
Local Rules



Approval Date February 3, 2026

Introduction: Courts of Common Pleas

The court of common pleas is the sole trial court established by the Ohio Constitution. Its responsibilities are detailed in the Constitution. The Adams County Court of Common Pleas has a single elected Judge, but the court is segmented into various divisions. Each division operates under the Rules of Court set by the Ohio Supreme Court. These rules are accessible on the Supreme Court's website. Additionally, the local Court can institute its own Local rules of procedure. There are also Rules of Evidence that govern the admission of evidence in Court. To streamline practice and procedure, rules, forms, and procedures have been unified across all divisions where feasible. Rules that are specific to a particular division will be outlined separately, though some overlap may exist. The application of local rules is determined by the Court's discretion based on the needs of each case.

General Division

The general division holds original jurisdiction for all criminal felony cases and civil cases where the disputed amount exceeds \$15,000. It also has appellate jurisdiction concerning the decisions of certain state administrative agencies. Furthermore, this division handles hearings for Stalking and Sexually Oriented Offenses Protection Orders. The general division is governed by the Rules of Civil Procedure and the Rules of Criminal Procedure.

Domestic Relations Division

This division has jurisdiction over proceedings related to divorce, marriage dissolution, annulment, legal separation, spousal support, and the allocation of parental rights and responsibilities. It also presides over hearings for Domestic Violence Protection Orders. The division follows the Rules of Civil Procedure. Both the Domestic Relations and Juvenile Divisions handle the allocation of parental rights, including parenting schedules and child support. Many statutes, forms, and case laws are applicable to both courts.

Juvenile Division

The Juvenile Division hears cases concerning individuals under 18 who are accused of acts that would be considered crimes if committed by an adult. It also addresses cases of unruly, dependent, and neglected children. The division's jurisdiction extends to adult cases involving paternity, child abuse, nonsupport, contributing to the delinquency of minors, and failing to ensure children attend school. This division is subject to the Rules of Juvenile Procedure, which also integrate many of the Rules of Civil Procedure.

Probate Division

Established by the Ohio Constitution as separate courts, probate courts originally had jurisdiction over will probates and the supervision of estate administration and guardianships. They later became divisions of the courts of common pleas. Their jurisdiction also covers issuing marriage licenses, adoption proceedings, determining sanity or mental competency, and certain eminent domain cases. Probate judges are authorized to perform marriages and may charge a fee for this service. The Rules of Civil Procedure are applicable in this division. Probate law heavily relies on forms, and the Supreme Court supplies standard Probate Forms for court use. Local courts may also create and use their own forms to meet local requirements.

Table of Contents

Rules Applying to all Divisions

Rule 001: Effective Date

Rule 002: Term of Court

Rule 003: Website, Forms, and Rule Updates

Rule 004: Court Costs

Rule 005: Court of Appeals: Court Costs

Rule 006: Mediation, Foreclosure Mediation, and the Adams County Mediation Fund

Rule 007: Operating Funds - Special Projects

Rule 008: Pleadings

Rule 009: Process

Rule 010: Electronic Filing and Signatures

Rule 011: Notice of Appearance, Hearing Notices, and Duration of Representation

Rule 012: Appointed Counsel

Rule 013: Withdrawal and Substitution of Attorney

Rule 014: Motions, Memoranda and Procedure

Rule 015: Continuances

Rule 016: Dismissals

Rule 017: Failure to Appear

Rule 018: Discovery

Rule 019: Case Management

Rule 020: Pre-Trial Procedure

Rule 021: Complex Litigation Case Management

Rule 022: Trial Procedure

Rule 023: Exhibits in Evidentiary Hearings

Rule 024: Interpreters for Individuals with Limited English Proficiency and Persons with Hearing Impairments

Rule 025: MEDIA IN THE COURTS

Rule 026: Communications with Judge and Magistrate
Rule 027: Courtroom Decorum and Conduct
Rule 028: Criminal Background Checks and Ohio Court Network (OCN) Reports
Rule 029: Special Statutory Proceedings for Protection Orders
Rule 030: Magistrates
Rule 031: Process Servers
Rule 032: [Reserved]
Rule 033: Self-Represented (Pro Se) Litigants
Rule 034: Use of Artificial Intelligence in Court Submissions
Rule 035: Frivolous Conduct and Vexatious Litigants
Rule 036: Compliance with Senate Bill 174 (136th General Assembly)
Rule 037: JUDICIAL TRANSITION AND CASE ASSIGNMENT

General Division Rules

Rule 100: Table of Court Costs and Fees Deposit
Rule 101: Motions, Memorandum and Procedure
Rule 102: Journal Entries
Rule 103: [Reserved]
Rule 104: Partition of Real Estate, Attorney Fees & Election
Rule 105: Foreclosure Proceedings
Rule 106: Sheriff's Sales
Rule 107: Procedure on Executions
Rule 108: [Removed/Reserved - Medical Malpractice]
Rule 109: Criminal Cases
Rule 110: Judgments Upon Warrant of Attorneys to Confess
Rule 111: Jury Service and Management

Domestic Relations Division Rules

Rule 200: Court Costs and Fees Deposit

Rule 201: Change of Venue

Rule 202: Motions, Memoranda, and Procedure

Rule 203: Continuances

Rule 204: Dismissals and Inactive Cases

Rule 205: Mediation

Rule 206: Ex-Parte Orders

Rule 207: Emergency Hearings

Rule 208: Temporary Orders

Rule 209: 75(N) Procedure

Rule 210: Parties in the Same Household

Rule 211: Exclusive Occupancy

Rule 212: Temporary Restraining Orders

Rule 213: Mandatory Parenting Seminar

Rule 214: Discovery and Mandatory Disclosure

Rule 215: Allocation of Parental Rights and Responsibilities

Rule 216: Decisions and Entries

Rule 217: Preparation of Decrees, Entries, and Orders

Rule 218: Agreed Entries

Rule 219: [Reserved]

Rule 220: Attorney Fees

Rule 221: Existing Orders

Rule 222: Qualified Domestic Relations Orders (QDRO), Division of Property Orders (DOPO), and Court Order Acceptable for Processing (COAP)

Rule 223: Children at the Courthouse

Rule 224: Guardian ad Litem (GAL), Court Appointed Special Advocate (CASA) Appointment

Rule 225: Domestic Relations Jurisdiction - Transfer from Juvenile Court

Juvenile Division Rules

Rule 300: Court Costs and Fees Deposit

Rule 301: Hours

Rule 302: Forms and Checklists

Rule 303: Case Management

Rule 304: Rules applying to both Domestic Relations and Juvenile Court

Rule 305: Actions Involving Minors

Rule 306: Parentage/Paternity Cases

Rule 307: Abuse/Neglect/Dependency Cases

Rule 308: Child Support Cases

Rule 309: Delinquency, Unruly, and Truancy cases

Rule 310: Juvenile Traffic Cases

Rule 311: Diversion and Probation

Rule 312: Appointed Counsel

Rule 313: Record Retention

Rule 314: Stayed Adjudication Program (SAP)

Rule 315: Custody Proceedings When Both Parents Are Deceased

Rule 316: Confidentiality of Records and Prohibition on Electronic Dissemination

Probate Division Rules

Rule 400: Court Costs and Fees Deposit

Rule 401: Standard Probate Forms

Rule 402: Specifications for Printing Probate Forms (Computer-Generated Forms)

Rule 403: Motions and Entries

Rule 404: Filing by Mail

Rule 405: Probate restrictions on Fax Filings

Rule 406: Case Management and Pre-Trial Procedure in Civil Actions

Rule 407: Case Management in Decedent's Estate, Guardianships, and Trusts

Rule 408: Adoptions

Rule 409: Estate Administration: General Information

Rule 410: Estate Administration: Wills

Rule 411: Estate Administration: Attorney Fees

Rule 412: Estate Administration: Executors and Administrator's Commissions

Rule 413: Estate Administration: Application for Authority to Administer Estate and Notice of Appointment

Rule 414: Estate Administration: Inventory and Appraisal

Rule 415: Oversight of Minor's Money

Rule 416: Settlement of Claims for Injuries to Minors

Rule 417: Structured Settlements

Rule 418: Sale of Structured Settlement Payments

Rule 419: Settlement of Claims For Wrongful Death

Rule 420: Guardianships

Rule 421: Guardian's Compensation

Rule 422: Trustee's Compensation

Rule 423: Attorney Fees for Trust Administration

Rule 424: Court Appointments

Rule 425: Appraisals & Appraisers

Rule 426: Claims and Bond Premiums

Rule 427: Fiduciary Accounts

Rule 428: Show Cause Hearings for Fiduciaries and Attorneys

Rule 429: Marriage Licenses

Rule 430: Examination of Probate Files, Records, Papers & Other Documents

Rule 431: Service of Notice by Posting in Probate Cases

Rule 432: Rights of the Surviving Spouse

Rules Applying to all Divisions

Rule 001: Effective Date

- A. These Rules are effective as of February 3, 2026 and, after being filed with the Supreme Court of Ohio, will govern all proceedings in actions brought after they take effect, as well as all pending actions. However, their application in a specific pending action may be exempted if the Court, in its sole discretion, deems it unfeasible, unjust, or inconsistent with other established rules.
- B. All previous Rules of this Court are repealed as of the effective date of these Rules.

Rule 002: Term of Court

- A. The Court operates in continuous session for the transaction of judicial business. Each calendar year is segmented into three terms: the January term, the May term, and the September term. These terms commence on the first Monday of their respective months, unless otherwise specified by law or a subsequent Court order.

Rule 003: Website, Forms, and Rule Updates

- A. Official Website and Forms: The official Court website is www.adamscountycourts.com. All Court-approved forms, standard orders, and checklists are available on the website. These resources are not included in the printed version of the local rules. As forms and checklists may be updated periodically without formal amendment to the local rules, attorneys and parties are required to consult the website to ensure they are using the most current version before making any filing.
- B. Updates to Local Rules: Due to the evolving nature of statutes and case law, and to promote the efficient administration of justice, the Court may issue periodic corrections or updates to these rules. Any such amendments or supplemental rules will be designated as "Administrative Orders," posted on the Court's official website, and will have the full force and effect of a local rule upon publication. All updates will be incorporated into the main body of the rules and filed with the Supreme Court of Ohio during the next regular amendment cycle. It is the responsibility of counsel and parties to periodically review the Court's website to stay informed of any changes.

Rule 004: Court Costs

- A. A deposit to secure payment of costs is required for the Clerk to accept any civil, Domestic, or juvenile action for filing, unless otherwise provided by law. The advance deposit amount is specified in the schedules within these rules.
- B. On its own motion, the Court may order an additional cost deposit at any point during a case.
- C. If court costs from prior proceedings are outstanding, no new filings will be accepted until the costs are paid, unless a Form AC-012 Financial Disclosure and Fee Waiver Affidavit and Order is filed and approved by the Court.
- D. For service methods other than certified mail, the Clerk may require an additional advance deposit to cover the estimated increased costs.

- E. A bond with a surety approved by the Clerk can be used in place of a cash deposit; however, no member of the bar can act as the surety.
- F. A Form AC-012 Financial Disclosure and Fee Waiver Affidavit and Order submitted instead of a cash deposit must detail the reasons for the inability to pre-pay costs and is subject to Court review at any time. Court costs will still be assessed at the end of the proceedings. The Court may hold a hearing and require verification of the information in the affidavit.
- G. A waiver of the court cost deposit via a Form AC-012 Financial Disclosure and Fee Waiver Affidavit and Order is not accepted if the litigant is represented by private paid counsel. A deposit is necessary before any filing is accepted, and court costs will be assigned for payment at the case's conclusion.
- H. Common Pleas Clerk Copy Fees
 - (1) Copies made in the Clerk of Courts office cost \$0.25 per page.
 - (2) Certified copies are \$1.00 per page.
 - (3) NOTE: TO RECEIVE TIME-STAMPED COPIES OF PLEADINGS BY MAIL, YOU MUST PROVIDE A SELF-ADDRESSED STAMPED ENVELOPE.

Rule 005: Court of Appeals: Court Costs

Amount	Description
\$220.00	Deposit for filing Notice of Appeal in Trial Court or sworn affidavit of inability to secure costs.
\$220.00	Deposit for filing Complaint in original action or sworn affidavit of inability to secure costs.
\$450.00	Medical Malpractice Arbitration.

Rule 006: Mediation, Foreclosure Mediation, and the Adams County Mediation Fund

- A. Purpose: This rule is designed to provide an alternative dispute resolution process that is fair, efficient, and cost-effective. Mediation is an informal, non-adversarial process where a neutral third party—the mediator—assists the parties in reaching a mutually acceptable resolution of their dispute.
- B. Mandatory Foreclosure Mediation
 - (1) **Referral:** All residential mortgage foreclosure actions filed in this Court **shall, upon request, be referred to mediation** prior to the issuance of a final judgment of foreclosure. The Court, on its own motion or on the motion of any party for good cause shown, may exempt a case from this requirement.
 - (2) **Stay of Proceedings:** Upon referral to foreclosure mediation, all proceedings, including discovery and motion practice, **shall be stayed for a period of ninety (90) days** to allow the mediation process to conclude. This stay may be lifted by the Court upon the request of a party or the mediator.

- (3) **Procedure:** The procedure, attendance requirements, and confidentiality provisions outlined in this rule shall apply to foreclosure mediations. Parties in foreclosure mediation must come prepared with all necessary financial documentation to fully explore loss mitigation options.
- C. General Case Selection for Mediation
- (1) **Referral by Court:** Any civil or domestic relations case not subject to mandatory foreclosure mediation may be referred to mediation by the Judge or Magistrate at any stage of the proceedings.
 - (2) **Motion by a Party:** A case may also be referred to mediation upon the motion of any party.
 - (3) **Effect on Proceedings:** Referral of a case to mediation shall not operate as a stay of discovery proceedings, unless otherwise ordered by the Court.
- D. Procedure and Scheduling
- (1) Upon referral, the Assignment Commissioner shall assign a mediator from the Court's approved list and provide the parties with mediation registration packets.
 - (2) At least seven (7) days before the mediation conference, each party shall submit a **confidential mediation statement** directly to the mediator, outlining the key facts, legal issues, and settlement position of the case. This statement shall not be filed with the Court.
- E. Attendance and Mediator Authority
- (1) **Required Attendance:** All parties, their attorneys, and any individuals with **full settlement authority must personally attend** the mediation conference. If a party is an entity (like a corporation), a representative with full and absolute authority to settle must be physically present. Failure to attend without good cause may result in sanctions.
 - (2) **Mediator's Authority:** The mediator may request that parties bring documents and witnesses to the sessions but has no authority to order such production.
- F. Confidentiality: All communications made during the mediation process are confidential, privileged, and inadmissible in any court proceeding. The mediator shall not be called to testify in any subsequent judicial proceeding.
- G. Reporting to the Court: Within seven (7) days of the mediation's conclusion, the mediator shall file a Mediation Report with the Clerk of Courts. The report shall only indicate who attended and whether the case settled, reached a partial settlement, or resulted in an impasse.
- H. Costs and Mediation Fund
- (1) The fees for the mediator's services shall be shared equally among the parties unless otherwise agreed upon or ordered by the Court.
 - (2) To support the program, an additional **\$50.00 fee** is instituted for each Civil Division and/or Juvenile Division action filed. This fee is collected by the Clerk of Courts and deposited into the **Adams County Mediation Fund**. The Court may use these funds to assist indigent litigants with mediation costs.

Rule 007: Operating Funds - Special Projects

- A. Civil, domestic, juvenile, or criminal action or proceeding

(1) The Court has established fees to fund special projects for its efficient operation. These projects include facility acquisition or rehabilitation, equipment acquisition, staff hiring and training, and other related services. A fee of \$50.00 is applied to the filing of each civil, domestic, or criminal action, and an additional \$50.00 fee is applied to each case filed in the Juvenile Division. These fees are collected by the Clerk of Courts and deposited into a General Special Projects Fund.

B. Probate Proceeding

(1) For the efficient operation of the Court, additional funds are deemed necessary for special projects. These projects may include acquiring or rehabilitating facilities, purchasing equipment, hiring and training staff, mediation services, and other related services. A fee of \$75.00 is charged for each Estate filed in the Probate Division. These fees are collected by the Clerk of Probate Court and deposited into a General Special Project Fund.

Rule 008: Pleadings

- A. All filings must be correctly captioned and either typed or legibly written in ink. ***Pleadings from an attorney must be typed or computer-generated.*** Pro se applicants are also encouraged to type their filings. The Court may reject any filing that is illegible. Pleadings must be on 8 ½" x 11" paper, single-sided, and securely bound at the top. Double-sided copies might be rejected.
- B. A margin of 1½ inches must be left at the top of the first page of all pleadings for the Clerk's stamp.
- C. All filings must contain the mailing address, phone number, and email address of the attorney or self-represented party. *There is a continuous duty to update this contact information.*
- D. No documents may be removed from a court file without a court order, and no court file may be removed from the court premises without a court order. Attorneys may review files, make copies, and remove files from the premises upon permission of the Clerk of Courts and signing out the file.
- E. Checklists and instructions for various filings are available on the Court's website. If a checklist is available, the filing must include all required documents or it may be rejected by the Court. Self-represented parties may also be required to file a completed checklist. A filing later found to be insufficient may be returned for further action. Failure to correct the deficiency may result in the filing being dismissed.
- F. Any filing with an endorsement of counsel via telephone or electronic authorization must comply with Local Rule 10.
- G. Generally, only one original copy of a pleading is needed. Documents are scanned, and additional copies can be requested from the clerk. Any attorney submitting multiple copies of Judgment Entries are presumed to have verified that all the copies are identical. Submitting multiple copies for the Court's approval that are not identical may result in sanctions.

Rule 009: Process

- A. Service of process must adhere to the Rules of Civil Procedure or the Rules of Juvenile Procedure.

- B. Publication in a Newspaper: For publication purposes, the following newspapers are considered to have general circulation in Adams County:
- (1) People's Defender, 206 North Pleasant Street, West Union, OH 45693, (937) 544-2391.
- C. In the event that service by publication is necessary, the party requesting such service shall make necessary arrangements with the newspaper for publication, pay the costs thereof to the newspaper, and direct the publisher to file proof of publication with the Clerk of Courts.
- D. Publication in Juvenile Court Cases Only
- (1) In accordance with Rule 16(A) of the Ohio Rules of Juvenile Procedure, service by publication shall be made in all cases by posting and mail.
 - (2) Requests for service by publication shall be made as soon as is reasonably practicable.
 - (3) A Form AC-300 Affidavit for Posting-Juvenile Court shall be filed with the court. A Form AC-301 Juvenile Legal Notice for Posting must also be filed.
 - (4) Alternatively, the posting may be made on the website designated by the Juvenile Court clerk of courts.
- E. Posting
- (1) The Notice to be posted shall contain the name and address of the court, the case number, the case caption name, and the name and last known address, if any, of the person or persons whose residence is unknown. The Notice also shall contain a summary statement regarding the notice to the party whose residence is unknown and shall notify the party of a time after the publication that is set as the time to appear. The Notice shall be posted for seven consecutive days.
 - (2) Posting Locations:
 - (a) As outlined in Rule 4.4 of the Rules of Civil Procedure, or Rule 16 of the Rules of Juvenile Procedure, the service notice is to be made by posting in the Courthouse; and the bulletin board at the Department of Job and Family Services, 482 Rice Drive, West Union, Ohio 45693, and the bulletin board at the West Union Village Offices at 33 Logans Lane West Union, Ohio 45693 and these three locations are those designated pursuant to Rule 4.4(A)(2) of paragraph 2 of the Rules of Civil Procedure and Rule 16(A) of the Rules of Juvenile Procedure.
 - (b) Publication may also be made on the designated area of the Court's website. If certain locations are inaccessible due to emergency orders, posting on the Court's website is required.
 - (3) Required Forms
 - (a) General, Domestic, and Civil Divisions: Form AC-010 Affidavit and Praecipe for Service by Publication. Attorneys and self-represented parties must provide their own notice to be used.
 - (b) Protection Orders Only: Form AC-212 DVCPO Affidavit for Posting Form, Form AC-213 DVCPO Legal Notice for Posting
 - (c) Juvenile Court: Form AC-300 Affidavit for Posting-Juvenile Court and Form AC-301 Juvenile Legal Notice for Posting.

Rule 010: Electronic Filing and Signatures

- A. **Applicability:** This rule shall apply to all cases filed in the General Division, Civil Division, Domestic Relations Division, and Criminal Division of the Adams County Court of Common Pleas. It governs all documents filed or submitted to the Court electronically. The provisions of Section E (Electronic Signatures) and Section I (Facsimile Filings) shall apply to all divisions of the Court.
- B. Full implementation of this rule is contingent on available Court resources. At the Court and/or the clerk's discretion, some or all of the requirements of this rule may be waived. Once the system is fully implemented, attorneys may be required to comply with the e-filing.
- C. **Definitions**
- (1) "Electronic Filing" ("E-filing"): The electronic transmission of documents to and from the court through the Court's designated E-File System to create a public record in a case.
 - (2) "E-File System": The service provided by the court for e-filing and e-service of documents via the internet.
 - (3) "Registered E-Filer": An attorney of record who has registered with the court's E-File system.
 - (4) "Official Court Record": Documents that have been electronically filed, accepted, and docketed by the Clerk.
 - (5) "Electronic Signature": An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- D. **Official Court Record**
- (1) Electronically filed, accepted, and docketed documents are the official record of the Court and have the same force and effect as documents filed by traditional paper means.
 - (2) The electronic signature of a judge, magistrate, or clerk shall have the same force and effect as a handwritten signature.
- E. **Registration and Mandatory E-Filing**
- (1) All attorneys of record shall register with the Court's E-File system. By registering, an attorney agrees to file documents electronically and consents to receive electronic service.
 - (2) E-filing is mandatory for all registered attorneys. The Clerk shall not accept paper or facsimile filings from any litigant represented by counsel in an e-file case.
 - (3) Self-represented (pro se) litigants are not required to e-file and shall file documents in paper form with the Clerk. The Clerk's office will scan and upload these documents into the electronic system.
- F. **Electronic Signatures**
- (1) Any signature on an electronically filed document shall be considered that of the attorney or party it purports to be for all purposes.
 - (2) Electronic signatures of the judge, magistrate, and clerks of this court may, at the sole discretion of the signatory, be affixed to documents, entries, decisions, and orders issued by this court. The judge and magistrates may affix their electronic signature or direct a clerk of the court to affix their electronic signature.

- (3) Attorneys for the Adams County Child Support Enforcement Agency are permitted to use electronic signatures on their court filings.
 - (4) An electronic signature in an electronic record filed with the court in accordance with this Local Rule shall be presumed to be authentic. If it is established upon motion of the signatory or the signatory's personal representative that an electronic signature was transmitted without authority or was modified, the court may order the filing stricken.
- G. Time and Process of E-Filing
- (1) The E-File system can receive document submissions 24 hours a day, 7 days a week.
 - (2) Upon submission, the system will issue a confirmation of receipt. This receipt is NOT proof of filing.
 - (3) All submitted documents are subject to review by the Clerk. If accepted, the document is deemed filed and will receive an electronic stamp with the date and time it was first received by the system.
 - (4) Warning: E-filing does not alter or extend any statute of limitations or other time limits. Holidays, weekends, or other events may result in the Clerk's office being unable to process the filing. Attorneys are warned to take this into account for time sensitive filings.
- H. Filing Fees Registered e-filers must pay all required filing fees and costs by credit card at the time of filing, as prompted by the e-filing system.
- I. Service of Documents
- (1) **Initial Service:** For any pleading that initiates a case or adds a new party, the filing party must electronically file instructions for service of process. The Clerk will then issue summons by the designated traditional method of service.
 - (2) **Service of Subsequent Documents:** Service on other registered e-filers shall be accomplished through the E-File system. Parties not registered with the system must be served a paper copy by the filing party. A certificate of service is required for all filings.
- J. Facsimile Filings Upon the effective date of this rule, filing by facsimile is no longer permitted for attorneys. Facsimile filing is reserved for emergency use by self-represented litigants or for other parties only with prior leave of the Court. When permitted, the following procedures apply:
- (1) **Original Document:** A document filed by fax is considered the original. The filer must keep the original signed document and be able to produce it upon request.
 - (2) **Cover Page:** All fax filings must include a cover page with the case caption, case number, a description of the document, the number of pages, and the sender's contact information.
 - (3) **Time of Filing:** A document is considered filed as of the date and time the Clerk of Courts receives the complete fax transmission. The sender bears all risk of transmission failure.
 - (4) **Prohibited Filings:** The following may not be filed by fax: any document that requires a fee deposit, any document requiring the Clerk to effectuate service, any exhibits (without a court order), and any proposed entry requiring the Court's signature.
- K. Exceptions to E-Filing. The following documents shall be filed in paper form:
- (1) Documents related to civil protection orders.
 - (2) Filings from self-represented (pro se) parties (unless an emergency facsimile filing is permitted under Section I).
 - (3) Documents filed under seal or for in camera review.

Rule 011: Notice of Appearance, Hearing Notices, and Duration of Representation

- A. Attorneys must file a notice of appearance within seven days of being retained. A final hearing date will not typically be continued because of a new attorney's appearance. When replacing another attorney, a substitution of counsel, signed by both attorneys, must be filed. The new attorney must serve the notice on the opposing party.
- B. With written consent from a party or their counsel, the Court is permitted to send all hearing notices through electronic mail. The consent must be in a format provided by the Court.
- C. Attorneys are considered to be on a case until a final appealable order is issued, or until a substitution or withdrawal is approved by the Court.

Rule 012: Appointed Counsel

- A. In situations where appointed counsel is legally authorized, parties who cannot afford private counsel may request it. The party must provide all necessary information and complete forms to determine eligibility. Generally, counsel is not appointed for matters concerning paternity, custody, or visitation.

Rule 013: Withdrawal and Substitution of Attorney

- A. Except for good cause shown, a final hearing date will not be continued due to the withdrawal or substitution of an attorney. An attorney of record will be relieved of his/her responsibility under the following circumstances:
 - (1) Without the client's consent.
 - (a) The attorney must file a motion stating the grounds for withdrawing and the date of the next hearing. The attorney must give the Court a file stamped copy of the motion. The Court will schedule a hearing on the motion. The attorney must file proof of service of the motion and hearing notice on his/her client and the opposing party.
 - (2) With the client's consent.
 - (a) The client and the attorney must sign an entry allowing the attorney to withdraw. The entry must state the date of the next hearing. The attorney must submit the entry to the Court.
 - (3) Substitution of attorney of record.
 - (a) The new attorney must file a Notice of Substitution of Attorney and a Notice of appearance pursuant to Rule 011. The new attorney must file proof of service of the Notice and Notification Form on the opposing party.

Rule 014: Motions, Memoranda and Procedure

- A. Motions
 - (1) All motions shall be accompanied by a memorandum in support of the motion, which shall be a brief statement of the grounds for the same, and may include citations of authorities relied upon. If the motion is based on alleged facts, an affidavit or a client's certification under oath is required.
 - (2) The Clerk of Courts will not be required to accept a motion unless accompanied by a memorandum as set forth.
 - (3) Motions not requiring a hearing will be held for a period of 14 days, in order to allow memoranda in opposition to be filed by opposing counsel. Thereafter reply

memoranda is due within 7 days. At the conclusion thereof, the motion and any response will be given to the Court for consideration and a decision.

- (4) It is the responsibility of the attorney filing the motion to SECURE a date and time for a hearing from the Assignment Commissioner. Motions requiring a hearing, shall be accompanied by a Judgment Entry with blanks for a hearing date to be filled in. The hearing will be set to accommodate the docket of the Court, on the first available date after the filing thereof. Hearings will be set to a specific date and time. Hearings on each motion shall be conducted in the order in which they are set.
 - (5) On the date of hearing, unless otherwise ordered by the Court, counsel and the client must appear ready to proceed. All negotiations and discussions between counsel and their client, as well as counsel and opposing counsel ***should be held prior to time for the hearing***, in order to not cause a delay in the hearing, and to permit the Court's Docket to remain on schedule.
 - (6) In the event any motion shall require in excess of 15 minutes before the Court, counsel SHALL be required to notify the Court of such fact, and shall be responsible for obtaining adequate time from the Assignment Commissioner, in order to allow sufficient time to permit proper presentation of the motion. The Assignment Commissioner cannot be expected to know the amount of time you will require for a hearing.
- B. Motions filed pro se when represented by counsel.
- (1) No person who is currently represented by counsel, whether retained or appointed, in an active case before the Court may file pleadings directly with the Court. Any such pleading will be rejected and provided to the attorney representing the litigant.
 - (2) The clerk shall not docket such entry and shall provide it to the counsel currently representing the litigant.

Rule 015: Continuances

- A. No case which has been set for a pretrial, report, or hearing will be continued without the Court's authorization.
- B. A motion and memorandum shall be required to obtain a continuance of any matter pending before the Court and shall be submitted at least 14 days prior to trial or hearing, except for emergency or other cause deemed sufficient by the Court. The memorandum attached to the motion must verify the grounds for the continuance and shall include copies of any assignment notices or other proof of conflict. Motions must first be filed with the clerk, and given to the assignment commissioner, along with a proposed entry. ***Motions are not to be taken directly to the judge or magistrate for approval without first being filed with the clerk.***
- C. A motion for continuance must state the following:
 - (1) The reason for a continuance;
 - (2) How long the case has been set for hearing;
 - (3) How long the case has been pending;
 - (4) The number of previous continuances granted; and
 - (5) At whose request any previous continuance was granted.
- D. If a continuance is requested due to a scheduling conflict in another Court, the motion shall include the name of the Court, the assigned Judge or Magistrate, the case caption, the date

and time of the conflicting case, the date that the conflicting case was assigned for Trial, *and a copy of the assignment notice of the conflict.*

- E. It is the responsibility of the moving party to obtain dates from the assignment commissioner, and to coordinate the same with opposing counsel, so as to continue the matter to a definite date. This date and time shall be included in an entry granting the continuance and must be signed off by the moving party, with telephone authority from opposing counsel, and then must be approved by the court.
- F. Should opposing counsel object to a continuance, movant shall so state in the motion, and an entry should be proffered containing a blank space for re-assignment, if the Court sees fit to grant such continuance.
- G. Any motion for a continuance made at any time, on a basis other than a prior scheduled hearing or Trial, SHALL contain the signature of the client of the moving attorney. If the client is not available for signature at the time of the filing of the motion, his/her permission must be verbally obtained at the time of the filing of the motion, and written permission for continuance shall be supplied to the Court within ten days.
- H. It is this court's standard procedure to only permit one continuance per case per party, and the court will consider further requests for continuance only in the event of extreme circumstances.

Rule 016: Dismissals

- A. A stipulation of dismissal or notice of voluntary dismissal of an action, complaint, or motion, must be filed with the Clerk of Courts and a copy delivered to the Court. An agreed entry of dismissal of an action must be delivered to the Court. All Court Costs must be paid before the Case will be dismissed.
- B. The stipulation, notice, or entry must be stamped costs paid or waived by the Clerk of Courts prior to its filing or submission to the Court.
- C. Dismissals of Domestic Violence Civil Protection Orders must comply with R.C. 3113.31 and/or Civil Rule 65.1. Dismissals of Civil Stalking and Civil Sexually Oriented Protection Orders must adhere to R.C. 2903.214 and Civil Rule 65.1.

Rule 017: Failure to Appear

- A. If a party seeking relief fails to appear for the scheduled hearing, the Court may dismiss the action for lack of prosecution. If the opposing party, after being properly served, fails to appear for the scheduled hearing and the party seeking relief does appear, the hearing may proceed as scheduled.
- B. If the attorney for a party fails to appear at the scheduled time for the hearing and the party whom he/she represents is present, the hearing may proceed as scheduled and the party agrees to waive the presence of the attorney.
- C. In cases involving contempt proceedings for failure to pay child support filed by ACCSEA, an Obligor may not be excused of their attendance at a hearing by ACCSEA unless they make payment as requested AND the Obligor has made full or partial payment of any court costs as ordered by the Court.
- D. Failure to appear on a summons, when service of process has been verified, may result in a *capias* (arrest warrant) being issued.

Rule 018: Discovery

- A. It shall be the policy of this Court to minimize judicial intervention in the discovery process in all civil actions. It is also intended that interrogatories and requests shall not be filed with the Court, except in those cases when informal, out-of-Court attempts at discovery are ineffective, and it becomes necessary to file a motion to compel discovery under the provisions of Rule 37A, Ohio Rules of Civil Procedure.
- B. This rule does not apply to Domestic Violence Civil Protection Orders pursuant to R.C. 3113.31 and Civil Rule 65.1. or to Civil Stalking and Civil Sexually Oriented Protection Orders pursuant to R.C. 2903.214 and Civil Rule 65.1.
- C. Consultation Among Counsel - No objections, interrogatories, motions, applications or requests related to discovery shall be filed under the provisions of Civil Rules 27 to 37 in this Court, unless counsel have exhausted all extrajudicial means for resolution of the differences.
- D. It will be incumbent upon the moving party compelling the requests and interrogatories to provide the Court with a face-sheet (cover sheet only) of the particular discovery being used.
- E. Interrogatories - Interrogatories submitted to a party shall be limited to forty interrogatories, including sub-parts. Additional sets of interrogatories may be permitted after a party has received responses to previously submitted interrogatories. Only the face-sheet of the interrogatories are to be filed with the Clerk of Courts, and the face-sheet of the answers are also to be filed with the Clerk of Courts.
 - (1) Motion to Compel Discovery - To the extent that extra judicial means have not disposed of the matter, the party seeking discovery may then proceed with the filing of a Motion to Compel Discovery, under Rule 37. The motion shall be accompanied by supporting memorandum which will state the movant's legal basis which would warrant an Order compelling discovery. The memorandum filed should be concise, addressing only those relevant issues and should not generally exceed ten pages. The motion and memorandum shall be accompanied by:
 - (a) An affidavit of counsel setting forth what extra judicial means have been attempted to resolve the differences, and;
 - (b) A copy of the interrogatories, application, request, etc., which have been previously served pursuant to Ohio Rules of Civil Procedure. No interrogatories, applications or request shall be filed in the Court, except in connection with a Motion to Compel Discovery.

Rule 019: Case Management

- A. Purpose: The goal of this Rule is the prompt, but fair disposition of litigation. This goal can only be accomplished by early and continuing judicial control and management of each case assigned to the Court's docket. This Rule will establish a general framework for management of cases, leaving to the discretion of the individual Judge or Magistrate the use of additional procedures to accomplish the goal of this Rule.
- B. Scheduling Order
 - (1) At any time after service of the complaint or initiating pleading, the Judge or Magistrate assigned to the case may make a scheduling order. If more information is needed, the Judge or Magistrate may order a scheduling conference, which may be

- conducted in person or by phone, or an informal Pretrial conference under Local Rule 20.
- (2) The scheduling order shall specify the time:
 - (a) To join new parties & amend pleadings
 - (b) To file and the hearing of motions
 - (c) To complete discovery
 - (3) It may also include:
 - (a) FIRM dates for Pretrial and Trial, provided that the formal Pretrial conferences shall be set no more than 14 days before the Trial date. Pretrial conferences will be scheduled pursuant to Local Rule 20.
 - (b) Any other matters appropriate to the particular case
 - (4) **THE DEADLINES AND SCHEDULE SO ESTABLISHED, AND ORDERED SHALL NOT BE MODIFIED, EXCEPT BY ORDER OF THE COURT.**

Rule 020: Pre-Trial Procedure

- A. The Court may, on its own motion, or at the request of any attorney appearing in a matter, fix a date for a limited informal Pretrial conference, case management conference, or status report. The purpose of said conference is to resolve a particular issue, explore the possibility of an early settlement, and to fix deadlines for the completion of discovery procedures, and set FIRM dates for Trial.
- B. In lieu of an appearance before the Court, the Court may request a written status report from the attorneys in the cause, covering in-depth the matters into which the Court has inquired in the request for written status report. No pretrial statement, as defined below, will be required for a limited pretrial conference, unless the Court specifically orders the contrary. Informal pretrials may be conducted by telephone conference with prior consent of the Court.
- C. The Court may also schedule a formal pretrial prior to Trial. Additional pretrial conferences may also be set at the request of counsel, or by the Court on its own motion. All contested issues will be discussed in depth at the pretrial conference.
 - (1) All attorneys appearing in the pleadings in an action are expected to be present at any pretrial conference, fully authorized to act and negotiate on behalf of the parties they represent. Since the amicable disposition of the case by settlement will be seriously considered, the attorney should appear at the formal pretrial conference prepared to discuss the subject in depth. The parties need not be present unless specifically ordered by the Court. At the request of any attorney, or upon its own motion, the Court may order parties or their respective sureties, indemnitor insurers or authorized representatives of State agencies to be present at the Pretrial conference.
 - (2) Upon order of the Court, all parties shall file and serve upon all other attorneys appearing in the action, not less than two days prior to the date of the formal Pretrial conference, a Pretrial Statement with the following:
 - (a) Advising the Court, in detail, of the factual and legal issues which the case presents;
 - (b) Outlining the expected testimony of witnesses on controverted factual issues, as indicated above;
 - (c) Setting forth the party's position on legal issues, including any significant evidentiary questions, with a citation of authorities in support thereof;

- (d) As to a plaintiff or plaintiffs, attaching an itemized list of special damages and expenses, if applicable; and
 - (e) Attaching copies of available opinions of all persons who may be called as expert witnesses, including physicians, which shall not constitute a waiver of privilege granted under ORC 2317.02, as set forth in Civil Rule 16.
 - (3) Upon the failure of any party to the action or their attorney - either to serve and file the Pretrial Statement required by this Rule, after notice of formal pretrial conference has been sent, the Court may impose sanctions as authorized by Civil Rule 37 B.
 - (4) The Court may, and at the request of any party or his attorney, prepare or cause to be prepared a written order which recites the action taken at a pretrial conference. The Court shall enter the order and submit copies to the attorneys for the respective parties. The order, subject to Civil Rule 60A, shall control the subsequent course of the action, unless modified at the Trial to prevent manifest injustice.
 - (5) The Court may order Trial counsel to prepare and submit to the Court Trial briefs, motions *in limine*, and proposed jury instructions (if applicable). In such event, the Court shall establish a schedule for the submission of said documents.
- D. Remote Appearances by Audio or Video Conference
- (1) **Permitted Hearings:** At the discretion of the Court, parties and counsel may be permitted to appear remotely by telephone (audio) or video conference for *non-evidentiary* hearings, including pre-trials, status conferences, and motion hearings.
 - (2) **Procedure:** A party seeking to appear remotely must file a **Motion and Entry for Appearance by Audio/Video (Form AC-011)**, which is available on the Court's website. The motion must be filed with the Clerk of Courts no later than seven (7) days prior to the scheduled hearing, unless a shorter time is permitted by the Court for good cause shown.
 - (3) **Court's Discretion:** The Court reserves the absolute right to grant or deny any request for a remote appearance and may require in-person attendance for any hearing.

Rule 021: Complex Litigation Case Management

- A. Designation of Complex Litigation. A civil case can be designated as Complex Litigation by a party's motion or by the Court. The determination considers factors like the number of parties, complexity of issues, volume of discovery, number of expert witnesses, and the need for high-level case management.
- B. Initial Case Management Conference. Within 30 days of a case being designated as Complex Litigation, the Court will hold an initial case management conference. Counsel must meet beforehand to discuss claims, defenses, a proposed discovery plan, settlement possibilities, and schedules for motions and joining new parties.
- C. Case Management Order. After the conference, the Court will issue a detailed Case Management Order with firm deadlines for all litigation phases. This order will govern the case unless modified for good cause.
- D. Procedures and Forms. A party must file a Form AC-100 Motion for Designation as Complex Litigation. If granted, the parties will be ordered to jointly file a Form AC-101 Proposed Joint Case Management Plan. The Court will then hold the conference and issue its final Case Management Order.

Rule 022: Trial Procedure

- A. Trial procedures shall follow the relevant Ohio Statutes and/or Rules of the Supreme Court of Ohio.
- B. All parties and their counsel must arrive fully prepared for trial at least 30 minutes before its scheduled start time.

Rule 023: Exhibits in Evidentiary Hearings

- A. Plaintiff's exhibits are to be marked with numbers, while Defendant's exhibits are to be marked with letters. All exhibits should be tabbed, indexed, and, if multiple, bound together. Any exhibit longer than four pages must have page numbers. The Court will determine marking standards for other parties.
- B. Parties must exchange copies of their exhibits as ordered by the Court. Electronic exchange is permissible, but a hard copy must be provided upon written request.
- C. At the hearing, each party must provide a set of their exhibits for the Court, a witness, the opposing party (if not already provided), and any other party such as a Guardian ad Litem.
- D. The Court will not accept exhibits before the hearing, unless otherwise ordered.

Rule 024: Interpreters for Individuals with Limited English Proficiency and Persons with Hearing Impairments

- A. Purpose and Policy
 - (1) It is the policy of this Court to secure the rights of all individuals to access and participate in court proceedings. This rule provides for the appointment of qualified interpreters for individuals with limited English proficiency (LEP) and for persons who are deaf or hard of hearing, ensuring that they can fully understand and be understood in all court proceedings. This rule shall be administered in accordance with all applicable Ohio laws and the guidelines set forth by the Supreme Court of Ohio.
- B. Definitions
 - (1) **"Limited English Proficient (LEP) Individual"**: A person who, because of their national origin, does not speak, read, write, or understand English at a level that permits them to comprehend and participate effectively in court proceedings.
 - (2) **"Person with a Hearing Impairment"**: A person who, because of a hearing impairment, cannot readily understand or communicate in spoken language and requires an interpreter to participate in court proceedings. This includes individuals who are deaf, deaf-blind, or hard of hearing.
 - (3) **"Certified Interpreter"**: An interpreter who holds a valid certification from the Supreme Court of Ohio Language Services Program or is otherwise deemed certified by the Supreme Court.
 - (4) **"Qualified Interpreter"**: An interpreter who is not certified but has been determined by the Court to possess the necessary skills, knowledge, and adherence to ethical standards to interpret accurately and impartially. Priority shall be given to interpreters who are provisionally registered or have otherwise demonstrated proficiency through recognized assessments.
- C. Procedure for Requesting an Interpreter

- (1) A party, attorney, or the Court on its own motion may identify the need for an interpreter. A Form AC-013 Interpreter Request Form, available on the Court's website, must be filed with the Court at least fourteen (14) days prior to the scheduled court appearance where the interpreter's services are required.
- (2) In extraordinary circumstances where a need for an interpreter arises less than fourteen (14) days before a proceeding, a party must file the request immediately and demonstrate good cause for the late notice. The Court will make reasonable efforts to secure an interpreter on short notice.
- (3) In the event that an interpreter cannot be arranged for a time sensitive hearing, and there are speedy trial or other restrictive time constraints, such delay shall constitute good cause to toll the applicable time guidelines.

D. Appointment and Payment of Interpreters

- (1) Upon receipt of a timely request, the Court will appoint a qualified or certified interpreter. The Court shall give preference to certified interpreters listed on the Supreme Court of Ohio's public roster.
- (2) The Court shall be responsible for the costs of the appointed interpreter in all cases where a party is determined to be indigent and in all criminal matters. In civil cases where the parties are not indigent, the Court may, in its discretion, assess the costs of the interpreter to one or more of the parties as part of the court costs.

E. Cancellation or Change of Hearing

- (1) The party who requested the interpreter must provide notice to the Court of any cancellation, postponement, or significant change in the anticipated duration of a hearing.
- (2) Notice must be provided no later than two (2) full business days (48 hours), excluding weekends and holidays, prior to the scheduled proceeding.
- (3) Failure to provide timely notice may result in the assessment of interpreter fees against the party who requested the interpreter, or their counsel, for the interpreter's unneeded services, unless good cause is shown.

F. Interpreter's Oath and Duties

- (1) Before commencing their duties in any proceeding, every interpreter shall take an oath or affirmation to make a true, accurate, and impartial interpretation from the foreign language or sign language into English and from English into the other language, using their best skill and judgment.
- (2) The interpreter's role is solely to facilitate communication during the court proceeding. Interpreters shall not provide legal advice, answer personal questions, or engage in conversations with the parties, witnesses, or jurors outside of their official duties in the proceeding.
- (3) The interpreter's duties shall extend to facilitating confidential communications between a party and their attorney. All such communications are protected by the attorney-client privilege, and the interpreter is bound by the same duty of confidentiality as the attorney. When the interpreter is participating electronically, all other persons, except for the party and the attorney for the party, must vacate the courtroom until any privileged communications are complete.

G. Disqualification of Interpreters

- (1) An individual may not serve as an interpreter in any proceeding and shall be disqualified if that individual:
 - (a) Is a party to the proceeding or is a family member, friend, or associate of a party.
 - (b) Is an attorney or is employed by an attorney for any party in the proceeding.
 - (c) Has a financial interest in the outcome of the proceeding.
 - (d) Is a potential witness in the proceeding.
 - (e) Is unable to be impartial due to bias for or against any party or counsel. Any actual or potential conflict of interest must be disclosed to the Court and all parties as soon as it is known.
- (2) A disqualified individual may be permitted to serve as an interpreter only upon a finding of good cause by the Court and with the consent of all parties on the record.

H. Remote Interpretation

- (1) To ensure the timely availability of certified and qualified interpreters, the Court may utilize remote technology (such as video or telephonic conferencing) for interpretation services. Due to the location of the Court, remote interpretation shall be the presumed method for all proceedings unless otherwise ordered.
- (2) A party may file a motion objecting to the use of a remote interpreter. The motion must be filed no later than seven (7) days prior to the proceeding and must show good cause why the interpreter's physical presence is necessary for the specific proceeding.

I. Additional Information

- (1) Additional resources, including interpreter search functionalities and best practices, are available on the Supreme Court of Ohio's Language Services Program website, which can be accessed at: <https://www.supremecourt.ohio.gov/courts/services-to-courts/language-services/>

Rule 025: MEDIA IN THE COURTS

- A. Purpose and Scope: This rule balances open justice principles with the Court's duty to ensure fair and impartial justice by providing a framework for media access to court proceedings.
- B. Definitions:
 - (1) "Media Representative" is anyone engaged in gathering and disseminating news to the public.
 - (2) "Traditional Media" includes newspapers, magazines, radio, and television stations.
 - (3) "New Media" refers to online organizations that are independent, regularly update original news content, have an editorial process, and are not primarily for advocacy or marketing. The applicant bears the burden of proving they meet these criteria.
- C. Procedure for Requesting Access:
 - (1) Written requests to record proceedings must be submitted, preferably well in advance but no later than 30 minutes before the session.
 - (2) The Court will typically grant the request in writing.
- D. Pooling and Equipment:
 - (1) Media representatives must pool their resources for recording, with a selected coordinator responsible for equipment placement and operation.

- (2) Generally, only one video camera and one still photographer are permitted in the courtroom. Artificial lighting is not allowed without permission. All equipment must be set up and operational before proceedings begin.
 - (3) Equipment that produces distracting sounds is prohibited, and changes to film or cassettes must occur outside the courtroom.
 - (4) If the courtroom has a suitable audio system, the media pool must use it. Otherwise, one unobtrusive audio system may be set up after consulting with the Court.
- E. Conduct and Limitations:
- (1) Media representatives are not permitted to move about the courtroom during proceedings or conduct interviews inside the courtroom.
 - (2) There shall be no audio pickup of confidential conversations between attorneys and clients or at the bench. Photographing or recording jurors is strictly forbidden, and the same applies to victims or witnesses who object.
- F. Revocation of Permission: The Court can revoke media coverage permission at any time for non-compliance with the rules, which may lead to further sanctions.

Rule 026: Communications with Judge and Magistrate

- A. No attorney or party is allowed to discuss the merits of any litigation with a Judge or magistrate without the opposing attorney or self-represented party being present.

Rule 027: Courtroom Decorum and Conduct

- A. All Courtrooms
- (1) Anyone entering the courtroom is subject to a search. Bags and parcels must be inspected by security.
 - (2) Recording devices of any kind, including camera-capable cell phones, are not permitted for use without express written consent from the Court.
 - (3) Cell phones and pagers must be silent. Attorneys may use their devices only for scheduling hearings and must keep them silent at all other times. Any device that makes an audible sound may be confiscated.
 - (4) Violators of conduct rules will be removed from the courthouse by security personnel.
 - (5) Children are generally not permitted in the courtroom unless they are a witness, victim, or subject of the proceeding, or with Court consent.
 - (6) Counsel must wear business attire, and all parties and witnesses must wear appropriate attire.
 - (7) Hearings will begin promptly. Counsel and parties must be present on time. Tardiness may result in the case proceeding, being continued, or dismissed.
- B. Magistrate Courtroom: Public access is governed by the Ohio Revised Code and applicable court rules.
- C. Sanctions: Failure to comply with court rules may lead to sanctions, including dismissal of a case, removal from the courtroom, fines, incarceration for contempt, or removal from the list of eligible appointed counsel.

Rule 028: Criminal Background Checks and Ohio Court Network (OCN) Reports

- A. The Court may require an OCN Report or a Criminal Background Check in cases involving parental rights, child placement, guardianships, or protection orders.
- (1) OCN Report: This report, obtained through a Supreme Court resource, is free but generally not distributed to parties or admitted as evidence. The required personal information form is confidential.
 - (2) Criminal Background Check: In custody or child placement cases involving a non-parent, the person seeking placement (and their spouse) must undergo a background check through the Ohio Bureau of Criminal Investigations. A copy of this check must be filed with the relevant pleadings.
 - (3) These reports are not public record and are kept in a confidential file by the Clerk. A Guardian ad Litem (GAL) assigned to a case will receive a copy but must destroy it after their duties conclude.

Rule 029: Special Statutory Proceedings for Protection Orders

- A. Civil Rule 65.1 applies to special statutory proceedings under R.C. 3113.31, R.C. 2151.34, and R.C. 2903.214 providing for domestic violence, stalking, and sexually oriented offense civil protection orders.
- B. Pursuant to Civil Rule 65.1(F) the Assignment Commissioner shall assign all CPO cases, including those under ORC 2903.214 to be heard by the Magistrate, or if unavailable by the Judge. All hearings, (ex parte and full) shall be referred to the Magistrate.
- C. The provisions of Civil Rule 65.1(F) apply to proceedings referred to a magistrate for hearings.
- D. The Victim Advocate SHALL be present in the Courtroom with the petitioner at all hearings.
- E. Filing a petition
- (1) An action seeking an ex parte Civil Protection Order is initiated by filing a Petition for a Domestic Violence Civil Protection Order in accordance with R.C. 3113.31. Petitions may be filed with the Clerk of Courts from 8:00 a.m. to 2:30 p.m., Monday through Friday when the Court is in session. The Clerk of Courts may not accept the filing of a Petition for a Domestic Violence Civil Protection Order after 2:30 p.m.. If the petition is accepted, the petition may not be processed until the following court day.
 - (2) The Court will generally not issue parenting orders such as visitation orders or child support orders in an ex parte order in a Domestic Violence proceeding. If there are allegations regarding risk of harm to a child, a referral shall be made to Adams County Children's Services for investigation and the worker assigned will be ordered to appear at the next hearing. The agency may initiate a removal or safety plan if necessary to ensure the safety of the child.
 - (3) The petition must contain ALL information about any other cases in any other court involving any children of the parties. If other courts have issued orders, the Court lacks jurisdiction to issue orders regarding the children.
- F. Ex Parte Hearings

- (1) Pursuant to local Rule 028 an Ohio Courts Network (OCN) report will be generated so that the Court may determine if conflicting orders may exist pursuant to Supr. R. 10.06.
- (2) If the Petitioner requests an ex parte order, the Magistrate or Judge shall review the petition and accompanying documents in camera as soon as possible after the petition is filed, but no later than the next day that Court is in session after the petition is filed.
- (3) The Court may issue an ex parte order under Ohio Civil Rule 65.1, without judicial approval with or without bond, for the safety and protection of the petitioner (person to be protected by the order).
- (4) A magistrate's denial or granting of an ex parte protection order does not require judicial approval, shall otherwise comply with the statutory requirements relating to an ex parte protection order, shall be effective when signed by the magistrate and filed with the clerk, and shall have the same effect as an ex parte protection order entered by the court without reference to a magistrate.
- (5) A magistrate's denial or granting of an ex parte protection order without judicial approval under this division does not constitute a magistrate's order or a magistrate's decision under Civ.R. 53(D)(2) or (3) and is not subject to the requirements of those rules.
- (6) The court's approval and signing of a magistrate's denial or granting of an ex parte protection order entered under this division does not constitute a judgment or interim order under Civ.R. 53(D)(4)(e) and is not subject to the requirements of that rule.

G. Full Hearing

- (1) A full hearing must be held no later than seven (7) to ten (10) Court days, after the ex parte hearing, or as provided by statute. In the event that an ex parte order is denied, the matter shall be set for hearing within 30 days. Continuances shall be granted as necessary pursuant to the statute and rule.
- (2) If the petitioner fails to appear, the Court may dismiss the petition. If the petitioner appears at the full hearing, and requests a dismissal, the Court MAY dismiss the petition.
- (3) It is the responsibility of the Petitioner, and not the Court, to perfect service upon the Respondent. The Petitioner must provide contact information sufficient for service to the Clerk when filing the petition. Failure to do so may result in dismissal of the Petition or the Clerk may not accept the Petition for filing. The Court CANNOT proceed until the Respondent is served and CANNOT "track down" the Respondent for the Petitioner. The Petitioner may request Service by posting and mail pursuant to Civil Rule 4.4(A)(2)(b) by filing an affidavit of the party requesting service or that party's counsel. Forms are available on the Court's website.
- (4) A magistrate's denial or granting of a protection order after full hearing under this division does not constitute a magistrate's decision under Civ.R. 53(D)(2) or (3) and is not subject to the requirements of those rules.

H. Fees and Costs

- (1) Court costs may be assessed against the Respondent pursuant to RC 3113.31(J)(2), 3113.31(K)(2), or 3113.31(E)(8)(e). Court costs may not be assessed against the Petitioner except as set forth in 3113.31(K)(2).

Rule 030: Magistrates

- A. Appointment: The Court may appoint Magistrates who have powers as set forth in the Ohio Rules of Civil, Juvenile, and Criminal Procedure. A written magistrate's decision is not needed if all parties agree and sign a Form AC-006 - Waiver of Magistrate's Decision and 14 Day Waiver.
- B. Orders and Decisions
 - (1) Magistrate's Decisions must be accompanied by a Judgment Entry signed by the Judge.
 - (2) Any motion to set aside a magistrate's order or objections to a decision based on a factual finding requires a complete transcript.
 - (3) The party filing the motion or objection must order the transcript when filing. The complete transcript must be filed within 30 days. Failure to do so may result in dismissal.
 - (4) A party has 14 days after the transcript is filed to submit an amended motion or brief.
 - (5) The opposing party has seven days to file a brief in opposition.

Rule 031: Process Servers

- A. An individual or a legal organization, through an authorized agent, may apply to be appointed as a Special Process Server.
- B. The Applicant shall file an Application for an Appointment as a Special Process Server. With each Application, the Applicant shall file an Affidavit which shall aver all of the following:
 - (1) The Applicant is 18 years of age or older;
 - (2) The Applicant will not serve any process in which he or she may be a party in the action;
 - (3) The Applicant has no familial relationship to any party in any action for which he or she may serve process;
 - (4) The Applicant has no felony criminal record in Ohio, in any other state, or the United States;
 - (5) The Applicant will carry out his or her duties in accordance with all applicable Court Rules and the laws of Ohio.
 - (6) If the Applicant is an authorized agency of any legal organization and more than one employee of the organization may serve process for the organization, each additional employee shall be identified and shall satisfy the requirements set forth above as fully as if that person had submitted his or her own signed Affidavit.
 - (7) With each Application and Affidavit, all Applicants shall present an order which shall be reviewed and signed by the Judge or Magistrate.
 - (8) The Clerk shall record the Application and Affidavit when submitted by an Applicant as a miscellaneous civil case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.
- C. Term for a Special Process Server
 - (1) An appointment can be for a single case, terminating when the case ends.

- (2) An appointment can also be as a Standing Process Server for a one-year term. A Standing Process Server must reapply at least 30 days before their term expires to continue.
- (3) Appointed servers may not advertise themselves as the official Process Server for the Court.
- (4) After the Applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time-stamped copy of the signed order to the Clerk to verify his or her appointment.
- (5) If any Standing Process Server seeks to continue any term, he or she shall, not later than 30 days prior to the expiration of the current term, file an Application, Affidavit, and proposed order as herein required seeking to be reappointed for another term.

Rule 032: [Reserved]

Rule 033: Self-Represented (Pro Se) Litigants

- A. Purpose: This rule provides guidance to individuals who choose to represent themselves in proceedings before this Court without the assistance of an attorney. While the Court is committed to ensuring access to justice, self-represented individuals are expected to proceed in the same manner as a licensed attorney.
- B. Definition: A Self-Represented or "Pro Se" Litigant is an individual who appears in court on their own behalf without retaining an attorney.
- C. Acknowledgment of Responsibility:
 - (1) By choosing to proceed without an attorney, a self-represented litigant acknowledges that they are solely responsible for presenting their case. This includes, but is not limited to, filing the correct documents, meeting all deadlines, presenting evidence, and making legal arguments. The Court will not act as an advocate for any party.
 - (2) A Form AC-001 - Notice of Appearance is required from each pro se litigant
 - (3) A Form AC-002 - Waiver of Counsel is required from each pro se litigant
- D. Court Staff Assistance: Court staff, including the Clerk of Courts and their deputies, are strictly prohibited from providing legal advice. They may provide procedural information, such as how to file a document or where to find court forms, but they cannot:
 - (1) Advise on which forms to use or how to complete them.
 - (2) Explain court orders or legal terminology.
 - (3) Recommend a course of action or predict case outcomes.
 - (4) Calculate deadlines for filing.
- E. Compliance with Rules and Law
 - (1) Self-represented litigants are required to know and follow the same rules and laws as attorneys. This includes the Ohio Rules of Civil, Criminal, and Juvenile Procedure, the Ohio Rules of Evidence, the Ohio Revised Code, and all Local Rules of this Court. The Court cannot waive these requirements for any party. Failure to comply may result in sanctions, dismissal of the case, or other adverse rulings.
 - (2) All parties must also adhere to the standards of conduct and decorum outlined in **Local Rule 027**. They must also comply with Local Rule 035: Frivolous Conduct and Vexatious Litigants
- F. Resources and Forms

- (1) The Court provides forms and checklists on its official website, as noted in Rule 003. Self-represented litigants are directed to use these resources. However, the availability of a form does not constitute legal advice or a guarantee of its appropriateness for a specific legal situation.
- (2) To better understand legal terminology used in court proceedings, parties may consult the Glossary of Common Legal Terms available on the Ohio Supreme Court's website.

G. Seeking Legal Advice

- (1) The law is complex, and representing yourself carries significant risk. All parties are strongly encouraged to consult with a qualified attorney to understand their legal rights and options.
- (2) The Court cannot appoint an attorney in most civil matters and cannot recommend a specific attorney.
- (3) Litigants may seek assistance through the **Legal Aid Society** that serves this county or through the **Ohio State Bar Association's lawyer referral service**.

Rule 034: Use of Artificial Intelligence in Court Submissions

- A. Purpose and Scope. This rule governs the use of artificial intelligence (AI) by attorneys and parties in preparing materials for the Adams County Court of Common Pleas. Its goal is to ensure the ethical and accurate use of AI to maintain the integrity of all court filings.
- B. Definitions.
- (1) Artificial Intelligence (AI): Technology using machine learning, natural language processing, or generative models to simulate human intelligence. This excludes traditional legal search engines like Westlaw and LexisNexis or standard word processing software.
 - (2) AI-Assisted Material: Any document or other material submitted to the Court that was prepared, drafted, or significantly influenced by AI.
- C. Disclosure of AI Assistance.
- (1) Requirement: The use of AI-assisted technology in creating any document or evidence submitted to the Court must be disclosed.
 - (2) Method of Disclosure: A Form AC-016 Certification and Disclosure of Artificial Intelligence Use must be attached to or included in the submitted document. The certification must:
 - (a) Identify the type of AI used (e.g., "generative AI for drafting").
 - (b) Describe the AI's role (e.g., "assisted in drafting summary sections").
 - (c) Certify that the attorney has reviewed and verified the accuracy of all AI-assisted material and takes full responsibility for it.
 - (d) For any case citations generated or identified by AI, the attorney must provide the full text of each cited case with the filing to prevent "hallucinations" and allow for verification.
- D. Responsibility and Review.
- (1) Ultimate Responsibility: Attorneys and parties are solely responsible for the accuracy and appropriateness of all materials submitted to the Court. Using AI does not reduce an attorney's obligations under the Ohio Rules of Professional Conduct.

- (2) **Thorough Review:** An independent and thorough review of all AI-assisted materials is required to ensure they meet all legal, factual, and ethical standards. This includes verifying all cited legal authorities and factual claims.
- E. **Sanctions.**
- (1) Violations of this rule can lead to sanctions. Sanctions may include striking the filing, monetary penalties, or other disciplinary actions.
- F. **Education and Awareness.**
- (1) Attorneys are encouraged to stay informed about the capabilities and limitations of AI in legal practice. Additional resources are available from the Ohio Supreme Court's Artificial Intelligence Resource Library.

Rule 035: Frivolous Conduct and Vexatious Litigants

- A. **Purpose.** This rule is intended to prevent the abuse of the judicial process, deter frivolous filings, and maintain the integrity of court proceedings. It provides a framework for the Court to address conduct that serves to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- B. **Frivolous Conduct Defined.** For the purpose of this rule, "frivolous conduct" includes, but is not limited to:
- (1) A filing, motion, or legal argument that is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law. This includes arguments based on theories that have been consistently rejected by state and federal courts.
 - (2) A filing that serves merely to harass or maliciously injure another party.
 - (3) A filing or action that is inconsistent with the relief sought or the purpose of a pending court order, such as a party with a protection order requesting the respondent to engage in prohibited contact.
 - (4) Filing documents that are irrelevant to the legal determination before the Court.
- C. **Court Action on Frivolous Filings .** On the motion of a party or on its own initiative, the Court may take the following actions to address frivolous conduct:
- (1) **Strike Pleadings.** The Court may strike any pleading, motion, or document that it finds to be frivolous or filed for an improper purpose.
 - (2) **Prohibit Future Filings.** In cases of repeated frivolous filings, the Court may issue an order prohibiting a party from filing any further documents or motions in a case without first obtaining leave of the Court.
 - (3) **Sanctions.** The Court may impose sanctions as authorized by Ohio Revised Code § 2323.51, which may include an award of reasonable attorney's fees and court costs to the adversely affected party.
 - (4) **Contempt of Court.** Conduct that violates a direct court order or disrupts court proceedings may result in a finding of contempt, punishable by a fine, incarceration, or both.
- D. **Vexatious Litigator**
- (1) All parties are hereby on notice of Ohio's Vexatious Litigator Statute, R.C. 2323.52. A party who habitually, persistently, and without reasonable grounds engages in frivolous conduct may be declared a "vexatious litigator" by a court of common

pleas. Once so designated, that person is subject to a pre-filing order and may not institute any new legal proceedings in Ohio without first obtaining permission from the court.

Rule 036: Compliance with Senate Bill 174 (136th General Assembly)

A. Purpose and Scope

- (1) Pursuant to the subsequent enactment of Substitute Senate Bill No. 174 by the 136th General Assembly, effective upon approval of the Governor, the Adams County Court of Common Pleas, Juvenile and Domestic Relations Divisions, hereby adopts this rule to align its local rules, procedures, and forms with the statutory amendments to the Ohio Revised Code, specifically regarding the allocation of parenting responsibilities. If there are substantive changes to the bill as passed, these rules shall be construed to adopt the changes as set forth in the effective legislation.

B. Automatic Modification of Terminology

- (1) Wherever the following terms appear in the Local Rules of the Juvenile or Domestic Relations Divisions, on the Court's website, or in any standardized forms currently in use by these Courts, they shall be construed and applied as follows, consistent with the new statutory definitions:
 - (a) "Custody" or "Parental Rights and Responsibilities" shall be construed as "Parenting Responsibilities."
 - (b) "Visitation" (when referring to a parent) shall be construed as "Parenting Time."
 - (c) "Visitation" (when referring to a non-parent) shall be construed as "Companionship or Visitation."
 - (d) "Residential Parent and Legal Custodian" shall be construed as "Designated Parent and Legal Custodian" for the specific legal purposes enumerated in the court order or parenting plan (e.g., school placement, public assistance, tax dependency).
 - (e) "Shared Parenting" shall be construed as an allocation of parenting responsibilities where both parents retain significant rights and responsibilities, consistent with a "Parenting Plan" as defined in R.C. 3109.044.

C. Specific Rule Amendments

- (1) The following provisions of the Rules of the Domestic Relations Division and Rules of the Juvenile Division are hereby deemed amended as follows:
 - (a) Court Costs and Fees Deposit (Rule 200 & Rule 300):
 - (i) In Rule 200 and Rule 300, any fee listed as "Custody New" is amended to read: "Allocation of Parenting Responsibilities New."
 - (ii) In Rule 300, the fee listed as "Unmarried Mother Custody Order" is amended to read: "Unmarried Mother Parenting Order."
 - (b) Allocation of Parental Rights and Responsibilities (Rule 215 & Rule 304):

- (i) The title of Rule 215 (and as incorporated by Rule 304) is amended to "Allocation of Parenting Responsibilities."
 - (ii) All references within Rule 215 to "Shared Parenting Plans" shall be construed as referring to "Parenting Plans" under R.C. 3109.044.
 - (iii) References to "Parenting Time" in Rule 215(C) remain valid but shall be interpreted consistent with the new statutory best interest factors.
- (c) Parentage/Paternity Cases (Rule 306):
- (i) In **Rule 306(B)(3)**, the reference to **R.C. 3109.042** is amended to refer to **R.C. 3109.0424**.
 - (ii) The language in **Rule 306(B)(3)** stating an unmarried mother is the "residential parent and legal custodian" is amended to state she is the "**sole designated parent and legal custodian**" until a court order allocates parenting responsibilities.
- (d) Abuse/Neglect/Dependency Cases (Rule 307):
- (i) In **Rule 307(B)**, references to filing a complaint for "custody" are amended to refer to a complaint for "**allocation of parenting responsibilities.**"
- (e) Custody Proceedings When Both Parents Are Deceased (Rule 315):
- (i) The title of Rule 315 is amended to "Allocation of Parenting Responsibilities Proceedings When Both Parents Are Deceased."
 - (ii) In Rule 315(A), references to a "Complaint/Motion for Legal Custody" are amended to "Complaint/Motion for Allocation of Parenting Responsibilities (Legal Custody)."
- (f) Record Retention (Rule 313):
- (i) In Rule 313(E), references to "Permanent custody, custody... visitation" are amended to read "Permanent custody, allocation of parenting responsibilities... parenting time..."

D. Forms and Filings During Transition

- (1) The Court acknowledges that standard forms provided by the Supreme Court of Ohio and the Adams County Courts are in the process of being updated to reflect these statutory changes.
 - (a) **Acceptance of Filings:** No pleading, motion, or complaint shall be rejected by the Clerk of Courts solely because it uses pre-S.B. 174 terminology (e.g., "Custody Complaint" instead of "Complaint for Allocation of Parenting Responsibilities"), provided the relief sought is otherwise clear and within the jurisdiction of the Court.
 - (b) **Replacement:** As updated forms become available from the Supreme Court of Ohio or are promulgated by this Court, they shall immediately replace the corresponding previous versions. Counsel and pro se litigants are directed to use the most current forms available on the Court's website.

E. Parenting Time Guidelines

- (1) Pursuant to Section 4 of S.B. 174, the Juvenile and Domestic Relations Divisions are reviewing their local standard parenting time guidelines referenced in Rule 215(C). Until such time as new guidelines are formally adopted, the existing "Standard Visitation Schedule" and forms AC-206, AC-207, and AC-214 shall be construed as the "Standard Parenting Time Schedule" and applied in a manner consistent with the best interest factors set forth in R.C. 3109.0430.

Rule 037: **JUDICIAL TRANSITION AND CASE ASSIGNMENT**

- A. Purpose: The purpose of this rule is to provide for the orderly administration of justice, the efficient assignment of cases, and the continuity of court operations following the creation of the additional judgeship for the Adams County Court of Common Pleas pursuant to R.C. 2301.02, effective February 9, 2027.
- B. Transitional Assignment of Cases (February 9, 2027 – February 8, 2029): Effective February 9, 2027, and continuing until February 8, 2029, both judges of the Court of Common Pleas shall hold concurrent jurisdiction over all divisions of the Court. To ensure operational continuity during this period:
 - (1) **Administrative Judge.** The judges shall select an Administrative Judge in accordance with Sup.R. 4. In the event the judges are unable to agree, the Administrative Judge shall be the judge with the longest total service on the Court.
 - (2) **Docket Assignment.** Unless otherwise agreed by the judges or ordered by the Administrative Judge, all cases arising under the Probate and Juvenile statutes (R.C. Chapters 21 and 2151 et seq.) filed on or after February 9, 2027, shall be assigned to the docket of the successor judge elected to the term commencing February 9, 2027.
 - (3) **Transfer of Pending Matters.** All Probate and Juvenile matters pending prior to February 9, 2027, shall be transferred to the docket of the successor judge, subject to the approval of the Administrative Judge.
- C. **Authority of Magistrates** Magistrates appointed by the Court prior to February 9, 2027, shall continue to serve at the pleasure of the Court.
 - (1) **Orders of Reference.** Magistrates shall be assigned to the various divisions of the Court by Order of Reference. During the period of concurrent jurisdiction, all Orders of Reference shall be signed by the Administrative Judge.
 - (2) **Scope of Authority.** A Magistrate may hear any matter pending within the division(s) to which their Order of Reference applies, regardless of which Judge is individually assigned to the specific case.
- D. **Administrative Authority and Court Operations** During the period of concurrent jurisdiction (February 9, 2027 through February 8, 2029), the Administrative Judge shall retain full authority pursuant to Sup.R. 4.01 to supervise the administration, docket, and calendar of the Court. Unless otherwise agreed by the judges, this authority includes:
 - (1) **Personnel.** The employment, supervision, and discharge of all court personnel, including magistrates, bailiffs, and court reporters.
 - (2) **Fiscal Management.** The preparation of court budgets, approval of expenditures, and fiscal administration for all divisions of the Court.
 - (3) **Court Policy.** The promulgation of local rules and administrative orders applicable to the Court as a whole.

- (4) **Court Administrator.** The Court Administrator shall report directly to the Administrative Judge. During the transitional period, the Court Administrator shall continue to oversee daily non-judicial operations for all divisions, facilitating the logistical preparation for the eventual separation of the divisions.
- E. **Probation and Recovery Services** To ensure clear lines of supervision and effective community control during the transitional period:
- (1) **Reporting Structure.** During the period of concurrent jurisdiction, the Adult Probation Department and the Juvenile Probation Department shall report directly to the Administrative Judge.
 - (2) **Recovery Specialists.** All Recovery Specialists shall report directly to the Administrative Judge.
 - (3) **Preparation for Separation.** To prepare for the division separation effective February 9, 2029, Recovery Specialists shall be evaluated for assignment to either the General Division (Adult) or the Probate/Juvenile Division. Prior to the expiration of the transitional period, Recovery Specialists shall be designated specifically as either "Adult Recovery Specialists" or "Juvenile Recovery Specialists," but shall remain under the supervision of the Administrative Judge until the effective date of the division separation.
- F. **Division Separation (Effective February 9, 2029)** Commencing February 9, 2029, pursuant to statute, the assignment of cases and administrative responsibilities shall strictly adhere to the jurisdictional divisions of the Court:
- (1) **General and Domestic Relations Division.** All civil, criminal, and domestic relations matters shall be assigned to the judge elected to the term commencing February 9, 2029.
 - (2) **Probate and Juvenile Division.** All probate and juvenile matters shall be assigned to the judge elected to the term commencing February 9, 2027.
 - (3) **Transfer of Misfiled Cases.** Any case filed in the incorrect division after this date shall be transferred by entry to the appropriate division.

General Division Rules

Rule 100: Table of Court Costs and Fees Deposit

Amount	Description
\$300.00	Deposit for filing all Civil cases including Foreclosures.
\$750.00	Deposit for Jury Trial - to be paid to Clerk when Trial dates are established
\$800.00	Deposit for Order of Sale
\$100.00	Deposit for all motions to reactivate case
\$100.00	Deposit for filing Counter-Claim, or Cross-Complaint, if service is requested
\$100.00	Deposit for Third Party Complaint
\$100.00	Deposit for all Executions (Foreign Judgment, Judgment Debtor Exam)
\$80.00	Deposit for Wage or Bank Garnishment. (Additional \$1 required for bank attachment, payable to Garnishee Bank)
\$100.00	Deposit for Judgment Debtor Exams
\$30.00	Fee for filing Certificate of Judgment
\$5.00	Fee for making Certificate of Judgment
\$5.00	Fee for release of Creditor Lien
\$40.00	Fee for release of Certificate of Judgment, State of Ohio Department of Taxation
\$40.00	Deposit for Foreign Sheriff fee, for service of papers required

- A. In cases transferred to the Common Pleas Court in which the prayer of the counter-claim exceeds the monetary jurisdiction of County Court, the counter-claimant shall post security for costs in a sum equal to the amount required had the case been originally filed in this Court.
- B. In cases where a counter-claim is filed without the posting of the additional security required by this Rule, the Clerk shall immediately notify the person filing such pleadings of the additional security required herein together with a date certain for payment of the deposit and, on the failure of such person to post such additional security for costs as ordered, such counter-claim or cross-claim shall be subject to dismissal by the Court on its own motion.

Rule 101: Motions, Memorandum and Procedure

- A. Motions for Summary Judgment shall be scheduled for non-oral hearing, unless counsel specifically requests oral argument at the time of the filing of the motion. No motions in civil cases, except motions for new Trial, motions for judgment notwithstanding the verdict will be set for oral argument, unless requested by movant, opposing party, or the Court.
 - (1) Motions for Summary Judgment shall be in accordance with Civil Rule 56, and shall be decided WITHOUT oral hearing, unless oral argument is specifically requested, in writing at the time of the filing of the motion, or by defendant immediately upon receipt of the motion, and if determined necessary by the Court. Upon the filing of the motion, the Court will fix a non-oral hearing date, as required by Civil Rule 56C, notice of the date shall be mailed to parties or counsel, or otherwise served by the Clerk of Courts.
- B. Motions for default must contain information regarding proof of service on all defendants and/or counsel. Judgment Entries granting the motions should be provided for consideration of the Court.
- C. Upon receipt of such request from counsel, and at his discretion, the Court may make whatever disposition it feels is proper or may set the matter for oral argument.
- D. Any party who may be adversely affected by such motion may file a memorandum opposing same, and if deemed necessary, the Court may permit the filing of additional memoranda by any interested party. Responsive pleadings must be filed within fourteen days after the initial motion is filed, with reply pleadings due seven days thereafter.
- E. If no request for oral argument is made by any interested party, the same shall be transmitted to the Judge for decision at the conclusion of the time frames as outline hereinbefore.
- F. Memoranda opposing any such motion shall be filed before the same is transmitted to the Court for decision. Failure to file responsive pleading within the time frame above, will require leave of Court for filing such memoranda outside the time frame, and/or after the motion has been transmitted to the Court.
- G. If a decision on the motion has not been made within 30 days after transmitted to the Court, any interested party may request the Judge to set the case for decision on the motion, who shall notify any counsel of record of such setting.

- H. Any motion and memorandum which is not promptly served on opposing counsel after the filing thereof shall be subject to being stricken from the files.
- I. To assure compliance with Civil Rule 56C, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact to support, or oppose a motion for summary judgment shall be (1) separately filed with the Clerk or, (2) if attached to the motion or memorandum, the caption shall so state, i.e. "... including affidavit of _____". Documents which are not expressly mentioned in Civil Rule 56C shall be attached to an affidavit and filed. Failure to file any document as provided herein may result in its exclusion by the Court.
- J. Remote Appearances for Motion Hearings
 1. **Request for Remote Testimony:** Pursuant to Civ.R. 43, any party or witness seeking to appear or present testimony remotely by audio or video conference must file a written request or motion. Form AC-011 Motion and Entry for Appearance by Audio/Video
 2. **Deadline:** The request must be filed **no later than thirty (30) days** before the scheduled hearing or trial, unless a different deadline is established in the Case Scheduling Order.
 3. **Good Cause:** The Court may permit remote appearances for good cause shown, considering the convenience of the parties/witnesses, the cost, and the nature of the proceeding.
 4. **Technical Requirements:** The requesting party is responsible for ensuring the witness has adequate technology to participate effectively.

Rule 102: Journal Entries

- A. Unless the Court otherwise directs, COUNSEL FOR PARTY IN WHOSE FAVOR AN ORDER, DECREE OR JUDGMENT IS RENDERED, SHALL, WITHIN SEVEN (7) DAYS prepare the proper journal entry, and submit it to counsel for the adverse party, who shall approve or reject the same. When the entry is approved by counsel, it shall be so endorsed and returned to the Court for approval within FOURTEEN (14) DAYS and if signed, then be filed with the Clerk.
- B. If counsel to whom a journal entry is submitted does not agree with the entry as submitted, such counsel shall request a hearing before the Court, within seven (7) day after the proposed entry is mailed or otherwise submitted to him. At such hearing, the Trial Judge shall direct what entry shall be made. On the failure of opposing counsel to request a hearing as provided herein, the Trial Judge may approve the entry as originally submitted without the endorsement of such opposing counsel and, if signed by him, such entry shall be then filed with the Clerk.
- C. Notwithstanding the above, the Trial Judge may cause a proper entry to be prepared and filed without submission or notice to counsel, or take such other action as Trial Judge deems appropriate under the circumstances and, in the event counsel fail to present an entry within fourteen days after the order, decree or judgment is rendered (no request for a hearing as provided in sub-paragraph B of this Rule having been made), the Trial Judge shall cause the proper entry to be prepared and filed without submission or notice to counsel.
- D. All entries shall contain the signature of counsel preparing and/or approving said entries.

- E. The Clerk shall serve upon all parties, or their counsel, a copy of all entries approved by the Court which do not include the signature thereon of the party or his counsel. Such entries shall be mailed by the Clerk no later than three days after approval by the Court.
- F. All final judgment entries shall provide for the payment of Court costs of the matter to be taxed to one or both parties; entries shall not provide that the costs be taxed to deposit.
- G. ALL "Agreed Entries" MUST BE SIGNED BY ALL PARTIES AND COUNSEL INVOLVED IN THE LITIGATION. Further, this Court REQUIRES a short hearing, on record on all agreed Entries.

Rule 103: (reserved)

Rule 104: Partition of Real Estate, Attorney Fees & Election

- A. The attorney (or attorneys collectively) for plaintiff(s) in an action in this Court for partition of real estate, pursuant to ORC 5307.01 to 5307.25, inclusive, who have rendered complete services in connection with such partition litigation shall be allowed and receive full compensation for all ordinary services as fee (as counsel fee) in accordance with ORC 5307.25, predicated either upon the value of the property based on the true value indicated by the Auditor's last tax appraisal as shown by his duplicate, if partitioned, or upon proceeds of sale (by either Sheriff Sale or by election), if sold:
 - (1) On the first \$10,000 6%
 - (2) On the next \$10,000 4%
 - (3) On the next \$10,000 2.5%
 - (4) Minimum Fee \$750.00
- B. In the event an allowance for actual and necessary expenses, additional compensation, or compensation for extraordinary services is sought by such attorney(s) in such partition action (over and above counsel fee contemplated in A above), the request for an allowance therefore must be made in writing to the Judge to whom the case is assigned, and shall be fixed by such Judge in such amount as is just and reasonable for actual and necessary expenses, and for extraordinary services.
- C. If an action for partition is terminated other than upon the merits, the Court may allow and may apportion among the parties a counsel fee for the attorney for the plaintiff, to be taxed as costs in the action. Such fee shall be for the reasonable value of such attorney's services, commensurate with the time and labor required, and expenses, the novelty and difficulty of the questions involved, and the skill requisite to perform the service properly through the date of such termination.
- D. Election in partition cases shall be filed with the Clerk within seven days of the date of the return of the sheriff, and report of the commissioners. No election filed after such date shall be considered, and the Court will not act on any election prior to the expiration of such seven day period, unless the consent of all parties to the action is obtained.

Rule 105: Foreclosure Proceedings

A. Initial Filing

- (1) Complaint:
 - (a) No "John Does" without an address.
 - (b) Adams County Treasurer must be named a party. Correct parcel number(s) stated in the caption.
 - (c) Mortgage & Assignment, if any, must be attached as exhibits. (If the name of the plaintiff does not correspond with the name of the lender on the note and mortgage, the subsequent assignment indicating that the plaintiff is, in fact, the party of interest must be attached as an exhibit. If the assignment has not yet been recorded, plaintiff may file a Notice of Filing with the Clerk at a later date to bring the case file current).
 - (d) ALL LEGAL DESCRIPTIONS MUST BE FIRST APPROVED BY THE COUNTY TAX MAP DEPARTMENT, PRIOR TO BEING PLACED IN A NEWSPAPER FOR ADVERTISEMENT FOR SALE. If not approved, an appropriate motion should be filed with the Court to address the issue presented.
- (2) Praecipe for Service:
 - (a) In the event that service by publication is necessary, the party requesting such service shall make necessary arrangements with the newspaper for publication, pay the costs thereof to the newspaper, and direct the publisher to file proof of publication with the Clerk of Courts. Exception, see ORC 2323.31.
- (3) Preliminary Judicial Report (PJR), Final judicial Report & Title Commitment (R.C. 2329.191)
 - (a) Plaintiff shall file a PJR from an independent, disinterested attorney addressed to the Adams County Court of Common Pleas.
 - (b) NO TITLE INSURANCE COMMITMENTS will be accepted or bills for same paid. The designation of the Attorney appointed to certify the proceedings is to be filed with the complaint.
- (4) Initial Court Costs:
 - (a) Deposit is to be included at the time of the initial filing.
- (5) Duplicate Foreclosures:
 - (a) The Court is experiencing foreclosure actions being filed on behalf of the same plaintiff, regarding the same real property by two or more separate law firms. Plaintiff's counsel is to check the Court's docket prior to filing, for duplicate cases pending on behalf of plaintiff on the same property.

B. Interim Matters:

- (1) Case Management: The case will be administratively dismissed, with no further notification where either of the following applies:
 - (a) Service is complete, and defendant is in default for longer than 40 days with no further action taken by plaintiff; or
 - (b) Plaintiff's attorney is notified of failure of service of summons for 30 days with no further action to advance the case appearing on record.
- (2) In the event a case is placed on a "drop list", the action may be saved from dismissal only by presentation of a proper motion, and order, APPROVAL BY THE COURT

prior to the date set for the dismissal. Such motion and order must address the deficiency in the case file, and state a reasonable date certain for compliance. Such requests will be granted at the sole discretion of the Court.

C. Notice of Appearance/Substitution of Counsel:

- (1) Any attorney appearing in a case after the initial documentation has been filed, shall file a Notice of Appearance identifying the party on whose behalf the attorney is appearing.

D. Motions:

- (1) Any motion requesting action by the Court, shall be accompanied by a "PROPOSED ENTRY".

E. Entries:

- (1) ALL entries presented to the Court for signature, shall contain the approval of all representatives of parties, the attorney, and the prosecuting attorney, or his/her assistant NOT simply saying "submitted" or "circulating for approval" on the signature line BUT bearing the actual signature of the approval individual. The attorney requesting the Court's approval of the entry must obtain the approval(s) of those required to sign.
- (2) It is NOT the responsibility of Clerk of Courts, Foreclosure Facilitator or the Court's staff to obtain signatures on entries.

F. Buyers Premium

- (1) A buyers premium shall not be permitted in foreclosure actions.

G. Order of Sale:

- (1) After an Entry for Order of Sale is entered, plaintiff's attorney must file a Praecipe for Order of Sale with the Clerk, to obtain issuance of the requested order.

H. Contested Matters

(1) Bench Trial:

(a) If an Answer or other responsive pleading is timely filed in response to the summons/complaint, the case will be set for a Bench Trial at the earliest date convenient with the Court's schedule.

(b) Plaintiff's attorney shall appear in person at any scheduled proceeding, unless said appearance is waived by the Court. Once a case has been set for Trial, only an AGREED ENTRY and Decree of Foreclosure bearing all requisite signatures presented to AND APPROVED BY THE COURT by 4:00 P.M. on the preceding business day will be accepted in lieu of Trial. Absent the appearance of such Entry on the docket by the time prescribed above, the failure of plaintiff to appear at Trial will result in dismissal of the case for want of prosecution.

(2) Evidence:

(a) Evidence in support of the allegation must be presented at Trial. Affidavits will not be accepted in place of real evidence.

(3) Motions for Summary Judgment:

(a) As is the procedure of this Court, a Pretrial order establishing deadlines for filing motions, discovery, and Trial are set. The Court WILL NOT accept motions for summary judgment filed after the deadline date, unless counsel files special request and has the prior approval of the Court.

(b) Motions for Summary Judgment are set for NON-ORAL hearing, unless counsel specifically requests, in writing, that oral argument be scheduled.

Rule 106: Sheriff's Sales

- A. In every Sheriff's Sale of real property in this County, the purchaser, except where the first lien holder (after the lien of costs, taxes and assessments, is the purchaser as soon as his bid is accepted, - shall be required to deposit, in cash or by check payable to the Sheriff, a sum as set forth in R.C. 2329.211. The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of the sale.
- B. In the event a purchaser fails to pay the balance due on the purchase price within said thirty (30) days after the date of sale, he shall be in contempt of this Court, and the Sheriff shall forthwith cause a citation to be issued commanding such default purchaser to appear before a Judge of this Court, and show cause why he should not be punished. Upon a finding of guilt or contempt, the Court proceeds in accordance with ORC 2327.04.
- C. In the event that a party shall register a bid at a Sheriff's Sale, and such bid is accepted by the Sheriff as the successful bid, and said party offering said bid fails to deposit in cash or by check payable to the Sheriff ten percent (10%) of the amount of such accepted bid, he shall be in contempt of this Court, and the Sheriff shall forthwith withdraw said parcel from sale, and return the order of sale without execution and shall forthwith commence the same action as related to purchasers failing to pay the balance due on a purchase as set forth in paragraph B herein.
- D. Sheriff's Sales of real property shall be routinely conducted on Mondays, unless special arrangements are made with the Sheriff in advance of the first publication. Not more than one week from the date of sale, the Sheriff shall make his return to the Court, and have the sale confirmed and deed ordered. Motions for confirmation of sale shall normally be considered ex parte in nature, and no hearing shall be had on the confirmation, unless a request for hearing is filed by any interested party within one week from the date of sale.
- E. Following confirmation of sale, the Sheriff shall cause his deed to the purchaser to be prepared, usually by Plaintiff's Attorney. Such deed shall be prepared in conformity to ORC 2329.36, and shall be delivered to the purchaser upon payment of the full purchase price. In the event that the purchaser is the first lien holder, after the lien of costs, taxes, and assessments, such deed shall be delivered upon payment to the Sheriff of all costs, taxes and assessments, providing the purchase price bid at sale, allows for costs, taxes and assessments is equal to or less than the amount to which such first lien holder would be entitled to receive on distribution of sale proceeds.
- F. Appraisal Fees
 - (1) Appraisal fees for property situated in this County shall be taxed as court cost in the amount of \$50.00 per appraisal for each appraiser submitting a return.
 - (2) On all appraisals where the appraised value exceeds \$50,000.00, each appraiser shall receive \$1.55 for each \$5,000.00, or fraction thereof, in excess of said amount, provided that in considering appraisals on commercial property the Court may for good cause shown, award fees in excess of the scale hereinbefore enumerated.

G. Preliminary Judicial Report (PJR) or Final judicial Report & Title Commitment (R.C. 2329.191) set forth below for convenience.

A. *As used in this section, "title insurance company" has the same meaning as in section 3953.01 of the Revised Code.*

B. *In every action demanding the judicial sale of residential real estate consisting of one to four single-family units, the party seeking that judicial sale shall file with the clerk of the court of common pleas within fourteen days after filing the pleadings requesting relief a preliminary judicial report on a form that is approved by the department of insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company or by a title insurance company that is authorized by the department of insurance to transact business in this state. The preliminary judicial report shall be effective within thirty days prior to the filing of the complaint or other pleading requesting a judicial sale and shall include at least all of the following:*

(1) A legal description of each parcel of real estate to be sold at the judicial sale;

(2) The street address of the real estate or, if there is no street address, the name of the street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate;

(3) The county treasurer's permanent parcel number or other tax identification number of the real estate;

(4) The name of the owners of record of the real estate to be sold;

(5) A reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate;

(6) A description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included;

(7) The name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder.

Prior to submitting any order or judgment entry to a court that would order the sale of the residential real estate, the party submitting the order or judgment entry shall file with the clerk of the court of common pleas a final judicial report that updates the state of the record title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens and includes a copy of the court's docket for the case. The cost of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court shall be taxed as costs in the case.

C. *In every action demanding the judicial sale of residential real estate consisting of more than four single-family units or of commercial real estate, the party seeking that judicial sale shall file with the clerk of the court of common pleas within*

fourteen days after filing the pleadings requesting relief either a preliminary judicial report or a commitment for an owner's fee policy of title insurance on the form approved by the department of insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company. Division (B) of this section applies if the party seeking the judicial sale files a preliminary judicial report. If the party seeking the judicial sale files a commitment for an owner's fee policy of title insurance, the commitment shall have an effective date within fourteen days prior to the filing of the complaint or other pleading requesting a judicial sale and shall contain at least all of the information required in divisions (B)(1) to (7) of this section. The commitment shall cover each parcel of real estate to be sold, shall include the amount of the successful bid at the judicial sale, shall show the purchaser at the judicial sale as the proposed insured, and shall not expire until thirty days after the recordation of the deed by the officer who makes the sale to that purchaser. After the officer's return of the order of sale and prior to the confirmation of the sale, the party requesting the order of sale shall cause an invoice for the cost of the title insurance policy, commitment cost related expenses, and cancellation fees, if any, to be filed with the clerk of the court of common pleas. The amount of the invoice shall be taxed as costs in the case. The purchaser at the judicial sale may, by paying the premium for the title insurance policy, obtain the issuance of title insurance in accordance with the commitment.

- H. THIS RULE SHALL NOT APPLY TO ANY FORECLOSURE BROUGHT BY THE STATE OF OHIO, ADAMS COUNTY, A MUNICIPAL CORPORATION OR ANY GOVERNMENTAL AGENCY.

Rule 107: Procedure on Executions

- A. Upon the filing of a praecipe for writ of execution, pursuant to ORC 2923.09.1(A), the Clerk shall issue to the Sheriff a notice of the proceeding, for service on the defendant. Such notice shall be in proper form in accordance with ORC 2329.091(B).
- B. The notice of the proceeding required by division A of this Rule, and the request for hearing form required by 2329.091(B), shall be served on the defendant in duplicate by the Sheriff at the time of the first levy of execution, if the defendant is present at the place of execution at such time or can otherwise be found. If the defendant is not at the place of the first levy of execution or cannot otherwise be found, the Sheriff shall leave a copy of the notice of the proceeding and the request for hearing at the place of the first levy of execution.
- C. Not later than 4:00 P.M. of the next business day following the first levy of execution, the Sheriff shall make return of his service of the notice of the proceeding, and the request for hearing form to the Clerk of Court from which such execution was issued. If the return of the Sheriff indicates a failure of service, the Clerk of Court shall thereafter cause the notice of the proceeding and the request for hearing form to be served on the defendant at his last known address by ordinary or regular mail service. The defendant shall be deemed to have been served on the date of mailing.
- D. A defendant may receive a hearing on an execution proceeding by delivering a written request for hearing to the Clerk of Courts within five (5) business days after service of the

notice of the proceeding upon him. If a written request for a hearing is not received by the Clerk within the prescribed time, the defendant shall be deemed to have waived his right to a hearing as set forth herein.

- E. If a defendant requests a hearing as set forth in division D. of this Rule, the Court shall schedule a hearing within ten (10) business days of the receipt by the Clerk of Court of the request for hearing from the defendant, and shall cause notice of such hearing to be sent to both the defendant and the plaintiff by ordinary mail at least seven days prior to the scheduled hearing.
- F. The provisions of this Rule shall be in addition to, and not in lieu of, all other requirements and procedures contained in the Ohio Revised Code on the subject of executions against property. As of the effective date of any conflicting procedures on execution which may hereafter be enacted into law in this State, this Rule shall be deemed to have been impliedly repealed.

Rule 108: Removed (Medical Malpractice Arbitration):

- A. This rule was based on a state law that required mandatory arbitration of medical malpractice claims. The Supreme Court of Ohio declared that law unconstitutional.

Rule 109: Criminal Cases

- A. Indigent Defendants -
 - (1) Pursuant to an agreement to participate in the multi-county branch of the Office of the Public Defender entered into between the Adams County Commissioners and the Office of the Ohio Public Defender, the appointment of counsel for indigent defendants will be made to the Office of the Public Defender.
 - (2) In the event of a conflict, and the Office of the Public Defender is unable to represent the indigent defendant, appointment of private counsel for the defendant will be made to qualified attorneys who desire and are willing to undertake such defense. Any attorney desiring such appointments shall so indicate to the Assignment Commissioner of the Court. Before counsel is appointed, each alleged indigent defendant must file an affidavit of indigency setting forth the facts thereof, and the amount of any payment made and to who, for legal representation in the matter to date.
 - (3) A schedule of fees for the defense of indigent persons, not amenable to defense by the Office of the Public Defender, has been established by resolution of the Board of County Commissioners.
 - (4) All requests by counsel for payment of fees on indigent defendant cases shall be made within 30 days after the filing of the final entry.
- B. Disclosure of Assets: All defendants shall make full disclosure of all assets of said defendant to the probation department during the pre-sentence investigation. The disclosure of such assets shall be provided to the Prosecuting Attorney to use in collecting fines.

- C. Criminal counsel shall be present in Court no later than 15 minutes prior to the scheduled commencement of any hearing for purposes of entering a plea, and no later than 30 minutes prior to the commencement of Trial, whether to the Court or to Jury.
 - (1) It is a requirement of this Court, that ALL defendants be drug tested prior to any hearing. For this reason, defendants are to appear 30 minutes prior to hearing, in order that said testing be complete prior thereto.
- D. Defendants shall follow conditions of bond set forth by this court. A copy of said conditions shall be filed with each bond.
- E. All criminal defendants shall be present at all proceedings before the Court, whether Pretrial, informal or formal hearings, or Trials. All defense counsel shall notify their clients of this requirement.
- F. Case Management
 - (1) When a summons is issued on an indictment, the Clerk of Court shall contact the Assignment Commissioner to obtain a date and time for an arraignment, which date and time shall be placed on the summons. Should there be a failure of service upon the defendant of the summons, the Prosecutor's Office shall request alternative service or provide better address to the Clerk of Court within a reasonable time.
 - (2) When a defendant is arrested on a warrant on indictment, the Sheriff's Department, as soon as possible, shall notify the Prosecutor's Office, and the Prosecutor shall in turn contact the Assignment Commissioner to obtain an arraignment date for the defendant. Said hearing should be within 72 hours of arrest of the defendant, if possible, or the next available Court date close to that period of time.
 - (3) If a guilty plea is entered at arraignment, a pre-sentence investigation (if applicable) shall be ordered and the bailiff, or in his absence, the court reporter, shall complete a Court Referral form, and deliver same to the Probation Department, informing them of the same. The case file should then be delivered to the Assignment Commissioner to set for sentencing, if one has not already been scheduled.
 - (4) If a not guilty plea is entered at arraignment, the case file shall be delivered to the Assignment Commissioner for scheduling of future hearings.
 - (5) If the defendant is found to be indigent, and counsel is appointed at the arraignment, the bailiff shall notify the counsel so appointed. The Clerk's office shall make a copy of the pleadings and provide same to counsel as soon as possible.
 - (6) At the initial Pretrial conference, counsel shall inform the Court whether or not this case should be set for a change of plea or will proceed to Trial. If the same is to be set for Trial, time limits shall be established for filing of motions, etc..
 - (7) Following the initial Pretrial conference, the case file shall be delivered to the Assignment Commissioner for appropriate assignment of hearings, unless same have been previously established. If a Trial has been scheduled, the Assignment Commissioner will try to schedule the final Pretrial three weeks prior to the Trial.
 - (8) All plea bargain negotiations MUST be accomplished no less than three weeks prior to Trial, in order to determine whether or not a jury is to be called in. If no plea bargain is struck, the defendant must proceed to Trial or plead as charged.
 - (9) **IT IS THE RESPONSIBILITY OF COUNSEL TO ADVISE THE ASSIGNMENT COMMISSIONER IF A TRIAL WILL TAKE MORE THAN TWO DAYS**

- (10) If a person held in jail charged with an indictable offense is not indicted at the term of Court at which he is held to answer, the Court may dismiss such case on its own motion, unless ORC 2939.24 (A)(B)(C) (D) and (E) apply. When the accused is out on bond and has been bound over to a grand jury, and no final action is taken by the grand jury within 60 days after the date of bindover, the Court may dismiss the charge unless for good cause shown the Prosecuting Attorney is granted a continuance for a DEFINITE period of time. (Superintendence Rule 8).

G. Procedure for Competency and Sanity Evaluations

- (1) **Raising the Issue:** The issue of a defendant's competence to stand trial or a plea of not guilty by reason of insanity may be raised by the Court, the prosecuting attorney, or counsel for the defendant at any time. A written motion is preferred and shall set forth the specific reasons for questioning the defendant's mental state.
- (2) **Order for Evaluation:** Upon raising the issue, the Court shall order one or more evaluations of the defendant's present mental condition. The Court's order shall:
 - (a) Appoint a certified forensic psychologist or psychiatrist from the Court's approved list, or refer the defendant to a certified forensic center.
 - (b) Specify whether the evaluation is for competency to stand trial, sanity at the time of the offense (NGRI), or both.
 - (c) Direct the examiner to prepare a written report consistent with the requirements of the Ohio Revised Code.
- (3) **The Evaluation Report:** The written report of the examiner shall be filed with the Clerk of Courts within thirty (30) days of the Court's order, unless an extension is granted for good cause. The Clerk shall provide copies of the report to the Court, the prosecuting attorney, and defense counsel. The report shall not be considered a public record.
- (4) **Hearing:** The Court shall conduct a hearing on the issue of competency or sanity within ten (10) days after the filing of the evaluation report, unless continued for good cause.
- (5) **Costs:** The costs of the evaluation shall be taxed as part of the court costs in the case. If the defendant is found to be indigent, the costs shall be paid by the county.

Rule 110: Judgments Upon Warrant of Attorneys to Confess

- A. Judgments by confession, upon a warrant of attorney, will not be entered in the absence of the defendant, except upon proof, satisfactory to the Court, of the signature of the maker upon the warrant of the attorney, or other instrument upon which judgment is sought to be taken. As a condition precedent to the entering of the judgment, the original warrant of attorney shall be produced in open Court, and the Court shall satisfy itself that the warning required by 2323.13 of the Ohio Revised Code appears on the instrument upon which judgment is sought to be taken, if such instrument was executed on or after January 1, 1971. Immediately upon entering a judgment by confession, upon a warrant of attorney, the Court shall cause to be sent to the defendant a certified letter, return receipt requested, mailed to him at the address set forth in the complaint, notifying the defendant of the entry of judgment against him, in accordance with ORC 2323.13.C.

Rule 111: Jury Service and Management

A. Opportunity for Service

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.
- (2) Jury service is an obligation of all qualified citizens of Adams County.

B. Jury Source List

- (1) Pursuant to Court order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service. The Jury Commissioners shall then receive a digital file from the Board of Elections, pursuant to ORC 2313.06. Due to the fact that the annual jury list must be compiled by the first Monday of August of each year, the Board of Elections shall deliver the list to the Jury Commissioners by no later than May 15th of each year (ORC 2313.08).
- (2) The jury source list shall be representative, and should be as inclusive of the adult population in the jurisdiction as is feasible.
- (3) The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population as is feasible.
- (4) Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, the appropriate corrective action shall be taken.

C. Random Selection Procedures

- (1) The jury source list from the Board of Elections shall be uploaded and populated into the Common Pleas Court Computer System and arranged in alphabetical order by voting precinct. In accordance with the key number, names shall be selected from each voting precinct and entered in the Court computer system. Said persons shall be mailed questionnaires to determine their eligibility for jury duty during the next year. If the Jury Commissioners personally know that any of said persons would be ineligible for jury duty due to death, relocations, etc., they may list them as executed and not send a questionnaire in the interest of cost- effectiveness.
- (2) Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

D. Eligibility for Jury Service

- (1) All persons shall be eligible for jury service except those who:
 - (a) Are less than 18 years of age;
 - (b) Are not citizens of the United States;
 - (c) Are not residents of the jurisdiction in which they have been summoned to serve, to wit: ADAMS COUNTY, OHIO
 - (d) Are not able to communicate in the English language;
 - (e) Have been convicted of a felony, and have not had their civil rights restored.

E. Term of and Availability for Jury Service

- (1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

- (2) Jurors shall be "on call" for the entire four (4) month term. They do not report every day; notification shall be for a specific date and jurors shall be called on rotating basis by number, i.e., call 40 to 60, OR sufficient number as indicated by the Court, at a time. The Common Pleas Court has implemented a telephone system whereby jurors call to hear a message which informs them of any changes in jury service.

F. Exemption, Excuse and Deferral

- (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.
- (2) Prospective jurors are excused for the following reasons:
 - (a) Over the age of 80, and request to be excused
 - (b) Financial hardship
 - (c) Personal or family illness
 - (d) Childcare hardship
 - (e) Full-time college student
 - (f) Military service
- (3) Exemptions are as Follows:
 - (a) Military service, full-time college student; Relocated residence outside county; Doctor certificate for illness
 - (b) Prospective jurors are to be rescheduled for the following reasons
 - (i) Vacation
 - (ii) Employment hardship
 - (iii) Part-time student

G. Voir Dire

- (1) Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- (2) To reduce the time required for Voir Dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which the jury selection is to begin.
- (3) The Trial Judge shall conduct a preliminary Voir Dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- (4) The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the Voir Dire process.
- (5) In criminal cases, the Voir Dire process shall be held on the record. In civil cases, the Voir Dire process shall be held on the record, unless waived by the parties.
- (6) Rules of Voir Dire:
 - (a) The case may not be argued in any way while questioning of jurors
 - (b) Counsel may not engage in efforts to indoctrinate jurors instructions
 - (c) Jurors may not be questioned concerning anticipated or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence
 - (d) Jurors may not be asked what kind of verdict they might return under any circumstances
 - (e) Questions are to be asked collectively of the entire panel whenever possible.

H. Removal from the Panel for Cause

- (1) If the Judge determines during the Voir Dire process that any individual is unable, or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.
- I. Peremptory Challenges
- (1) Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio, and applicable statutory authority.
- J. Administration of the Jury System
- (1) The responsibility for administration of the jury system shall be vested exclusively in the Adams County Common Pleas Court.
 - (2) All procedures concerning jury selection and service should be governed by Ohio Rules of Court, and ORC Chapter 2313.
- K. Notification and Summoning Procedures
- (1) The notice summoning a person to jury service should be:
 - (a) Phrased so as to be readily understood by the individual who may be unfamiliar with the legal and jury systems
 - (b) Delivered by ordinary mail initially and subsequent notification may be by phone or letter from the Court, or the Sheriff's Department
 - (c) A summons should clearly explain how and when the individual must respond, and the consequences of a failure to respond.
 - (2) The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening, and should request only that information essential for:
 - (a) Determining whether a person meets the criteria for eligibility
 - (b) Providing a basic background information ordinarily sought during Voir Dire examination, and
 - (c) Efficiently managing the jury system
 - (3) Policies and procedures should be established for monitoring failure to respond to summons and for enforcing a summons to report for jury service.
 - (4) A notification letter is delivered to prospective jurors via ordinary mail. Jurors who fail to report after being summoned are scheduled for a contempt hearing to inform the Judge as to why they did not appear. Sanctions are imposed as warranted.
- L. Monitoring the Jury System
- (1) The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:
 - (a) The representativeness and inclusiveness of the jury source list
 - (b) The effectiveness of qualification and summoning procedures
 - (c) The responsiveness of individual citizens to jury duty summons
 - (d) The efficient use of jurors, and
 - (e) The cost-effectiveness of the jury management system
- M. Juror Use
- (1) The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.

- (2) The Court shall determine the minimally sufficient number of jurors needed to accommodate Trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

N. Jury Facilities

- (1) The Court shall provide an adequate and suitable environment for jurors.
- (2) The entrance and registration area shall be clearly identified and appropriately designed to accommodate daily flow of prospective jurors to the Courthouse.
- (3) Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
- (4) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

O. Juror Compensation

- (1) Persons called for jury service should receive a reasonable fee for their services, pursuant to statutory authority.
- (2) Such fees shall be paid promptly.
- (3) Employers SHALL be prohibited from discharging, laying-off, denying advancement opportunities, or otherwise penalizing employees who miss work because of jury service. ORC - 2313.19

P. Juror Orientation and Instruction

- (1) The Court shall provide some form of orientation or instructions to persons called for jury service.
- (2) The Trial Judge should -
 - (a) Give preliminary instructions to all prospective jurors
 - (b) Give instructions directly following empanelment of jury to explain the jury's role, and Trial procedures, including note taking, questioning by jurors, the nature of evidence, and its evaluation, the issues to be addressed and basic relevant legal principles
 - (c) Prior to commencement of deliberations, instruct the jury on the law, the appropriate procedures to be followed during deliberations, and on the appropriate method of reporting the results of the deliberations. Such instructions should be made available to the jurors during deliberations
 - (d) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system
 - (e) Utilization of written instructions is preferable
- (3) Before dismissing a jury at the conclusion of a case, the Trial Judge should:
 - (a) Release the jurors from their duty of confidentiality
 - (b) Explain their rights regarding inquiry from counsel or the press
 - (c) Either advise them that they are discharged from service, or specify where they are to report
 - (d) Express appreciation to the jurors for their service, but not express approval or disapproval of the result of deliberation
- (4) Implicit Bias Instruction

(a) The Court may provide the jury with instructions on implicit bias. This instruction may be given during *voir dire*, as part of the preliminary instructions, or with the final instructions to the jury. The purpose of this instruction is to raise awareness of unconscious biases and to assist jurors in reaching a fair and impartial verdict based solely on the evidence presented.

Q. Jury Size and Unanimity of Verdict

(1) Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

R. Jury Deliberations

(1) Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making, and shall conform with existing Ohio law.

(2) The Judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

(3) A jury should not be required to deliberate after a reasonable hour, unless the Trial Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice.

(4) Training should be provided to Court personnel who escort and assist jurors during deliberation.

S. Sequestration of Jurors

(1) A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influence.

(2) THE JURY SHALL BE SEQUESTERED AFTER A CAPITAL CASE IS SUBMITTED TO THE JURY IN CONFORMITY WITH EXISTING OHIO LAW.

(3) The Trial Judge shall have the discretion to sequester a jury on the motion of counsel, or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

(4) Standard procedures should be promulgated to -

(a) Achieve the purpose of sequestration and jurors

(b) Minimize the inconvenience and discomfort of the sequestered

(5) Training shall be provided to personnel who escort and assist jurors during sequestration.

T. Adoption of These Rules by the Adams County Court

(1) The Adams County Court is hereby permitted to adopt and incorporate this Jury Services and Management Plan of the Adams County Court of Common Pleas into its Rules of Court, as it uses the venires of the Adams County Common Pleas Court in its jury Trials, and in the interest of cost-effectiveness and simplification.

Rules of the Domestic Relations Division

Rule 200: Court Costs and Fees Deposit

Amount	Description
\$300.00	"Initial deposit for filing Divorce, Dissolution, or Annulment cases (without children)."
\$350.00	"Initial deposit for filing Divorce, Dissolution, Custody, or Annulment cases (with children)."
\$100.00	Initial deposit for all post-decree motions to reactivate case
\$100.00	"Initial deposit for filing Answer, Reply, or other responsive pleading, if service is requested"
\$40.00	"Deposit for Foreign Sheriff fee, for service of papers required"
\$500.00	"Initial deposit to be paid by REQUESTING party, at the time of filing the request for divorce investigation on all contested custody matters, if both parties are residents of Adams County. If either party is a non-resident, the costs shall be determined by the Court. If an investigation is required by the Court, each party is required to deposit ½ of the required amount."
\$750.00	"Initial deposit, at the time of filing Motion & Entry for the appointment of a Guardian Ad Litem (GAL). The Court may allocate all, none, or part of the fees of the GAL to either party. An investigation will not proceed until the initial deposit is made to the Clerk."

- A. A final decree in a dissolution or uncontested divorce may not be issued until the Court Costs have been paid.
- B. Court costs not paid from prior litigation must be paid before any new motion may be filed.

Rule 201: Change of Venue

- A. Before the Court will consider a request to accept venue from another Ohio court where a final decree has not been filed, the moving party must provide the following:

- (1) Filing of a certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) Transfer of the entire file from the Clerk of Courts in the original county to the Adams County Clerk of Courts.
- B. Before the Court will consider a request to accept venue from another Ohio court after a decree has been filed, the moving party must provide the following:
- (1) A certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) A certified copy of the final decree and any subsequent entries modifying the final decree from the Clerk of Courts in the original county to the Adams County Clerk of Courts.
- C. If a party seeks to change venue from this Court to another Ohio court, he/she must file a motion with this Court requesting change of venue and setting forth the reasons for the request.

Rule 202: Motions, Memoranda, and Procedure

- A. The Court maintains checklists on www.adamscountycourts.com for the filing of initial and post decree matters. All parties and counsel shall provide all filings requested by the checklist. Failure to do so may result in the Clerk not filing the submitted documents and/or dismissal by the Court.

Rule 203: Continuances

- A. In the event a request for continuance is made in a Domestic Relations matter where a motion has been filed for temporary custody, support, and/or alimony, the Court may grant temporary orders in such matter upon proper affidavits filed by the parties pending the scheduling of a full hearing on the motion.

Rule 204: Dismissals and Inactive Cases

- A. Complaints for Divorce, Legal Separation, Annulment, or post decree motions will be set for dismissal if service is not made on the opposing party within six months. A complaint or motion will be dismissed without prejudice after six months unless the filing party can show good cause why service was not made within six months and that service can be made within a reasonable period.
- B. Dismissals of a Domestic Violence Civil Protection Order must comply with R.C. 3113.31.

Rule 205: Mediation

- A. Mediation shall be as set forth in Rule 006:

Rule 206: Ex-Parte Orders

- A. Ex-parte orders for temporary custody, support, alimony or for civil protection orders SHALL NOT BE GRANTED by the Court, except on the showing by affidavit of extreme emergency. If it is alleged a child is at risk of harm, the person with knowledge should contact Adams County Children's Services and they shall proceed according to law.
- B. Such affidavit shall describe the situation with specificity. Whenever an ex-parte order is requested, should the Court deem necessary, the party making such request shall be

available to the Court for examination under oath, on the record, regarding the emergency. In the event the Court finds there is an emergency which warrants the ex-parte orders, the matter shall be set for further hearing no later than 72 hours after the order is issued, or the next available Court date as close to the 72 hour period as is possible. Counsel SHALL adjust their calendars to accommodate the ex-parte hearing.

Rule 207: Emergency Hearings

- A. On rare occasion, and under extreme circumstances an emergency hearing may be requested. A motion must be filed, accompanied by an affidavit stating with specificity the exigent circumstances which would warrant an Emergency Hearing. Counsel must also provide a Notice of Hearing, with blanks to be filled in with the date of hearing. Thereafter, an emergency hearing will be scheduled as quickly as the Court's Docket will accommodate, but must allow for sufficient time for service of the motion and notice of the hearing upon opposing party and their counsel. Counsel SHALL adjust their calendars to accommodate the emergency hearing.
- B. A motion for an emergency hearing, and a motion for ex-parte order are separate pleadings, and will be addressed as outlined above. Either motion should be filed only under extreme conditions, and after careful and diligent review of the circumstances with clients. Neither of which are to be used as a "back door" attempt for temporary custody, advantage in another proceeding, and/or other temporary relief.

Rule 208: Temporary Orders

- A. All motions requesting temporary orders, including, but not limited to motions for temporary custody, support, alimony, occupancy of marital residence, and restraining orders shall be scheduled for hearing on the first date available with the Court's Docket, and schedule of counsel. No temporary orders shall be granted without a hearing being held thereon, except under extreme circumstances. (see Rule 207: above and Rule 206: above)
- B. In any case involving a minor child(ren) where child support is requested, a child support worksheet completed according to the best knowledge of the party shall be attached to any motion for temporary orders. The Court reserves the right to sanction any party for failure to file the worksheet without good cause shown.
- C. All entries granting temporary child support shall include the date which the first payment is due.
- D. Inaccurate, incomplete or illegible affidavits of supporting information may result in the Court denying the requested relief.

Rule 209: 75(N) Procedure

- A. Any requests for a temporary order pursuant to Civil Rule 75(N) must be filed when the complaint, answer, or counterclaim is filed.
- B. The party requesting a temporary order pursuant to Civil Rule 75(N) must file a Notice of Perfection of Service advising the Court that the other party has been served.
- C. The Court will set for hearing any requests for a temporary order not filed with the complaint, answer, or counterclaim.
- D. The Court will set for hearing all requests for attorney fees.

Rule 210: Parties in the Same Household

- A. The Court will not grant temporary spousal support, child support, or parenting orders when the parties reside in the same household. The Court may, however, allocate payment of household expenses.

Rule 211: Exclusive Occupancy

- A. If a party has been absent from the marital residence for 30 days or more, the Court may, upon motion and affidavit, issue an ex parte order awarding the other party exclusive occupancy of the marital residence. The moving party / counsel must file a Notice of Perfection of Service advising the Court that the other party has been served.
- B. If both parties are residing in the marital residence, a motion for exclusive occupancy may be granted after a hearing if the party requesting exclusive occupancy establishes that the other party: (1) attempted to cause or recklessly caused bodily injury; (2) placed the party requesting exclusive occupancy, by threat of force, in fear of imminent serious physical harm; (3) committed any act with respect to a child that would result in the child being an abused child as defined in R.C. 2151.031; or (4) engaged in conduct that creates an environment which causes or is likely to cause emotional and/or mental stress to the party requesting exclusive occupancy and/or to the minor child/ren of the parties.

Rule 212: Temporary Restraining Orders

- A. The Court will issue a Temporary Restraining Order upon the filing of a Complaint for Divorce or Legal Separation. No separate motion is required.

Rule 213: Mandatory Parenting Seminar

- A. All parents in divorce, legal separation, dissolution or other custody/visitation motions in which there are minor children, SHALL register for, attend and successfully complete the online parenting Program which the Domestic Relations Division of this Court has adopted.
- B. This seminar must also be attended on matters filed in the Juvenile Division of this Court for visitation and custody.
- C. The moving party for any divorce, whether complainant or counter-complainant, must complete the program prior to their final hearing being held, and BOTH parties to any dissolution must attend the program prior to their hearing being held.
- D. Failure to attend by any party will be a factor considered by the Domestic Relations Court in awarding residential parenting status and/or parenting time/visitation privileges.
- E. No action shall proceed to final hearing until there has been a compliance with this Rule, provided, however, that non-compliance by a parent who enters no appearance and does not contest the action, shall not delay the final hearing.
- F. This requirement may be waived by the Court for good cause.
- G. This Rule does not apply to contempt proceedings or support enforcement actions initiated by the Adams County CSEA.
- H. **IT IS ONLY MANDATORY TO ATTEND THE PROGRAM ONCE.** The exception to this Rule is where grandparents or other relatives have stepped in to take temporary custody of children, during a period of time when the parent is unable to care for the child(ren).

- I. Upon the filing of a complaint for divorce or petition for dissolution of marriage, or filing of post-decree motion, the attorney filing the case, or a self represented party must obtain from the court's website Form AC-203 Notice of Helping Children Cope With Family Separation Seminar and Form AC-204 Helping Children Cope With Family Separation Registration Packet. Each parent or party must register for the seminar and submit the registration materials to Beech acres as set forth in the materials. The forms do not need to be filed with the Court.
- J. IT IS THE responsibility of each party, not the Court or the Administrator, to arrange scheduling and to attend and meaningfully participate in and satisfactorily complete the program session.
- K. Should either party fail to attend the seminar within sixty (60) days after the commencement of the action, notice of non-attendance shall be forwarded to the counsel of record or the party, if unrepresented. Failure by the parent to reschedule and attend a subsequent seminar within ninety (90) days of the original action shall be reported to the Court by Beech Acres.
- L. Seminar attendance may also be required by order of the Court in connection with motions for post-decree relief concerning custody or visitation with minor children.
- M. Failure by any party to comply with this Rule prior to the scheduled final hearing may result in the imposition of appropriate sanctions, including, but not limited to dismissal of a pending motion or complaint.

Rule 214: Discovery and Mandatory Disclosure

- A. Mandatory Disclosure: Within 30 days of the filing of an answer or counterclaim, each party to a pending divorce or legal separation must disclose to the opposing party the following information and documents: (1) all pension, retirement and/or profit-sharing plans including copies of the most recent plan summary and statement; (2) all available COBRA benefits; (3) copies of all real estate deeds and vehicle titles and registrations; (4) all appraisals of real estate or personal property in which the party holds an interest; (5) copies of individual income tax returns for the last three years; (6) documentary proof of current income from all sources; (7) copies of the most recent statements for all bank accounts, IRAs, stock accounts, mortgages, credit accounts, and all other debt; and (8) verification of the marginal cost of medical insurance for the minor children.
- B. Notice of noncompliance must be raised prior to scheduling the final hearing date. The Court will not reschedule the final hearing for noncompliance with this Rule.
- C. Failure to comply with this Rule may result in sanctions, including but not limited to a contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

Rule 215: Allocation of Parental Rights and Responsibilities

- A. All proposed parenting orders shall utilize the Adams County standard forms set forth in this order.
- B. Shared Parenting
 - (1) If one party seeks shared parenting and the other party seeks to be sole residential parent and legal custodian, the party seeking shared parenting must file a motion for

shared parenting and a proposed Shared Parenting Plan at least 30 days prior to the final hearing on allocation of parental rights and responsibilities.

- (2) All motions for shared parenting and proposed shared parenting plans must comply with the requirements of R.C. 3109.04. It is recommended that all litigants must use the shared parenting plan available on the Court's website: Form AC-216 Shared Parenting Plan.

C. Parenting Time

- (1) The form AC-206 standard parenting orders and Form AC-207 standard parenting schedules are provided on the Court's website. These documents are guidelines only and are subject to deviation after consideration of the best interest factors set forth in R.C. 3109.051.
- (2) A guideline order is composed of two parts.
 - (a) The first part (AC-206 standard parenting orders) contains the standard parenting orders regarding exchange procedures, parenting rules, and other parenting issues. These are required to be included in any parenting order even if the parties adopt their own schedule.
 - (b) The second part (AC-207 standard parenting schedules) contains the relevant parenting schedule from the website. Various schedules are provided for local and long distance parenting time as are schedules where there is phased in parenting for a parent.
- (3) Long Distance Parenting
 - (a) When the parents reside 75 or more miles apart, the parties may utilize Form AC-214 Long Distance Parenting Order and schedule

D. Parenting Investigations

- (1) Subject to Court staffing and availability, a parenting investigation may be requested by either party, or may be required by the Court, in any action for divorce, dissolution, annulment or alimony or post-decree action, where one or more minor children are involved. The Report is an investigation of each party's character, family relations, and past conduct to assist the Court in allocating parental rights and responsibilities. Fees for the investigation are to be paid by the requesting party **AT THE TIME THE INVESTIGATION IS REQUESTED**, unless other payment is ordered by the Court.
- (2) An investigation **MAY BE** required by the Court in any contested custody matters. The fees for the investigation are to be paid at the time it is found that an investigation is necessary to the Clerk of Courts.
- (3) In all actions for divorce, annulment or spousal support, or post-decree action, when an investigation is requested, the party requesting the investigation shall deposit with the Clerk the required amount of costs for the investigation. If an investigation is required by the Court, each party to the action shall be required to deposit with the Clerk one-half of the required amount as costs for the investigation, unless a poverty affidavit is filed.
- (4) In all contested motions for change of custody, the moving party shall include in such motion a request for an investigation, (if one is desired), on behalf of the minor children, and shall deposit with the Clerk the required amount as costs for the investigation.

- (5) If both parties to an action for divorce, annulment or alimony where minor children are involved, or if both parties to a motion for change of custody are residents of Adams County, the cost of such investigation shall be \$350.00.
- (6) If either of such party is a non-resident of Adams County, the cost of the investigation shall be in such amount as may be set by the Court, and the Court shall determine what amount shall be required as a deposit therefore.
- (7) The Court may require a parenting questionnaire or other form to be filed by the parties. These forms will be available on the Court's website. Each party must return the requested documents to the Parenting Investigator as ordered. If a party fails to return a document or fails to cooperate in the investigation, he/she may be subject to a contempt action by the Court. The Parenting Investigator may prepare the report without the information of any party who fails to return documents, attend appointments, or return telephone calls.
- (8) The Parenting Investigator's report is admitted as the Court's exhibit and may not be included in either party's exhibits. The report is direct evidence. The Parenting Investigator is subject to cross examination. If a party desires to cross examine the Parenting Investigator, it is that party's responsibility to issue a subpoena to the Parenting Investigator pursuant to Civil Rule 45. The subpoena should be issued as soon as possible, but it must be served no later than three weeks prior to the final hearing.

E. Medical/Psychological/Psychiatric Evaluations or Parenting Capacity Assessment

- (1) Evaluations. The Court may order a party, both parties, and/or the minor child/ren to submit to medical, psychological, and/or psychiatric examinations or parenting capacity assessments. The Court will send the Entry of Appointment to the physician or psychologist. It is a party's responsibility to contact the physician or psychologist.
- (2) Costs. The cost of the examination will be allocated between the parties at the time the examination is ordered, subject to reallocation at the final hearing.
- (3) Medical, Psychological or Psychiatric Evaluations as Evidence. A medical, psychological, or psychiatric evaluation may not be entered as direct evidence without testimony of the performing physician or psychologist or consent of the parties. It is a party's responsibility to issue a subpoena to the physician or psychologist pursuant to Civil Rule 45. The cost of the testimony of the physician or psychologist is subject to reallocation between the parties in the final hearing.

F. Child Support

- (1) In all matters in which child support is to be determined, counsel for the parties shall provide to the Court, child support worksheet completed as fully as counsel can complete, with the information available to him/her. The most current form can be accessed at the website maintained by the Ohio Department of Job and Family Services. <https://ohiochildsupportcalculator.ohio.gov/home.html>
- (2) Attorneys may file short form worksheets as generated by third party software programs.
- (3) Attorneys and parties must use the Form AC-208 Adams County Standard Child Support and Medical Support Order provided on the Court's website.

Rule 216: Decisions and Entries

A. Requests for Findings of Fact and Conclusions of Law

- (1) When a party requests findings of fact and conclusions of law, the party making the request must submit proposed findings of fact and conclusions of law within 14 days from filing his/her request. Failure to do so may result in the Court denying his/her request without further notice.

B. Decrees, Entries and Orders Establishing or Modifying Child Support Orders

- (1) The child support provisions set forth below must be included in the Decree/Entry or in the Shared Parenting Plan/Separation Agreement. Sample language that complies with this rule is on the Court's website.
- (2) Shared Parenting –divorce, dissolution, or custody proceedings. If the parties submit a Shared Parenting Plan, the provisions listed below must be included in the Shared Parenting Plan. It is not necessary to repeat this language in any Decree being submitted with the plan.
- (3) Child Support Worksheets. A child support worksheet must be attached to the Form AC-208 Adams County Standard Child Support and Medical Support Order and incorporated into any decree/entry where child support is at issue, even if child support is not ordered.
 - (a) Deviations. In shared parenting, the obligee's child support obligation will be deviated to zero. The Obligor's child support obligation may be deviated by agreement of the parties or pursuant to Court order based upon statutory factors. A party's annual deviation must be reflected in the worksheet and the Form AC-208 child support order must include a statement that the actual annual obligation is "unjust or inappropriate and not in the best interest of the child/ren" and include the reasons for the deviation in accordance with R.C. 3119.23 and 3119.24. Failure to list the deviation factors will result in the inability of ACCSEA to make administrative modifications to the order in the future. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets.
 - (b) Amount of Support. If private health insurance is provided, the child support order must include the name of the parent providing insurance and a copy of the insurance card. Cash medical must also be included in the order. If private health insurance coverage is not provided, the child support order must state the reason why insurance is not provided and the amount of cash medical support.
- (4) Tax Exemption Orders. If no prior order has been issued, the child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82.

Rule 217: Preparation of Decrees, Entries, and Orders

- A. When an attorney/self-represented party is ordered to prepare a decree, entry, or order, he/she must prepare the document and submit it to the opposing attorney/self-represented party with a cover letter, instructing him/her to review, sign, and return the document to the preparer within 14 days. If the opposing attorney/self-represented party does not respond within 14 days, the document may be submitted to the Court without the signature of the opposing attorney/self-represented party, but with a copy of the cover letter sent to the opposing attorney/self-represented party.
- B. Any Decree, separation agreement, or other entry transferring real estate or licensed property must contain the following language and information.

- (1) "If either party fails to convey all of his or her right, title, and interest in and to any and all property, including real estate, motor vehicles, or other licensed property as required herein, a certified copy of this Decree shall be constituted and operate as such conveyance, and the County Auditor and Recorder are hereby authorized and directed to transfer and record same for public record of such conveyance."
- (2) Counsel and/or the parties must also include the appropriate legal description for real estate, and the year/make/model and VIN number for any licensed vehicle.

Rule 218: Agreed Entries

- A. If a case has been closed, a motion must be filed with the appropriate filing fee prior to the submission of an agreed entry. If a case is open, agreed entries may be submitted without a motion. If there are Court Costs remaining from prior litigation, those costs must be paid before the Agreed Entry will be approved.
- B. If the parties reach an agreement but do not have sufficient time to submit a signed agreed entry prior to the hearing, then all parties and attorneys must appear in court at the scheduled time in order to read the agreement into the record.
- C. The Court may adopt agreed entries without a hearing provided that at least one party is represented, no further documentation is needed, the unrepresented party's signature is notarized, and the Court determines that a hearing was not necessary. The proposed agreed entry should be submitted to the Court for review and the Court will notify the attorney(s) and any unrepresented party whether a hearing is required.

Rule 219: [Reserved] formerly electronic signatures now included in Rule 10

Rule 220: Rule 220: Attorney Fees

- A. Procedure. A motion for attorney fees may be included in the body of the motion or other pleading that gives rise to the request for fees. If the motion for attorney fees is by separate motion, it must be served on the opposing attorney/self-represented party at least seven days prior to the hearing.
- B. Reasonable Fee. Unless otherwise determined by the Court and absent formal evidence, \$500 is a reasonable attorney fee. In determining the necessity for and the reasonableness of attorney fees, the Court may rely on the following: (1) the Court's knowledge and observations of time and effort expended; (2) the tactics used and results obtained; (3) whether the parties cooperated in discovery; (4) settlement efforts made by each party; (5) compliance with Court orders; and (6) the amount of attorney fees the opposing party has incurred in the same matter.
- C. Formal Evidence in Support of Motion. If a party is seeking an award for attorney fees in excess of \$500, the attorney must present the following evidence by expert witness at the hearing: (1) an itemized statement describing the services rendered, the time for such services, the requested hourly rate, and necessary expenses and cost for litigation; (2) testimony as to whether the case was complicated by any factor which necessitated extra time being spent on the case; (3) testimony regarding the attorney's years in practice and experience in domestic relations cases; and (4) evidence of the defending party's ability to pay, and of the moving party's need for an award of attorney fees, if not otherwise disclosed during the hearing.

Rule 221: Existing Orders

- A. If there is a child support order or child custody order in effect through another court or case at the time a Complaint for Divorce or Legal Separation or a Petition for Dissolution is filed, the filing party must attach a copy of the other court's most recent order, including the child support worksheet, to the Parenting Proceeding Affidavit (Form DR 604).
- B. The applicable CSEA Support Enforcement Tracking System (SETS) number must be supplied to the Court, as well as the full name of the Obligor and Obligee.
- C. This Court will request the termination of any Adams County Juvenile Court order and the transfer of any child support balance.
- D. The parties are responsible for seeking the termination of any child support or child custody order in effect from any other county.
- E. If another court's child support order is terminated, this Court's decree or entry must include the case number and effective date of the termination of the other court's order and whether CSEA will transfer the balance from the other court. The following is sample language that complies with this rule:

Rule 222: Qualified Domestic Relations Orders (QDRO), Division of Property Orders (DOPO), and Court Order Acceptable for Processing (COAP)

A. Submission Requirements

- (1) Pre-Approval Strongly Encouraged. Before submitting an order to the Court, the drafting party is strongly encouraged to submit a draft to the plan administrator for pre-approval. Many plan administrators provide model orders upon request, and using them can prevent rejection. A copy of the plan administrator's pre-approval letter, if obtained, should be attached to the proposed order submitted to the Court.
- (2) Required Documents. The party submitting the order must provide the following to the Clerk of Courts:
 - (a) The proposed original order, which must contain all necessary personal identifying information.
 - (b) A redacted copy of the proposed order. This copy must redact all personal identifiers except for the last four digits of any Social Security or account numbers.
- (3) Signatures. The proposed original order must be signed by both parties and/or their attorneys of record.

B. Procedure for Approval and Filing

- (1) Uncontested Orders. If the order is signed by all parties or their counsel, it shall be submitted to the Magistrate or Judge for approval and signature.
- (2) Contested or Unsigned Orders. If the opposing party or their counsel fails or refuses to sign a proposed order within fourteen (14) days of it being served upon them, the submitting party may file a motion to approve the proposed order. The motion must be served on the opposing party and be accompanied by:
 - (a) A copy of the proposed order.
 - (b) A statement certifying that the proposed order was served on the opposing party and that they have failed to sign or file an objection.

- (c) A copy of the plan administrator's pre-approval letter, if one was obtained. A preapproval letter from the plan administrator is not required. It is, however, the filer's responsibility to draft an order acceptable to the plan administrator.
- C. Court Action. Upon approval, the Magistrate or Judge will sign the original order. The Clerk of Courts will then:
- (1) File the redacted copy in the public case file.
 - (2) Retain the signed original in a separate, non-public file.
- D. Service and Reservation of Jurisdiction
- (1) Service Upon Plan Administrator. After the order is signed by the Court, the party who submitted the order is responsible for obtaining a certified copy from the Clerk and serving it upon the plan administrator.
 - (2) Reservation of Jurisdiction. Any Decree of Divorce, Dissolution, or Legal Separation that includes the division of a retirement asset must contain language explicitly reserving the Court's jurisdiction to amend the order as necessary to secure its acceptance by the plan administrator.

Rule 223: Children at the Courthouse

- A. A party may bring a minor child to the courthouse only if: (1) the child is testifying in the case; (2) the Court is conducting an *in camera* interview; or (3) the child is interviewing with a Parenting Investigator.
- B. All children must be supervised at all times. The Court does not provide babysitting services.
- C. The recording and transcript of an *in camera* interview is sealed.
- D. If a child is participating in a delinquency proceeding, the Court will not use physical restraint of the child in the court proceeding unless the following occurs.
- (1) The Judge or Magistrate before whom the child is appearing makes a specific determination that:
 - (a) There is no less restrictive alternative to the use of physical restraint;
 - (b) The physical restraint of the child is necessary because the child represents a current and significant threat to the safety of the child or other persons in the courtroom; and
 - (c) There is a significant risk the child will flee the courtroom.
 - (2) If the Court receives a written or verbal request to use a physical restraint on a child, the child, child's parents, custodian, guardian, guardian ad litem, the state, court security staff, detention personnel, probation officers, and any other person specifically designated by the Court will be heard on the issue of whether the use of physical restraint is necessary.
 - (3) If the Judge or Magistrate determines that physical restraint is necessary, the restraint must be the least restrictive means necessary to meet the risk as determined by the Judge or Magistrate. The restraint should not unnecessarily restrict the movement of the child's hands. This rule does not prohibit the use of restraints during transportation to and from the Court or in the court buildings either before or after hearings.

Rule 224: Guardian ad Litem (GAL), Court Appointed Special Advocate (CASA)

A. Appointment

- (1) In any action over which this court has jurisdiction, the court may appoint a guardian ad litem (“GAL”) or GAL / Court Appointed Special Advocate (CASA) to protect the best interest of the child/ren pursuant to Sup.R. 48, upon its own motion or the motion of either party. GAL’s must be licensed attorneys in the State of Ohio in good standing. CASA appointees must be current with their required training and certification, but are not licensed attorneys. When necessary, the court may also appoint an attorney to represent the child, or may appoint an attorney in the dual capacity of attorney and guardian ad litem for the child, so long as those roles do not conflict.
- (2) The Court recognizes the distinct roles of a Guardian ad Litem and an attorney for the child. The GAL is appointed to advocate for the child's best interests, which may or may not align with the child's expressed wishes. An attorney for the child is appointed to advocate for the child's expressed wishes. A dual appointment is prohibited except in rare circumstances where the court, after a hearing, makes a specific finding on the record that no conflict exists and the child's expressed wishes are consistent with their best interest.
- (3) A GAL or CASA appointed in a case involving the Adams County Children’s Services Board will not require fee deposit to be paid by any party.
- (4) The Court shall appoint a GAL / CASA from a rotating list of eligible candidates (preserving Individual privacy) as maintained by the Court so that the workload is equitably distributed among the eligible candidates. At times, variables such as professional conflict, availability and the specific nature of a case may take priority over the rotating procedure at the sole discretion of the Court.
- (5) An order appointing the GAL / CASA will be issued by the Court.

B. Private custody cases

- (1) The Court will order the parties to pay the GAL’s appropriate fees. The GAL’s fees may exceed the deposit. All GAL fees, including fees paid through the deposit, are subject to reallocation between the parties in the final hearing. An additional fee deposit to the Clerk may be required as deemed necessary by the Court.
- (2) Unless otherwise agreed between the parties, or ordered by the Court, the moving party will generally be responsible for the initial GAL deposit to the Clerk. Final allocation of the entire GAL fee is reserved by the Court at final hearing.
- (3) In actions for divorce, dissolution, alimony, modification of custody and/or parenting-time, the GAL's appointment is effective immediately upon the filing of the Court's appointment order. The initial fee deposit, as ordered by the Court, must be paid to the Clerk within 14 days of the appointment order. Failure of a party to pay their allocated share of the deposit within this timeframe may result in sanctions, including but not limited to attorney fees, reallocation of the entire deposit to the non-complying party, or a finding of contempt. The GAL shall not be precluded from beginning their duties due to a delay in payment.
- (4) Repeated request for continuances, due to failure of a party to make a timely deposit of the gal fees, or failure to make an appointment to meet with the gal, may result in a denial of the continuance.

- (5) If a GAL is requested by an indigent party who has filed a proper poverty affidavit, the GAL fee will be assessed at the conclusion of the case, and shall be ordered paid pursuant to order of the Court in its final entry. In such case, that both parties are indigent and have filed proper poverty affidavits, the GAL position shall be filled by an attorney appointed by the Court.
- (6) The GAL will be paid \$75.00 per hour for his/her billable time. When requesting an order for payment of GAL services, the GAL must file a motion and an itemized statement of all services rendered and costs incurred.

C. All cases

- (1) The GAL/CASA must file their report with the Court and serve it on all parties or their counsel no later than ten (10) days before the final hearing, unless otherwise ordered by the Court. The report shall be admitted as a Court Exhibit, and the GAL/CASA shall be subject to cross-examination by either party.
- (2) The GAL/CASA appointment is terminated automatically with the filing of the final decree or final entry. Whenever feasible, the same guardian ad litem shall be appointed for a specific child in any subsequent case relating to the best interest of the child.
- (3) All filing fees and court costs are waived as to Guardians Ad Litem.
- (4) The GAL/CASA must gather and assess all information necessary to allow the GAL/CASA to make an informed recommendation as to the best interest of the child/ren. Sup.R. 48 provides guidelines to the GAL.
- (5) Upon request the Court will provide the GAL/CASA with a copy of the Ohio Courts Network (OCN) report on each party. The public record information contained in the report may be used by the GAL/CASA in the report submitted to the Court.
- (6) The Court will notify the GAL/CASA of all hearings and proceedings. As provided in Sup.R. 48, the GAL/CASA must attend all hearings in the case that involve parenting issues and any in camera interviews. The attorneys/self-represented parties must serve the GAL with all pleadings, motions, notices, and other documents filed in the case related to parenting issues.
- (7) In representing the best interest of the child/ren and providing the Court with relevant information, the GAL/CASA may review all confidential records involving the child/ren by request, subpoena, and deposition, subpoena and examine independent witnesses, and cross examine all witnesses called by the parties to the case.
- (8) The GAL/CASA shall attend all hearings and be prepared to offer testimony. The Court, in its discretion, may call the GAL/CASA to testify at any point in the proceedings it deems appropriate to aid its fact-finding mission.
- (9) The Court may appoint an attorney for the child/ren when there is a conflict between the GAL/CASA's recommendation and the child/ren's wishes. The cost of such appointment shall be allocated to the parties.

D. Complaints Regarding GAL / CASA; Motions to Remove GAL/CASA

- (1) Comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the Common Pleas Court Administrator. A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The Common Pleas Court Administrator may forward any comments and complaints to the Judge of the court for consideration and appropriate action. The

Common Pleas Court Administrator shall maintain a written record in the GAL/CASA's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

- (2) Standard for Removal. A party may file a motion to remove a GAL/CASA for good cause. Good cause includes, but is not limited to: failure to perform the duties required by Sup.R. 48 and this rule; a conflict of interest that compromises the GAL/CASA's objectivity; demonstrated bias; or other conduct that prejudices the proceedings.
- (3) Complaint Review. Upon receiving a written complaint, the Court Administrator shall provide a copy to the GAL/CASA in question and conduct a preliminary inquiry. A written disposition of the complaint, including any remedial actions taken, shall be issued to the complainant and the GAL/CASA and placed in the GAL/CASA's file within 30 days of receipt.
- (4) Upon recommendation by the Court Administrator, motions to remove a GAL/CASA may be scheduled for hearing before the judge or magistrate assigned to adjudicate the allocation of parental rights and responsibilities.

E. Annual Certification

- (1) The court shall annually conduct a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve. In addition to the continuing education mandated by Sup.R. 48, all individuals on the Court's approved GAL list should complete at least two (2) hours of specialized training annually. This training should focus on topics pertinent to cases in this county, such as rural poverty, local substance abuse trends, trauma-informed care, or resources available through Adams County Children's Services and other local agencies.
- (2) All individuals on the guardian ad litem list shall certify annually they are unaware of any circumstances that would disqualify them from serving.

F. Responsibilities of the Court

- (1) Pursuant to Rule 48(G), the Court Administrator or, with Court approval, the Court Administrator's designee is authorized and directed to do the following:
 - (a) Maintain and update a public list of Court approved GAL/CASA, while maintaining their privacy under Rules 44 through 47 of the Rules of Superintendence.
 - (b) Coordinate and maintain the application/resume process for individuals wishing to serve as GAL/CASA .
 - (c) Maintain files for all applicants and individuals who are approved to serve as GAL/CASA . Within the file of each applicant, a copy will be included of each applicant's training, experience, expertise, background check and qualifications.
 - (d) Conduct or cause to be conducted at least annually a review of the GAL/CASA list to determine that all listed individuals are in compliance with the training and education requirements of this Local Rule, that all listed individuals have performed in a satisfactory manner on all assigned cases during the preceding year and that all individuals are otherwise qualified under this Local Rule and Rule 48

of the Rules of Superintendence. Written evidence of this review shall be maintained in each individual's file.

- (e) Require each individual on the list to certify annually, by the first day of each year, that he or she is unaware of any circumstances that would disqualify him or her from serving and to report training he or she has attended. The Judge, Magistrate or Court Administrator shall complete the "GAL/CASA Annual Review Form", available on the Court's website.
- (f) The Common Pleas Court Administrator shall serve as the person designated by the Court to accept and consider comments regarding the performance of GAL/CASA appointed by the Court. A copy of the comment shall be provided to the guardian ad litem in question and shall be forwarded to the Judge assigned to the subject case. A written record of the nature and disposition of any comment shall be kept in the GAL/CASA's file. The person making the comment or complaint and the GAL/CASA shall be notified in writing of the disposition of such complaint or comment.

Rule 225: Domestic Relations Jurisdiction - Transfer from Juvenile Court.

- A. Pursuant to R.C. 2151.235, Custody proceedings for Parents who are married but have not yet been divorced will be heard by the Domestic Relations Court.
- B. Upon motion in the Adams County Juvenile Court by a parent or other party, who participated in a prior Juvenile Court proceeding which is subject to R.C. 2151.235, and is now initiating further litigation in the Domestic Relations Court, the Juvenile Court proceeding will be transferred to the Domestic Relations Court.
- C. The Juvenile Court Clerk will certify the record in the action to the Domestic Relations Court. The Movant will pay any outstanding Court Costs in the Juvenile Court Case and a \$25.00 fee for certifying and transferring the record to the Domestic Relations Court.

Rules of the Juvenile Division

Rule 300: Court Costs and Fees Deposit

Amount	Description
\$127.00	Delinquent Child
\$158.00	Delinquent Felony
\$98.00	Unruly Child
\$25.00	Sealing / Expungement Application (No deposit required. Costs due prior to Court issuing Judgment)
\$93.00	Traffic Moving
\$62.00	Traffic Non-moving
\$62.00	Seat Belt Driver
\$62.00	Seat Belt Passenger
\$25.00	Driving Privileges
\$125.00	Deposit for Support
\$50.00	Support Modification
\$50.00	Support Review
\$90.00	Adult Cases
\$125.00	Allocation of Parenting Responsibilities New
\$125.00	Paternity New
\$50.00	Deposit for motion to reopen case
\$50.00	Unmarried Mother Parenting Order
\$25.00	Jury Fee (to call)
\$6.00	Issuing Summons, subpoena, entering attendance and certifying fees, each name
\$0.25 per page	Copies

\$2.00	Certified Copies
\$2.00	Entering on Journal, indexing, and posting
\$25.00	Certificate of fact under seal of Court
The following fees may vary:	Certified mail or regular mailing, Court Appointed Counsel Fees, Witness Fees, Sheriff's Fees, Foreign Sheriff's Fees, Fines

Rule 301: Hours

- A. The Juvenile Court's hours of operation are 8:00 AM to 4:00 PM, Monday through Friday. The court is closed on legal holidays and at other times as designated by the Court. Visitors must arrive in time to conclude their business by the 4:00 PM closing time.

Rule 302: Forms and Checklists

- A. Forms and checklists are maintained on the Court's website. Please check the website prior to filing in order to ensure that you are using the latest forms and procedures.

Rule 303: Case Management

- A. Pursuant to Sup. R. 5, the following case management plan establishes time frames for the timely disposition of cases. The time frames include time for service. Deviation from the established time frames is permissible to assure a just result upon a showing of good cause.
- B. Delinquency Cases
- (1) Complaint Filed and Juvenile Held in Detention
 - (a) A detention hearing will be held not later than 72 hours after a child is placed in detention, or the next court day, whichever is earlier. (Juv.R. 7(F)(1))
 - (b) If the child denies the allegations, an adjudicatory hearing (trial) will be held no later than 10 days after the filing of the complaint. Upon a showing of good cause, the hearing may be continued and detention extended. (Juv.R. 29(A))
 - (c) Final disposition for any child held in detention will be completed within 90 days of the child being taken into custody.
 - (2) Complaint Filed and Child Not in Detention
 - (a) A plea hearing will be held within 30 days of a complaint being filed, and if possible, within 15 days.
 - (b) If the child admits to the charge, the Court will proceed to immediate disposition; or if appropriate, a dispositional hearing will be held within 21 days. (Juv.R. 34(A))
 - (c) If the child denies the allegations, an adjudicatory hearing (trial) will be held within 30 days of the plea hearing. (Juv.R. 29(A))
 - (d) Final disposition will be completed within 90 days of the filing of the complaint.

C. Unruly Child Cases

- (1) Diversion should be attempted prior to filing a complaint as set forth below in Rule 311. Once a complaint is filed, the child may be eligible for the Stayed Adjudication Program (SAP) pursuant to Rule 314.
- (2) A plea hearing will be held within 30 days of a complaint being filed.
- (3) If the child admits to the charge, the Court will proceed to immediate disposition; or if appropriate, a dispositional hearing will be held within 21 days. (*Juv.R. 34(A)*)
- (4) If the child denies the allegations, an adjudicatory hearing (trial) will be held within 30 days of the plea hearing. The hearing shall not be unduly delayed. (*Juv.R. 29(A)*)
- (5) An alleged unruly child shall not be held in a secure detention facility. (R.C. 2151.31(C))
- (6) Final disposition will be completed within 3 months of the filing of the complaint.

D. Juvenile Traffic Cases

- (1) General Procedure
 - (a) A juvenile cited for a traffic violation must personally appear in Court on the assigned date and time with a parent or legal guardian, except for certain waivable offenses as defined by the Court.
 - (b) A uniform traffic ticket may serve as the complaint in a juvenile traffic case. (*Juv.R. 10(C)*)
- (2) Hearing Time Frames
 - (a) A plea hearing will be held within 30 days of the citation being filed with the court.
 - (b) If the child admits to the traffic offense, the Court may proceed to immediate disposition. (*Juv.R. 22(D); Juv.R. 29(F)(2)*)
 - (c) If the child denies the allegations, an adjudicatory hearing (trial) will be held within 30 days of the plea hearing. The allegations must be proven beyond a reasonable doubt. (*Juv.R. 29*)
- (3) Dispositions & Sanctions
 - (a) Dispositions for a child adjudicated a juvenile traffic offender are governed by statute and may include fines, court costs, community service, driver's license suspension, and/or completion of a driving education course. (*R.C. 2152.21*)
 - (b) A juvenile traffic offender shall not be held in a secure detention facility as a disposition.

E. Parentage and Child Support Cases

- (1) Service of process will be sent as expeditiously as possible after the filing of the complaint.
- (2) A hearing will be scheduled in a timely fashion to allow completion of service of process on the parties following the filing of the complaint.
- (3) If a defendant admits the allegations in the complaint, the Court may proceed immediately to determination of a support order.
- (4) If a defendant denies the allegations, the Court, at the pretrial hearing, may set the date for genetic testing. The date of the testing will be scheduled as soon as practicable following the pretrial hearing. The next pretrial will be scheduled as soon as practicable to allow for completion of the genetic testing.
- (5) If genetic tests show exclusion, the Court may entertain a motion to dismiss.

- (6) If genetic tests show inclusion:
 - (a) If a defendant changes his/her plea to admit, the Court may proceed immediately to a determination of a support order;
 - (b) If a defendant continues to deny, a trial will be scheduled as soon as practicable.
- (7) Continuances may be granted upon a showing of good cause, but the continuances should be for no longer than is necessary to resolve the good cause.

F. Abuse, Neglect, and Dependency Cases

- (1) Absent a voluntary agreement for care, when a child is removed from the home, a hearing will be held the next court date or within 72 hours, whichever is earlier.
- (2) When a private agency files a request for permanent commitment based on a permanent surrender, a hearing will be held within 30 days from the filing.
- (3) In all other cases, a hearing will be held no later than 21 days after the complaint is filed.
- (4) An adjudicatory hearing will be held within 60 days of the complaint being filed.
- (5) Disposition will occur no later than 90 days from the date a complaint was filed, unless the parties waive such period.
- (6) Continuances may be granted upon a showing of good cause, but the continuances should be no longer than is necessary to resolve the good cause.

Rule 304: Rules applying to both Domestic Relations and Juvenile Court

- A. Many of the same forms rules and procedures regarding the allocation of parental rights and responsibilities in the Domestic Relations Division also apply to the proceedings in the Juvenile Court. The Rules listed below are incorporated into the Juvenile Rules.
- (1) Rule 206: Ex-Parte Orders
 - (2) Rule 207: Emergency Hearings
 - (3) Rule 208: Temporary Orders
 - (4) Rule 210: Parties in the Same Household
 - (5) Rule 213: Mandatory Parenting Seminar
 - (6) Rule 215: Allocation of Parental Rights and Responsibilities
 - (7) Rule 216: Decisions and Entries
 - (8) Rule 217: Preparation of Decrees, Entries, and Orders
 - (9) Rule 218: Agreed Entries
 - (10) Rule 219: Electronic Signatures
 - (11) Rule 220: Attorney Fees
 - (12) Rule 221: Existing Orders
 - (13) Rule 223: Children at the Courthouse
 - (14) Rule 224: Guardian ad Litem (GAL)
 - (15) Rule 225: Domestic Relations Jurisdiction - Transfer from Juvenile Court.

Rule 305: Actions Involving Minors

- A. Actions for parentage, child support, and contempt for failure to pay child support in which a parent or an alleged parent is a minor require the attendance of the minor parent's parent or legal guardian or custodian at all hearings. Proof of guardianship or custody from a Court with jurisdiction over the child may be required.

Rule 306: Parentage/Paternity Cases

- A. The Ohio Rules of Civil Procedure apply to all matters regarding the establishment of parentage and orders for and modification of child support.
- B. Genetic Testing
 - (1) Advance payment for genetic testing is the responsibility of the requesting party. Repeat genetic testing may be ordered in the Court's discretion. At the conclusion of the case, the Court may assess the costs of genetic testing against the non-prevailing party. When the Child Support Enforcement Agency has advanced the costs of genetic testing, the Court may order reimbursement by the non-prevailing party.
 - (2) Motions to set aside a finding of parentage filed pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure shall set forth the specific reasons for the requested relief and contain a copy of the order being sought to set aside.
 - (3) Pursuant to Ohio Revised Code Section 3109.042, an unmarried female who gives birth to a child is the residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian. Upon proper application with the Court, including payment of the Court Costs, an unmarried mother may be issued a custody order from the Court without a hearing.

Rule 307: Abuse/Neglect/Dependency Cases

- A. A separate complaint shall be filed with respect to each child alleged to be abused, neglected and/or dependent. Such complaint must comply with the requirements of R.C. 2151.27 and the Juvenile Rules. Initial Complaints in Abuse/Neglect/Dependency cases may be filed only by Adams County CSB through the prosecuting attorney. The agency is required to comply with the rule regarding related cases set forth below.
- B. Non-agency cases involving parties seeking custody should be filed as a complaint for custody. The complaint must contain the relevant number of the O.R.C. Section(s) being alleged AND the text description of the alleged offense(s).
- C. Birth Record and Paternity issues. A copy of the child's birth certificate, of the JFS 07038, also known as the "Acknowledgment of Paternity Affidavit", Putative Father search, or other document addressing paternity, shall be filed with the complaint, or within 60 days, if unavailable at the time of filing. If no such document is available, the complainant is to initiate an appropriate action or administrative procedure to establish paternity. In all cases, no case shall proceed to final disposition until such time as Due Process issues related to notice and summons as set forth in the Juvenile and Civil Rules has been accomplished regarding a parent or other person with such status that requires that notice be given.
- D. Related Cases. Upon filing a complaint, the complainant shall have determined if there are any Related Cases and shall identify any Related Cases to the Clerk. "Related Cases" are:
 - (1) Cases filed at the same time regarding children who have a common biological or adoptive mother;
 - (2) Cases which meet both of the following criteria:
 - (a) children who have a common biological or adoptive mother; and
 - (b) with respect to any of such mother's children in a previously filed abuse, neglect or dependency case, the Court has not made disposition under R.C. 2151.353

- (A)(3-5) of legal custody, permanent custody or planned permanent living arrangement; or
- (3) Cases concerning children who have the same legal custodian.
- E. Case Numbers and Case Files. The Clerk shall:
- (1) Assign consecutive case numbers to Related Cases which are filed simultaneously;
 - (2) On the outside of each case file of Related Cases, note the case number(s) of any other Related Cases.
 - (3) Ensure that identification of any one Related Case in the Court's computerized docketing system also identifies all other cases related thereto.
- F. Consolidation.
- (1) Related Cases are hereby consolidated for purposes of hearings and trials. Such consolidation need not occur if the Court determines that the interests of justice or efficiency warrant otherwise. Separate Decisions, Orders, Entries, Summonses and other notices shall issue under each Related Case number, unless otherwise determined by the Court.
 - (2) Motions and other filings by parties or other interested persons shall be filed separately under each Related Case number unless otherwise directed by the Court.
- G. Guardian ad Litem (GAL) Appointments
- (1) The appointment of a GAL is mandatory in complaints alleging Abuse and/or Neglect and is discretionary in cases involving Dependency.
- H. GAL Reports:
- (1) Pursuant to Rule 48(F) of the Rules of Superintendence for the Courts of Ohio, inspection of the report of the guardian ad litem shall constitute a party's attorney or an unrepresented party being permitted to read the report and make handwritten notations on separate paper, however, unless otherwise ordered by the Court, the report shall not be copied whatsoever, except by Court personnel, or be removed from the Courthouse.
 - (2) Any copies of the report provided by the Court for the purpose of inspection shall be collected and destroyed at the conclusion of the inspection process.
- I. GAL Fees:
- (1) Rates of compensation shall be \$75.00 per hour in accordance with the reimbursement rates set by the Ohio Public Defender and approved by the Adams County Commissioners.
 - (2) Expenses shall be submitted within 10 days of the final disposition in the case and shall be submitted on the approved forms so that the Court and County can file a claim for state reimbursement. Failure to file the expense report within 30 days will result in no payment.

Rule 308: Child Support Cases

- A. All parties must comply with the checklists on the Court's website.
- B. Motions for modification of a child support order shall state the specific reason for the request and attach a copy of the most recent order that the party seeks to modify.

- C. Motions to set aside an order for child support filed pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure shall set forth the specific reasons for the requested relief and contain a copy of the order being sought to set aside.
- D. CSEA Contempt Docket
- (1) **COURTROOM HEARINGS:** Unless otherwise ordered, Establishment, Initial Contempt, Objections, and Modification hearings will be set for personal appearance at the Courthouse. If an Obligor fails to appear at the scheduled time a CAPIAS may be issued for arrest. Requests for continuances will NOT be granted by phone. Any request for continuance must be made in writing pursuant to local rules.
 - (2) **PHONE HEARINGS:** Generally, Contempt review hearings will be held by telephone or other electronic means. Obligors must be available by phone between the hours of 9:00 AM and 12:00 PM on the day of the hearing. Appearance by phone is a privilege – not a guarantee. Failure to appear or other violations of Court orders may result in a summons for personal appearance before the Court.
 - (3) **PAYMENTS:** Payments made to CSEA above the total monthly payment ARE NOT APPLIED to the next month's payment. Any payment over the currently ordered monthly payment is applied to the outstanding arrearage.
 - (4) **PURGE ORDER:** Child support contempt may be purged by payment of the ACCSEA account in full INCLUDING the entire balance of COURT COSTS DUE and by establishing a record of on time payment in full of the monthly order for six months following the date the arrearage is paid off.
 - (5) **CASE INFORMATION:** Court staff cannot provide information about CSEA cases. Any questions should be directed to the Obligor's assigned caseworker. This information is listed in each decision issued by the Court at hearing.

Rule 309: Delinquency, Unruly, and Truancy cases

A. General Provisions

- (1) The complaint must contain the relevant number of the O.R.C. Section(s) being alleged AND the text description of the alleged offense(s).
- (2) A Guardian ad Litem (GAL) may be appointed to assist the Court in determining placement at disposition or other orders where the investigation of a GAL may assist the Court. A parent or legal custodian may be ordered to pay the GAL fee at the discretion of the Court.
- (3) Upon a finding by the Court, the Court may order a child into the custody of the agency as a temporary or dispositional order in a case. If the agency is involved, the procedures above for Abuse, Neglect, and Dependency may apply.
- (4) Alleged Unruly or Delinquent children may be subject to drug screening.
- (5) A juvenile's operator's license may be subject to suspension in drug-related or other cases.
- (6) Contributing, truancy, and other cases may be subject to diversion or the SAP program pursuant to the rules set forth below.

B. Truancy Cases – Complaint and Filing Requirements

- (1) **Prerequisite to Filing.** Pursuant to the Ohio Revised Code, the filing of a formal complaint alleging a child to be an unruly child for being a "habitual truant" shall be

used only as a last resort. The Court shall consider alternatives to adjudication, including diversion, for any truancy complaint filed.

- (2) Required Affidavit of School Efforts. No complaint alleging that a child is unruly due to habitual truancy, or alleging that an adult has contributed to such unruliness, shall be accepted for filing by the Clerk unless it is accompanied by a sworn affidavit from an appropriate school official.
- (3) Contents of Affidavit. The required affidavit must be attached to the complaint and shall detail the school's intervention efforts as mandated by O.R.C. §3321.19 and §3321.191. At a minimum, the affidavit must list and affirm the following:
 - (a) The dates and methods of communication with the child's parent, guardian, or custodian regarding the absences.
 - (b) The date the student was assigned to an Absence Intervention Team.
 - (c) The date the team developed an Absence Intervention Plan for the student.
 - (d) A summary of the terms and strategies included in the Absence Intervention Plan.
 - (e) A statement that at least sixty-one (61) days have passed since the implementation of the Absence Intervention Plan.
 - (f) A statement that the student has refused to participate in, or has failed to make satisfactory progress on, the Absence Intervention Plan.

C. Adult Contributing Cases

- (1) The affidavit requirement in subsection (B)(2) applies to any complaint filed against a parent, guardian, or custodian for Contributing to the Unruliness of a Minor when the underlying allegation is truancy. Such cases may be set for diversion upon review by the Court or the probation department pursuant to Local Rule 311.
- (2) Because contributing is a first-degree misdemeanor, a bond will be issued at the first appearance and arraignment. Violation of bond may result in arrest. Drug screening may be ordered.

Rule 310: Juvenile Traffic Cases

- A. Except as otherwise provided below, a juvenile cited for a traffic violation is mandated to personally appear in Court on the assigned date and time with a parent or legal guardian. If the guardian is not a parent, the guardian must bring to the hearing a copy of a Court order establishing that they are the guardian.
- B. A formal court appearance is not mandatory for the following offenses: Failure to wear a seatbelt; failure to display tags or expired tags; muffler violations; no headlights or taillights; window tint violations; bumper height violations; vehicle lighting violations, loud amplifier violations; other equipment violations (ORC 4513) as approved by the Court; and other violations as may be added by the Court.
- C. The complaint must contain the relevant number of the O.R.C. Section(s) being alleged AND the text description of the alleged offense(s).
- D. If the complaint alleges a violation of any of the following offenses, a separate long form complaint for delinquency must be filed by the prosecutor's office.
 - (1) Reckless Operation: Ohio Revised Code § 4511.20
 - (2) Driving Under Suspension or in Violation of License Restriction: Ohio Revised Code § 4510.11
 - (3) Street Racing: Ohio Revised Code § 4511.251

- (4) Operating a Vehicle Under the Influence (OVI) Ohio Revised Code § 4511.19
 - (5) Leaving the Scene of an Accident (Hit-Skip) - Property Damage: Ohio Revised Code § 4549.02 (for accidents on public roads) and § 4549.03 (for accidents on property other than public roads).
 - (6) Failure to Comply with an Order or Signal of a Police Officer: Ohio Revised Code § 2921.331
- E. In cases where a mandatory court appearance is not required, the case may be disposed of as follows:
- (1) The juvenile and his/her parent or legal guardian must appear at Juvenile Court during regular business hours prior to the Court date listed on the traffic citation; the juvenile and his/her parent or legal guardian will enter an admission in writing to the offense charged by signing the appropriate Admission and Waiver form supplied by the Court;
 - (2) A fine and/or court costs will be imposed by the Court in accordance with cost schedules adopted by the Court and applicable traffic laws;
 - (3) The Court will not accept the admission and a Court appearance shall be required if the imposed fine and/or court costs are not paid at the time of the entry of admission.
- F. The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized pursuant to Traffic Rule 3(F).
- (1) The electronically produced traffic ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by division (E) of Traffic Rule 3.
 - (2) The court record of the ticket shall be filed with the Juvenile Court on paper of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by the Rules of Superintendence for the Courts of Ohio.
 - (3) The court record of the ticket may also be filed electronically with the court in lieu of the paper court record. A law enforcement officer who files a ticket with the court and electronically affixes the officer's signature thereto shall be considered to have certified the ticket and shall have the same rights, responsibilities and liabilities as with all other traffic tickets issued pursuant to the authority granted by the Rules of Superintendence for the Courts of Ohio.

Rule 311: Diversion and Probation

- A. Diversion occurs BEFORE a complaint or charging document is filed. The Stayed Adjudication Program (SAP) is only available when there is a pending case.
- B. Victim's Rights (Marsy's Law)
- (1) All procedures and actions under this rule are subject to the rights afforded to victims of crime under Article I, Section 10a of the Ohio Constitution, commonly known as Marsy's Law. This means that victims have the right, upon request, to be notified of and heard in any public proceeding involving the delinquent Juvenile. The Court shall make reasonable efforts to ensure victims' rights are protected throughout the diversion process.

- C. Pursuant to Juvenile Rule 9(A), if the best interests of the Juvenile and of the public require, a matter may be referred to unofficial status and the Juvenile subject to the complaint referred to diversion, in lieu of formal Court action. Diversion is the redirection of Juvenile from the formal processing of the juvenile court and occurs prior to an initial hearing or formal appearance of a Juvenile before the court. Growing research shows that diversion is the most effective method of disposing of juvenile cases.
- D. Eligibility and Referrals
- (1) Any Juvenile may be eligible for diversion. Cases that might otherwise qualify for diversion may remain in an official status where there are multiple offenders not all of whom are eligible for diversion or where family or other circumstances indicate that the best interests of the Juvenile and the public are not served by a referral to diversion and unofficial status.
 - (2) Offenses including, but not limited to, truancy, possession of THC or vape products, and disorderly conduct related to vaping should be referred to diversion as the primary, first-line response.
- E. Diversion Process & Principles
- (1) In matters referred to diversion, the filing of a formal complaint shall be avoided when possible. The goal of diversion is to hold Juveniles accountable for their behavior without resorting to legal sanctions, court oversight, or the threat of confinement.
 - (2) The Juvenile shall attend an informal meeting with diversion staff. This meeting shall take the place of a formal court hearing before a judicial officer.
 - (3) A risk or mental health screen shall be conducted on each Juvenile to identify potential risks and needs and to guide the creation of an appropriate intervention plan.
 - (4) An individualized diversion plan shall be developed with input from the Juvenile and their parent/guardian. The plan shall be brief, strength-based, and shall not include extensive standard rules or conditions.
 - (5) Intervention strategies shall be community-based, and the least-restrictive option shall always be considered first. A menu of intervention options may be utilized, including but not limited to school-based programming, police warnings, referral to community partners, mediation, or the completion of educational assignments or Carey Guides relevant to the behavior.
 - (6) No fees shall be charged to a Juvenile or their family for participating in the diversion process itself. However, any costs associated with third-party programs, such as treatment or other specialized services, may be the responsibility of the Juvenile's legal custodian.
 - (7) The prescribed period for Juvenile participation in diversion shall be for the briefest time necessary to meet objectives and should generally not exceed ninety (90) days, with a goal of being less than six (6) months.
 - (8) Diversion is not a "program" with a specific beginning or ending, a completion or failure, or just a one-time opportunity. If a strategy is not successfully completed, it should provide an opportunity for correction, not an automatic escalation to formal court processing. A Juvenile may be accepted into diversion more than once and should be given a second chance, such as redoing an educational class, before a formal charge is considered.

F. Records

- (1) Unofficial cases considered by the Court shall not be subject to the other provisions of these rules.
- (2) Juveniles who successfully complete diversion shall not have a formal court record. All related files and records of unofficial matters shall be confidential, not part of the permanent record of the Juvenile, and shall be removed from the Juvenile's file when he/she is no longer subject to the jurisdiction of the Juvenile Court.
- (3) No person, except for Court staff, shall have access to records of unofficial matters, without the consent of the Court.

G. Related Court Procedures to Support Diversion

- (1) Sanction Grid: For Juveniles who are on probation, the Probation Department shall utilize a sanction grid to provide for alternatives to detention or formal violation proceedings prior to filing a revocation.
- (2) Use of Detention: Detention shall be used only for short-term (not to exceed 72 hours) holds when necessary for the safety of the Juvenile, the safety of others, or risk of harm to an alleged victim, or due to a documented risk of failure to appear. Detention shall not be used for long-term punishment or for probation revocations.
- (3) Probation Periods: For Juveniles who are formally adjudicated, periods of probation shall be for the shortest time necessary and generally for a period of less than one year, or until the Juvenile completes a defined task with a measurable outcome, such as obtaining a GED, completing an in-patient treatment program, or completing a mental health program.
- (4) Bifurcated Hearings: For formally filed cases, the Adjudicatory Hearing and Dispositional Hearing should generally not be held on the same day. This provides the juvenile an opportunity to change behavior prior to disposition, which may result in a dismissal or referral back to diversion. However, for purposes of judicial economy and the conservation of resources, the Court may proceed with both hearings on the same day upon the agreement of the State, the Defense, and the Court.
- (5) Community Service: When ordering community service, the Court shall ensure the hours ordered are obtainable, taking into account the juvenile's access to transportation and other factors. The juvenile may be credited at the then current minimum wage towards payment of court costs through community service. The use of Carey Guides or other skill-building assignments as an alternative is encouraged.

H. Probation Revocations

- (1) Initiation of Proceedings: All probation revocations must be filed in the form of a motion from the Prosecutor's Office, supported by an affidavit from the assigned probation officer. The motion must be filed in the original proceeding to invoke the continuing jurisdiction of the court. When a motion to revoke probation is predicated on new criminal allegations, the filing of said petition should be held in abeyance pending the adjudication of the new charges to prevent potential infringement on the juvenile's Fifth Amendment rights.
- (2) Contents of Affidavit: The affidavit supporting the motion for revocation must contain the following information:
 - (a) General Requirements: At a minimum, the affidavit must contain a listing of each provision of probation allegedly violated with relevant supporting facts, the

number of prior violations (if any), and any other information necessary for the Clerk of Courts to process the revocation.

- (b) Address and Custodian Information: The affidavit must state the most recent address for the juvenile and the juvenile's custodian. If the custodian is not a parent, the affidavit must specify the legal basis for that person's custody. Service of the motion upon the custodian is required.
 - (c) Allegations for Detention: If detention is requested, the affidavit must assert specific facts supporting one or more of the grounds for detention outlined in subsection G(4) of this rule, sufficient for the Court to make the necessary findings.
- (3) Revocation Hearing: Upon the filing of a motion, the court must hold a hearing at which the Juvenile shall be present and informed of the grounds on which revocation is proposed. The parties have the right to counsel and to appointed counsel if indigent. The court must comply with the adjudicatory hearing procedures before revoking probation. The court may not revoke probation without first finding that the Juvenile has violated a condition of probation of which the Juvenile had been previously notified.
 - (4) Detention Pending Revocation Hearing: A motion for revocation is required prior to the commitment of a Juvenile to a detention facility. A Juvenile may be placed in detention pending revocation proceedings, and a probable cause hearing must be held no later than 72 hours after admission to detention, or the next court day, whichever is earlier. A Juvenile may not be placed in detention prior to a final disposition unless one of the following is met:
 - (a) Detention is required to protect the Juvenile or other persons from immediate or threatened physical or emotional harm;
 - (b) The Juvenile may abscond or be removed from the jurisdiction of the court;
 - (c) The Juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for the child and return the Juvenile to court when required.

I. Adult Contributing Cases (Truancy) Diversion

- (1) Eligibility. In lieu of formal prosecution, a parent, guardian, or custodian charged with Contributing to the Unruliness of a Minor based on a Juvenile's truancy may be referred to diversion upon review by the Court or the probation department.
- (2) Process. The adult shall attend an informal meeting with diversion staff to address the barriers to the Juvenile's school attendance. The goal is to develop a cooperative plan with specific, actionable steps the adult can take to ensure the Juvenile's regular attendance at school.
- (3) Outcome. Upon successful completion of the diversion plan and a sustained improvement in the Juvenile's attendance, the complaint against the adult shall be dismissed. If the adult fails to engage with or complete the diversion plan, the case shall be returned to the formal court docket for arraignment and prosecution.

J. Procedure for Temporary Detention

- (1) Request for Detention: When a juvenile under the supervision of the Probation Department requires detention, the assigned probation officer shall complete and file with the Clerk a "Request for Detention" form. This procedure is often initiated when a juvenile tests positive for an illegal substance but may be used whenever grounds for detention under Juvenile Rule 7 are present.

- (2) Grounds for Request: The request shall specify the grounds for detention as outlined in Juvenile Rule 7. The probation officer must check all applicable factors on the form, which include, but are not limited to:
 - (a) The nature of the alleged offense.
 - (b) The Juvenile's status on probation or other court order.
 - (c) Whether the Juvenile poses a risk of harm to others, property, or themselves.
 - (d) Whether the Juvenile is a risk of flight.
 - (e) If applicable, the request shall indicate the specific substance for which the juvenile tested positive.
- (3) Recommendation: The request shall include a recommendation for the Court's consideration. If the detention is based on a positive drug screen, the recommendation may be for the Juvenile to remain in detention only until such time as the Juvenile can produce a negative drug screen. The request will also indicate the Probation Department's intended course of action upon the Juvenile's release, such as:
 - (a) Filing a motion to revoke the Juvenile's probation.
 - (b) Diverting the Juvenile to an appropriate substance abuse treatment facility.
 - (c) Requesting the State to file appropriate delinquency charges.
- (4) Judicial Review and Action: Upon the filing of the request, the Court shall review it to ensure sufficient grounds exist. The Court may then take one of the following actions: (a) Issue an ex parte order for the immediate detention of the Juvenile, pursuant to Ohio Juvenile Rule 7. The "Magistrate's Order" or "Journal Entry" shall authorize the temporary detention and specify the conditions for release and the actions authorized to be taken by the Probation Department. (b) Schedule a hearing on the merits of the "Request for Detention."
- (5) Hearing Timeframes: The scheduling of a hearing depends on the action taken by the Court under subsection (4): (a) If an Ex Parte Detention Order is Issued: A Further Hearing shall be held not later than seventy-two hours after the Juvenile is placed in detention or the next court day, whichever is earlier, pursuant to Ohio Juvenile Rule 7(F)(1). (b) If a hearing is scheduled on the Request: The hearing shall be held within a reasonable time, generally within fifteen (15) to thirty (30) days of the filing of the request.

Rule 312: Appointed Counsel

- A. The Court shall maintain a list of attorneys willing to accept appointments for Juvenile Court cases. The Court appointment list shall consist of the following individuals:
 - (1) Attorneys who will represent juveniles in delinquency, traffic and unruly cases, and indigent adults in criminal matters and contempt actions other than those specified herein;
 - (2) Attorneys who will serve as counsel for indigent parties in abuse, neglect, and dependency cases; and
 - (3) Attorneys who will represent juveniles charged with a Category One or Category Two delinquency offense and in cases where relinquishment of jurisdiction for the purpose of criminal prosecution is requested.

- B. Attorneys desiring to be placed on any or all appointment lists shall submit a written application provided by the Court along with a certificate of good standing directed to the Court Administrator.
- C. All attorneys appointed by the Court in unruly, truancy, violation of court order, OVI, delinquency, bindover, serious youthful offender, and appellate cases related thereto and adult criminal cases, shall meet the minimum qualifications for training and experience established by the Ohio State Public Defender in order to qualify for State reimbursement. All CLE hours must be certified by the Ohio Supreme Court Commission on Continuing Legal Education. Proof of education and training shall be submitted with the application and shall be provided annually thereafter. Failure to submit proof of continuing education and training requirements will result in the removal of the attorney from the appointment list. An attorney may request removal from the appointment list by submitting a written request directed to the Administrative Assistant to the Judge.
- D. The Court shall maintain an individual file for each appointed counsel. Attorneys will be assigned on a rotating basis from the graduated list that pairs the seriousness, complexity and type of case with the qualifications and experience of the person to be appointed. Appointments shall take into account all of the following:
 - (1) The anticipated complexity of the case in which appointment will be made;
 - (2) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
 - (3) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
 - (4) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
 - (5) Intangible factors, including the Judge or Magistrate's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
- E. The Court Administrator will review the number of appointments for each counsel twice per year. The equitable appointment of counsel shall be determined by type of case and shall not be aggregated from all types of cases. The appointment of counsel for children in abuse, neglect and dependency cases shall be counted as only one appointment for all children of a family for purposes of determining the equal distribution of appointments.
- F. Rates of compensation for appointed counsel shall be \$75.00 per hour in accordance with the reimbursement rates set by the Ohio Public Defender. Necessary and reasonable expenses may be allowed for such items as expert witness fees, polygraph exams, long distance telephone calls, photocopying, and certain travel expenses, so long as prior approval of the Court is obtained. The Court will not allow for any fixed office overhead expenses, Court transcripts or depositions, except as provided by law.
- G. Expenses shall be submitted within 10 days of the final disposition in the case and shall be submitted on the approved forms so that the Court and County can file a claim for state reimbursement. Failure to file the expense report within 30 days will result in no payment. Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including all regular billing documents. An award for extraordinary fees will be made only with the approval of the Court.

Rule 313: Record Retention

- A. Judge, Magistrate, and clerk notes, drafts, OCN Search results, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file in a confidential file, or destroyed at the discretion of the preparer.
- B. Delinquency and adult records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Documents admissible as evidence of a prior conviction in a criminal proceeding shall be retained for fifty years after the final order of the juvenile division.
- C. Juvenile by-pass records shall be maintained in two separate and secure files.
 - (1) The first file shall contain the first page of the form complaint and other relevant documents and the second file shall contain the second page of the form complaint bearing the signature of the complainant.
 - (2) Each file shall be retained for two years after the final order of the juvenile division or, if an appeal is sought, for two years after the filing of the appeal.
- D. Permanent custody, custody, parentage, visitation, support enforcement, abuse, neglect, dependency and URESA/UIFSA records shall be retained for two years after the child who is the subject of the case obtains the age of majority. If post-decree motions have been filed, records shall be retained for one year after the adjudication of the post-decree motion or for two years after the child who is the subject of the motion obtains the age of majority, whichever is later.
- E. Search warrant records shall be indexed and the warrants and returns retained in their original form for five years after the date of service or last service attempt.
- F. Unruly and marriage consent records shall be retained for two years after the final order of the juvenile division or one year after the issuance of an audit report by the Auditor of State, whichever is later. Minor misdemeanor traffic records shall be retained for five years after the final order of the juvenile division. Misdemeanor traffic records shall be retained for twenty-five years after the final order of the juvenile division. All other traffic records shall be retained for fifty years after the final order of the juvenile division.

Rule 314: Stayed Adjudication Program (SAP)

- A. Purpose and Intent
 - (1) To promote rehabilitation, reduce recidivism, and conserve judicial and community resources, this rule establishes a discretionary procedure for staying the adjudication of certain offenses. The Stayed Adjudication Program (SAP) allows a juvenile or adult respondent/defendant ("participant") to demonstrate a period of compliance with court-ordered conditions. Upon successful completion of the program, the underlying charge(s) will be dismissed. This rule is intended to address the root causes of certain behaviors, such as truancy and substance use, by prioritizing intervention over conviction or adjudication.
- B. Eligibility
 - (1) Eligible Persons: Any adult or juvenile charged with an eligible offense may be considered for this program.

- (2) Eligible Offenses: The following offenses are presumptively eligible for consideration under SAP:
 - (a) For Juveniles: Habitual Truant, and Unruly Child, specifically related to substance use or repeated disobedience of reasonable parental commands
 - (b) For Adults: Contributing to the Delinquency or Unruliness of a Minor, where the underlying act is related to truancy.
 - (c) Other Offenses: Any other misdemeanor, unruly, or minor status offense which the Court, in its discretion and upon agreement of the prosecutor, deems appropriate for this program.
- (3) Exclusions: The Court may deny eligibility if the participant has a significant history of non-compliance with court orders or if public safety and the interests of justice would not be served by the participant's inclusion in the program.

C. Procedure

- (1) Motion and Plea: The participant, through counsel or pro se, may make a motion for consideration under SAP at or prior to the adjudicatory/trial hearing. To be accepted into the program, the participant must enter a plea of "Guilty," "No Contest," or, in juvenile cases, an "Admission" to the charge(s).
- (2) Stay of Proceedings: If the Court determines the participant is eligible and suitable for the program, the Court shall accept the plea but shall stay the entry of a finding of guilt or adjudication of delinquency/unruliness. The matter will be continued for a period of compliance.
- (3) Compliance Plan: The Probation Department, shall establish a written Compliance Plan. The participant must agree to the terms of the plan in writing. The plan shall be tailored to the individual's needs and the specifics of the offense. Conditions of the Compliance Plan may include, but are not limited to:
 - (a) For Truancy-Related Offenses:
 - Regular and punctual school attendance with no unexcused absences.
 - Participation in family counseling or a school-based intervention program.
 - Release of school records to the Probation Department.
 - Parental participation in educational or support programs.
 - (b) For Substance Use Offenses:
 - Completion of a substance abuse assessment.
 - Attendance and completion of recommended counseling or treatment.
 - Submission to random drug and alcohol screening.
 - Attendance at support group meetings (e.g., AA/NA).
 - (c) General Conditions:
 - A period of probation supervision.
 - No new law violations.
 - Completion of community service hours.
 - Payment of court costs and any program-related fees.
 - Attendance at regular reviews before the Court or probation.
- (4) Duration: The period of compliance shall generally be for a term of up to six (6) months. The period of time for participation in the program may be extended up to 12 months at the Court's sole discretion to allow for the participant to complete an assigned program or task.

D. Successful Completion

- (1) Upon a motion by the Probation Department or the participant certifying that the terms of the Compliance Plan have been successfully completed, the Court shall hold a final review hearing.
 - (2) If the Court finds that the participant has successfully completed all conditions, the Court shall:
 - (a) Permit the participant to withdraw their prior plea of "Guilty," "No Contest," or "Admission."
 - (b) Dismiss the charge(s) with prejudice.
 - (c) Order that the case be sealed pursuant to the applicable sections of the Ohio Revised Code, upon proper motion by the participant.
- E. Violation and Unsuccessful Termination
- (1) If at any time the participant violates the terms of the Compliance Plan or is charged with a new offense, the Probation Department or Prosecutor shall notify the Court.
 - (2) The Court shall schedule a hearing to determine if a violation occurred. The participant has the right to be heard and present evidence.
 - (3) If the Court finds by a preponderance of the evidence that the participant has violated the terms of the plan, the Court may:
 - (a) Modify the Compliance Plan and extend the compliance period; or
 - (b) Terminate the participant from the SAP, lift the stay, enter a finding of guilt or adjudication based on the original plea, and proceed immediately to sentencing or disposition.
- F. Discretion of the Court : The decision to grant entry into the Stayed Adjudication Program is a matter of grace and rests within the sole discretion of the Court. Nothing in this rule shall be construed as creating a right to admission into the program.

Rule 315: Custody Proceedings When Both Parents Are Deceased

A. **Commencement of Action**

- (1) **New Cases:** When a private third party seeks to obtain authority over a minor child because both biological parents are deceased, and there is no existing case for the child in this Court, the party must file a **Complaint for Legal Custody** using Form AC-308.
- (2) **Existing Cases:** If the child already has an open or closed case file in this Court (e.g., prior traffic, support, or custody matter), the party must file a **Motion for Legal Custody** using Form AC-308.
- (3) **Separate Pleadings:** A separate Complaint or Motion must be filed for each child.

B. **Prohibition on Caretaker Authorization Affidavits**

- (1) A Caretaker Authorization Affidavit (R.C. 3109.65) is intended for situations where a parent cannot be located. It is **not** a valid legal instrument for granting authority when the parents are deceased.
- (2) The Clerk of Courts shall not accept for filing a Caretaker Authorization Affidavit if the accompanying information indicates that the parents are deceased.

C. **Necessary Parties and Service**

- (1) **Designation of Parties:** Pursuant to Juv.R. 2(Y), the Court designates the nearest adult maternal next of kin and the nearest adult paternal next of kin (grandparents) as necessary parties.

- (2) **Service:** The filing party must identify these relatives in Form AC-309 and perfect service pursuant to Civil Rule 4.
- D. **Required Documentation** The filing party must submit Form AC-309 (Affidavit) accompanied by:
- (1) The child's Birth Certificate; and
 - (2) An obituary or death notice for both parents.
 - (3) The filing must comply with the checklist on the Court's Website under Custody Proceedings When Both Parents Are Deceased

Rule 316: Confidentiality of Records and Prohibition on Electronic Dissemination

A. PURPOSE AND SCOPE

- (1) The purpose of this rule is to protect the privacy, safety, and best interests of children who are the subjects of proceedings in this Court, in accordance with the confidentiality mandates of the Ohio Revised Code and the Ohio Rules of Juvenile Procedure. This rule applies to all parties, counsel, and persons granted access to juvenile court records.

B. DEFINITION OF "PUBLIC USE"

- (1) Consistent with Ohio Juvenile Rule 37(B), "public use" of any juvenile court record is strictly prohibited.
- (2) For the purposes of this Local Rule, "public use" includes, but is not limited to:
 - (a) Posting, uploading, or sharing photographs, screenshots, or digital copies of any case document, judgment entry, or transcript on any social media platform (e.g., Facebook, Instagram, X/Twitter, TikTok, YouTube).
 - (b) Transmitting digital copies of records via unencrypted public messaging apps or group chats to individuals who are not parties to the case.
 - (c) Blogging or publishing the contents of records on any publicly accessible website.

C. PROHIBITION ON SOCIAL MEDIA POSTING

- (1) No party to a case, including parents, guardians, or custodians, shall post images or text of any Judgment Entry, Case Plan, Guardian ad Litem report, or psychological evaluation on any social media platform or internet website.
- (2) This prohibition applies regardless of whether the child's name is redacted, as the context of the posting may still identify the child to their community or peers.
- (3) Any party who has previously posted such records must remove them immediately upon the effective date of this rule or upon receiving notice of this rule.

D. PROHIBITION ON DISSEMINATION TO UNAUTHORIZED THIRD PARTIES

- (1) Any party, attorney, or individual who is granted access to juvenile court records, whether physically or electronically, is prohibited from providing copies, allowing inspection, or disseminating the contents of said records to any third party who is not otherwise authorized under this rule, Ohio statute, or specific Court order to receive such documents.
- (2) This prohibition applies to the distribution of records to friends, extended family members, media outlets, or any other individual not a party to the case, regardless of the method of transmission (e.g., hand-delivery, email, text message, or mail).

E. EXCEPTIONS

- (1) This rule does not prohibit a party from securely transmitting records to their legal counsel or to a confirmed expert witness retained for the case.
- (2) Public use is permitted only if explicitly authorized by a written order of this Court or in the course of a direct appeal.

F. PENALTIES FOR VIOLATION

- (1) Contempt of Court: Violation of this rule may result in a finding of contempt of court.
 - (a) Civil Contempt: The Court may order the violator to be incarcerated until the offending content is removed from the internet.
 - (b) Criminal Contempt: The Court may impose fines up to \$1,000 and jail terms up to 90 days for repeat or willful violations, pursuant to R.C. 2705.05.
- (2) Sanctions: The Court may impose additional sanctions, including limiting the violator's future access to physical case files or restricting visitation if the posting is found to be harmful to the child.
- (3) Criminal Referral: If the posting reveals confidential information from a child abuse report protected under R.C. 2151.421, the matter may be referred to the County Prosecutor for potential criminal charges under R.C. 2151.99 (Unauthorized Dissemination).

G. JUDICIAL NOTICE TO PLATFORMS

- (1) Upon a finding that a party has violated this rule, the Court may issue an Order to Remove directed to the relevant social media platform (e.g., Meta, Google) pursuant to its authority to protect the child's welfare.

Consolidated Rules of the Probate Division

Rule 400: Court Costs and Fees Deposit

Amount	Description
ADOPTIONS	
\$50.00	Petition to Register Foreign Adoption Decree (R.C. 3107.18)
\$150.00	Preplacement prior to Adoption - per child (does not include adoption fee)
\$150.00	Private Adoptions Court Costs per child
\$500.00	Assessor Home study Fee - per household (paid directly to assessor)
\$150.00	Agency Adoptions - per child - Agency provides Assessor reports
\$150.00	Adult Adoptions
ESTATES	
\$125.00	Full Administration
\$125.00	Release from Administration
\$60.00	Summary Release
\$10.00	Claims against Estate
\$10.00	Motion & Entry to re-open Estate (Plus costs of additional documents)
GUARDIANSHIPS	
\$125.00	Person & Estate (Each Case)
\$125.00	Estate only (Each Case)
\$125.00	Person only (Each Case)
\$125.00	Emergency Guardianships (Each Case)

MINOR SETTLEMENT	
\$185.00	"Over \$10,000.00 requires guardianship"
\$60.00	Without Guardianship
\$28.00	Authenticated copies from another County
\$28.00	Will with non-taxable return filed
\$33.00	Will with taxable return filed
CIVIL ACTIONS	
\$25.00	All Complaints
\$2.00	Subpoenas
OTHER FEES	
\$10.00	Application to correct birth record
\$155.00	Change of Name
\$18.00	Copies of Court Record
\$50.00	Marriage License
\$2.00	Certified Copy of marriage record
\$250.00	Publication Deposit

Rule 401: Standard Probate Forms

- A. The applicable Standard Probate Forms provided by the Ohio Supreme Court and as provided by this Court shall be used for all filings in this Court, except that Attorneys may generate pleadings and affidavits in order to present additional relevant information to the Court. The current versions of all Probate Forms are available on this Court's website.
- B. Specific requirements and instructions for the filing of Probate Matters are maintained on the Court's Web Site.

Rule 402: Rule 402: Specifications for Printing Probate Forms (Computer-Generated Forms)

- A. This Court may accept computer-generated forms created by third party providers, forms as adopted by this Court, or forms prepared by lawyers or others, provided the following conditions are met:
 - (1) Such forms shall comply with the provisions of Rule 51 and Rule 52 of the Rules of Superintendence for the Probate Division of the Court of Common Pleas.

- (2) Such forms shall be in the same format as those provided by this Court.
- B. The individual presenting forms to this Court shall be responsible to ensure that such forms are in full compliance with the Rules of Superintendence and the Local Rules of this Court. All printed material shall be in the same words, sequence and location on the page as the standard probate form. In the event of multiple page forms or two-sided forms, the printed material shall be on the same side or same page as the standard probate form. Any interlineated information shall be in typeface or written legibly in ink.
- C. The Court may reject forms that deviate from the format of the Standard Probate Forms. Such forms may be rejected prior to filing or stricken from the record upon discovery.

Rule 403: Motions and Entries

- A. Motions must comply with Rule of Superintendence 57. Motions shall be accompanied by a memorandum that includes a brief statement of the grounds for the motion with citations to authorities. Motions alleging facts specific to the case shall be supported by an affidavit. All motions shall be served pursuant to Civil Rule 5.
- B. All entries and orders presented to the Court for approval should include the date of the hearing, the names of those present, and the specific motion or application heard by the Court on that date. The caption shall state the subject matter of the Court's decision with reasonable specificity. The use of the terms "entry" or "order" without more specificity may cause such proposed entry to be rejected. Decisions should be captioned as "Magistrate's Decisions" and should also include a separate Judgment Entry for signature by the Judge and should include appropriate statutory language. Orders should be captioned as "Magistrate's Order" and include appropriate statutory language. Samples are available on the Court's website.
- C. All filings, entries and orders which bear an endorsement of counsel per telephone or electronic authorization shall state the date of said authorization and shall also contain a certificate of service by the attorney who obtained authorization that a copy of the filing, entry or order has been delivered to the consenting counsel.
- D. Application for leave to withdraw as counsel shall be made by written motion filed with the Court, with copies served upon the fiduciary and all other attorneys or parties of record in accordance with Civil Rule 73. If such Application is granted and the fiduciary does not appear at such hearing, the withdrawing attorney shall notify such fiduciary or other party in accordance with Civil Rule 73. Proof of compliance with Civil Rule 73 shall be filed with the Court.

Rule 404: Filing by Mail

- A. Pleadings, motions, applications and other filings as set forth below may be filed with the Court by U.S. Mail or other delivery services subject to the conditions set forth by the Local Rules or by the Court.
- B. Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs and all estate tax returns must be filed in person. Any pleading referenced below will be accepted for filing through the U.S. Mail or other delivery services. However, a filing that requires the payment of a fee will only be accepted if the correct filing fee is enclosed or has been paid. If there is a deficiency in the proposed

pleadings, motions, applications, filings or payment of costs, such items will be returned to the sender without being filed.

- C. If a file-stamped copy of the pleadings, motions, applications and other filings is desired to be returned to the sender, a copy of such pleadings and a self-addressed, postage pre-paid envelope must be enclosed or clear written instructions must be given to place such file-stamped copies in the sender's mailbox at the Court.
- D. Any pleading, motion, application or other filing which is to be set for hearing must be accompanied by the appropriate entry setting the matter for hearing. The Court will set such matters for hearing at its sole discretion. A proposed entry for the Court's consideration must accompany any pleading, motion, application or other filing that requires an entry.
- E. The Court will accept by U.S. Mail or other delivery services only the following pleadings, motions, applications and other filings set forth as follows:
 - (1) Decedent's Estates.
 - (a) Inventories, Amended Inventories, entries setting such matters for hearing and proposed entries approving the same
 - (b) Certificates of Service of Notice of Probate of Wills
 - (c) Waivers of Notice of Hearing
 - (d) Affidavits of Service with Proofs of Service attached
 - (e) Attorney Fee Applications, consents and Waivers of Notice of Hearing
 - (f) Appointments of Appraisers
 - (g) Applications to Transfer Motor Vehicles
 - (h) Applications for Certificates of Transfer, entries approving such Applications, and the proposed Certificates of Transfer
 - (i) Claims against the Estate
 - (j) Exceptions to Inventories and Accounts
 - (k) Consents to sell Real Estate
 - (l) Fiduciary Bonds
 - (m) Motions and entries setting such Motions for hearing
 - (n) Suggestions of Death
 - (o) Affidavits and Entries Finding that a Person is One and the Same
 - (p) Notification of Change of Address
 - (q) Initial Application to Extend Time of Administration
 - (r) Certificates of Fee Agreement
 - (s) Estate Tax Form 22² where no Ohio estate tax return is required.
 - (2) Guardianships.
 - (a) Inventories and Amended Inventories
 - (b) Applications to Release Funds
 - (c) Guardian's Reports
 - (d) Expert Evaluations
 - (e) Attorney Fee Applications
 - (f) Guardian Fee Applications
 - (g) Guardian Bonds on SPF 15.3
 - (h) Notifications of Change of Address
 - (i) Motions and entries setting such Motions for hearing
 - (j) Applications to Extend Time

- (3) Trusts.
 - (a) Inventories
 - (b) Lists of Beneficiaries
 - (c) Attorney Fee Applications
 - (d) Trustee Fee Applications
 - (e) Trustee Bonds
 - (f) Notifications of Change of Address
 - (g) Motions and entries setting such Motions for hearing
 - (h) Requests for Notification
- (4) Adoptions. Because adoption proceedings are sealed by statute, subject to the conditions as set forth in this Local Rule, the Court will accept the following filings relating to adoptions through the U.S. Mail or other delivery services provided that the pleadings are sealed in an envelope, that is prominently labeled -ADOPTION FILE UNDER SEAL
 - (a) Home Studies
 - (b) Pre-Finalization Reports
 - (c) Proofs of Service of Notice
 - (d) Petitioners Final Account
 - (e) Petitions for Identifying Information
 - (f) Social and Medical History Updates
 - (g) Motions, Responsive Pleadings and Entries Setting Hearings

Rule 405: Probate restrictions on Fax Filings

- A. Filing by facsimile shall be pursuant to Rule 010.
- B. Filings Not Accepted. The following documents may NOT be filed by facsimile transmission:
 - (1) Any filing commencing a proceeding for which the Court must collect an initial case deposit against costs or a specific filing fee and/or for which the Court is required to effectuate service of summons;
 - (2) Any pleading or form associated with an adoption.
 - (3) Estate tax returns;
 - (4) Any entry not requiring the Court's signature but for which a party is obligated to pay costs to the Court.
 - (5) Notices of dismissal, stipulated entries of dismissal and other filings not requiring a Judge's signature and not requiring payment of costs to the Court may be filed by facsimile subject to the other provisions of this Local Rule;
 - (6) Pleadings, motions, applications or other filings in matters involving an adoption;
 - (7) Applications for Certificates of Transfer.

Rule 406: Case Management and Pre-Trial Procedure in Civil Actions

- A. Procedure shall be as set forth for the General Division of the Adams County Court of Common Pleas.

Rule 407: Case Management in Decedent's Estate, Guardianships, and Trusts

- A. A Certificate of Service of Notice of Probate of Will, Form 2.4, shall be filed no later than two months after the appointment of the fiduciary, unless the Court grants an extension of that time.
- B. Attorneys must provide a copy of "Form AC-403 Citation Notice" to the fiduciary that they represent prior to filing with the Court.
- C. **Guardian's Reports** (*Purpose: This rule is amended to align with R.C. 2111.49 as amended by Senate Bill 196, effective March 20, 2025, reducing the statutory reporting burden on guardians.*)
 - (1) Reporting Frequency: The guardian of an incompetent adult shall file a Guardian's Report (Standard Probate Form 17.7) with the Court two years after the date of the issuance of the Guardian's Letters of Appointment and biennially (every two years) thereafter.
 - (2) Court Discretion: Notwithstanding the biennial reporting schedule, the Court reserves the authority under R.C. 2111.49(A)(1) to require a guardian to file a report at any other time upon motion or specific order of the Court to ensure the welfare of the ward.
 - (3) Medical Statement: An expert evaluation (Statement of Expert Evaluation) shall be attached to the Guardian's Report as required by law.
- D. If an estate is not fully administered within two years, the magistrate will determine whether court intervention is necessary. If the Court schedules a status conference, the parties may participate telephonically with prior approval of the Court.
- E. The trustee of a testamentary trust shall file an account with the Court no later than two years after the date of the issuance of the Trustee's Letters of Authority and biennially thereafter. A list of the current beneficiaries of the trust shall be filed with the account. The Court may, at its discretion, require yearly filings.
- F. The fiduciary shall sign all applications, including a continuance to extend the time for filing an inventory, account, or Guardian's Report.
- G. Upon citation to the attorney of record for a fiduciary who is delinquent in filing an inventory, account, or Guardian's Report, the Court may bar the attorney from opening any new cases in any new proceeding until all delinquent pleadings are filed.
- H. Upon filing exceptions to the inventory or an account, the exceptor shall set said exceptions for a scheduling conference. The Court may dispense with the scheduling conference and proceed directly to trial for good cause shown.

Rule 408: Adoptions

- A. At the time of filing a petition for Adoption, a deposit shall be required.
- B. The Petitioner(s) MUST be represented by an attorney. The attorney for the petitioner shall be responsible for preparing and supplying to the Court the forms and entries for required notices in adoption proceedings. A checklist is available from the Clerk for the attorney to use to prepare the pleadings.
- C. NOTICE TO BIRTH PARENTS IN ADOPTION PROCEEDINGS

- (1) This rule applies to all adoption proceedings filed in this Court wherein the consent of a birth parent is required, or in which it is alleged that the consent of a birth parent is not required pursuant to Ohio Revised Code § 3107.07.
 - (2) In addition to any notice of hearing required by statute or rule, counsel for the petitioner(s) shall provide each birth parent, whose rights have not been previously terminated by a court of competent jurisdiction, with a written notice of their legal rights. This notification shall be provided using the Court's official "Notice to Birth Parent Form (AC-437)."
 - (3) Form AC-437 informs the birth parent of the pending adoption petition and clearly states all of the following:
 - (a) That a final decree of adoption, if granted, will permanently terminate all parental rights and responsibilities.
 - (b) The birth parent's right to be represented by legal counsel.
 - (c) The birth parent's right to have counsel appointed at no cost if the Court determines the birth parent to be indigent.
 - (d) The procedure for requesting court-appointed counsel.
 - (e) The requirement to file a written objection with the Court:
 - (i) Within fourteen (14) days after proof of service is filed if the child is under one year of age; or
 - (ii) Within twenty-eight (28) days after proof of service is filed if the child is one year of age or older.
 - (4) **SERVICE OF NOTICE AND CERTIFICATION**
 - (a) The attorney for the petitioner(s) is responsible for serving Form AC-437 upon each birth parent requiring notice. Service shall be made in a manner reasonably calculated to provide actual notice.
 - (b) No later than seven (7) days prior to the final hearing on the adoption, petitioner's counsel shall file a "Certificate of Service of Notice to Birth Parent" with the Court. This certificate shall attest that Form AC-437 was served on the birth parent(s), specifying the date, method of service, and the address to which the notice was sent. A copy of the completed Form AC-437 as sent to the birth parent shall be attached as an exhibit to the certificate. Failure to file this certification may result in the continuance of the hearing.
- D. Unless the Father's name is on the birth certificate, JFS 07038, also known as the "Acknowledgment of Paternity Affidavit", Petitioner or Petitioner's counsel shall request a search of the Putative Father's Registry and shall file the certified response to that request. The Court reserves the right to order additional notice to the putative father as deemed necessary.
- E. **PLACEMENT:**
- (1) Except in step-parent adoptions, there must be a lawful placement before the filing of the Petition for Adoption. Lawful placement means a pre-placement by the Probate Court, Legal Custody by a Court with Competent Jurisdiction, and/or a Guardianship in Probate court.
 - (2) Pursuant to R.C. 3107.13, if the child has lived in the home of the petitioner for at least six months prior to the filing of the petition, and the petitioner is a foster caregiver, kinship caregiver, grandparent, relative, legal custodian, or guardian, the

Court shall apply that time toward the six-month waiting period required for finalization.

F. OTHER PROCEEDINGS:

- (1) In any adoption where the Domestic Relations Court, Juvenile Court or the Child Support Enforcement Agency has a pending or existing case for child support, petitioner(s) or counsel, and not the Court, is responsible to notify such court or agency of the child's adoption to allow the support order to be terminated or reduced to a lump-sum judgment.
- (2) If a permanent custody proceeding is pending in any juvenile court under R.C. 2151.414, this Court shall stay the adoption proceeding until the permanent custody proceeding is fully resolved, including any appeals.

G. Surrogacy actions shall be presented to the Court as declaratory judgment actions. The plaintiff shall be the intended parent(s). The necessary party defendants shall be the surrogate and the surrogate's husband. The complaint must be accompanied by an affidavit from the physician rendering the retrieval of genetic material and implantation of the embryo. Counsel shall present a proposed entry approving gestational surrogacy when the complaint is filed. A copy of the surrogacy contract shall be attached as an exhibit to the complaint. After birth, counsel shall present a proposed entry registering the child's birth with a certificate of registration.

H. The Court shall provide a list of qualified assessors upon request pursuant to ORC 3107.031. Petitioner's counsel shall inform the Court of the assessor selected. The fee for the assessor to prepare the home study and report to be filed with the Court shall be paid to the clerk.

I. Adoptions may be set for a scheduling conference before the Court if it is determined that an issue must be addressed prior to final hearing. The Judge or the Magistrate may conduct any pre-trial, consent, best interest or final hearings in any adoption.

J. Foreign and Out of State Adoptions

- (1) **Registration of Foreign Decree:** An adoption decree issued by a foreign country that is verified by an IR-3 or IH-3 visa shall be recognized as final in Ohio. The adoptive parent(s) need not file a full petition for adoption but may file a Petition to Register and Recognize Foreign Adoption Decree along with the foreign decree and visa verification to obtain an Ohio birth record. No hearing or home study is required for this registration.
- (2) **Readoption:** If the foreign decree does not meet the requirements for automatic recognition, or if the parents choose to file a full Petition for Adoption, all standard procedures under this rule apply.
- (3) **Release of Information:** For all adoptions finalized out of state on children born in Ohio, where the consent hearing is performed by this court, the petitioners shall file ODHS Forms 1693 and 1616. Petitioners shall provide the Court with the date of finalization of the adoption in the foreign court, the name of the foreign court and the name of the adoptee after the adoption.

K. When multiple children are being adopted, a Petition is required for each child, however, only one assessor need be appointed per household.

L. **Adoption Procedure:** No adoption petition will be filed without the appropriate checklist being properly executed and attached by the attorney.

- (1) A copy of the Court's Adoption Checklist must be signed by Petitioner(s) and/or their counsel, and submitted at the time of filing of the Petition for Adoption.
- (2) Accounting Exemption: Pursuant to R.C. 3107.055 and 3107.10, the following petitioners are exempt from filing the Preliminary Estimate of Accounting (Form 18.9) and the Final Accounting:
 - (i) Step-parents
 - (ii) Grandparents
 - (iii) Providers of Kinship Care
 - (iv) Legal Custodians
 - (v) Guardians
- (3) Pre-Service Training: Except in step-parent adoptions and those exempt by statute, Prior to filing any adoption petition with the Probate Court, petitioner(s) shall contact the Adoption Assessor to schedule and complete the required pre-service training, and receive adoption approval by the Adams County Children's Services Agency.
- (4) The petitioner(s) shall follow all requirements, including completion of local, state, and federal criminal background checks and Bureau of Motor Vehicle checks, as well as provide the names, addresses, and phone numbers of their personal references, all of which shall be submitted to the Adoption Assessor, along with their training certificates.
- (5) Petitioner(s) shall submit to a site and safety audit by the assessor, complete a fire marshal inspection and pay the fee for same, and have medical statements completed on all household members by their family physician.
- (6) Upon completion of all requirements, the Adoption Assessor shall submit a letter to the Probate Court, the petitioner(s), and/or their counsel, advising that all requirements have been met.

M. Birth Certificates:

- (1) The Court will send for the new Birth Certificate from the Ohio Department of Health. The petitioner(s) must provide the birth certificate fee (currently \$21.50) to the Probate Clerk and must have ensured that all other remaining Court Costs have been paid before the Court will proceed with obtaining the new certificate. As a courtesy, the Court may also obtain birth certificates from Kentucky at the certificate fee currently designated. For any other state, it is the responsibility of the attorney arranging the adoption to obtain the birth certificate.

N. Attorney Fees:

- (1) Attorney fees shall be governed by RULE 1.5 of the Rules of Professional Responsibility. The Court has the ultimate authority to set fees in any matter, and may require an attorney to provide a copy of their fee agreement and/or time records used in calculating the attorney fee.

O. CONFIDENTIALITY AND ACCESS TO ADOPTION RECORDS

- (1) Closed Hearings and Sealed Records. In accordance with the public policy of the State of Ohio, all adoption proceedings are confidential. All hearings shall be held in closed court. All papers, books, and records pertaining to an adoption, including the Court's docket and indexes, are confidential, shall be sealed upon filing, and are not public records.

- (2) Prohibition on Disclosure. Except as provided by the Ohio Revised Code or by this rule, no person or governmental entity shall knowingly reveal any information contained in a sealed file without the express consent of the Court, obtained via written motion and order. Violation of this rule may result in sanctions for contempt of court and/in statutory penalties.
- P. Definitions: For the purpose of this rule, the following definitions apply:
- (1) **Party.** A "Party" shall include the person(s) petitioning for the adoption, the adoptee, and any other person or agency whose consent to the adoption is required by statute.
 - (2) **Counsel.** An attorney who has entered an appearance on behalf of a "Party."
 - (3) **Participant.** Any individual, other than a Party or Counsel, who is permitted to attend a closed hearing, including essential officers of the court, witnesses, and representatives of an agency involved in the proceeding.
- Q. Access During Pending Adoption Proceedings
- (1) Access to the sealed file during a pending proceeding is strictly limited to facilitate the legal process while protecting the privacy of all Parties.
 - (2) **Access by Counsel for a Party.** Counsel for any Party, including counsel appointed for a parent whose consent is required, shall have the right to inspect, in person and in the presence of court staff, the following documents for the sole purpose of providing effective counsel and ensuring a Party's consent is knowing, voluntary, and informed :
 - (a) The Petition for Adoption (Form 18.0) ;
 - (b) The Petitioner's Account (Form 18.9) ;
 - (c) Any Consent to Adoption (Form 18.3) executed or to be executed by that specific Party.
 - (3) **Highly Sensitive Documents.** The following documents are not subject to inspection and shall not be disclosed to any Party or their Counsel absent a specific motion and finding of good cause by the Court:
 - (a) The Home Study Report ;
 - (b) The Prefinalization Assessment Report ;
 - (c) Any filed Social and Medical History forms. Upon motion, the Court shall conduct an *in-camera* inspection of these documents to determine if any portion must be disclosed to ensure a Party's due process rights.
 - (4) **Prohibitions.** No Party, Counsel, or Participant shall make or be given a copy of any document from the sealed file unless authorized by a specific written order of the Court. No document inspected at the courthouse shall be removed from the court's premises.
- R. Access After Final Decree of Adoption
- (1) After an interlocutory order or a final decree of adoption is entered, this rule no longer governs access to the sealed file. All requests for identifying or non-identifying information, including access to the original birth certificate, shall be governed exclusively by the procedures set forth in the Ohio Revised Code, including R.C. §§ 3107.38, 3107.47, 3107.66, and 3705.126.
- S. Access by Subpoena or Other Legal Process
- (1) The confidentiality of the adoption file, as mandated by R.C. § 3107.17 and R.C. § 149.43, is not subject to waiver by a subpoena, administrative request, or other legal

process issued by a non-party entity. The Clerk shall not release any records in response to such a subpoena.

Rule 409: Estate Administration: General Information

- A. The caption for the Estate must match the name of the decedent as set forth in the will. If there is no will, the name of the decedent on the death certificate and/or any deed of property should be used. If there is a variation in the name that the decedent used, an Affidavit of One and the Same should be filed in the case listing all variations of the decedent's name. Unless otherwise approved by the Court, the case caption should NOT contain "AKA" or "FKA" information.
- B. An Affidavit of One and the Same should be filed for any beneficiary that may have multiple variations of the spelling of their name. Examples include beneficiaries who may have changed their name through marriage after the drafting of the will.
- C. All claims against a decedent's estate must be presented in accordance with RC §2117.06. If no fiduciary has been appointed, the Court cannot accept the claim and the claimant should follow the procedure set forth in RC §2117.06(A)(1)(c).
- D. Fees to a prior guardian of a decedent or fees to an attorney representing a prior guardian must be submitted as claims against the Estate and not as fiduciary or attorney fees in an Estate.
- E. Unless specifically set forth in the Will, the Court will not appoint co-executors. Co-administrators will not be appointed in intestate estates.

Rule 410: Estate Administration: Wills

- A. Before an application is filed to admit a will to probate, to appoint an estate fiduciary, or to relieve an estate from administration, the applicant or the applicant's attorney shall examine the index of wills to determine if the decedent has deposited a prior will with the Court for safekeeping. Prior wills so deposited shall be filed in the estate proceedings for record purposes only.
- B. Upon presentation of a will, the Magistrate shall make the initial determination as to whether the purported will shall be admitted to probate.
- C. Lost, Spoliated, or Destroyed Wills: Any application to admit a will that was lost, spoliated, or destroyed shall be set for a hearing pursuant to R.C. 2107.26. The applicant must prove the will's proper execution and its contents by clear and convincing evidence. Notice of the hearing shall be given by certified mail to the surviving spouse, all next of kin, and all legatees and devisees named in the will, as required by law.
- D. All persons listed on Form 1.0 whose addresses are known shall be given Notice of Probate of Will by certified mail unless such notice is waived. Notice by publication shall be required if the identity and/or address of any next of kin and/or beneficiary is unknown, unless the Court otherwise orders.
- E. If a will specifies a spouse or other beneficiary who is deceased, and for surviving spouses in Intestate Estates, the Form 1.0 should reflect the person's name and indicate that the beneficiary/spouse is deceased. Proof of death in the form of a death certificate (preferred), obituary, or other official document containing sufficient information to verify the identity of the deceased beneficiary. It is important to be able to determine the relationship between deceased heirs and surviving offspring. If necessary due to the complexity of the case,

submit a notice to the Court regarding the relationship between the persons listed on the Form 1.0.

- F. Certificates of Service of Notice of Will (Form 2.4) may be filed subject to approval by the Court.
- G. Where the will names a living trust as a beneficiary, a copy of the trust shall be submitted to the Court for review, but the trust agreement will not be filed with the Court. Except for good cause shown, this requirement must be met before the inventory or entry relieving the estate from administration is filed with the Court.

Rule 411: Estate Administration: Attorney Fees

- A. Attorney fees in all matters shall be as set forth herein. The Court has the ultimate authority to set fees in any matter. Attorneys represent the Fiduciary and not the Estate. Communications with heirs and/or beneficiaries should reflect this.
- B. Counsel shall enter into a dated written fee agreement with the fiduciary prior to or upon the filing of the Inventory with the Court. The fee agreement shall contain an estimate of the total fee for the administration of the decedent's probate estate. A copy of the fee agreement shall be provided to any residuary beneficiary of the probate estate upon request. If the attorney for the estate is also the fiduciary or if the fiduciary is an attorney associated with the attorney for the estate, a copy of the fee agreement shall be provided to all residual beneficiaries of the probate estate upon its execution. Counsel shall file with the Court a copy of the Fee Agreement prior to or upon the filing of the Inventory with the Court.
- C. Attorney Fees for the administration of a decedent's probate estate ordinarily shall be paid at the time the fiduciary's final account or certificate of termination is prepared for filing with the Court, and such fees shall not be paid prior to two weeks before the filing of the fiduciary's final account or certificate of termination.
- D. The Court may, upon application and for good cause shown, approve an Application for Partial Payment of Attorney Fees without a hearing prior to the time the fiduciary's final account is filed with the Court. The grounds for approving partial payment of attorney fees may include, for example, that the payment of attorney fees provides an income tax benefit to the estate, that the estate is involved in protracted litigation, or that the administration of the estate is extended beyond twelve months from the date the fiduciary is appointed because of circumstances beyond the fiduciary's and the attorney's control. In all such cases, the application must state the total amount of the attorney fees and any anticipated extraordinary fees estimated to be requested for the complete administration of the decedent's probate estate. Ordinarily, partial attorney fee requests should not exceed 50% of the total amount of the attorney fees estimated to be requested for the complete administration of the decedent's probate estate.
- E. When multiple attorneys have been retained by the fiduciary or fiduciaries for the probate estate, or when it is anticipated that attorney fees will be paid to more than one attorney or law firm, all fee requests shall be considered by the Court simultaneously.
- F. Fees to an attorney who is performing work related to an Estate, but not required for the administration of the Estate, shall be documented and submitted as a separate claim against the Estate.
- G. A written fee application shall not be required and the fiduciary may pay such fees to counsel if counsel's fee is within the guideline set forth in Rule 411:I. below, the amount

is under \$2,000, and the fiduciary, all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have consented in writing to the payment of the attorney fees and such consent is filed with the Court. If counsel's fee exceeds \$2,000 and the other terms outlined above have been met, the Magistrate shall be provided with the attorney's time records and the Magistrate shall review and approve counsel's fee prior to payment. Notwithstanding the foregoing, the Court may require an application for attorney fees be filed with the Court for review and approval.

- H. If counsel requests a fee that is within the guideline set forth below but all of the residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees have not consented in writing to the payment of such fee, a written application signed by the fiduciary or attorney and supported by the attorney's time records shall be filed with the Court. It is within the discretion of the magistrate assigned to the case whether such application will be formally set for hearing. If a hearing is set, notice of the hearing shall be given to all residuary beneficiaries of the probate estate and all other parties affected by the payment of said fees. A Waiver of Notice of Hearing and Consent to Payment of Attorney Fees may be filed.
- I. Attorney fees for the administration of a decedent's probate estate as set forth below may serve as a guide in determining fees to be charged to the probate estate for legal services of an ordinary nature rendered as attorney for the fiduciary in the administration of a decedent's probate estate. The Court does not have, nor is there recognized, any minimum or maximum fees that will automatically be approved by the Court. Misrepresentation of this guideline may result in sanctions, including the disapproval of or partial or total disgorging of attorney fees. Attorney fees calculated under this guideline shall be rebuttably presumed to be reasonable.
 - (1) No application for fees or consents from the residuary beneficiaries of the probate estate or all other parties affected by the payment of said fees are required where counsel's fee is \$2,000 or less.
 - (2) On all property subject to administration (Inventory value in addition to ordinary income) and for which the fiduciary is charged as follows:
 - (a) For the first \$50,000 at a rate of 5.5%;
 - (b) All above \$50,000 and not exceeding \$100,000 at the rate of 4.5%;
 - (c) All above \$100,000 and not exceeding \$400,000 at the rate of 3.5%;
 - (d) All above \$400,000 at the rate of 2.0%.
 - (3) For Real Estate Sold by Judicial Proceedings:
 - (a) 6% for the first \$10,000 of the purchase price
 - (b) 2% for the balance
- J. Counsel shall utilize the Attorney Fee Calculator for Probate Estates (Microsoft Excel) available on the Court's website and submit a printout to the Court.
- K. Except for good cause shown, attorney fees shall not be allowed to attorneys representing fiduciaries who are delinquent in filing the accounts required by R.C. §§ 2109.301, 2109.302, and 2109.303, et seq.
- L. Attorney fees for services rendered in an estate relieved from administration shall be disclosed as a liability of the estate.
- M. In cases involving both probate and non-probate assets, an attorney must follow the procedures set forth in this rule to approve the amount of fees charged for work done

handling the administration of the probate assets. If the attorney desires to waive fees for such work, a written waiver of such fees shall be filed with the Court and as such, shall not be collected from any other source.

- N. Unless otherwise authorized by the Court, attorney fees should not be awarded for that portion of any time spent traveling to and from the Court that would not have been incurred but for the fact that the attorney has an office located outside Adams County or counties contiguous thereto.
- O. If an attorney is both attorney and fiduciary for the Estate, only attorney fees shall be granted pursuant to the schedule herein, except by prior approval of the Court upon application by the attorney/fiduciary.

Rule 412: Estate Administration: Executors and Administrator's Commissions

- A. Unless otherwise authorized by the Court, extraordinary fiduciary commissions should not be awarded for travel expenses that would not have been incurred but for the fact that the fiduciary resides outside of Adams County or counties contiguous thereto.
- B. The Court will consider reasonable extraordinary fiduciary commissions upon the filing of an application supported by a list of the extraordinary services provided by the fiduciary. The list should include all hours spent doing all work (ordinary and extraordinary) and the dates the work was performed.
- C. In cases where extraordinary executor or administrator's fees are requested involving multiple fiduciaries and separate fee applications will be filed by more than one fiduciary, all fee requests shall be considered by the Court simultaneously.
- D. Unless otherwise authorized by the Court, the payment of a fiduciary commission shall not be made before two weeks of the filing of the final account or certificate of termination in the estate.

Rule 413: Estate Administration: Application for Authority to Administer Estate and Notice of Appointment

- A. Any person filing an Application for Authority to Administer Estate shall give notice to the decedent's surviving spouse and to all next of kin unless such notice is waived. This requirement shall not apply to applicants who are named in the decedent's will.
 - (1) The notice shall contain the date, time and place of the hearing, and it shall be served in accordance with Civil Rule 73 at least seven (7) days prior to the date set for hearing.
 - (2) For good cause shown, the Court may permit notice to be served by ordinary mail. Evidence of such notice shall be documented by the filing of an Affidavit of Service.
 - (3) All Applications shall be set for hearing before the Magistrate unless all waivers of notice have been obtained.
 - (4) Where the Application is for the appointment of a Special Administrator pursuant to RC §2113.15, the Court in its discretion may waive or modify the notice requirements. Furthermore, the Court in its discretion may set or waive a bond, it may limit the Special Administrator's powers, and it may require the filing of expedited status report(s).
- B. Before filing an Application for Authority to Administer Estate, the attorney or the proposed fiduciary shall determine if there is a will of the decedent on deposit with the

Court by checking the index of wills. Prior wills so deposited shall be filed in the estate proceedings for record purposes only.

- C. Upon the filing of an Application for Authority to Administer Estate,
 - (1) The applicant shall display a copy of the decedent's death certificate or other evidence of death acceptable to the Court.
 - (2) A certificate of death or other evidence of death acceptable to the Court is also required for any beneficiary named in the decedent's will that pre-deceased the decedent. A certificate of death may be required in intestate estates upon request of the Court. This requirement may be waived by the Court for good cause shown.
 - (3) Any named beneficiary who pre-deceased the decedent should be listed on the Form 1.0 filed with the Court.
- D. Any applicant who is not represented by an attorney may be required to display photographic identification.
- E. Whenever an applicant resides outside Adams County, all estate assets shall remain in Adams County. This restriction shall not apply to an applicant who resides in an Ohio County contiguous to Adams County.
- F. Whenever an applicant resides outside of the state of Ohio, all estate assets, including financial accounts, real estate, vehicles, and other property shall remain in Adams County. Upon motion, for good cause shown, the Court may dispense with this requirement.
- G. Upon motion of any interested person, or sua sponte, the Court may order that all intangible property be held in joint control and possession of the fiduciary and counsel for the estate or such other suitable person or entity as the Court may approve.
- H. All Executors/Administrators and their attorneys are required to inform the Court, in writing, within 30 days of a change of their address and/or telephone number.

Rule 414: Estate Administration: Inventory and Appraisal

- A. Prior to filing an Inventory, counsel shall examine record title to the decedent's real estate for the sole purpose of confirming the decedent's ownership interest.
- B. Upon filing an Inventory, the executor or administrator shall serve notice of the hearing upon the decedent's next of kin (intestate) and all beneficiaries of the estate (testate) listed on Form 1.0 and their attorneys of record, unless such notice is waived. Notice may be served by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it. Evidence of notice shall be documented by the filing of an -Affidavit of Service which sets forth the manner of service.
- C. In addition to notice, the executor or administrator shall send a copy of the Inventory and Appraisal to the decedent's next of kin and all beneficiaries of the estate listed on Form 1.0 and their attorneys of record. This requirement may be modified or waived by the Court for good cause shown.
- D. Where the name or address of an interested party is unknown, and where a prior notice by publication for that person or class of persons has not already been made in the estate proceedings, the fiduciary shall publish notice of the hearing once each week for three consecutive weeks.
- E. Upon discovering one or more new probate assets, the fiduciary or his attorney shall file a Report of Newly Discovered Assets. Unless otherwise ordered by the Court, Reports of

Newly Discovered Assets shall not be set for hearing, and notice to interested parties shall not be required. Real estate and tangible personal property that are included in a Report of Newly Discovered Assets shall be valued pursuant to Rule 425:D. below.

- F. Upon discovering that the Inventory contains any other error which can not be corrected by filing a Report of Newly Discovered Assets, the fiduciary shall file an Amended Inventory. At the discretion of the assigned magistrate, the Amended Inventory may be approved upon filing, or may be set for hearing. If set for hearing, notice shall be given to all interested parties unless waived.
- G. Sale of Real Estate
- (1) Pursuant to R.C. 2127.01, where the executor has testamentary power of sale, and the executor may proceed with sale under the will.
 - (2) Sale of Real Estate may be by motion in the Probate Case only Pursuant to R.C. 2127.011, which states that (A) In addition to the other methods provided by law or in the will and unless expressly prohibited by the will, an executor or administrator may sell at public or private sale, grant options to sell, exchange, re-exchange, or otherwise dispose of any parcel of real property belonging to the estate at any time at prices and upon terms that are consistent with this section and may execute and deliver deeds and other instruments of conveyance if all of the following conditions are met:
 - (a) The surviving spouse, all of the legatees and devisees in the case of testacy, and all of the heirs in the case of intestacy, give written consent to a power of sale for a particular parcel of real property or to a power of sale for all the real property belonging to the estate. Each consent to a power of sale provided for in this section shall be filed in the probate court.
 - (b) Any sale under a power of sale authorized pursuant to this section shall be made at a price of at least eighty per cent of the appraised value, as set forth in an approved inventory.
 - (c) No power of sale provided for in this section is effective if the surviving spouse or any legatee, devisee, or heir is a minor. No person may give the consent of the minor that is required by this section.
 - (3) A surviving spouse who is the executor or administrator may sell real property to self pursuant to this section.
 - (4) Pursuant to R.C. 2127.15, any actions to sell real estate not listed above shall be initiated by the Fiduciary initiating a civil action in Probate Court.
 - (5) Consents to Power to Sell Real Estate shall not be filed prior to the filing of an Inventory.

Rule 415: Rule 415: Oversight of Minor's Money

A. Jurisdiction and Philosophy

This Court has jurisdiction over funds and property belonging to minors who are residents of this county. The Court's primary objective is to ensure that a minor's assets are preserved and used for the minor's best interest, considering the minor's age, maturity level, educational needs, and the nature and value of the assets. The Court encourages the use of the least restrictive means of oversight appropriate to the circumstances. The Court discourages the use of formal guardianships when a biological parent or legal custodian is available and finds the use of the various provisions of this rule to be the least restrictive means of protecting a minor's assets.

B. Distributions from Estates, Trusts, Insurance, or Retirement Plans

When a minor is entitled to receive money or property from a decedent's estate, a trust, a life insurance policy, a retirement plan, or a similar source, the fiduciary or payor shall apply to the Court for an order directing distribution. The method of oversight shall be determined based on the net value of the distribution as follows:

- (1) **\$1,000 or Less:** The Court may order the funds to be paid directly to the minor, to the minor's parent(s), or to the person with whom the minor resides for the minor's benefit. No formal accounting is required.
- (2) **\$1,001 to \$10,000:** The funds shall be deposited into a restricted account at a federally insured financial institution in the minor's name. No withdrawals shall be permitted until the minor reaches the age of eighteen (18) or upon further order of the Court. The procedure shall be as follows:
 - File Form **AC-423:** Application to Pay or Deliver Estate of a Minor.
 - Parents/custodians must sign Form **AC-424:** Acknowledgment of Responsibility.
 - The Court will issue Form **AC-425:** Judgment Entry to Pay or Deliver Estate of Minor.
 - The applicant must file Form **AC-426:** Verification of Receipt and Deposit within thirty (30) days of the Court's order.
- (3) **\$10,001 to \$25,000:** The creation of a Uniform Transfers to Minors Act (UTMA) account pursuant to R.C. Chapter 5814, with distribution to the minor at age twenty-one (21), is the presumptive procedure for funds in this range. Upon application and for good cause shown, the Court may approve other arrangements, such as a restricted account. The procedure for establishing a UTMA account shall be as follows:
 - File Form **AC-423:** Application to Pay or Deliver Estate of a Minor.
 - Parents/custodians must sign Form **AC-424:** Acknowledgment of Responsibility.
 - The Court will issue Form **AC-425:** Judgment Entry to Pay or Deliver Estate of Minor.
 - The applicant must file Form **AC-426:** Verification of Receipt and Deposit within thirty (30) days of the Court's order.
- (4) **Over \$25,000:** The Court shall order the appointment of a Trustee to manage the funds within an Irrevocable Trust established pursuant to R.C. 2111.182, with the trust terminating when the minor reaches the age of twenty-five (25). Upon application, the Court may waive any bond requirement for a biological parent who is designated as the trustee. Non-parent trustees must be bonded. The procedure shall be as follows:
 - File Form **AC-449:** Application for the Appointment of a Trustee.
 - The proposed Trustee must sign and file Form **AC-451:** Fiduciary's Acceptance (Trust).
 - The Court will approve Form **AC-450:** Irrevocable Trust Agreement (Minor) and issue Form **AC-452:** Trustee's Letters of Authority.
 - The Trustee shall file Form **AC-453:** Trustee's Inventory and thereafter file Form **AC-454:** Trustee's Account biennially as required by law and local rule.

C. Distributions from Personal Injury or Wrongful Death Claims

All settlements of claims for injuries to a minor or wrongful death claims for the benefit of a minor must be approved by the Court pursuant to R.C. 2111.18 and Superintendence Rule 68. The net proceeds shall be distributed and overseen as follows:

- (1) **\$1,001 to \$10,000:** The net proceeds shall be deposited into a restricted account as described in division (B)(2) of this rule.
- (2) **\$10,001 to \$25,000:** The net proceeds shall presumptively be placed in a Uniform Transfers to Minors Act (UTMA) account as described in division (B)(3) of this rule. For good cause shown, the Court may order the proceeds to be handled through a restricted account as described in division (B)(2).
- (3) **Over \$25,000:** The net proceeds shall be placed in an Irrevocable Trust pursuant to R.C. 2111.182 as described in division (B)(4) of this rule. The Court may also consider a structured settlement where appropriate.

Rule 416: Settlement of Claims for Injuries to Minors

A. **Application and Jurisdiction**

All applications for the settlement of a minor's claim for personal injury must be filed in this Court and approved pursuant to R.C. 2111.18 and Superintendence Rules 67 and 68. Consistent with the philosophy expressed in Rule 415(A), the Court finds that the appointment of a guardian of the estate is generally not necessary for the settlement of a minor's claim. The application shall be brought by the minor's parent(s) or the person having custody of the minor, regardless of the settlement amount.

B. **Hearing and Appearance**

The application for settlement shall be set for hearing before the Magistrate. The applicant and the minor shall personally appear at the hearing, unless their appearance is waived by the Court for good cause shown.

C. **Required Documentation**

- (1) An application for approval of settlement shall be accompanied by a current statement of the examining physician with respect to the injuries sustained, the extent of the recovery, and the physician's prognosis. The statement shall be dated within ninety (90) days of the filing of the application. The Court may waive the requirement of a physician's statement if the gross amount of the settlement does not exceed \$25,000.
- (2) A copy of the proposed release of claims shall be attached to the application.
- (3) A copy of the attorney's fee contract and an itemization of case expenses shall be attached. Attorney fees for services rendered in connection with the settlement shall be paid from the proceeds of the settlement.

D. **Distribution of Net Proceeds**

Upon approval of the settlement, the net proceeds due to the minor shall be distributed and overseen in accordance with the monetary thresholds and procedures set forth in Rule 415(C). The Court will issue a specific entry (Form AC-459) directing the distribution method required under Local Rule 415

Rule 417: Structured Settlements

- A. If the parties involved in claims desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall also apply:
- (1) The application shall include an affidavit from an independent certified public accountant or other competent professional, specifying the present value of the settlement and the method by which that value was calculated.
 - (2) If the settlement is to be funded by an annuity, the annuity shall be provided by an annuity carrier who meets or exceeds the following criteria:
 - (a) The annuity carrier must be licensed to write annuities in Ohio and, if affiliated with the liability carrier or the person or entity paying the settlement, must be separately capitalized, licensed and regulated and must have a separate financial rating.
 - (b) The annuity carrier must have a minimum of \$100,000,000.00 of capital and surplus, exclusive of any mandatory security valuation reserve.
 - (c) The annuity carrier must have one of the following four ratings from the following rating organizations:
 - (i) A.M. Best Company: A++, A+, or A.
 - (ii) Moody's Investors Service (Financial Strength): Aaa, Aal, or Aa2.
 - (iii) Standard & Poor's Corporation (Claims Paying/Solvency): AAA or AA.
 - (iv) Fitch Ratings: AAA, AA+, or AA.
 - (d) An annuity insurer must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic- payment settlements will be provided and maintained.
 - (e) A qualified insurer issuing an annuity contract pursuant to a qualified funding plan under these rules may not enter into an assumption reinsurance agreement for the annuity contract without the prior approval of the Court, the owner of the annuity contract and the claimant having the beneficial interest in the annuity contract. The Court will not approve assumption reinsurance unless the re- insurer is also qualified under these rules.
 - (f) The annuity insurance carrier and the broker procuring the policy shall each furnish the Court with an affidavit certifying that the carrier meets the criteria set forth in Rule 417:A. (2) (c) above as of the date of the settlement and that the qualification is not likely to change in the immediate future. The broker's affidavit shall state that the determination was made with due diligence based on rating information which was available or should have been available to an insurance broker in the structured settlement trade.
 - (g) If the parties desire to place the annuity with a licensed insurer in Ohio that does not meet the above criteria, the Court may consider approving the same, but only if the annuity obligation is bonded by an independent insurance or bonding company, licensed in Ohio, in the full amount of the annuity obligation.
 - (3) The application shall include a statement of the actual cost to the defendant of the settlement. The actual cost shall be used to fix and determine attorney's contingent fees.

Rule 418: Sale of Structured Settlement Payments

- A. All applications for approval of sale of structured settlement payments shall be filed and set for hearing before the Court.
- B. The filing must include a copy of the original structured settlement.
- C. The application should include a statement of the income, living expenses, and other financial obligations of the person desiring to sell the structured settlement payments as well as a detailed statement as to how the sale proceeds will be applied and/or utilized by the applicant. If this statement is not filed with the application, it must be filed no later than 10 days before the hearing. If it is not filed by that time, the hearing shall be reset.
- D. Unless otherwise ordered by the Court, the transferee and the transferor must appear in person before the Court.

Rule 419: Settlement of Claims For Wrongful Death

- A. All applications to settle claims for wrongful death shall be set for hearing before the Judge unless otherwise ordered by the Court. All interested parties to the distribution of the net proceeds of the settlement shall be listed by name, residence, and relationship to the decedent on the proposed entry approving settlement or distributing wrongful death proceeds.
- B. The term "interested parties" who are subject to notice are those set forth in R.C. §2125.02.
- C. A guardian ad litem may be appointed to represent the interests of any minor or incompetent persons who are potentially "interested parties. "
- D. When the Court is called upon to endorse an agreed entry of distribution or to adjust the shares of distribution, notice to or consents from those "interested parties" designated above shall be required.
- E. The applicant is required to appear at the hearing regarding an application to approve a wrongful death settlement or proposed distribution. An applicant shall have 30 days following approval in which to file the report of distribution unless otherwise ordered by the Court.
- F. The Court shall approve the report of distribution of the wrongful death proceeds only after appropriate vouchers are presented.
- G. Attorney fees for completing probate work in having a wrongful death settlement approved shall be paid from the contingent fee.
- H. Evidence for Distribution
 - (1) The application to approve a settlement shall include a statement of facts or other evidence to support the proposed **equitable distribution** of the net proceeds among the beneficiaries. The Court will consider the injury and loss to each beneficiary, including loss of support, loss of services, loss of society, and mental anguish.
- I. Appointment of Guardian ad Litem (GAL)
 - (1) The Court **will appoint a Guardian ad Litem** to represent the interests of any minor beneficiary if a potential conflict of interest exists. A conflict is presumed to exist if the applicant seeking to distribute the proceeds is also a beneficiary entitled to a share of those proceeds.
- J. Trusts for Beneficiaries Under 25

- (1) Pursuant to R.C. 2125.03(A)(2), the Court, upon motion, may create a trust for the benefit of any beneficiary who is under 25 years of age18.

Rule 420: Guardianships

A. **General Information**

- (1) An application to expend funds shall not be granted if an inventory has not been filed or if an account is overdue. The guardian of a minor ward's estate must demonstrate that the ward's parent(s) are unable to fulfill their responsibility to support the ward before the Court will consider allowing an expenditure from the ward's estate for the purpose of that ward's support, maintenance, medical care or education.
- (2) All guardians and their attorneys are required to inform the Court, in writing, within 30 days of a change of address and/or change of telephone number for either the ward or the guardian.
- (3) Unless waived by the Court, all minors who are the subject of a hearing on the appointment of a guardian for their person(s) shall attend the hearing on said application.
- (4) The Judgment Entry Appointing Guardian for Incompetent Person (SPF 17.5) shall indicate whether the provisions of SupR 66.01 through 66.09 shall apply to the individual who is appointed guardian if that person is related to the ward by consanguinity or affinity.
- (5) A guardianship of the estate may not be required if the applicant is the representative payee for the ward through the Social Security Administration and the ward receives no other income.
- (6) **Guardian Reports:** *(Amended to comply with R.C. 2111.49, effective March 20, 2025)* Guardian's Reports shall be filed with the Court **two years** after the date of the issuance of the Guardian's Letters of Appointment and **biennially** (every two years) thereafter, unless otherwise ordered by the Court. The Court reserves the right to require reports on a more frequent basis if deemed necessary for the best interest of the ward.
- (7) **Consideration of Less Restrictive Alternatives:** Every application for the appointment of a guardian for an alleged incompetent person shall include a statement explaining what less restrictive alternatives have been considered and why they are insufficient to meet the needs of the proposed ward. Less restrictive alternatives include, but are not limited to, a Durable General Power of Attorney, a Health-Care Power of Attorney, and a Conservatorship.

B. **Attorney Fee Applications in a Guardianship**

- (1) In cases establishing guardianship of an estate or of person and estate, fees shall be considered at the time of filing of the inventory and subsequently at the time of the filing of each required account. Attorneys must keep accurate time records which need only be submitted when requested by the Court or pursuant to these rules.
- (2) For indigent guardianship proceedings, fees shall be considered at the time of the appointment of guardian, or dismissal of the application, subject to the court's rules regarding payment of fees from the indigent guardianship fund. Guardian Fee Application from the indigent fund must set forth the amount of any compensation the guardian received from third parties during the period covered by the Application.

Guardian Fee Application from the indigent fund must utilize the Application set forth on the Court's website.

- (3) If an attorney is both attorney and guardian of the ward, and unless otherwise approved in advance by the Court upon motion by attorney, only legal services may be billed at a reasonable attorney rate for Adams County.
- (4) In all matters where the application for payment of guardian and/or attorney fees is in excess of \$2,000, but less than \$20,000, the application shall be presented to the Magistrate. All applications for fees in excess of \$20,000 shall be set for hearing before the Judge.
- (5) Attorneys appointed on behalf of an indigent ward may receive a one time \$300.00 fee. Additional fees may be approved upon application including documentation of time records or other documentation regarding the reason for the additional fee.

C. Use of Funds

- (1) Funds shall not be released to a guardian except upon an order of the Court.
- (2) All applications for release of funds shall specify the exact amount to be released, the financial institution holding the fund, its address, and the person in whose name the fund is held.
- (3) None of a ward's assets may be accessed through an automated teller machine, debit card, or the ward's credit cards. Electronic payment of routine and recurring expenses is permitted upon receiving approval of an Application for Authority to Expend Funds.

D. Emergency Guardianships

- (1) For all applications for the appointment of an emergency guardian, evidence shall be presented and a physician shall personally appear unless otherwise ordered by the court and testify why it is reasonably certain that immediate action is required to prevent significant injury to the person and/or estate of the minor or alleged incompetent. If the physician is not testifying, a statement of expert evaluation must be submitted with the application for appointment.
- (2) The applicant shall exercise due diligence in giving notice of hearing upon the proposed ward in all emergency guardianships.

E. Guardianship-Veterans Affairs

- (1) For all guardianship proceedings wherein the proposed ward is receiving income from the Department of Veterans Affairs, the VA shall be a necessary party, entitled to notice, of all pleadings filed therein, including, but not limited to, the initial application for appointment and the annual accountings.
- (2) The Court shall supply the guardian or the attorney for the guardian, at no cost, certified copies of any of the pleading filed in the proceedings, for submission to the Department of Veterans Affairs.
- (3) All Applications for guardian's compensation or attorney's fees shall be set for hearing, and notice shall be given to the Department of Veterans Affairs, unless a Waiver or Consent is obtained.

F. Guardian Comments and Complaints

- (1) Comments or complaints regarding the performance of guardians appointed by this Court may be submitted in writing via ordinary mail or fax. The fax filing rules set

forth herein apply to fax filings. Anonymous comments or complaints will not be accepted for filing.

- (2) The court will provide a copy of the comment or complaint to the guardian who is the subject of the comment or complaint and to the guardian's attorney, if any.
- (3) The comment or complaint will be filed in the guardianship case and will be reviewed and considered by the assigned magistrate for appropriate action. The Court may, in its discretion, set a hearing on the matter. Notice of the hearing shall be served to both the guardian and person who filed the comment or complaint.
- (4) The Magistrate will issue a written decision or order regarding the comment or complaint. The decision or order shall be filed in the guardianship case and a copy shall be served upon the guardian and person who filed the comments or complaint.

G. **Direct Services by Non-Family Guardians** (*Purpose: This rule is adopted to comply with the amendments to Sup.R. 66.04(D) effective July 10, 2025, regarding guardians serving as direct service providers.*)

- (1) **Non-Family Guardians:** Pursuant to Sup.R. 66.04(D), a guardian who is not related to the ward by consanguinity (blood) or affinity (marriage) may not serve as a paid direct service provider for the ward unless they first file a "**Notice of Intent to Provide Direct Services**" with the Court.
 - (a) The Notice shall state the type of services to be provided and the source of payment (e.g., Medicaid waiver, private pay).
 - (b) Judicial approval is not required, but failure to file this Notice may result in the Court reviewing the necessity of the guardianship or the suitability of the guardian.
- (2) **Family Guardians:** Guardians related to the ward by blood or marriage are permitted to provide direct services without filing a notice or obtaining prior court approval, consistent with the amended Rules of Superintendence.

Rule 421: Guardian's Compensation

- A. A. Compensation for services as guardian of person and estate shall be allowed not more frequently than annually, upon application and entry, and shall be supported by calculations and documentation. The following methods for considering the reasonableness of guardian's compensation apply:
- (1) Guardian guideline fee:
 - (a) 3% of the total income; and 3% of the total expenditures where total expenditures are less than \$200,000, and 2% of the total expenditures that are equal to or greater than \$200,000.
 - (b) An annual fee of \$2.00 per \$1,000 of the fair market value of the principal.
 - (c) Compensation computed on income will not be allowed on balances carried forward from one accounting period to another; nor will an investment of funds of the final distribution of unexpended balances to a ward at the close of a guardianship be considered as expenditures.
 - (d) In calculating the guardian guideline fee, only the actual value of estate assets shall be reflected. Compensation is allowed for "expenditures" only to the extent that outlays have depleted assets against which compensation is to be calculated. If the guardian wishes to get credit for expenditures made at closing, then in calculating principal, the guardian must deduct the amount of those expenditures

from the sale price of the assets. The same rule applies with respect to payment of tax liens or mortgages made prior to closing.

- B. Hourly rate:
 - (1) Non-indigent guardianships, an hourly rate of \$20.00 is generally appropriate for guardians.
 - (2) In Indigent guardianships, attorneys acting as guardian may receive a one time \$300.00 fee. Additional fees may be approved upon application including documentation of time records or other documentation regarding the reason for the additional fee.
 - (3) Under certain circumstances, a higher hourly rate may be specifically approved by the Court.
 - (4) Guardian fees for veterans shall be pursuant to statute.
- C. Minimum fee for guardian of estate:
 - (1) A guardian of an estate shall be permitted a minimum fee of \$500.
- D. For purposes of computing a guardian's compensation as herein provided, for the first accounting period, the fair market value of the principal shall be based on the value contained in the inventory. For each subsequent accounting period, the fair market value of the principal shall be based on the value of the assets remaining as stated on Form 15.8.
- E. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.
- F. Additional compensation, reimbursement for expenses incurred by a guardian, as well as, for compensation of a guardian of the person only may be fixed by the Court upon application. No application for extraordinary guardian's compensation shall be considered unless supported by complete time records during the period covered by the fee application.
- G. The Court may require that any application for compensation be set for hearing and that notice of the hearing be given to interested parties as ordered by the Court.
- H. All applications for guardian compensation shall contain a good faith estimate of the number of hours expended by the guardian during the period covered by the fee application.
- I. The compensation of co-guardians, including when separate parties are appointed as guardian of person and guardian of the estate shall not exceed the compensation that would be allowed to one guardian. In the event that the co-guardians cannot agree on the division of the compensation, the Court shall determine an equitable allocation of any guardian compensation awarded.
- J. In cases where multiple guardians are involved and separate fee applications will be filed, all fee requests shall be considered by the Court simultaneously.
- K. Compensation for services as guardian of an indigent ward may be paid from the Indigent Guardianship Fund in accordance with the Court's then standing procedural order. In no case shall guardian's compensation be paid from the Indigent Guardianship Fund where the guardian is related by blood or marriage to the ward or where the guardian or his/her employer receives compensation from third parties for guardian services.
- L. Except for good cause shown, neither compensation for a guardian, nor fees to the attorney representing such guardian, will be allowed while such guardian is delinquent in filing an

inventory, account, or Guardian's Report. The Court may deny or reduce compensation if there is such a delinquency or failure to faithfully discharge the duties of fiduciary.

- M. Unless otherwise authorized by the Court, extraordinary guardian fees should not be awarded for travel that would not have been incurred but for the fact the guardian resides outside Adams County or counties contiguous thereto.

Rule 422: Trustee's Compensation

- A. Where the instrument creating the trust makes no provision for compensation, the annual compensation charged by a Trustee appointed by this Court for ordinary services performed in connection with the administration of each separate trust estate shall not exceed the following:
- (1) An amount to be computed on the fair market value of the principal of the trust property in accordance with the following schedule.
 - (a) \$14.00 per \$1,000.00 on the first \$1,000,000.00.
 - (b) \$11.00 per \$1,000.00 on the next \$2,000,000.00.
 - (c) \$9.00 per \$1,000.00 on the next \$2,000,000.00
 - (d) \$7.00 per \$1,000.00 on the balance.
 - (2) The Trustee may charge a minimum compensation of \$2,500.00.
 - (3) Such compensation shall be charged one-half to income and one-half to principal, unless otherwise provided in the instrument creating the trust or applicable law.
 - (4) Without prior court approval, the Trustee shall not be paid compensation during the accounting period that exceeds the amount calculated under the above guideline. An application for additional Trustee compensation must be filed pursuant to paragraph D. no later than the time the Trustee's Account is filed with the Court. The Trustee's Account will not be approved until the Court issues its Order on the application for additional Trustee compensation. Any adjustment to the compensation of the Trustee that is ordered shall be reflected on the next Trustee's Account that is filed with the Court.
 - (5) For purposes of computing the Trustee compensation as herein provided, the fair market value of the principal shall be determined by reference to the H.C. Form 24.82 (Assets Remaining in the Trustee's Hands) for the applicable accounting period unless otherwise ordered by the Court.
- B. At the option of a corporate Trustee, compensation valuations may be made and paid on a monthly or quarterly basis.
- C. Where the instrument creating the trust makes no provision for compensation, compensation in excess of the amount calculated pursuant to paragraph (A)(1) above for extraordinary services may be allowed upon application. No application for extraordinary Trustee compensation shall be considered unless supported by complete time records during the period covered by the compensation application unless otherwise allowed by the Court for good cause shown. The Court may require that the application be set for hearing and notice thereof be given to all the beneficiaries as defined in the Ohio Trust Code Section 5801.01(C), as may be amended, in accordance with Civil Rule 73(E).
- D. The compensation of co-Trustees in the aggregate shall not exceed the compensation that would have been payable if only one Trustee had been acting, except where the instrument under which the co- Trustees are acting provides otherwise.

- E. In cases where multiple Trustees are involved and separate compensation applications will be filed by more than one Trustee, all compensation requests shall be considered by the Court simultaneously.
- F. Except for good cause shown, neither compensation of a Trustee nor attorney fees for representing the Trustee will be allowed while the Trustee is delinquent in filing an account required by RC 2109.303.
- G. Every corporate Trustee shall provide the Court with a copy of its compensation schedule by the 1st day of January each year. Corporate Trustee shall also immediately provide the court with a copy of any revisions made during the year.
- H. In all instances, the Court retains the right to review the reasonableness of Trustee compensation.
- I. Unless otherwise authorized by the Court, extraordinary Trustee compensation should not be awarded for travel that would not have been incurred but for the fact the Trustee resides outside Adams County or counties contiguous thereto.

Rule 423: Attorney Fees for Trust Administration

- A. An application for the allowance of attorney fees for trust administration shall have attached thereto an itemized statement of the services performed, the date services were performed, the time spent in rendering the services and the rate charged per hour.
- B. In all matters where the application for payment of attorney fees is in excess of \$2,000, but less than \$20,000, the application shall be presented to the magistrate. All applications for fees in excess of \$20,000 shall be set for hearing before the Judge.
- C. When multiple attorneys have been retained by the trustee or trustees, or when it is anticipated that attorney fees will be paid to more than one attorney or law firm, all fee requests shall be considered by the Court simultaneously.

Rule 424: Court Appointments

- A. The Probate Court may request practicing attorneys with law offices in Adams or surrounding Counties to be available for Court appointments. Every attorney who practices in Probate Court shall be deemed competent to provide legal services for those unable to obtain counsel.
- B. The following cases or proceedings are examples where the Court may appoint counsel:
 - (1) Counsel for guardian of an indigent ward
 - (2) For a ward, wishing to terminate a guardianship
 - (3) For an involuntary psychiatric commitment proceeding
 - (4) Any other probate matter requiring the Court to appoint counsel for a party
- C. Compensation for Court appointed counsel shall be paid at the rate of \$75.00 per hour, with a maximum of \$300.00 per case. Counsel shall submit documentation of time spent. The Court will consider an application for fees in excess of the maximum limit allowed by this Rule, when the type, complexity and requirements of the case are such that the maximum is an unreasonable fee.

Rule 425: Appraisals & Appraisers

- A. When required by law, there shall be suitable and disinterested appraiser(s) appointed by the executor or administrator of an estate, with Court approval. The following persons shall be disqualified from being an appraiser:
 - (1) A person related by blood or marriage to the decedent
 - (2) A beneficiary of the estate
 - (3) A person related by blood, marriage or employment to the attorney of the estate
 - (4) A person related by blood, marriage or employment to the fiduciary of the estate
- B. Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or other such persons who, by experience and training are qualified to make real estate appraisals. A Supreme Court Form 3.0: Appointment of Appraiser is required in any case where there is real estate, regardless if the value is determined by appraisal or the auditor value.
- C. When an estate contains real estate, counsel shall examine the record title to the real estate from the time it was acquired by the decedent. An inventory must be filed before consents to the sale of real estate may be filed.
- D. Readily ascertainable value of real property; notwithstanding Sections A through C of this Rule, the market value of real estate as found in the Adams County Auditor's property records shall be accepted as the readily ascertainable value of the property, and no further appraisal of such property shall be required, except as provided under Section F of this Rule. A copy of said evaluation shall be attached to Form 6.1 Schedule of Assets, or Form 5.1 Assets and Liabilities to be Released from Administration, whichever is applicable.
- E. Readily ascertainable value of motor vehicle; notwithstanding Sections A through C of this Rule, the market value of any motor vehicle as found in the current N.A.D.A Official Used Car Guide under category "Average Retail" may be adopted as the readily ascertainable value of the property, and no further appraisal of such property shall be required except as provided under Section F of this Rule. A copy of the appropriate page from said booklet shall be attached to the appropriate form.
- F. An administrator, executor, fiduciary, beneficiary or creditor of a decedent's estate may file a written request with the Probate Court, not later than the date set for the hearing on the Inventory and Appraisal, pursuant to RC 2115.16, that any property deemed to be appraised by readily ascertainable value shall be appraised by a suitable and disinterested appraiser as provided by Sections A through C of this Rule.
- G. With regard to household goods and other tangible personal property, no formal appraisal shall be required unless the estimated value exceeds \$5,000.00. Where the fiduciary chooses to dispose of tangible personal property by public auction, the gross proceeds from the auction may be used in lieu of a formal appraisal.
- H. Notwithstanding the foregoing, the Court may order a formal appraisal of any asset for good cause shown. Such an order may be issued upon the Court's own motion or at the request of any interested party.
- I. All appraisals must be typewritten or computer generated.

Rule 426: Claims and Bond Premiums

- A. In intestate Estates, or if the bond requirement is not waived by the will, a Bond shall be required in the amount of twice the personal property estimated in the inventory or \$5,000.00, whichever is greater. If subsequent investigation results in an increased value of personal property, the Court may determine the bond amount is inadequate and require that the bond amount be increased.
- B. No estate, guardianship, or trust shall be closed until all claims filed with the Court have been resolved. If a claim has been rejected, a copy of the rejection and the proof of service shall be filed with the Court.
- C. Bond premiums shall be regarded as administrative expenses, and they shall be paid when due. No application need be made for authority to pay bond premiums.
- D. Insolvent Estates
 - (1) When an estate appears to be insolvent, the fiduciary shall file a Representation of Insolvency utilizing forms SPF 24.0 through 24.612. The fiduciary shall pay all just claims against the estate in the priority order set forth in R.C. 2117.25. If the assets are insufficient to pay all claims within a single class, payment for that class shall be made on a prorated basis using the following formula: $(\text{Amount Remaining to Pay Class} \div \text{Total Amount Owed to that Class}) = \text{Prorata Rate at which Each Debt in the Class Is Paid}$.
- E. Whenever a decedent was 55 years of age or older at the time of death and had been the recipient of Medicaid, Standard Probate Form 7.0(A) Notice to Administrator of Medicaid Estate Recovery, shall be filed with the Court and a copy of the form shall be sent by certified mail to the Administrator of the Estate Recovery Program.
- F. If the executor or administrator of an estate has received written notice that one of the beneficiaries has a child support arrearage, no distributions shall be made to or through Child Support Enforcement Agency (CSEA) without a hearing before the Probate Court.

Rule 427: Fiduciary Accounts

- A. Every account presented to the Court shall be examined by the Probate Clerk and shall include:
 - (1) An itemized statement of all receipts of the fiduciary.
 - (2) An itemized statement of all disbursements and distributions made by the fiduciary referenced by number or letter and date.
 - (3) An itemized statement of all funds, assets, and investments on hand at the end of the accounting period.
 - (4) Where real estate has been sold, a copy of the closing statement.
 - (5) The signature of the fiduciary. All fiduciaries must sign the account where multiple fiduciaries have been appointed, unless otherwise ordered by the Court.
 - (6) For a final account, a bank statement from the bank holding the Estate account that indicates a zero balance.
- B. A partial account shall have an accounting period which ends not more than six (6) months prior to the time it is presented and approved by the Court, and it shall specify the number of the account using ordinal numbers (e.g., Third Partial Account).

- C. When presenting an account for audit, the fiduciary shall provide copies of all bank statements for the entire accounting period. In addition, the fiduciary shall provide documentation showing the net proceeds from any sales of personal property.
- D. With regard to disbursements and distributions made during the accounting period, all fiduciaries shall provide vouchers or other proofs. Acceptable vouchers or proofs shall include but not be limited to the following:
 - (1) Signed receipts.
 - (2) Invoices that have been marked paid by the creditor.
 - (3) Cancelled checks.
 - (4) Check substitutes issued by financial institutions.
 - (5) Account statements that list the date, name of payee, and amount transferred.
- E. With regard to assets remaining in the hands of the fiduciary at the end of the accounting period, all fiduciaries shall provide the following supporting documentation:
 - (1) For stocks and bonds, original certificates where they exist.
 - (2) Brokerage statements where investments are held by a broker.
 - (3) Dividend reinvestment statements where dividends are being reinvested.
 - (4) Statement of the transfer agent where securities are in book entry form.
 - (5) Other satisfactory evidence of the existence of the assets on hand.
- F. Subsections C. D. and E. of this Rule shall not apply to corporate fiduciaries who are subject to RC §1111.28.
- G. Accounts filed by executors and administrators pursuant to RC §2109.301:
 - (1) At the time of filing, a copy of the account shall be provided to each heir of an intestate estate and each beneficiary of a testate estate. However, copies need not be provided where the address of an heir or beneficiary is unknown or where the beneficiary of a specific bequest has received his or her distribution.
 - (2) In the case of a Final Account, the executor or administrator shall give notice of the hearing to the following persons whose addresses are known:
 - (a) In an intestate estate, to all heirs.
 - (b) In a testate estate, to the residuary beneficiaries.
 - (c) To counsel of record representing the above.
 - (d) When a will creates a charitable trust, to the Ohio Attorney General, Charitable Trusts Division.
 - (3) When presenting a Partial Account, Waiver of Partial Account or Affidavit and Entry in Lieu of Partial Account, the executor or administrator shall also file the following:
 - (a) Application to Extend Administration; and
 - (b) Certificate of Service of Account to Heirs and Beneficiaries.
 - (4) Status Reports shall not be required unless ordered by the Court.
 - (5) Where an heir or beneficiary is a minor, a guardianship must be established either in Adams County or elsewhere before any distribution is made unless:
 - (a) The decedent's will specifically provides otherwise; or
 - (b) The value of the distribution is \$10,000.00 or less in which case the distribution may be made to a custodian under a Uniform Transfers to Minors Act.
- H. Accounts filed by guardians and conservators pursuant to RC §2109.302:
 - (1) Partial Accounts shall be rendered at least annually.

- (2) A guardian shall not be required to give notice of hearings for Partial Accounts except in the case of Veteran's Guardianships where notice shall be given to the Veteran's Administration.
 - (3) Unless waived, a guardian shall give notice of the hearing on the Final Account to the following persons whose addresses are known:
 - (a) In the case of an incompetent, to the Ward's next-of-kin, or in the discretion of the magistrate to the fiduciary of the Ward's estate.
 - (b) In the case of a minor, to the Ward if the Ward has reached the age of majority. Otherwise to the Ward's next-of-kin.
 - (c) In all cases, to counsel of record for any represented party.
 - (4) Check substitutes or credit card statements may not be sufficient to evidence payment of debts. Receipts showing specific expenditures may be requested.
- I. Accounts filed by trustees and other fiduciaries pursuant to RC §2109.303:
 - (1) Partial Accounts shall be rendered at least biennially.
 - (2) When presenting an Account, the trustee shall file a current list of the names and addresses of all persons interested in the trust.
 - (3) Unless waived, the trustee shall serve notice of the hearing on an Account to the following persons whose addresses are known:
 - (a) All income beneficiaries.
 - (b) Counsel of record for any represented party.
 - (c) The Ohio Attorney General, Charitable Trusts Division for charitable trusts.
 - (4) Check substitutes or credit card statements may not be sufficient to evidence payment of debts. Receipts showing specific expenditures may be requested.
 - J. Service of notice of hearings for all accounts may be made by ordinary mail or by personally delivering a copy of the notice to the person entitled to receive it. Evidence of notice shall be documented by the filing of an -Affidavit of Service which sets forth the manner of service.
 - K. If an account is not timely filed and no arrangement has been made for an extension of the due date, a Citation to Appear shall be issued compelling the attendance of both the attorney and the fiduciary. Failure to appear at the Citation Hearing may result in the Court issuing a body attachment and writ of arrest for the attorney and/or fiduciary.
 - L. Special Administrators shall file an account within 30 days from the date of appointment.

Rule 428: Show Cause Hearings for Fiduciaries and Attorneys

- A. Personal Appearance Required
 - (1) A fiduciary and attorney who have been cited to appear for a show cause hearing **shall personally appear** at the date and time scheduled. Counsel shall not appear in lieu of a cited fiduciary unless the Court, upon written motion showing good cause, grants leave for the attorney to appear in that capacity prior to the hearing.
- B. Failure to Appear
 - (1) The unexcused failure of a party to appear personally as required by this rule is a direct contempt of the Court's authority. Upon such failure to appear, the Court may immediately issue a bench warrant (capias) for the party's arrest to be brought before the Court.

C. Sanctions for Contempt

- (1) Any fiduciary or attorney found in contempt for failure to appear or for failing to show good cause shall be subject to one or more of the following sanctions in the Court's discretion:
 - (a) **Incarceration:** Commitment to the Adams County Jail for a specified period or until the party complies with the underlying court order.
 - (b) **Monetary Fines:** Imposition of a fine as provided by law.
 - (c) **Removal from Fiduciary Role:** Immediate removal of the individual from their position as executor, administrator, trustee, guardian, or other fiduciary.
 - (d) **Assessment of Costs:** An order requiring the party in contempt to pay the court costs and reasonable attorney's fees incurred by the opposing party as a result of the contempt proceedings.
 - (e) **Closing of Estate:** The Court may close the Estate without further action until such time as the issue is remedied.
 - (f) **Further Orders:** Any other remedial order the Court deems necessary to enforce compliance and uphold the dignity of the Court.

D. Definitions and Purpose

- (1) **Citation:** A **Citation** is a formal order issued by the Court commanding an individual to appear before it at a specific date and time. It serves as the official notice that initiates a show cause hearing.
- (2) **Show Cause Hearing:** A **Show Cause Hearing** is a court proceeding ordered to give an individual the opportunity to present evidence and argument explaining why a penalty or adverse action should not be taken against them. The burden is on the cited individual to "show cause" (i.e., provide a legally sufficient reason) for their failure to comply with a court rule or a previous order (e.g., failing to file a required inventory or accounting).
- (3) **Contempt of Court:** **Contempt of Court** is any act of disobedience or disrespect towards the court or its processes which obstructs the administration of justice. It includes willfully disregarding or failing to comply with a lawful order of the Court. The Court uses its contempt powers to enforce its orders and ensure the integrity of the judicial process.

Rule 429: Marriage Licenses

- A. All applicants for a marriage license must review the Certified Abstract of Marriage for accuracy before they sign the abstract. In the event errors are discovered on the abstract and/or marriage certificate after issuance, an Application to Correct Marriage Certificate and/or Certified Abstract of Marriage must be filed with the court. The application may be filed by the applicant(s) or some other party in interest and must be accompanied by supporting affidavits. The Court may set the application for hearing or consider it without hearing. If the court finds the application to be well taken, the court will issue its judgment entry correcting the marriage certificate and/or certified abstract of marriage.
- B. In the event an officiant fails to timely return a certificate of marriage to the court as required by R. C. 3101.14 (currently 30 days), one or both of the applicants for the marriage license must file an Application to Issue Certificate of Marriage which shall be set for hearing. If both applicants for the marriage license do not join in the Application to Issue a Certificate of Marriage, the second applicant must be notified of the hearing or an

explanation must be given satisfactory to the court why that individual cannot be notified. The applicant(s) bear the burden of proving to the court, by a preponderance of the evidence, that the wedding was timely solemnized by a duly authorized person pursuant to Ohio law. The court will journalize an entry finding that the subject marriage has been duly solemnized if it is satisfied that applicant(s) have met their burden of proof.

Rule 430: Examination of Probate Files, Records, Papers & Other Documents

- A. On the premises inspection of files, records, papers and documents shall be as follows:
- (1) The general records of the Court shall be subject or open to inspection via the public computer terminal or paper records during regular office hours of the Court.
 - (2) Files of adoptions, mental illness and Ohio Estate Tax Returns are confidential. Access to those files may be authorized by the Judge. In order to obtain the Judge's authorization, the person seeking inspection of the Court's confidential records must first make written application to the Court, and receive its approval. Such inspections shall be in the presence of a deputy Clerk. For purposes of this Rule, any attorney duly authorized to practice law in the State of Ohio and being officers of the Court, may inspect such confidential records in the presence of a deputy Clerk.
 - (3) Home investigations and Guardian Ad Litem reports are considered confidential information, and shall not be made public. Inspections by attorney or appropriate persons may be allowed by the Court, but no copies shall be made, nor reports reproduced in any way.
- B. Copies of public records shall be provided at the cost of \$0.25 per page by paper medium, unless otherwise specified by statute. Copies provided by the Court's archivist will be \$0.25 per page. If a request is received that copies be sent via U.S. Mail, such copies will be mailed after the payment for the cost of the copies, postage and any other mailing expenses are pre-paid.

Rule 431: Service of Notice by Posting in Probate Cases

- A. Pursuant to Civ. R. 73(E)(7), in any proceeding where any type of notice other than service of summons is required by law or deemed necessary by the court, service may be by other method as the court may direct. The Court hereby adopts the following rule for posting to be used in Probate Cases where notice is required and there are insufficient funds available in the Probate proceeding to pay for the costs of publication and/or the Court determines that such posting is necessary due to the facts of a specific case and;
- (1) The residence of the party upon whom service is sought is unknown and cannot reasonably be ascertained; or
 - (2) Certified or ordinary mail has been returned indicating a failure of delivery at a prior address where service had been successful
- B. An affidavit of the party requesting service or that party's counsel shall be filed with the court. The affidavit shall contain
- (1) A statement that service of cannot be made because the current residence of the party to be served is unknown to the affiant
 - (2) A statement of all of the efforts made on behalf of the party to ascertain the residence of the party to be served, including a statement of prior successful attempts, and that

the current residence of the party to be served cannot be ascertained with reasonable diligence.

- (3) Sets forth the last known address of the party to be served.
- C. Upon the filing of the affidavit, the clerk shall cause service of notice to be made by posting in the Courthouse; on the bulletin board at the Department of Job and Family Services, 482 Rice Drive, West Union, Ohio 45693, and on the bulletin board at the West Union Village Offices at 33 Logans Lane West Union, Ohio 45693.
- D. Alternatively, the posting may be made on the website of the Probate Court clerk of courts, if available, in a section designated for such purpose.
- E. The Notice shall contain the name and address of the court, the case number, the case caption name, and the name and last known address, if any, of the person or persons whose residence is unknown. The Notice also shall contain a summary statement regarding the notice to the party whose residence is unknown and shall notify the party of a time after the publication that is set as the time to appear. The Notice shall be posted for three consecutive weeks.
- F. Service of process shall be deemed complete at 4:00 PM on the last date of the third week. After posting is complete, the Clerk shall enter into the docket that service has been completed.

Rule 432: Rights of the Surviving Spouse

- A. General Duty to Notify
 - (1) Pursuant to Ohio law, a surviving spouse has certain rights, each of which must be exercised within a specific statutory timeframe. Counsel for the fiduciary is responsible for ensuring the surviving spouse is properly notified of these rights.
- B. Specific Rights and Deadlines
 - (1) Because each right is governed by a different statute, the deadlines vary and must be adhered to individually. The primary rights and their respective deadlines are as follows:
- C. Election to Take Against the Will (R.C. §2106.01)
 - (1) Right: The spouse may choose to take the share of the estate provided by the will or to take against the will and receive the share provided by law.
 - (2) Deadline: The election must be made within five (5) months from the date of the initial appointment of the administrator or executor (R.C. §2106.01(E)). Failure to act results in a conclusive presumption that the spouse elects to take *under* the will.
- D. Allowance for Support (R.C. §2106.13)
 - (1) Right: The right to receive an allowance for support, which is a priority claim against the estate, in the amount of \$40,000.
 - (2) Deadline: This allowance is considered a vested right and is typically applied for and paid during the normal course of estate administration. An application should be made within eight (8) months after the appointment of the fiduciary to ensure timely payment.
- E. Transfer of Automobiles (R.C. §2106.18)

- (1) Right: The right to take title to one or more of the decedent's automobiles that are not otherwise disposed of by a will. The total appraised value of the vehicles chosen cannot exceed \$65,000. These vehicles are transferred outside of the probate estate.
 - (2) Deadline: The transfer is made by presenting a death certificate and a spousal affidavit to the Bureau of Motor Vehicles (BMV). While the statute does not impose a strict deadline, it should be done in a timely manner.
- F. Right to Purchase Estate Property (R.C. §2106.16)
- (1) Right: The right to purchase certain property from the decedent's estate at its appraised value.
 - (2) Deadline: To exercise this right, the spouse must file an application or petition with the probate court within one (1) month after the court approves the estate inventory.
- G. Right to Receive the Mansion House (R.C. §2106.10)
- (1) Right: The right to elect to receive the decedent's interest in the primary family residence (the "mansion house") as part of the spouse's distributive share of the estate.
 - (2) Deadline: The election must be made at or before the time the final account is rendered for the estate.
- H. Extensions of Time
- (1) Upon a timely motion showing good cause, the Court may grant an extension for certain deadlines, most notably the five-month period for the election to take against the will. Counsel must consult the specific statute governing each right to determine if an extension is permissible.