided by law.

Further, Affiant sayeth naught.

\_\_\_\_\_  
Signature of Affiant

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL) \_\_\_\_\_  
Notary Public

**IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

**IN THE MATTER OF:** \_\_\_\_\_ **CASE NO.** \_\_\_\_\_

\_\_\_\_\_  
Juvenile **OR** Plaintiff/Petitioner

vs./and

\_\_\_\_\_  
Defendant/Petitioner **AFFIDAVIT OF INCOME & EXPENSES**

**AFFIDAVIT OF:** \_\_\_\_\_  
**(Print Your Name)**

**IN THE STATE OF OHIO, COUNTY OF FAYETTE:**

**SECTION 1 – CHILDREN & HOUSEHOLD RESIDENTS:**

Minor and/or dependent child(ren) who are adopted or born of this marriage or relationship:

Name	Date of Birth	Living with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have your parental rights / responsibilities of any of these children been terminated? Yes / No  
If yes, list child and circumstance: \_\_\_\_\_

***In addition*** to the above children there is / are in your household: # \_\_\_\_\_ adults  
# \_\_\_\_\_ minor kids/dependents

**SECTION 2 – EMPLOYER:**

	Father / Custodian / 3 <sup>rd</sup> party				Mother / Custodian / 3 <sup>rd</sup> party			
	Yes	No			Yes	No		
Employed								
Name of Employer	_____				_____			
Payroll address	_____				_____			
Payroll City, State, Zip	_____				_____			
# Paychecks per Year	12	24	26	52	12	24	26	52

**SECTION 3 – ASSETS:**

	Father / Custodian / 3 <sup>rd</sup> party	Mother / Custodian / 3 <sup>rd</sup> party
Value of house or real estate	\$ _____	\$ _____
Checking account balance	\$ _____	\$ _____
Savings account balance	\$ _____	\$ _____
Value of Investments	\$ _____	\$ _____

**SECTION 4 - INCOME (Monthly):**

	Father / Custodian / 3 <sup>rd</sup> party	Mother / Custodian / 3 <sup>rd</sup> party
Base Income	\$ _____	\$ _____
Overtime pay	\$ _____	\$ _____
Benefits:		
Unemployment	\$ _____	\$ _____
Worker's Compensation	\$ _____	\$ _____
Social Security-disability	\$ _____	\$ _____
Social Security-retirement	\$ _____	\$ _____
SSI/Public Assistance	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Spousal Support:	\$ _____	\$ _____
Other Income:		
_____ (source)	\$ _____	\$ _____
Court-ordered child support received for minor children not of the relationship	\$ _____	\$ _____
<b>Total Monthly Income</b>	\$ _____	\$ _____

**SECTION 5 – HOUSEHOLD EXPENSES (Monthly):**

	Father / Custodian / 3 <sup>rd</sup> party	Mother / Custodian / 3 <sup>rd</sup> party
Rent or Mortgage payment	\$ _____	\$ _____
Vehicle payment(s)	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Cellular phone(s)	\$ _____	\$ _____
Food/groceries	\$ _____	\$ _____
Gasoline	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____

**SECTION 6 – CHILD RELATED EXPENSES (Monthly):**

	Father / Custodian / 3 <sup>rd</sup> party	Mother / Custodian / 3 <sup>rd</sup> party
Child care	\$ _____	\$ _____
Clothing for child(ren)	\$ _____	\$ _____



**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

IN THE MATTER OF: \_\_\_\_\_ : CASE NO: \_\_\_\_\_  
: :  
: :  
\_\_\_\_\_  
(Juvenile's Name OR Plaintiff's Name) : :  
: :  
And : :  
: :  
\_\_\_\_\_  
(Defendant's Name) : **ENTRY REGARDING POVERTY  
AFFIDAVIT**

The Court finds that an Affidavit of Poverty was filed in this case on \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_ (Affiant), requesting that:

- no deposit be required in this case
- court costs be waived in this case
- € probation or diversion fees be waived in this case
- the \$25 application fee for court-appointed counsel be waived

For good cause shown, IT IS THE ORDER OF THE COURT THAT:

- € said affidavit is well taken and the Court hereby grants the same.
- € the Court denies said poverty affidavit. Costs shall be assessed accordingly.

WHEREFORE, IT IS FURTHER ORDERED THAT:

- € The \$25.00 application fee for court-appointed counsel is hereby waived.

No deposit will be required of the affiant in this case at the time of the filing of the present action.

Court costs assessed to the affiant are waived for the present action ONLY.

ALL court costs assessed to the affiant and/or the minor child before today's date are waived.

\_\_\_\_\_  
DAVID B. BENDER, JUDGE

pc: Deputy Clerk  
Bookkeeper  
Probation  
Diversion

**APPENDIX G**

**COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
COMPANIONSHIP GUIDELINES  
FOR NON-RESIDENTIAL PARENTS**

OPTION ONE:

OPTION TWO:

Weekends:	Alternating weekends from Friday at 6:00 to Sunday at 6:00 p.m. When Monday is a holiday, time extends until 6:00 p.m. Monday.	Same
Holidays:	(1) Martin Luther King Day (3) Memorial Day (5) Labor Day	Same
	(2) Easter/Passover (4) July 4 <sup>th</sup> (6) Thanksgiving	
	Even numbered holidays in even numbered years and odd numbered holidays in odd numbered years, from 6:00 p.m. of the day before the holiday, until 8:00 p.m. of the holiday. The residential parent shall have the opposite holidays.	
Spring:	Three (3) consecutive days during child's school vacation.*	Same, but five (5) days*
Summer:	Fourteen (14) consecutive days during child's school vacation.* The residential parent shall likewise be entitled to fourteen (14) consecutive days during child's school vacation.*	Same, but (28) days** The residential parent shall be fourteen (14) consecutive days during the summer.
Winter:	<u>Odd numbered years:</u> December 22 at 6:00 p.m. until December 25 at 11:30 a.m., or Hanukkah equivalent. <u>Even numbered years:</u> December 25 at 1:00 p.m. until December 28, at 6:00 p.m., or Hanukkah equivalent.	Same, but starts December 20 <sup>th</sup> . Same, but extends until Dec. 30 <sup>th</sup> .
	The residential parent shall have the opposite dates and times	
Birthdays:	Three (3) hours on the child's birthday. If no agreement on which three, then Wednesday, 4:30 p.m. until 7:30 p.m.	Same
Mother's/ Father's Day:	Time with appropriate parent from Saturday at 6:00 p.m. until Sunday at 6:00 p.m.	Same
Midweek:	None	One weekday, 4:00 p.m. to 8:00 p.m. If no agreement on day, then Wednesday.

\* In addition to scheduled weekend.  
\*\* Includes scheduled weekend.

It is this Court's policy to encourage liberal companionship, interaction and parenting by both parents with their minor children. However, the Court realizes that, depending upon individual circumstances, some non-residential parents are able and inclined to spend more times with their children than are others. Therefore, in cases where parenting time is in questions, the Court offers two (2) options in order to provide parents and children with the parenting schedule most appropriate for their circumstances. Several procedures are applicable to both options. These are as follows:

1. The non-residential parents must request beginning and ending spring and summer parenting dates, in writing, a minimum of forty-five (45) days in advance. Neither the spring nor the summer dates shall interfere in any way with the child's attendance in kindergarten through grade twelve school schedule unless otherwise permitted by specific order.

**APPENDIX H**

2. There will be times when parenting times must be adjusted for the accommodation of illness of either parent or child. If the residential parent initiates an adjustment, he/she shall inform the non-residential parent at the earliest possible time and shall offer an equivalent amount of time to replace the adjusted schedule. If the non-residential parent initiates the adjustment, he/she shall inform the residential parent at the earliest possible time, and shall suggest an equivalent amount of parenting time which is convenient for both the children and the residential parent.
3. If the non-residential parent chooses to relinquish a scheduled parenting time, he/she shall notify the residential parent at the earliest possible time. Except in rare emergency situations, the non-residential parent shall notify the residential parent of his/her intent to relinquish visitation no less than seven (7) days in advance.
4. Should the non-residential parent be more than thirty (30) minutes late without prior notification to the residential parent, that visitation period shall be forfeited.
5. At times, the standard parenting schedule may conflict with holiday, vacations, or other special days. As such, the holidays, Father's Day and Mother's Day has priority over all other parenting times; further, extended summertime for each parent takes priority over weekends and weekdays.
6. The residential parent is encouraged to agree to parenting time in addition to the scheduled times, if the non-residential parent so desires. The parent's cooperation is encouraged in this respect as this schedule is intended to be a minimum companionship schedule.
7. The child's residence is not to be removed from the State of Ohio without a review of Parenting Orders by the Court of Common Pleas, Juvenile Division.
8. If children are involved in sports, scouting, church related or other extracurricular activities, both parents must make reasonable attempts to see that such activities are not interrupted due to parenting schedules other than extended summer periods.
9. All companionship transportation shall be shared by the parties. If the parties cannot agree on a schedule, the parent receiving the child or children for companionship shall provide the transportation while the other parent shall provide for the return trip.
10. In the case of shared parenting plans, the Mother, unless otherwise specified in the shared parenting decree, shall be considered as the residential parent only for purposes of interpreting the companionship schedule.

#### **APPENDIX H (Cont.)**

## **EXHIBIT A**

The following notices are hereby incorporated into the attached order. For purposes of these notices, each parent is considered to be a 'residential' parent and each are equal parties as to their responsibilities to their child(ren).

**RELOCATION NOTICE:** Pursuant to Ohio Revised Code Section 3109.051(G), the Parties are notified as follows:

IF THE 'RESIDENTIAL' PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARENTING TIME ORDER OR DECREE OF THE COURT, THEN RESIDENTIAL PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THIS COURT, ADDRESSED TO THE ATTENTION OF THE RELOCATION OFFICER, UNLESS OTHERWISE ORDERED PURSUANT TO O.R.C. SECTIONS 3109.51(G)(2), (3), AND (4), A COPY OF SUCH NOTICE SHALL BE MAILED BY THE COURT TO THE PARENT WHO IS NOT THE RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF EITHER PARTY, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARTIES TO DETERMINE WHETHER IT IS IN THE BEST INTEREST OF THE CHILD TO REVISE THE PARENTING TIME SCHEDULE.

In addition to the foregoing, each party will provide written notice directly to the other, in the event that either of them intends to move from his/her residence.

**RECORDS ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051(H) and 3319.321(B)(5)(a), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.R.C. SECTIONS 3125.16 AND 3319.321(F), THE PARENT WHO IS NOT THE RESIDENTIAL PARENT IS ENTITLED ACCESS TO ANY RECORD THAT IS RELATED TO THE CHILD, 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 NOTICE:** Pursuant to Ohio Revised Code Section 3109.051(I), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND IN ACCORDANCE WITH O.R.C. SECTION 5104.011, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT IS ENTITLED TO ACCESS TO ANY DAY CARE CENTER THAT IS

## **APPENDIX I**

OR WILL BE ATTENDED BY THE CHILD WITH WHOM PARENTING TIME 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 hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND SUBJECT TO O.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 AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS. ANY SCHOOL OFFICIAL WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT.

(Revised 01/27/12)

**EXHIBIT B**  
**CHILD SUPPORT NOTICE**

**EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE FAYETTE COUNTY CHILD SUPPORT ENFORCEMENT AGENCY (FCCSEA), IN WRITING, OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE/CELLULAR TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OR ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY.**

**IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50.00 FOR A FIRST OFFENSE, \$100.00 FOR A SECOND OFFENSE, AND \$500.00 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY THE COURT AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000.00 AND IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS.**

**IF YOU ARE AN OBLIGOR AND FAIL TO MAKE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTIONS AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATIONS.**

**THE OBLIGOR SHALL IMMEDIATELY NOTIFY THE FCCSEA IN WRITING OF ANY CHANGE IN EMPLOYMENT STATUS, PAY RATE, OR EMPLOYER. THIS DUTY TO NOTIFY SHALL CONTINUE UNTIL FURTHER NOTICE OF THE COURT, AND A FAILURE TO PROVIDE SUCH NOTIFICATION MAY MAKE THE OBLIGOR LIABLE FOR RETROACTIVE SUPPORT THAT WOULD HAVE BEEN ORDERED.**

All child support payments shall be paid by wage, income or financial institution withholding, payable to the Ohio Child Support Payment Central (CSPC), at P.O. Box 182394, Columbus, OH 43218-2394, (or to P.O. Box 182372, Columbus, OH 43218-2394 for payments made directly by the Obligor). All support shall be administered by the FCCSEA.

Any payment of money by or on behalf of the person responsible for the support payments under the support order, this is not made to the above address in accordance with the support order, shall be deemed to be a gift and will not be considered as support. (O.R.C. Section 3131.45).

The Obligor shall personally make the support payments through the CSPC until such time as the amount is withheld pursuant to the withholding order or other orders issued in conjunction with the

**APPENDIX J**

child support order. Personal payment through the CSPC shall also be made at any time the Obligor's employer fails to withhold the support for whatever reason.

Upon receipt of this order for support, the FCCSEA shall immediately prepare and issue all withholding notices to any employer or other income provider or financial institution, and to the Obligor and Obligee in accordance with the ORC and OAC. Regardless of the frequency of amount of child support payments to be made under this order, the CSEA that is required to administer the order shall do so on a monthly basis.

Payments shall be made in the manner ordered by the Court, and if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the child support payments to be made under the order.

The Obligor shall pay a processing fee which is the greater of two percent (2%) of the support payment to be collected under a support order or one dollar (\$1.00) per month. (O.R.C. Section 3119.27).

Child support shall be payable until the minor child reaches age eighteen (18) years or graduates from an accredited high school, whichever last occurs. However, a court child support order shall not remain in effect after the child reaches age nineteen (19) years unless the order provides that the duty of support continues under circumstances described in division (A)(1)(a) and (b) of O.R.C. Section 3119.86 for any period after the child reached age 19; an administrative child support order shall not remain in effect after the child reaches age 19.

**THE OBLIGEE/LEGAL CUSTODIAN SHALL, AND THE OBLIGOR MAY, NOTIFY THE FCCSEA OF ANY REASON FOR WHICH THE SUPPORT ORDER SHOULD BE TERMINATED, INCLUDING BUT NOT LIMITED TO, THE CHILD'S ATTAINMENT OF THE AGE OF MAJORITY, IF THE CHILD NO LONGER ATTENDS AN ACCREDITED HIGH SCHOOL ON A FULL-TIME BASIS, OR THE DEATH, MARRIAGE, EMANCIPATION, INCARCERATION, ENLISTMENT IN THE ARMED SERVICES, DEPORTATION, OR CHANGE IN THE LEGAL OR PHYSICAL CUSTODY OF THE CHILD. (O.R.C. SECTIONS 3119.87 AND 3119.88).**

**FAILURE TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS MAY CONSTITUTE CONTEMPT OF COURT.**

(Revised 01/27/12)

## EXHIBIT C

### HEALTH INSURANCE NOTICE

The party or parties ordered to carry health insurance coverage for the child(ren) shall do all of the following under O.R.C. Chapter 3119: (The requirements listed in this Notice are general in nature, not all inclusive or verbatim of the written statute, and may be made more specific by an Administrative Order, or Court Order, or Entry pursuant to law).

1. Within thirty (30) days of the issuance of the order, provide the other party with information regarding the benefits, limitations, and exclusions of the coverage; copies of any insurance forms necessary to receive reimbursement, payment or other benefits under the coverage; and a **copy of any necessary insurance cards.**
2. Obtain all health insurance coverage for the child(ren) within thirty (30) days of the issuance of the order. The order for support, (Administrative Order or Court Order), shall be submitted to insurer/employer at the time of application for coverage to allow insurance for the child(ren) to be obtained.
3. Designate the child(ren) as covered dependents under any health insurance policy, contract, or plan for which the person contracts.
4. Notify the insurer of the name, address, and telephone number of the individual who is to be reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for each child.
5. The party carrying insurance is hereby notified that the health plan administrator that provides the health insurance coverage for the child(ren) may continue to make payments for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance or health care policy, contract, or claim.

The employer of the person required to carry insurance is required to release to the other parent, or custodian, any person subject to an order issued under O.R.C. Section 3109.19, or the Child Support Enforcement Agency, (CSEA), upon written request, any necessary information on the health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

If the party ordered to carry insurance obtains new employment, the CSEA may issue notice requiring the new employer to take whatever action is necessary to enroll the child(ren) in health insurance coverage by the new employer.

Bills for uninsured medical expenses shall be paid by the residential parent/custodian in full.

## APPENDIX K

The residential parent/custodian may then send copies of the bills to the non-residential parent requesting reimbursement for said expenses as per the order.

Should the party ordered to carry health insurance fail to comply with a child support/medical order issued in accordance with O.R.C. Section 3119.30, that party shall be liable to the other party for any medical expenses incurred as a result of the failure to comply with the order.

If private health insurance is not accessible and/or not available at a reasonable cost, in accordance with O.R.C. Section 3119.30, the parent may also be ordered to pay cash medical support during the period in which the child(ren) are not covered by private health insurance. If private health insurance becomes accessible or available at a reasonable cost, or becomes unavailable, the person to whom the coverage becomes available or unavailable, shall immediately notify the CSEA in writing.

When the CSEA is made aware in writing of available private health insurance, the CSEA will notify both parties that the person responsible for providing health coverage for the child(ren) is ordered to secure and maintain private medical insurance for the child(ren) without an additional order or hearing.

A Cash Medical Support Order becomes/remains effective on the first (1<sup>st</sup>) day of the month immediately following the month in which private medical insurance coverage that had been in effect for the child(ren) becomes unavailable or terminates. The obligation to pay the Cash Medical Support Order shall cease on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes.

(Revised 01/27/12)

**APPENDIX K (cont.)**



**NOTICE BY PUBLICATION**

TO: \_\_\_\_\_  
whose last known address is: \_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that a complaint/motion for \_\_\_\_\_ has been filed in the Fayette County Common Pleas Court, Juvenile Division, in the case of:

(Case caption)

You are hereby required to appear in the Fayette County Common Pleas Court, Juvenile Division at 110 East Court Street, 2<sup>nd</sup> Floor, Washington Court House, Fayette County, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .M.

DAVID B. BENDER, JUDGE  
FAYETTE COUNTY COMMON PLEAS COURT  
PROBATE AND JUVENILE DIVISIONS

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff**

**vs.**

**ENTRY OF POSTING**

\_\_\_\_\_  
**Defendant**

The Court finds that service by regular mail was sent to the last known address of \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

The Court finds that service upon \_\_\_\_\_ was perfected by publication by posting of the Notice of Service in the Fayette County Court House, the Fayette County Department of Job and Family Services and the Washington Court House Carnegie Public Library from \_\_\_\_\_ to \_\_\_\_\_ which is at least seven (7) days prior to the hearing in this matter.

Said service by publication shall be docketed in this case forthwith and the case shall proceed as required by law.

\_\_\_\_\_  
DAVID B. BENDER, JUDGE

Juv. Jnl. Vol. \_\_\_\_\_, Page \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY, OHIO  
JUVENILE DIVISION**

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

**NOTICE TO REPORT TO JAIL**

TO: \_\_\_\_\_

You are hereby notified that you shall report in person to the Fayette County Jail located at 113 E. Market Street, Washington Court House, Ohio at 9:00 A.M. on \_\_\_\_\_, 20\_\_\_\_ to begin serving your sentence of \_\_\_\_\_ days.

If you are turned away from the Fayette County Jail at that time, you **MUST** continue to report in person every Tuesday thereafter at the same time.

You are further notified that every time you are turned away from the Fayette County Jail for overcrowding **YOU MUST** request that the jail personnel allow you sign and date their reporting log as proof that you appeared in person and were turned away.

**IT IS YOUR RESPONSIBILITY TO MAKE SURE THAT YOU SIGN AND DATE THE REPORTING LOG AT THE FAYETTE COUNTY JAIL. FAILURE TO SIGN AND DATE THE REPORTING LOG EACH TIME WILL RESULT IN A WARRANT BEING AUTOMATICALLY ISSUED FOR YOUR ARREST.**

DAVID B. BENDER, JUDGE

By: \_\_\_\_\_  
Deputy Clerk

**ACKNOWLEDGEMENT**

By signing below I acknowledge receipt of the above Notice to Report to Jail on

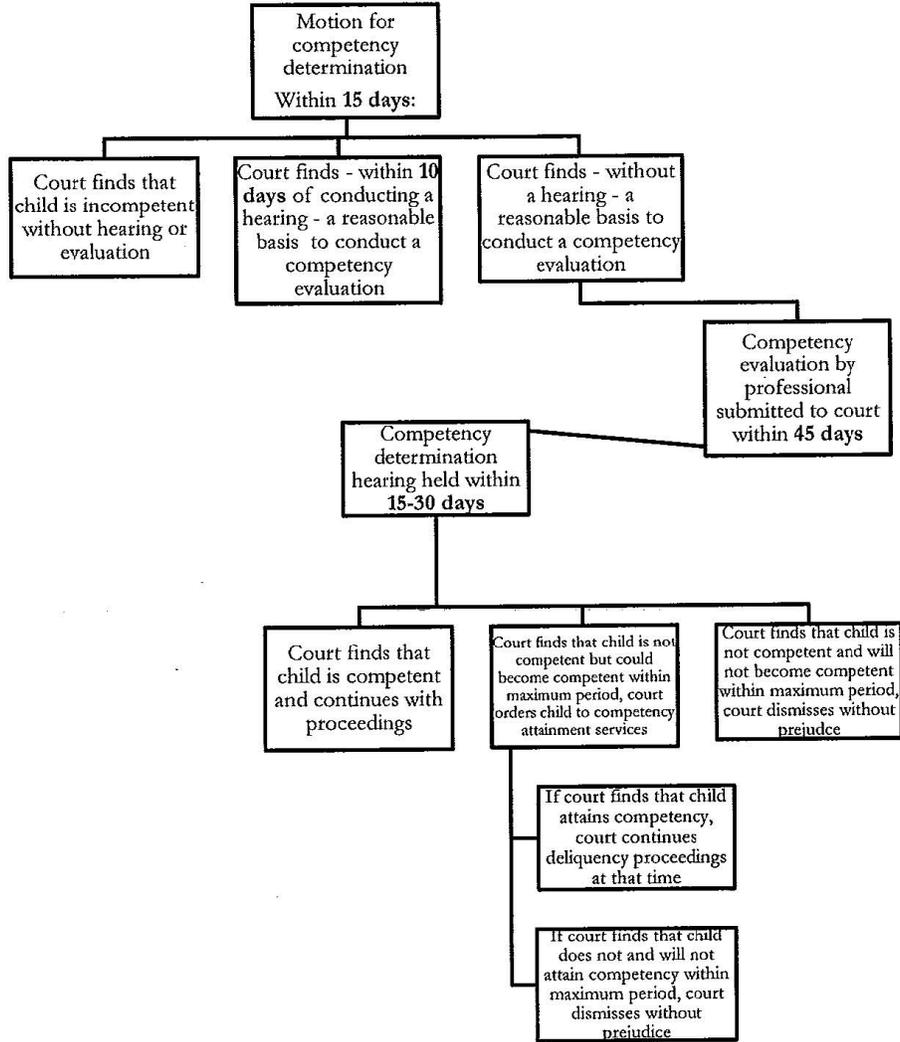
\_\_\_\_\_  
(Date Received)

\_\_\_\_\_  
Signature of Person Ordered to Report

**APPENDIX O**

**HB 86 Juvenile Provisions  
Competency (O.R.C. § 2152.51 - §2152.59): Fact Sheet**

Flowchart of Competency Proceedings



**IN THE COURT OF COMMON PLEAS, FAYETTE COUNTY  
JUVENILE DIVISION**

THE STATE OF OHIO : CASE NO. \_\_\_\_\_

vs. :

\_\_\_\_\_  
(Name of Parent / Guardian / Custodian)

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City, State, Zip)

**ADULT COMPLAINT**

The undersigned, after being duly sworn according to law, says that he/she has knowledge that \_\_\_\_\_, parent / guardian / custodian of \_\_\_\_\_, a minor child, in the County of Fayette, State of Ohio, did fail to send a minor child in his/her custody to school, pursuant to O.R.C. Section 3321.04, a violation of Section 3321.38 of the Revised Code, during the \_\_\_\_\_ school year.

(Please complete with regard to the minor child involved)

Name of Child: \_\_\_\_\_

Address of Child: \_\_\_\_\_

DOB of Child: \_\_\_\_\_ Telephone: \_\_\_\_\_

Name of additional parent (s)/guardian (s)/custodian (s):

\_\_\_\_\_  
Addresses of Additional parent (s)/guardian (s)/custodian (s):

\_\_\_\_\_  
Telephone: \_\_\_\_\_

(Revised 03/16/12)

**APPENDIX Q**

Facts/Details of the allegation (s) or circumstances for consideration:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Complainant Signature

School or Affiliation

Address

City, State, Zip

Telephone

Sworn to before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_,
20\_\_\_\_\_.

Deputy Clerk/Notary

**FAYETTE COUNTY PROBATE / JUVENILE COURT**

**110 E. Court Street, 2<sup>nd</sup> Floor**

**Washington C.H., Ohio 43160**

**(740) 335-0640 telephone**

**(740) 333-3598 facsimile**

**FACSIMILE FILING COVER PAGE**

RECIPIENT INFORMATION:

NAME OF COURT: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

SENDING PARTY INFORMATION:

NAME: \_\_\_\_\_

SUPREME COURT REGISTRATION NO. (if applicable): \_\_\_\_\_

OFFICE/FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS (if available): \_\_\_\_\_

CASE INFORMATION:

CAPTION OF THE CASE: \_\_\_\_\_

CASE NUMBER\*: \_\_\_\_\_

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

TITLE OF THE DOCUMENT: \_\_\_\_\_

JUDGE: \_\_\_\_\_

FILING INFORMATION:

DATE OF FAX TRANSMISSION: \_\_\_\_\_

NUMBER OF PAGES (including this page): \_\_\_\_\_

COMMENTS:

NOTICE: The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

**APPENDIX R**