# LOCAL RULES OF PRACTICE AND PROCEDURE OF THE ASHTABULA COUNTY COURT OF COMMON PLEAS; JUVENILE DIVISION

**THESE LOCAL RULES HAVE BEEN REVISED AND UPDATED**
**EFFECTIVE DATE: January 7, 2026**

# ASHTABULA COUNTY OF COMMON PLEAS
# JUVENILE DIVISION
# LOCAL RULES

## INTRODUCTION

It is ordered that the following rules be and are hereby adopted for the governance of the practice and procedures in the Court of Common Pleas, Juvenile Division, Ashtabula County, Ohio, until otherwise provided pursuant to Article IV, Section (5) of the Ohio Constitution, to Section 2151.23 of the Ohio Revised Code, and to the Rules of Superintendence promulgated by the Supreme Court of Ohio.

## ADOPTION, SCOPE, AND CONSTRUCTION OF RULES

A. The Juvenile Division of the Common Pleas Court for Ashtabula County, Ohio, adopts the following Rules for the management of proceedings and other functions of the Court. The Court may amend the Rules from time to time as needed or required by law.

B. These Rules are intended to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes.

C. These Rules shall be applied, construed, and enforced so as to avoid inconsistency with other rules of Court and statutes governing proceedings of this Court. In their application, they shall be construed so as to provide fairness and to secure just, expeditious, and inexpensive determination of all proceedings.

D. These Rules shall be cited as “Ashtabula Juv. Ct. Rule X.”

E. These Rules shall be effective and may be revised from time to time as is necessary.

## TABLE OF RULES

TABLE OF RULES:


| | |
|---|---|
| Rule 1 | Operation of the Court |
| Rule 2 | Conduct in Court |
| Rule 3 | Weapons in Court Facilities |
| Rule 4 | Court Appointments |
| Rule 5 | Qualifications of Appointed Counsel and Guardian ad Litem |
| Rule 6 | Electronic Filing Standards |
| Rule 7 | Use if Electronically Produced Ticket |
| Rule 8 | Mediation |
| Rule 9 | Photography, Recording, and Broadcasting of Court Proceedings |
| Rule 10 | Standard Companionship Order in Visitation or Parenting Cases |
| Rule 11 | Competency Evaluation |
| Rule 12 | Use of Restraints on a Child |
| Rule 13 | Service; Service by Publication; Service by Posting and Returned Service |
| Rule 14 | Specialized Dockets – Family Drug Court |
| Rule 15 | Fingerprinting of Juvenile's R.C. 109.60 |
| Rule 16 | Motions of Continuance |
| Rule 17 | Notice of Dismissal |
| Rule 18 | Pro Se Pleadings and Packet |
| Rule 19 | Judicial Bypass |
| Rule 20 | Consent to Wed |
| Rule 21 | Guardian ad Litem Reports |
| Rule 22 | In-Camera Interviews |
| Rule 23 | Sealing/Expungement of Records |

# ASHTABULA COUNTY COMMON PLEAS COURT, JUVENILE DIVISION
# LOCAL RULES

## RULE 1: THE OPERATION OF THE COURT

### 1.01 Terms of Court

The term of the Court is one (1) calendar year. All actions and other business pending at the expiration of any term of court is automatically continued without further order. The jurist may adjourn court or continue any case whenever, in his/her opinion, such continuance is warranted. Session of the court may be held at such places throughout the county as the judge shall from time to time decide.

### 1.02 Hours of the Court

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

## RULE 2: CONDUCT IN COURT

Proper decorum in the court is necessary for the administration of the court's business. No radio or television transmission, voice recording device (other than a device used for purpose of the official record), cell phones, or the making or taking of pictures shall be permitted, except upon consent of the Judge and in accordance with Rules 11 and 12 of the Rules of Superintendence of the Courts of Ohio. No food or drink shall be permitted in the Court rooms.

Appropriate dress and attire are required for all Court hearings.

## RULE 3: WEAPONS IN COURT FACILITIES

### 3.01 Prohibition

No weapons shall be permitted in the Court facility except those carried by court security officers or as permitted under division (B)(1) of this standard. The Court shall establish and install adequate security measures to ensure no one will be armed with any weapon in the Court facility.

### 3.02 Law Enforcement

(1) In cases where law enforcement officers are appearing as a witness or party in their official capacity as a law enforcement officer, the law enforcement officer shall be permitted to carry their weapon, so long as they appear in uniform.

(2) In all cases, law enforcement officers who are parties to a judicial proceeding as a plaintiff, defendant, witness, or interested party outside the scope of their employment shall not be permitted to bring weapons into the Court facility.

## RULE 4: COURT APPOINTMENTS

Persons appointed by the Court to serve as attorneys or guardians ad litem shall be selected from lists maintained by the Court. Appointments will be made from such lists taking into consideration the qualifications, skills, expertise, and caseload of the appointee, in addition to the type, complexity, and requirements of the case.

Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees.

The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

## RULE 5: QUALIFICATIONS OF APPOINTED COUNSEL AND GUARDIAN AD LITEM

In order to be considered to serve as assigned counsel in Juvenile Court, each attorney must comply with the following appointment requirements and qualifications.

**5.01**

Counsel shall submit an application in letter form, on office letterhead, setting forth the level of appointment s/he is seeking, i.e.: unruly; delinquent (misdemeanor/felony/degree); dependent/neglect/abuse; Guardian ad litem; adult cases; appeals; judicial by-pass.

**5.02**

In delinquent and unruly applications, Counsel shall describe the type of legal experience she/he has and how the experience complies with the requirements set forth in Ohio Administrative Code section 120-1-10, (Appendix A).

**5.03**

Counsel seeking appointment as a Guardian ad litem must submit proof of successful completion of the "training requirements" set forth in Rule 48 of the Ohio Rules of Superintendence.

**5.04**

Upon receipt of the application, the Judge will determine whether the applicant qualifies for appointment and if so, the level of the appointment.

**5.05**

The Court shall maintain a list of appointments and attempt to appoint counsel on a rotating basis, dependent upon their qualifications and caseload. Further, the Court shall maintain a list of attorneys' refusal to accept appointments;

**5.06**

If an attorney and/or Guardian ad litem is needed less than five (5) business days before a hearing or event, or there has been at least three (3) unsuccessful attempts to obtain counsel, the Court can select an attorney and/or Guardian ad litem without following with the rotation

## RULE 6 ELECTRONIC FILING STANDARDS

The provisions of this local rule are adopted under Rule 8 of the Ohio Rules of Juvenile Procedure.

Pleadings and other papers filed with the Juvenile court via electronic filing by either email of facsimile transmission shall be subject to the following conditions:

### 6.01 Email Filing

Pleadings and other papers may be filed with the Juvenile Court by electronic filing through email at juvenile @ashtabulacounty.us

### 6.02 Facsimile Filing

Pleadings and other papers may be filed with the Juvenile Court by facsimile transmission to (440) 994-6020. Fax means the same as facsimile transmission.

### 6.03 Excluded Electronic Filings

The following documents will **NOT** be accepted for electronic filing:

(1) Any Complaint;

(2) Any pleading that exceeds ten (10) pages, inclusive of any attached exhibits, and cover page;

(3) Case Plans, Case Plan Reviews, or Semi-Annual Case Reviews filed by the Ashtabula County Children Services Board;

(4) Pleadings in special Juvenile proceedings, including but not limited to judicial by-pass proceedings; petitions for Juvenile Protection orders and application for permission to marry.

(5) No email shall exceed 10 MB in size. All pages of a document must be fully contained in a single email attachment. All documents electronically filed by email shall be submitted in Portable Document Format (PDF) format. When more than one document is contained within a single email, each document shall be a separate, readily identifiable attachment.

(6) If the Clerk does not time and date stamp the document and enter it in the case docket, the document shall not be considered filed by the Clerk.

**6.04Original Filing**

A document accepted and ultimately filed by the Clerk by fax or email shall be deemed the original filing. The person filing a document by facsimile or email is not required to additionally file a paper copy with the Clerk. The person filing the document shall maintain the source document in his or her records and have available for production upon request by the Court, with original signatures as otherwise required by law. The source document shall be maintained by the person making the filing until the case is closed, and all opportunities for post-judgment relief are exhausted. All documents filed by facsimile and email shall conform to Sup. R. Rule 45(D) regarding omission of personal identifiers. The Clerk's Office is not responsible for redacting personal identifiers or other confidential information not properly redacted by the filing person.

**6.05Cover Page for Fax Filings Required**

The person filing a document by fax shall also provide a cover page containing the following information:

The Name of the Court;
Title of the case;
The case number;
The assigned Judge/Magistrate, if known;
The title of the document being filed (e.g. Plaintiff's Motion to Modify Support; Defendant's Answer to Plaintiff's Complaint
Date of transmission;

Transmitting fax number;
Number of pages in the transmission, including the cover page;
Name, address, telephone number, Supreme Court Registration Number, and email of the person filing the fax document.

**6.06 Failure to Include a Cover Page**

If a document is electronically filed with the Juvenile Court by fax and is sent Without the cover page listed above in Ashtabula Juv. Ct. Rule 6.05, the Document will not be filed. The clerk shall notify the sender that no cover page was received by faxing to the sender such notation, and that this rule was violated.

**6.07 Signature**

A party may file a source document by electronic means by utilizing the notation "/S/" followed by the name of the person signing the document.

**6.08 Original Source Document**

A party who files a document by electronic filing represents that the Physically signed source document is in his/her possession.

**6.09Time of Filing**

Subject to the provisions of these rules, all documents sent by electronic means and accepted by the Clerk shall be considered filed with the Juvenile Court as of the date the Clerk time-stamps the document received. The Juvenile Court will be deemed open to receive electronic filing of documents on the same days and at the same time the Court is regularly open for business.

**6.10Filing Fees for email filings**

Fees for any documents filed by email shall be assessed pursuant to the Court's current cost schedule. No document filed by email that requires a filing fee shall be accepted by the Clerk for filing until such fees have been paid. As a courtesy, the filing person will be notified via phone or email by the Clerk's Office that a payment for costs is required in the event payment is not made at the time of filing. The email will come from the same email filing inbox the filer submitted the filing to and will be sent to the email address used by the filer to submit an email filing. The filer shall have two (2) business days after notification by the Clerk in which to make payment.

### 6.11Clerk Review

The Clerk's Office shall conduct a preliminary review of all electronically filed documents for compliance with Rules of Practice and payment of any requisite fees prior to accepting any document for filing.

Documents that do not comply with the Rules of Practice and/or for which filing fees have not been paid as required in section (F) above will not be accepted for filing, and will be rejected by the Clerk's Office. The Clerk shall notify the filer of such rejection with an explanation for the rejection.

Upon receipt of notice from the Clerk's Office as to a rejected filing, the person may resubmit a corrected filing. However, the corrected filing will be considered filed as of the date and time the corrected filing's fax or email transmission was received.

If a document is rejected due to technical errors during transmission of the filing but the filer wishes to have the corrected filing deemed to be filed as of the date and time of the original transmission, the filer must file a motion with the court seeking such relief.

The Clerk's acceptance of a filing is neither a legal determination nor a guarantee as to the correctness of the documents filed.

### 6.12Service of Filing

It is the filing person's responsibility to ensure service of all filed documents in accordance with the applicable Rules of Practice. If service through the Clerk's Office is necessary or desired, the filer shall include any Instructions for Service with said document. No action on any Instructions for Service shall be taken until any associated fees are paid.

Timestamped copies of email filings will be made available to attorneys once docketed in the case management system.

### 6.13Risk of failed transmission

The risk of transmitting a document by fax or email to the Clerk's Office shall be borne to the sending party entirely. Technical support is only available through the Court during normal business hours. For questions regarding a fax or email filing, the filer may contact the Clerk's Office.

## RULE 7 USE OF ELECTRONICALLY PRODUCED TRAFFIC TICKET

The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized in the Ashtabula County Court of Common Pleas, Juvenile Division. The electronically produced traffic ticket shall conform in all substantive

respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

## RULE 8 MEDIATION

This Local Rule 8 relating to Juvenile Court Mediation incorporates by reference R.C 2710 ("Uniform Mediation Act").

### 8.01 Referrals to Mediation

(1) a. General.

The Court has discretion to encourage parties to use mediation in any civil action filed with this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel or upon the request of any party.

b. Exceptions. Mediation shall be prohibited in any of the following:

(i) As an alternative to the prosecution or adjudication of domestic violence;

(ii) In determining whether to grant, modify or terminate a protection order;

(iii) In determining the terms and conditions of a protection order;

(iv) In determining the penalty for violation of a protection order.

c. Nothing in this division shall prohibit the use of mediation in a subsequent custody case, even though that case may result in the termination of the provisions of a protection order; or in a juvenile court delinquency case, even though the case involves juvenile-perpetuated domestic violence.

(2) Once a case has been referred to mediation in a case involving allocation of parental rights and responsibilities, the parties shall contact Mediation and Conflict Management Services (MCMS) to schedule an appointment for mediation assessment. The mediator shall assess the appropriateness for mediation and may meet with the parties individually prior to bringing the parties together. Multiple mediation sessions shall be scheduled if necessary.

(3) Parties may choose a private mediator whose qualifications comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediations. All private mediators chosen by the parties pursuant to the Court's Order to Attend Mediation

shall complete the forms and evaluations required by the Court.

**8.02 Privilege, Confidentiality and Mediator Disclosures**

(1) General. Mediation communications are privileged as described in R. C. 2710.03 - 2710.05. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.
By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

(2) All mediation communications are confidential with the following exceptions:

(i) Parties may share all mediation communications with their attorneys;
(ii) Certain threats of abuse or neglect of a child or an adult;
(iii) Statements made during the mediation process to plan or hide an ongoing crime;
(iv) Statements made during the mediation process that reveal that a felony has been committed.

(3) All disclosures by the mediator shall be in compliance with R.C. 2710.03 – 2710.05. The mediator shall inform the Court who attended the mediation, whether the case settled and whether mediation shall continue. No other information shall be directly or indirectly communicated by the mediator to the Court unless all who hold a mediation privilege have consented to such disclosure. Except where otherwise required by law, the mediator shall keep all mediation communications confidential unless all mediation participants and the mediator have consented to disclosure.

**8.03 Family Investigations During Pendency of Mediation**

Absent extraordinary circumstances, no family investigation shall be ordered until the mediation has concluded. If a family investigation was previously ordered (and initiated), it shall be suspended during the pendency of the mediation.

**8.04 Ex Parte Orders During Pendency of Mediation**

While the case is in mediation, no ex parte orders allocating parental rights and responsibilities shall be entered by the Court, unless extraordinary circumstances are alleged in an affidavit, which in the Judge's discretion justify an ex parte order. Absent extraordinary circumstances, an ex parte order which is entered shall only provide for a physical placement of the children, and that the parents shall not remove the children

from the jurisdiction.

**8.05 Referral to Resources**

MCMS shall maintain resources for mediation parties, including victims and suspected victims of domestic violence, and encourage appropriate referrals to legal counsel and other support services, such as children's services, domestic violence prevention, counseling, substance abuse and mental health services.

**8.06 Qualifications**

**(1) General Qualifications and Training**. A mediator employed by this Court or to whom this Court makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall meet the qualifications of and comply with all training requirements of Sup.R. 16.:

(2) **Specific Qualifications and Training: Domestic Abuse.**
A mediator employed by the Court or to whom the Court makes referrals for mediation of any case shall complete "Specialized Domestic Abuse Issues and Mediation Training" approved by the Supreme Court Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he or she co-mediates with a mediator who has completed the specialized training.

## RULE 9 PHOTOGRAPHY, RECORDING, AND BROADCASTING OF COURT PROCEEDINGS

No radio or television transmission, voice-recording device (other than a device used in making a record of the proceedings for the Court), or the making or taking of pictures shall be permitted, without prior approval of the Judge.

## RULE 10 STANDARD COMPANIONSHIP ORDER IN VISITATION OR PARENTING CASES

Unless otherwise ordered, the Court utilizes the Standard Companionship Order of the Ashtabula County Juvenile Court, which is included as Appendix B to these Local Rules, in all private parenting cases. The Court is free to alter this Standard Companionship Order if it finds that such order is not in the best interests of the child or children

## RULE 11 COMPETENCY EVALUATION

**11.01 General Purpose**

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

**11.02 Expedited Hearings**

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

**11.03 Notice**

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

**11.04 Stay of Proceedings**

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

## Rule 12. USE OF RESTRAINTS ON A CHILD

**Presumption:**

Physical restraints shall not be used on juveniles appearing in court proceedings before the Ashtabula County Juvenile Court unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

1. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom;

2. There is a significant risk the child will flee the courtroom.

A. Any party, as defined in Juv.R. 2 (Y), may be heard on the issue of whether the use of physical restraint is necessary for the particular child at a particular proceeding.

B. If physical restraint is found necessary by the judge or magistrate, said restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner that does not unnecessarily restrict the movement of the child's hands.

Pursuant to Rule 45 of the Ohio Rules of Juvenile Procedure, Chapters 2151 and 2152 of the Ohio Revised Code, and Rule 5 of the Rules of Superintendence for Courts of Ohio, the following rules are hereby adopted by the Juvenile Division of the Ashtabula County Court of Common Pleas, effective September 1, 2016 entered upon the Journal of the Court.

## RULE 13 - SERVICE; SERVICE BY PUBLICATION; SERVICE BY POSTING AND RETURN/UNCLAIMED SERVICE

### 13.01 General Requirements

A request for service must be accompanied by an Instruction to Clerk for Service form identifying the type of service and a time stamped copy of the document to be served.

### 13.02

It remains the responsibility of the party seeking the action or relief to secure service of process in accordance with the Ohio Rules of Civil Procedure.

### 13.03 Special Process Server

One-Time Appointment: If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1 (B) & (C), the party or counsel must file with the Court by a Motion and Order seeking appointment of a special process server. The following must be stated in the Order of Appointment: (a) the name of the person to be appointed as process server; (b) the person to be appointed as process server is 18 years of age or older; (c) the person to be appointed process server is not a party to the action.

### 13.04 Who is to be served

All persons who are parties in the case as defined in Juvenile Rule 2(Y), must be served, except the child who is the subject of a dependency, neglect, abuse, or custody claim, unless the Court otherwise directs.

### 13.05

If a party is represented by an attorney, service on the party may be achieved by serving the attorney of record. Initial pleadings must be served on the party, not their attorney.

### 13.06 Service by Publication by Posting and Mailing

1) A request for service by Publication by Posting and Mailing shall include the following information: 1) Case number, 2) The name of the first party on each side, 3)

The name and last known address of the person to be served, and 4) A summary statement of the allegations made in the pleading or motion, and 5) the relief sought.

2) Before service by Publication via Posting and Mailing can be made, an affidavit of a party or his counsel shall be filed with the court. The affidavit shall aver that service of summons cannot be made because the residence of the person is unknown to the affiant, shall set forth all of the efforts made on behalf of the party to ascertain the residence of the person to be served, and that the residence of the person to be served cannot be ascertained with reasonable diligence. The affidavit must also state the last known address of the person to be served.

3) Upon the filing of the affidavit required by division (A) (2) of this rule, the chief deputy clerk of court shall prepare a notice that contains the name and address of the court, the case number, the name of the first party on each side, and the name and last known address, if any, of the person or persons whose residence is unknown. The publication shall also contain a summary statement of the object of the pleading or motion and shall notify the person to be served that the person is required to appear at the time and place stated. The time stated shall not be less than seven days after the date of publication.

4) The chief deputy clerk shall cause service of the notice required by division (A) (3) of this rule to be made by posting in a conspicuous place and manner for seven (7) consecutive days at the following locations: Ashtabula County Court of Common Pleas, Juvenile Division; Ashtabula County Court of Common Pleas; and Ashtabula County Department of Job and Family Services and City of Ashtabula Municipal Building/Juvenile Resource Center. Service is complete on the date the notice is posted and the deputy clerk of court shall cause the date of posting to be recorded upon the docket.

5) In addition to posting the notice required by division (A) (4) of this rule, the chief deputy clerk shall mail summons or other pleading to be served by ordinary mail to the last known address of the party to be served. This mailing shall be evidenced by a certificate of mailing which shall be completed and filed by the chief deputy clerk. Service is complete when the certificate of mailing is docketed by the chief deputy clerk.

6) A request for service by publication by posting shall be submitted at least fifteen (15) days before the date and time of the hearing stated in the notice.

**13.07 Service by Publication in Newspaper of General Circulation**

Before service by Publication via Posting and Mailing can be made, an affidavit of a party or his counsel shall be filed with the court.

Any party requesting service by publication in a newspaper of general circulation in Ashtabula County, Ohio shall be responsible to arrange for service by publication with

the newspaper at the cost of the requesting party. Upon completion of service by newspaper publication, the requesting party shall submit proof of same to the clerk of court for filing.

**13.08 Processing Returned and Unclaimed Service**

The Juvenile Court Clerk shall process all returned and unclaimed service (mail), pursuant to Ohio Civil Rule 4.6(A), (B), (C), & (D), Appendix C.

**13.09**

Any request for the Clerk to serve a document upon a party shall be made by a separately filed Precipe for Service.

## RULE 14 SPECIALIZED DOCKETS-DRUG COURT

**14.01**

Pursuant to Rules 36.20 through 36.28 of the Rules of Superintendence for the Courts of Ohio, and Appendix I "Specialized Docket Standards" of the Rules of Superintendence, Ashtabula County Juvenile Court has created the following specialized dockets: Family Drug Court.

**14.02**

**Family Drug Court**

A. Ashtabula County Family Drug Court began operations in April 2017. The goals and objectives of the program are outlined in the Program Description, which is available upon request and is incorporated herein by reference.

B. The target population for placement in Family Drug Court includes individuals who are substance abusing parents who have either lost custody of their child(ren) or are at risk of losing custody of their child(ren) due to problems with alcohol or drug addiction through the Ashtabula County Children Services Board (ACCSB). Legal and clinical eligibility criteria are contained in the Program Description. Any disqualifying factors are also listed in the Program Description. Disqualifications are determined on a case-by-case basis. The Family Drug Court Judge has the ultimate discretion to determine whether an individual may participate in Family Drug Court.

C. Ashtabula County Juvenile Court is a single-judge court. Ashtabula County Family Drug Court follows the parallel model. While in Family Drug Court, the parent will appear on a regular basis for status review hearings before the Family Drug Court Judge.

D. Family Drug Court's Program Description contains the guidelines for participation in Family Drug Court, specifically the operations, policies, and procedures for the Court. Upon acceptance in Family Drug Court, each participant receives a Participant

Handbook and signs a Participation Agreement.

E. Successful completion of Family Drug Court includes completion of all phases of the program. A participant may be terminated from Family Drug Court for failure to comply with Family Drug Court rules and requirements as outlined in the Program Description. If a Family Drug Court participant is terminated from the program, the underlying abuse, neglect, dependency case will continue on the regular docket.

F. A successful closure of the participant's Ashtabula County Children Services Board *[ACCSB]* case will result in an automatic successful completion from Family Drug Court. Despite the participant's case being closed with *ACCSB*, they have the opportunity to choose whether they would like to continue in the formal program until their scheduled graduation date.

## RULE 15 FINGERPRINTING OF JUVENILE'S R.C. 109.60

**15.01** In accordance with R.C.109.60, limited to type of offense.

**15.02** the court shall inquire at the time of first appearance whether or not the fingerprints were taken at the time of arrest or the time the child was taken into custody. If fingerprints were not taken, the court shall order the person or child to appear before the sheriff or the chief of police within twenty-four hours to have the person's or child's fingerprints taken.

**15.03** The court also shall inquire at the time of sentencing whether or not fingerprints have been taken pursuant to R.C. 109.60. Again, if the person or the child was not fingerprinted for the original arrest or court appearance, the court shall order the person or child to appear before the sheriff or the chief of police within twenty-four hours to have the person's or child's fingerprints taken.

**15.04** It is not the duty of the court to take fingerprints. It is our duty to report the disposition of the case to BCI on the form that is provided from the fingerprinting agency. Once a juvenile is fingerprinted, the form will then be sent to the court and will be in the case file. The Court will need to inquire again.

**15.05** Only certain offenses require a Juvenile to be fingerprinted. Specifically, all felony offenses and crimes of violence. See Appendix C. If the Resource Center is working with a youth that is charged with any of these offenses, the Juvenile will need to complete the fingerprinting process.

## RULE 16 MOTION FOR CONTINUANCE

**16.01** Motions for continuance will be made in accordance with Rules 19 and 23 of the Ohio Rules of Juvenile Procedure and Sup.R. 41.

**16.02** All requests shall be in writing and must be accompanied by a proposed journal entry granting/denying the motion

**16.03** All applications for continuances shall be made as far in advance of hearing dates as practicable. All requests shall be in writing and must be accompanied by a proposed journal entry granting/denying the motion.

**16.04** Any Motions for Continuance based upon a conflict with another scheduled court hearing shall be accompanied with a copy of the notice of that hearing.

**16.05** Counsel requesting the continuance shall immediately notify in writing all other counsel and/or parties involved. The Motion for Continuance shall indicate what efforts were made to notify all other counsel and/or parties, and whether these individuals agree with the continuance.

**16.06** No case will be continued on the day of the hearing, except for good cause shown, which cause was not known to the attorney or party prior to the day of the hearing, notwithstanding all other counsel and/or parties agreement to same.

**16.07** If moving party is represented by counsel, it is the responsibility of the attorney obtaining the continuance to notify all other counsel and parties when a continuance is granted.

## RULE 17 NOTICE/ENTRY OF DISMISSAL

**17.01** Any case that is being dismissed in the Ashtabula County Juvenile Court be sought pursuant to Juvenile Rule 22 (A) or comply with Civ. R. 41. and /or Crim. R. 48.

## RULE 18 PRO SE PLEADINGS AND PACKET

**18.01** Any person who wishes to file a Complaint/Motion, who is not represented by counsel, must review, complete and sign the Ashtabula County Juvenile Court Pro Se Packet (Appendix D) agreeing to comply with the Ohio Revised Code, the Juvenile and Civil Rule of Procedure and the Local Rules.

**RULE 19** **JUDICIAL BYPASS**

**19.01** A hearing shall be conducted, if possible, within twenty-four (24) hours after filing the petition, but not later than five (5) days after filing of the petition.

**19.02** A guardian ad litem will be appointed for the petitioner. If the petitioner is not represented by an attorney, the guardian ad litem shall also serve as the petitioner's attorney.

**RULE 20** **CONSENT TO WED**

**20.01** An application shall be filed with the Court in the county in which the female resides.

**20.02** A hearing shall be conducted within fourteen (14) to twenty-one (21) days after the filing of an application if the applicant alleges neglect or abandonment by a parent, or if the applicant is pregnant or delivered a child out of wedlock.

**20.03** If the Court finds the allegations stated in the application are true, and that the granting of the application is in the best interest of the applicant, the Court shall grant the consent and shall make the applicant, if pregnant or delivered a child out of wedlock, a ward of the Court.

**20.04** A certified copy of the judgment entry shall be transmitted to the Probate Court.

**RULE 21** **GUARDIAN AD LITEM REPORTS**

A guardian ad litem shall prepare a written report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts

consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

**21.01** All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code.

**21.02** Unless waived by all parties or unless the due date is extended by the court, the report shall be filed with the court and made available to the parties for inspection no less than seven days before the hearing. Written reports may be accessed in person by the parties or their legal representatives.

**21.03** A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.

**21.04** A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights. Written reports may be accessed in person by the parties or their legal representatives.

**21.05** Any written interim report shall be filed with the court and made available to the parties for inspection no less than seven days before a hearing, unless the due date is extended by the court. Written reports may be accessed in person by the parties or their legal representatives. A copy of the interim report shall be provided to the court at the hearing.

## RULE 22 IN CAMERA INTERVIEWS

**22.01** Any requests for an in camera interview shall be filed at least ten (10) days before the pretrial hearing.

**22.02** An in camera interview will be conducted in compliance with Ohio Revised Code Sections 3109.04 (B) and 3109.051 (C).

**22.03** An audio recording shall be made of the in camera interview.

**22.04** The sole purpose of the in camera interview will be for the Judge/Magistrate to make a determination, if appropriate, regarding the child's wishes and concerns regarding the allocation of parental rights and responsibilities, parenting time or visitation. If a party wishes to rely upon the

underlying facts leading to the child's wishes and concerns, those underlying facts shall be introduced through evidence in the evidentiary hearing.

**RULE 23** **SEALING/EXPUNGEMENT OF RECORDS**

**23.01** Upon conclusion of a case, the Juvenile shall be provided with the Notice of the right to apply for sealing and/or expungement of a juvenile court record, along with a copy of the dispositional order.

**23.02** Upon the termination of a Juvenile's probation, the probation department shall provide the Juvenile with the Notice of the right to apply for sealing and/or expungement of a juvenile court record.

**23.03** After youth has attained twenty-three (23) years of age the Juvenile Court may destroy all juvenile delinquency files and records of the youth following written notice to all necessary parties and agencies.

**23.04** Any party, no less than six (6) months prior to the youth's twenty-third (23rd) birthday, may file a motion, with specificity, to preserve the files and records of the youth. All parties shall receive notice of the hearing on the motion. At the hearing, the Court shall determine the necessity to retain the files and records, and the specific time to preserve the files and records, if retained. Upon notice of sealing and/or expungement of records by an out-of-county court, of a case originating in Ashtabula County, Ohio, this juvenile court will automatically expunge and/or seal any records in the court's possession without further notice.

These rules supersede any other previously adopted rules and the same are hereby repealed.

# APPENDIX INDEX


APPENDIX A Ohio Administrative Code section 120-1-10

APPENDIX B Standard Order of Companionship

APPENDIX C Fingerprinting Procedure

APPENDIX D Ashtabula County Juvenile Court Pro Se Packet