

Local Rules of Court  
Geauga County Court of Common Pleas  
Juvenile Division  
(Effective May 1st, 2001)  
(Revised August 1, 2003)  
(Revised January 2, 2004)  
(Revised September 1, 2006)  
(Revised July 1, 2009)  
(Revised February 1, 2010)  
(Revised November 10, 2011)  
(Revised May 2, 2012)  
(Revised March 1, 2013)  
(Revised September 1, 2014)  
(Revised October 20, 2016)  
(Revised February 1, 2017)

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## Local Juvenile Rule 1

### Scope of Rules

The following rules are specific to the Juvenile Division of the Geauga County Common Pleas Court. Local rules of the Common Pleas Court are also applicable to the Juvenile Division of this court. To the extent rules may be in conflict, the Local Juvenile Rule shall prevail.

## Local Juvenile Rule 2

### Conduct in Court

Proper decorum in the court is necessary for the administration of the court's business. Chewing gum, food, and beverages (with the exception of bottled water) are prohibited in the courtroom during all hearings. No radio, television transmission, voice recording device (other than a device used for purpose of the official record) or the making or taking of pictures shall be permitted, except upon consent of the jurist in accordance with Local Juvenile Rule 13.

Cellular telephones, pagers, and other electronic devices shall be turned off prior to entering the courtroom and not utilized except by consent of the jurist. All parties, counsel, and witnesses shall wear appropriate attire and shall act in a professional and respectful manner.

## Local Juvenile Rule 3

### Term of Court

The term of the court is one calendar year. All actions and other business pending at the expiration of any term of court are automatically continued without further order. Sessions of the court may be held at such places throughout the county as the judge shall from time to time decide.

## Local Juvenile Rule 4

### 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 and as required to meet special situations or conditions.

## Local Juvenile Rule 5

### Form of Pleadings

Pleadings shall conform to the provisions of Ohio Civil Rule 10. In addition, a pleading filed in the Geauga County Juvenile Court shall include the court assigned identification number below the case number. Complaints for paternity, custody, visitation and child support shall include the birthday for each minor child. New filings and post decree filings must also be accompanied by a precipe for service. Failure to comply with this rule may result in rejection of the pleading for filing.

#### 5.1 Electronically Produced Traffic Tickets

The use and filing of a traffic ticket that is produced by computer or other electronic means is authorized in Geauga County Juvenile Court.

The electronically produced ticket shall conform in all substantive respects, including layout and content, 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 juvenile with a paper copy of the ticket.

#### Local Juvenile Rule 6          Service by Posting and Mail

In accordance with Ohio Rule of Juvenile Procedure 16 (A), service by publication shall be made by posting notice for seven days at the Geauga County Probate/Juvenile Court, the Chardon Municipal Court, and the Chester Township Administrative Building, and by the clerk sending by ordinary mail the summons and complaint to the party's last know address, correct address requested. The clerk shall obtain a certificate of mailing from the U.S. Post Office. The clerk shall note on the docket when mailing and posting have been completed, at which time service by publication will become complete.

When an affidavit for service by publication is filed with the court, service by publication shall be made by posting and mail. If a party wishes to have service by publication with a newspaper, it shall be the party's responsibility to arrange for service by publication with the newspaper. Upon completion of service by newspaper publication, proof of same shall be submitted to the clerk of court for filing.

#### Local Juvenile Rule 7          Counsel; Guardian Ad Litem

(A) Court Personnel. Court personnel shall avoid indicating counsel is or is not necessary in any particular case. No officer or employee of the court shall recommend attorneys to persons involved in actions in the court except to assist in obtaining counsel for indigent participants.

(B) Appointment of Counsel. Counsel shall be appointed:

- (1) when a party requests appointed counsel and is qualified by reason of indigence;
- (2) at the request of a child or parent when a child is alleged to be a juvenile traffic offender, a delinquent child or an unruly child, at parents' cost; or
- (3) to a child at the direction of the court, at parents' cost.

- (C) Appearance of Counsel. An attorney shall enter an appearance by filing a written notice with the court.
- (D) Withdrawal of Counsel or Guardian Ad Litem. An attorney or guardian ad litem may withdraw only with the consent of the court upon good cause shown. Counsel shall comply with Rule 1.16 of the Ohio Rules of Professional Conduct when withdrawing as counsel. Motions to withdraw as counsel must be timely filed so as not to prejudice their client.
- (E) Appointment of Guardian Ad Litem. A guardian ad litem may be appointed to protect the interests of a child or incompetent adult when:
  - (1) the child has no parent, guardian or legal custodian;
  - (2) the interests of the child and the interests of the parent(s) may conflict;
  - (3) the parent is under eighteen years of age or appears to be mentally incompetent; or
  - (4) appointment is deemed necessary to otherwise meet the requirement of a fair hearing.
- (F) Guardian Ad Litem as Counsel. When a volunteer guardian ad litem is available and the appointment of a volunteer is deemed appropriate by the court, an approved and qualified participant of the CASA for Kids program may be appointed. When the guardian ad litem appointed is an attorney admitted to practice in this state, the guardian ad litem may also serve as counsel to the ward.
- (G) Costs of Counsel or Guardian Ad Litem. The Court may fix compensation for the services of appointed counsel and guardian ad litem, tax the same as part of the costs, and assess them against the child, his parents, or other person in loco parentis of such child. The Court shall require parents to deposit \$200.00 when counsel other than the public defender is appointed to represent their child unless there is a finding that the parent is indigent.
- (H) GAL Requests in Custody and Visitation Cases. A party requesting the appointment of a guardian ad litem in a parentage action shall file a written request no later than 45 days prior to the hearing scheduled to determine custody or visitation issues. Unless otherwise ordered by

the Court, the party requesting the appointment shall deposit the sum of \$200.00 with the request.

- (I) Applications for appointed counsel shall be supported by a copy of the most recent tax return of the applicant and current pay stubs. Applications shall be submitted on forms approved by the State Public Defender. Forms can be obtained from the court by request. Hearings on indigence applications shall be set at the Court's discretion.
- (J) Appointed counsel shall be paid at rates approved by the Geauga County Board of Commissioners. Application for payment of fees must be filed within thirty days of the final hearing in the case. The application shall be on forms approved by the State Public Defender. Forms can be obtained from the court by request.
- (K) The Court's CASA Director is the person designated by the court to comply with Sup. R. 48. The CASA Director shall perform the following duties:
  - (1) Maintain a list of approved guardians ad litem;
  - (2) Maintain a file on each applicant and for each guardian ad litem containing the person's resume, criminal & civil background check; proof of compliance with training requirements; written complaints and disposition of complaints made against a guardian ad litem; and an annual certification from each guardian ad litem certifying that the person is unaware of any circumstance that would disqualify the person from serving as a guardian ad litem
  - (3) Provide the court with a list of qualified guardians ad litem at the end of each calendar year and update the list through out the calendar year as needed; and
  - (4) Receive and investigate complaints against guardians ad litem and report back to the court the results of the investigation.
- (L) Copy of GAL Report. Upon request, a copy of the report filed by the guardian ad litem with the Court shall be provided to an attorney of record or pro se party. This copy is provided for attorney/hearing preparation purposes. The attorney may review the report with his or her client and any counselors, experts, and witnesses for hearings before this Court. This report shall NOT be copied and shall NOT be disseminated to another person, except as expressly provided

above. A guardian ad litem may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian ad litem was appointed in accordance with Rule 45 of the Rules of Superintendence. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source. Failure to comply with this rule will result in loss of the privilege of receiving a copy of future reports.

Local Juvenile Rule 8                      Court Records

Reports and records of the probation department shall be considered confidential information and shall not be made public. The inspection of court records by attorneys and other interested parties shall be governed by Rule 32(C) and Rule 37 of the Rules of Juvenile Procedure. No person shall be permitted to read the court's social records unless authorized by the jurist assigned to the case. Records of adult cases shall be public record as provided for by law.

Local Juvenile Rule 9                      Recording of Proceedings

- (A) A complete record of all testimony or other oral proceedings shall be made upon request of a party or upon the court's own motion, pursuant to Rule 37 of the Juvenile Rules of Procedure, or when required by statute. A record will be made by electronic recording device. With prior notice to the court and opposing parties, a party may have the proceedings transcribed by a certified court reporter, at that party's own expense. Court reporters transcribing proceedings in this court shall be bound by these local rules. No public use of a record or transcript shall be made by any person including a party except in the course of an appeal or as authorized by the court.
- (B) Transcripts of proceedings may be ordered from the court-appointed transcriber by parties to the proceedings or by non-parties with the court's permission. A deposit shall be required based on the estimated length of the transcript. The original transcript shall be filed with the court and become a part of the record of the case. Parties can receive copies of the transcript from the court transcriber at their own expense.
- (C) Indigent transcripts can be obtained by the parties upon filing of a notice of appeal and application for an indigent transcript.

Applications must be supported with indigency affidavits on forms approved by the State Public Defender. Forms can be obtained from the court by request.

#### Local Juvenile Rule 10

#### Intake

The court recognizes the guidance set forth in Rule 9 of the Juvenile Rules of Procedure which states "In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court." Prior to the filing of a formal delinquency and unruly complaints, complaints shall be screened for diversion pursuant to the court's diversion policy. Copies of the court's written diversion policy are available upon request.

#### Local Juvenile Rule 11

#### Continuances

- (A) Motions for continuances shall be filed at the earliest possible time. Requests shall contain the following information:
  - (1) the date on which the need arose;
  - (2) the reason for the request; and
  - (3) a representation that other attorneys of record, pro se parties and the guardian ad litem had been contacted and their positions as to whether they are consenting to the continuance.
- (B) Due to the nature of the proceedings, motions to continue initial hearings and emergency hearings involving neglect, abuse and dependency cases will only be granted in extraordinary circumstances.
- (C) A proposed entry for the court's use shall be submitted with all requests for continuances.

#### Local Juvenile Rule 12

#### Magistrate

Pursuant to Rule 40 of the Rules of Juvenile Procedure, Rule 53 of the Rules of Civil Procedure, Rule 19 of the Rules of Criminal Procedure, and Ohio Revised Code Section 2151.16, the magistrate is empowered and authorized to conduct hearings, make orders, and render decisions in any case assigned to the magistrate.



- (A) Unless otherwise ordered by the court, access to juvenile traffic, delinquency, unruly, neglect, abuse and dependency proceedings shall be limited to persons with a direct interest in the proceedings. The court recognizes alleged victims and/or their immediate family as persons with a direct interest in the proceedings. Alleged victim's access to proceedings shall be coordinated by the Geauga County Victim/Witness Program.
- (B) Other persons or entities seeking access to proceedings shall request access by written communication to the court. In order to allow parties opposed to access a fair opportunity to prepare and to allow adequate time for the scheduling of a hearing, except in extraordinary circumstances, requests for access to proceedings must be made at least 48 hours prior to the scheduled hearing. Access will be granted unless an objection is filed to the request by a party. Juvenile Court proceedings are neither presumptively open nor presumptively closed. The party requesting closure of proceedings shall have the burden of persuasion.
- (C) If access is permitted, the judge presiding at the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public as provided in Sup. R. 12. The judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be in writing and the written permission of the judge required by Sup. R. 12 (A) shall be made a part of the record of the proceedings. Such requests shall be made within a reasonable time before any scheduled proceedings.
- (D) Permissible Equipment and Operators.
- (1) Use of more than one portable camera (television videotape or movie) with one operator shall be allowed only with the permission of the judge.
  - (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the judge. Still photographers shall be limited to two cameras with two lenses for each camera.
  - (3) For radio broadcast purposes, not more than one audio system

shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible.

- (4) Visible audio recording equipment may be used by news media reporters with the prior permission of the judge.
  - (5) Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. In the event disputes arise over such arrangements between or among media representatives, the jurist shall exclude all contesting representatives from the proceedings.
  - (6) The use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial lighting other than that normally used in the courtroom shall be employed.
  - (7) Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the jurist, except to leave or enter the courtroom.
  - (8) The changing of film or recording tape in the courtroom during court proceedings is prohibited.
- (E) Limitations.
- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the jurist.
  - (2) The jurist shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed and objections, if any, shall be honored by the media.

- (3) There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors.
- (4) This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted or limited.

(F) Revocation of Permission.

Upon the failure of any media representative to comply with the conditions prescribed by the judge, or the Superintendence Rules of the Supreme Court, the jurist may revoke the permission to broadcast or photograph the trial or hearing.

(G) Amendments.

Any future amendments to either Sup. R. 12 are incorporated herein and, to the extent that such amendments conflict with this rule they shall take precedence.

Local Juvenile Rule 14

Costs

(A) Deposits.

No action shall be accepted for filing unless the party or parties offering same for filing shall first deposit a sum to secure the payment of costs that may accrue in such action or proceeding, except as shall otherwise be provided by law. Such advance deposit shall be in accordance with this schedule:

Original Pleading	\$100.00
Post Decree Motions	\$50.00
Appointed Counsel	\$200.00
Appointed GAL	\$200.00
Application to Seal/Expunge Record	\$25.00
Civil Subpoena	\$25.00
Request to Reinstate Driver's License	\$25.00

(B) Waiver of Costs.

The court may waive the deposit for costs, upon good cause shown and upon filing with the court an application to waive costs supported by an indigency affidavit. Said affidavit shall be in the form approved by Ohio State Public Defender's Office. Appropriate forms

can be obtained from the court upon request.

- (C) Deposit of costs shall not be required when a complaint is filed by a law enforcement officer, a caseworker from Geauga County Job and Family Services, or when presented for filing by the Geauga County Child Support Enforcement Division.
- (D) Costs Deposits Applied.

Unless otherwise ordered, upon final judgment the deputy clerks are authorized and directed to forthwith apply the deposit for costs to the costs in the case, regardless of the party against whom the costs are assessed. The deputy clerk shall thereupon assess the costs in excess of costs on deposit to the party assessed costs in the proceeding.

Local Juvenile Rule 15                      Parentage Actions

- (A) Genetic Testing.

Upon motion of any party, DNA testing will be ordered immediately and without hearing. The original results shall be provided directly to the court with copies to the parties and counsel. Upon receipt of the results, the court will set a pre-trial hearing. Costs for genetic testing will be prepaid by the moving party or by Geauga County Child Support Enforcement Division (GCCSED), and may then be taxed as costs.

- (B) Status of GCCSED.

The Geauga County Child Support Enforcement Division (GCCSED) is not a party to any paternity action except as a representative of the State. Any post-order motions must be served on the parties and GCCSED.

Local Juvenile Rule 16                      Visitation.

Attached hereto as "APPENDIX A" is the Court's Standard Parenting Time Schedule. It shall be utilized in all parenting time cases unless the judge or magistrate finds good cause to deviate from the rule, or the parties mutually agree upon an alternative schedule.

Local Juvenile Rule 17                      Standard Orders On Protective  
Supervision And Temporary Custody

- (A) In cases where the court has awarded protective supervision or temporary custody to an agency or individual, unless specifically indicated otherwise in the body of the court's order or case plan adopted by the court, the following standard orders shall apply:
- (1) Parties ordered to have mental health assessments or drug and alcohol assessments or parties with custody of children required to have assessments shall cause written assessments to be forwarded to Geauga County Job and Family Services within forty-five days of the order requiring said assessments;
  - (2) Individuals or families required to engage in counseling shall participate in counseling at least twice per month unless the counselor recommends in writing to Geauga County Job and Family Services that a different frequency of counseling is appropriate;
  - (3) Parties required to participate in counseling or who have children in their custody that are required to participate in counseling shall cause progress reports to be submitted to Geauga County Job and Family Services at least ten days prior to any scheduled review hearing. Geauga County Job and Family Services shall cause said reports to be filed with the court at least five days prior to scheduled court review hearings;
  - (4) Geauga County Job and Family Services shall cause copies of its social history, the most recent case plan, and the most recent disposition order to be forwarded to each mental health provider involved with the case within seven days of having received notice that the counselor has been selected;
  - (5) Releases shall be promptly signed by all necessary parties so that Geauga County Job and Family Services and the guardian ad litem can monitor compliance with the court's orders and monitor progress toward achieving goals outlined in the case plan;
  - (6) Releases shall be promptly signed by all necessary parties so that counselors working with different family members can communicate with each other as they deem appropriate in working toward the goals outlined in the case plan;
  - (7) Geauga County Job and Family Services shall use its best

efforts to facilitate and enforce compliance with these orders;  
and,

- (8) Any individual ordered to attend AA or NA meetings and/or counseling shall provide written verification of attendance to Geauga County Job and Family Services on a monthly basis on forms made available by the agency.

#### Local Juvenile Rule 18 Juvenile Traffic Violations Bureau

- (A) Pursuant to Ohio Traffic Rule 13.1, the court hereby establishes a juvenile traffic violations bureau to be operated in the manner prescribed by Ohio Traffic Rules 13, 13.1, and as presented herein.
- (B) The Judge of the Probate/Juvenile Division of the Geauga County Court of Common Pleas shall serve as violations clerk, and shall appoint deputy clerks to conduct the business of the juvenile traffic violations bureau as needed.
- (C) All juvenile traffic offenses may be disposed of by the juvenile traffic violations bureau, except the following juvenile traffic offenses require an appearance before the court for adjudication:
  - (1) offenses that would be indictable if committed by adult;
  - (2) a violation of O.R.C. 4511.19 (A) or (B), or similar municipal ordinance;
  - (3) leaving the scene of an accident;
  - (4) driving while under suspension or revocation of an operator's license;
  - (5) driving without being licensed to drive;
  - (6) failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
  - (7) willfully eluding or fleeing a police officer;
  - (8) drag racing;

- (9) traffic violations that are listed in Ohio Revised Code Section 4510.31 (A), or any municipal ordinances similarly relating to the offenses referred to in that section;
  - (10) a second or subsequent moving offense;
  - (11) an offense that involves an accident.
- (D) Upon determination by the violations clerk that a mandatory court appearance is not required, an alleged juvenile traffic offender may elect to proceed without a formal court appearance by either;
- (1) The child must appear personally at the court, accompanied by a parent, guardian, or custodian no later than the deadline date shown on the court notice and enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form available at the violations bureau. The Admission and Waiver form must also be signed by the parent, guardian or custodian. Upon said admission and waiver, the child or his/her parent must pay the fines and court costs imposed in accordance with the schedule of fines and costs established by the Court; or
  - (2) The child and the child's parent, guardian or custodian shall sign the Admission and Waiver form and return the completed form and a check or money order for the total amount of the fines and costs assessed by the court in accordance with the schedule of fines and costs to the juvenile traffic violations bureau no later than the deadline date shown on the court notice.
- (E) The waiver shall constitute as an admission to the facts alleged in the traffic citation. The waiver shall further constitute a waiver of the right to an adjudicatory hearing, the right to remain silent, the right to cross-examine witnesses against the offender, the right to present witnesses and other evidence in the offender's defense, and the right to counsel.
- (F) If payment in full is not tendered at the time of the entry of admission, then the bureau shall NOT accept the admission and court appearance shall be required.

- (A) The court considers the original paper filings, digital images of paper filings and micro-film images of paper filings as the official record of cases filed in the Juvenile Division of the Court of Common Pleas.
- (B) Sup. R. 26, 26.01 & 26.03 governing records management and retention is hereby adopted by the Juvenile Division of the Geauga County Court of Common Pleas as the minimum standard governing the production, maintenance, preservation and destruction of Court records subject to the following specific rules for managing Juvenile Division records:
- (1) Commencing July 1, 2009 the digital images of all filings shall be created and become a part of the Court's official docket. Digital images of filings made prior to July 1, 2009 may be made as time permits.
  - (2) Juvenile delinquency, unruly, and traffic records shall be destroyed when expunged.
  - (3) Paper records of Juvenile Delinquents and Juvenile Traffic Offenders not expunged may be destroyed once the child reaches the age of 23 if digital images of the record have been made.
  - (4) Subject to subsection (8) of this rule, records of Unruly Children, Abused Children, Neglected Children, Dependent Children, and Juvenile By-Pass Proceedings shall be destroyed when the youngest child involved with the case reaches the age of 23.
  - (5) Subject to subsection (8) of this rule, paper records of paternity cases, support cases, visitation cases, custody cases and URESA cases shall be destroyed when the youngest child who is a party to the case reaches the age of 23.
  - (6) Paper records from adult criminal cases shall be destroyed 5 years after sentencing, so long as digital images of the file are retained.
  - (7) Search warrant files shall be destroyed 5 years after service of the warrant or last service attempt.



- (8) Paper records of a case with outstanding support issues shall not be destroyed unless digital images of the case file exist.
- (C) Digital Recordings of hearing shall be retained not less than three years.

#### Local Rule 20 Case Management Plan

- (A) In order to promote the timely disposition of cases, the court adopts the following guidelines for the management of cases:
  - (1) Delinquency, Traffic and Unruly cases shall be managed as follows:
    - a. Detention hearings shall be conducted the next business day after a child is placed in detention on an ex parte emergency order.
    - b. Initial hearings shall be conducted within 10 to 21 days of the filing of a complaint.
    - c. Pretrials, if necessary, shall be conducted within 10 to 21 days of the initial hearing.
    - d. Adjudicatory hearings shall be conducted within 60 days of the filing of a complaint.
    - e. Disposition hearings shall be conducted within 90 days of the filing of a complaint.
  - (2) Abuse, Neglect, and Dependency cases shall be managed as follows:
    - a. Hearings on ex parte orders removing children from custody of a parent or custodian shall be conducted the next business day after the removal.
    - b. Initial hearings shall be conducted within 14 days of the filing of the complaint.
    - c. Pretrials, if determined necessary, shall be conducted within 10 to 21 days of the initial hearing.
    - d. Best efforts shall be used to conduct adjudication hearings within 60 days of the filing of the complaint,

and shall be completed in not less than 90 days.

- e. Disposition hearings shall be conducted within 90 days of the filing of the complaint.
- f. Review hearings shall be scheduled as deemed necessary. An annual review hearing shall be scheduled within a year of the filing of the complaint if Geauga County Job and Family Services is exercising Protective Supervision or Temporary Custody. Quarterly review hearings shall be conducted if a child is in the temporary custody of Geauga County Job and Family Services. Review hearings shall be conducted at least annually if the child is in the permanent custody of Geauga County Job & Family Services.
- g. Permanent Custody hearings shall be conducted within 120 days of the filing of a Motion for Permanent Custody.

(3) Civil Proceedings

- a. Initial pretrials shall be conducted within 10 to 21 days of the completion of services of complaints or post final decree motions.
- b. Additional pretrials shall be scheduled as deemed necessary.
- c. Complaints and post decree motions shall be heard within six months of the completion of service.

(4) Adult Criminal Proceedings

- a. Initial hearings and bond hearings shall be conducted the next business day if a defendant is incarcerated. Initial hearings and bond hearings shall otherwise be conducted within 10 to 21 days of being served with a complaint.
- b. Pretrials shall be conducted within 10 to 21 days of the initial hearing.
- c. Trials shall be conducted within 60 days of defendant being served with the complaint.

- d. Sentencing hearings shall be conducted within 90 days of the defendant being served with the complaint.

Local Rule 21

Expedited Juvenile Competency Proceedings

- (A) General Purpose  
The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.
- (B) Expedited Hearings  
Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.
- (C) Notice  
Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.
- (D) Stay of Proceedings  
Upon the filing of a motion for determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

Local Rule 22 Request for Records

The charge for paper copies of public records is \$0.05 per page. The charge for certified copies is \$1.00 per page. Requesters may ask that

documents be mailed to them. They may be charged the actual cost of the postage and mailing supplies. The Geauga County Probate Court may require the requestor to pay in advanced the cost of providing the copies, including postage.

#### Local Rule 23 Child Restraints

1. Pursuant to Sup.R. 5.01, all juveniles are entitled to a presumption against the use of physical restraints in courtroom proceedings.
2. This presumption against physical restraint shall be overcome when the judge or magistrate before whom the child is appearing makes an individualized determination for the record (1) that physical restraint is necessary and appropriate based on the totality of the circumstances, and (2) that no less restrictive alternative could reasonably be expected to produce an appropriate and effective outcome.
3. When determining whether restraint is necessary, the judge or magistrate shall consider the following:
  - a. The severity and nature of the offense;
  - b. The juvenile's risk of flight;
  - c. The risk of the juvenile receiving assistance in the courtroom to enable flight or to enable acts of violence;
  - d. Whether the juvenile has made actual threats, whether associated with the present case or with prior acts;
  - e. Whether a threat could be reasonably inferred from nature of the offense, the acts of the juvenile associated with the present case, or from the juvenile's prior acts;
  - f. The recommendations of law enforcement and probation officers familiar with the juvenile or with standard procedures for restraining juveniles;
  - g. The presence or absence of the victim and the victim's family from the proceedings; and
  - h. Any other factor the Court deems relevant.
4. When requested by the judge or magistrate before whom the child will appear, probation or intake staff shall provide a report to the Court and to all parties in the case making recommendations as to whether physical restraints are necessary and appropriate.
  - a. This report shall be filed no later than twenty-four (24) hours prior to the scheduled time of the hearing, except for detention hearings, when the report may be presented to the

- Court immediately prior to the hearing.
- b. This report shall address all of the factors enumerated within Section 3 of this rule.
  - c. If the report concludes that restraint is appropriate, it shall specifically enumerate what type of restraint is appropriate to the threat or threats posed by the juvenile, such as hand, foot, or spitting restraints.
5. The judge or magistrate shall review the charges and the report from the probation or intake staff provided under Section 4 of this rule prior to the initial hearing. If the judge or magistrate determines that the use of restraint may be necessary, the judge or magistrate shall conduct a restraint hearing at which the judge or magistrate shall determine on the record whether restraint is warranted based on Section 3 above and the nature of such restraint. When determining whether the use of restraints is warranted, the following findings, individuals or collectively, as applied individually to each juvenile, shall support the imposition of restraints:
- a. The juvenile is accused of committing an act of murder, manslaughter, or other homicide;
  - b. The juvenile is accused of committing an act which would constitute a felony if committed by an adult;
  - c. The juvenile is accused of committing an act which would constitute a crime of violence if committed by an adult;
  - d. The juvenile is accused of intimidating an attorney, victim, or witness in any past or current court proceeding;
  - e. The juvenile is accused of fleeing or eluding a police officer, resisting arrest, escape, or obstruction of justice; and/or
  - f. The juvenile is accused of aiding or facilitating one of the above listed acts.
6. If one or more of the factors listed in Section 5 of this rule is present, any party may file a written motion to the Court to make use of physical restraints.
- a. Any motion made under this section shall particularly set forth the grounds upon which such relief is sought, and shall particularly state any evidence relevant to the factors listed in section 3 of this rule.
  - b. Any motion made under this section shall be filed not later than forty-eight (48) hours before the hearing for which restraints are requested.
  - c. Upon the filing of a motion under this section, the Court shall hear argument from the parties and rule on the motion prior

to addressing the substance of the hearing.

- d. Notwithstanding the provisions of section 6, subsection b of this rule, a party may make an emergency motion for use of restraints at any time if a material change in circumstances so justifies.
7. Once the judge or magistrate has made an initial determination pursuant to Section 5 of this rule, any party may move the Court for reconsideration. Such motion shall particularly set forth the grounds for reconsideration and any material changes in circumstances since the last determination.
8. Pursuant to Juv. R.2(Y), all parties are entitled to be heard at any proceeding on the issue of whether restraints are necessary for the juvenile at that proceeding.
9. Upon finding that restraints are necessary to ensure the safety of the juvenile or others in the courtroom or to minimize the risk of flight, the judge or magistrate shall order that restraints be used. These restraints should be the minimum necessary to effectuate the purpose of minimizing the risk to safety and the risk of flight, based on the individual circumstances of the case.
10. If, in the opinion of the Court, the juvenile poses a particularly dangerous risk to himself or others, or poses a particularly high risk of flight, the Court may excuse the juvenile from attending the restraint hearing or order that the juvenile appear at the hearing by teleconference from the juvenile detention center at which he or she is housed.
11. Nothing in this rule shall prevent law enforcement from taking whatever measures deemed necessary to secure juveniles during transportation to or from the court or in the court building either before or after hearings.

APPENDIX A

GEAUGA COUNTY COURT OF COMMON PLEAS  
Standard Parenting Time Schedule  
TIMOTHY J. GRENDALL, JUDGE  
Probate / Juvenile Division

Parents are encouraged to create an equitable, written parenting time schedule that fits their circumstances and their children's lives, with the following schedule to be used when the parents cannot agree. The parents may change the schedule upon mutual agreement if in the best interests of the children. This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together. Also, this schedule presumes the child is old enough to be away from its residential parent for extended time; if not, the Parenting Time Guideline of the Juvenile Division should be consulted.

If a child indicates opposition to visiting the other parent, it shall be the responsibility of both parents to positively encourage non-residential parenting time, to appropriately resolve the situation by calmly discussing with the children the reasons for their opposition, and to work together to alleviate any opposition without confrontation or argument.

1. WEEKENDS: The non-residential parent shall have parenting time on alternating weekends from Friday at 5:30 p.m. to Sunday at 5:30 p.m. If Monday is a holiday for the non-residential parent, parenting time extends to Monday at 5:30 p.m.

2. WEEKDAY: The non-residential parent shall have parenting time from 5:30 p.m. to 8:30 p.m. each Wednesday evening. If the children are involved in religious or other activities at this time, the parties are encouraged to select another night.

3. HOLIDAYS: In even numbered years, the father shall have the children on the holidays in Column 1 and the mother shall have the holidays in Column 2. In odd numbered years, the mother shall have the children on the holidays in Column 1 and the father shall have the holidays in Column 2.

Column 1  
Easter or Passover  
Memorial Day  
Labor Day

Column 2  
Martin Luther King Day  
Fourth of July  
Thanksgiving

Holiday parenting time shall be from 5:30 p.m. of the day before the holiday to 5:30 p.m. of the day of the holiday. When the holiday falls on a Monday immediately following a non-residential parenting time weekend. the non-

residential parent shall be entitled to keep the children continuously from Friday at 5:30 .p.m. to Monday at 5:30 p.m.

4. WINTER BREAK / CHRISTMAS: In all even-numbered years, the father shall have the children from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20th if the children are not in school) to 3:00 p.m. December 25th. The mother shall have the children from 3:00 p.m. December 25th to 5:30 p.m. January 1st. In all odd-numbered years, the reverse schedule shall apply.

5. SUMMER VACATION: The non-residential parent shall have parenting time for 28 days each summer. Summer parenting time shall be taken in two 14 day segments, separated by not less than seven (7) consecutive days, unless otherwise agreed. The 14 day segments are not be extended because other non-residential parenting time falls within the chosen summer vacation period. The parent who is entitled to have parenting time with the children on the July 4th holiday, as provided above, has priority to choose summer parenting time dates, provided written notice is given to the other parent by May 1st of each year. If written notice is not given by May 1st, then the other parent has priority in the scheduling of summer parenting time.

Usually, the regular alternative weekend and weekday parenting schedule shall continue throughout the summer, with the residential parent continuing to have the children on the weekends and weekdays said parent would normally have them pursuant to this schedule. However, during the summer parenting time, each parent is entitled to a maximum of 14 days of uninterrupted parenting time to accommodate a parent's scheduled, out-of-town, overnight vacation plans. The out-of-town vacation time, each parent shall provide the other parent with destination, times of departure and arrival, and mode of travel.

6. SPRING BREAK: The parent not having the priority of choice for choosing summer parenting time shall have the children for any spring break from school starting at 9:00 a.m. the day after school recesses until 5:30 p.m. the day before school resumes. If there is a conflict between spring break and Easter schedules, the parent entitled to the Easter Holiday is entitled to such time. Spring break applies to all children if any child is of school age.

7. MOTHER'S/FATHER'S DAY: Mother's Day shall always be spent with the mother, and Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the time shall be from 10:00 a.m. to 5:30 p.m.

8. BIRTHDAYS: In all even-numbered years, the father shall have all the children on each child's birthday from 5:30 p.m. to 8:30 p.m. In odd-numbered years, the mother shall have the birthdays. Siblings are expected to attend.



9. ORDER OF PRIORITY: In the event of conflicting dates and times, the following order of priority shall take precedence: Holidays; Spring/Summer/Winter Breaks; Birthdays; Mother's/Father's Day; Weekends; then Weekdays.

10. PROMPTNESS: Each parent shall have the children ready for pick up at the start and conclusion of all parenting time. The children and the residential parent have no duty to wait for the non-residential parent to arrive for parenting time more than thirty (30) minutes, unless notified at least thirty (30) minutes prior to the scheduled pick-up time. The non-residential parent who arrives more than thirty (30) minutes late without prior notification for a particular parenting time forfeits that parenting time, unless the residential parent otherwise agrees.

11. TRANSPORTATION: The non-residential parent shall be obligated to pick up the children for the commencement of parenting time. The residential parent shall be responsible for retrieving the children from the non-residential residence at the conclusion of the scheduled parenting time. Transportation should be made by the parent themselves; when necessary, another adult well known to the children may be used to pick up or drop off the children. Any person transporting the children shall not be under the influence of alcohol or drugs, and must be a licensed and insured driver. All child restraint and seat belt laws must be observed by the driver.

12. CANCELING NON-RESIDENTIAL PARENTING TIME: Except in emergency situations, the non-residential parent must give at least twenty-four (24) hours advance notice when canceling any parenting time in order to be entitled to reschedule the cancelled parenting time.

13. MEDICAL TREATMENT AND EMERGENCIES: If any child becomes seriously ill or injured, each parent shall notify the other parent as soon as practicable. If any child becomes ill or injured during their time with the non-residential parent, said parent shall promptly contact the residential parent to authorize treatment unless the situation is a medical emergency.

14. TELEPHONE, MAIL AND E-MAIL: Neither parent shall interfere with telephone, mail or e-mail contact between the children and the other parent. Long-distance calls from an out-of-town parent shall be at that parent's expense.

15. EXTRACURRICULAR ACTIVITIES: The parents are encouraged to cooperate and communicate with one another before enrolling the children in extracurricular activities. Unless otherwise agreed, the parent enrolling the child in the activity shall bear the cost of such activity. Each parent shall provide to the other the date, time and location of the children's activities. Unless otherwise

agreed, the parent who has parenting time shall be responsible for transporting the children to and/or from the activity

16. RELOCATION: Each parent shall submit to the court and the other parent a Notice of Intent to Relocate at least 30 days prior to any change of residence. Such Notice shall provide the court with the anticipated new address, the effective date of the move and the last known address of the other parent.

17. ACCESS TO RECORDS: The non-residential parent shall have access to the same records, same school activities and to any daycare center which the children attend on the same basis that said records or access is legally permitted to the residential parent, unless a restrictive order has been obtained by the court. It is the responsibility of the parent obtaining a restrictive order to serve it on the appropriate organization.