

**RULES  
OF THE  
ADAMS COUNTY  
COURT OF COMMON PLEAS  
General, Probate and  
Juvenile Divisions**

**Revised: January 1, 2011**

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**RULES OF COURT OF THE COURT OF COMMON PLEAS  
GENERAL DIVISION, ADAMS COUNTY, OHIO**

**RULE 1: EFFECTIVE DATE**

The effective date of these Rules are: JANUARY 1, 2011

A: These Rules shall take effect JANUARY 1, 2011, and after such Rules are filed with the Supreme Court of Ohio, in accordance with Civil Rule 83 and Criminal Rule 57. They govern all proceedings in actions brought after they are in effect, and also all proceedings in action then pending, except in a particular action that in the opinion of the Court, their application would not be feasible, would work injustice, or would be inconsistent with the Rules of Superintendence or the Rules of Civil or Criminal Procedure.

B: All former Rules of this Court are repealed as of the effective date hereof, with respect only to the subject matter of those topics herein contained.

C: Amendments and additions hereto may be made from time to time, but such Amendments shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83 and Criminal Rule 57.

**RULE 2: TERM OF COURT**

The Court shall be in continuous session for the transaction of judicial business. Each calendar year shall be divided into three (3) terms of Court, designated as the January term; the May term; and the September term. The day of commencement of each term shall be the first Monday of January, first Monday of May, and the first Monday of September of each year, or at such other time as may be provided by law or subsequent order of the Court.

### **RULE 3: DEPOSIT FOR COSTS**

A: No civil action or proceeding shall be accepted by the Clerk for filing, unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in each action or proceeding, except as otherwise provided by law. Such advance deposit shall be in accordance with the following schedule and the provisions of R.C. 2303.20.1(E)(1).

- \$300.00 - Deposit for filing Divorce cases. Additional \$150.00 required for by publication
- \$300.00 - Deposit for Dissolution or Annulment
- \$275.00 - Deposit for filing other Civil cases. Additional \$250.00 required for service by publication
- \$300.00 - Deposit for Jury Trial - - to be paid to Clerk when Trial dates are established
- \$500.00 - Deposit for filing Foreclosure actions. Additional \$250.00 required for service by publication
- \$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
- \$ 60.00 - Deposit for Garnishment, plus \$1.00 check (payable to Garnishee bank attachments)
- \$ 60.00 - Deposit for Garnishment (wage attachments)
- \$100.00 - Deposit for Judgment Debtor Examinations
- \$ 20.00 - Fee for filing Certificate of Judgment
- \$ 5.00 - Fee for making Certificate of Judgment
- \$ 30.00 - Fee for release of Certificate of Judgment, State of Ohio Department of Taxation
- \$ 50.00 - Deposit for filing Foreign Judgment

\$ 50.00 - Deposit for Foreign Sheriff fee, for service of papers required

\$300.00 - Deposit to be paid **by REQUESTING party, at the time of filing** of said 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  $\frac{1}{2}$  of the required amount.

\$300.00 - Deposit, **at the time of filing** Motion & Entry for the appointment of a Guardian Ad Litem

If both parties want and agree to appointment, deposit is to be paid  $\frac{1}{2}$  by each party

In complicated cases, where the GAL is required to expend extra hours in working with the parties &/or children, the GAL may petition the Court for the payment of extraordinary fees above the standard amount outlined herein

**THE APPOINTMENT OF THE GUARDIAN AD LITEM DOES NOT TAKE EFFECT UNTIL THE DEPOSIT HAS BEEN PAID.**

\$ .25 - COPIES MADE IN THE CLERK OF COURTS OFFICE

**NOTE: IF YOU WISH TIME STAMPED COPIES OF PLEADINGS RETURNED, SEND A SELF-ADDRESSED STAMPED ENVELOPE.**

**COST SCHEDULE FOR COURT OF APPEALS:**

\$148.00 - Deposit for filing Notice of Appeal in Trial Court or sworn affidavit of inability to secure costs

\$148.00 - Deposit for filing Complaint in original action or sworn affidavit of inability to secure costs

\$450.00 - Medical Malpractice Arbitration

B: 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.

C: 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 and, on the failure of such person to forthwith post such additional security for costs, such counter-claim or cross-claim shall be subject to dismissal by the Court on it's own motion.

D: In cases where service other than certified mail is requested, the Clerk may require the party requesting such service to advance an additional amount estimated by the Clerk to be sufficient to cover the increased costs thereof.

E: In lieu of a cash deposit, costs may be secured by bond with surety approved by the Clerk, provided, however, that no member of the bar shall be accepted as such surety.

F: A poverty affidavit filed in lieu of cash deposit must state the reason for the inability to pre-pay costs, and is subject to Court review at any stage of the proceedings. Court costs WILL be assessed and assigned to be paid at the conclusion of the proceedings.

G: An additional deposit may be required at any time in any case by the Clerk upon approval by the Court.

#### ADAMS COUNTY MEDIATION FUND:

The Court has determined for the efficient operation of the Court, and pursuant to Article 4, Section 5 of the Ohio Constitution, that additional funds are necessary to acquire and pay for Mediation Services for the Civil Division of the Court.

Therefore, the Court hereby institutes an additional \$50.00 fee to be paid upon the filing of each Civil action or proceeding, pursuant to Local Rule 3, which shall be collected by the Clerk of Courts, and paid to the County Treasurer for deposit into the Adams County Mediation Fund.

#### OPERATING FUNDS – SPECIAL PROJECT:

The Court has determined for the efficient operation of the Court, and pursuant to R.C. 2303.20.1.E.1, that additional funds are necessary to acquire and pay for special projects of the Court. This includes, but is not limited to, the acquisition of

additional facility or the rehabilitation of existing facilities, the acquisition of equipment,

the hiring and training of staff, mediation or dispute resolution services, Court security,

the employment of magistrates, acting judges or other related services.

Therefore, the Court hereby institutes a fee of \$50.00 on the filing of each civil, domestic or criminal action or proceeding, pursuant to Local Rule 3, which shall be collected by the Clerk of Courts, and paid to the County Treasurer for deposit into a General Special Projects Fund.

As well as an additional \$50.00 on the filing of case in the juvenile division of the Court of Common Pleas, which is to be collected by the Clerk, and paid into the County Treasurer for deposit into a General Special Projects Fund.

#### **RULE 4: PLEADINGS**

All pleadings shall be legibly typewritten or printed on paper securely bound at the top and unfolded.

All pleadings shall be double-spaced, except for quotations contained therein.

All pleadings shall have a margin of ½ inch at the top and containing typing on one side of the paper only, except for standard commercially printed forms.

#### **4.1: PROCESS**

(A)(1) Service of process shall be made as required by Rule 4.2 through 4.6 of the RULES OF CIVIL PROCEDURE, RULES GOVERNING THE COURTS OF OHIO.

(2) As outlined in Rule 4.4 of the Rules of Civil Procedure, the service notice to be made by posting in the Courthouse; and shall also be posted on the bulletin board at the Department of Job and Family Services, 482 Rice Drive,

West Union, Ohio, and these two locations are those designated pursuant to Rule 4.4(A)2) of paragraph 2 of the Rules of Civil Procedure.

**RULE 5: MOTIONS, MEMORANDUM AND PROCEDURE THEREON**

A)(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, including citations of authorities relied upon.

The Clerk of Courts will not be required to accept a motion unless accompanied by a memorandum as set forth.

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 in 7 days. At the conclusion thereof, the motion and any response will be given to the Judge for consideration and a decision.

**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.

On the date of hearing, counsel should 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.

**2: It is the responsibility of the attorney filing the motion to SECURE a date and time for a hearing from the Assignment Commissioner. Said date shall be cleared with opposing counsel's schedule by the attorney requesting the hearing. The attorney shall cause notice of the date and time to be served upon opposing party or counsel.**

**3: 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) Any memorandum contra to a motion shall be filed and served upon movant's attorney within fourteen days from the date the memorandum in support of the motion is served. Failure to file and serve memorandum contra may be cause for the Court to consider the motion without opposition thereto. A reply memorandum may be filed and served within seven days of the memorandum contra. The time periods set forth



in this paragraph may be extended by the Court, for good cause shown, upon written application therefore.

C)(1) 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, and motions in domestic relations cases requiring evidentiary hearings will be set for oral argument, unless requested by movant, opposing party, or the Court.

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.

2: Upon receipt of such request from counsel, and at his discretion, the Trial Judge may make whatever disposition he feels is proper, or may set the matter for oral argument.

3: 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.

4: 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.

5: 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.

6: 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.

7: 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.

### **MOTIONS FOR CONTINUANCE:**

8: A motion and memorandum **SHALL** be required to obtain a continuance of any matter pending before 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.**

IT WILL BE INCUMBENT UPON 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.

In the event a request for continuance is made in a Domestic Relations matter where a motion has been filed for temporary custody, support, alimony, and for restraining order, the Court shall be permitted to grant temporary orders in such matter upon proper affidavits filed by the parties pending the scheduling of a full hearing on the motion.

**IT IS THIS COURT'S STANDARD PROCEDURE TO ONLY PERMIT ONE CONTINUANCE PER CASE TO EACH SIDE, AND THE COURT WILL CONSIDER FURTHER REQUESTS FOR CONTINUANCE ONLY IN THE EVENT OF EXTREME CIRCUMSTANCES.**

#### **RULE 6: CIVIL MEDIATION**

##### **A: Cases for Mediation**

Any civil cases filed in the Court of Common Pleas may be referred to Mediation.

##### **B: Referral to Mediation**

- 1: The Judge may, by appropriate entry, refer a case to Mediation;
- 2: Any party may request, in writing to the Judge, that the case be considered for referral to Mediation;
- 3: Referral of a case to Mediation shall not operate as a stay of the discovery proceedings, unless otherwise ordered by the Court.

##### **C: Mediation Conferences**

- 1: The mediator may direct the parties and/or their attorneys to attend the Mediation Conference in person. Such a conference shall be conducted by the

Mediator, to consider the possibility of settlement, the simplification of issues, and any other matters which the mediator and the parties determine may aid in the handling or disposition of the proceedings

2: Mediation shall continue until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determines that further Mediation efforts should cease. The mediator may schedule such sessions as may be necessary to complete the process

3: The mediator may request that the parties bring documents and witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

#### D: Mediation Fees

1: No fees shall be charged for civil cases referred to the Adams, Pike and Scioto County Mediation Services;

2: If the case is referred to a mediator, other than Adams, Pike and Scioto County Mediation Services, the parties shall share in the costs of the Mediation in such proportions as they may agree.

#### E: Confidentiality

1: The provisions of ORC Section 2317.023 shall control;

2: All communications and information not otherwise discoverable presented during Mediation are confidential;

3: The mediator shall not disclose to the Court, or to any Judge of the Court, the contents of the Mediation discussions, unless agreed to by all parties;

4: No party to Mediation shall call the mediator as a witness for any purpose.

#### F: Reporting to the Court

1: The mediator shall notify the Court promptly when a case is not accepted for Mediation;

2: At the conclusion of the Mediation, the mediator will also report that the Mediation process has ended;

3: If a case is settled during Mediation, the attorney for one of the parties shall prepare and submit to the Court an Entry reflecting the fact of settlement,

as in any other case. If both parties are unrepresented, one of the parties shall present the Mediation agreement to the Court.

## **RULE 7: DISCOVERY**

A: It shall be the policy of this Court to minimize resort to 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.

A-1: 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.

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.

B: Interrogatories - Interrogatories submitted to a party shall be limited to thirty 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.

B-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:

1 – An affidavit of counsel setting forth what extra judicial means have been attempted to resolve the differences, and;

2 – 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 8: JOURNAL ENTRIES**

A: **IN ALL MATTERS,** unless the Trial Judge 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 Judge for approval within **FOURTEEN (14) DAYS** and if signed by him, then be filed with the Clerk.

THIS INCLUDES ALL MATTERS HEARD BY THE MAGISTRATE. Magistrate's Decisions must be accompanied by a Judgment Entry approving and adopting the Decision, and is to be signed by the Judge.

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 9: PRE-TRIAL PROCEDURE**

A: In accordance with Civil Rule 16, after a cause is at issue, the Judge to whom such cause is assigned may, on his own motion, or at the request of any attorney appearing in said cause, fix a date for a limited informal Pretrial 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. In lieu of an appearance before the Court, such Judge 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 in paragraph B herein, 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.

B: In addition to the limited informal pretrial conference or status report mentioned above, there shall be at least one formal pretrial prior to Trial. The pretrial will be conducted by the Judge to whom the cause is assigned. Additional pretrial conferences may be set at the request of counsel, or by the Court on its own motion. All matters set forth in subdivisions 1 to 10 of Civil Rule 16 will be discussed in depth at the pretrial conference.

1: All attorneys appearing in an action are expected to be present at the 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. 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: All parties shall file with the Judge to whom the cause is assigned 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:

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 his attorney either to serve and file with the Judge the Pretrial Statement required under subdivision (2) of paragraph B of 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 Judge to whom a cause is assigned 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 the pretrial conference under paragraph B. 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 Judge to whom a cause is assigned may order Trial counsel to prepare and submit to the Court Trial briefs and proposed jury instructions. In such event, the Court shall establish a schedule for the submission of said documents.

#### **RULE 10: TRIAL PROCEDURE**

A: Trial procedure shall be in accordance with Statute or Rules of the Supreme Court of Ohio.

B: All parties and their counsel shall appear fully prepared to proceed no later than 30 minutes prior to the scheduled time of the commencement of any Trial.

#### **RULE 11: MEDIA IN THE COURTS**

In order to accommodate the request of the media, the Court establishes the following procedure in regard to media coverage in the Courtroom.

#### **PROCEDURE:**

A: Requests for permission to broadcast, televise, photograph or otherwise record proceedings in the Courtroom shall be made in writing to the Trial Judge. Such applications should be made as far in advance as is reasonably possible, but in no event

later than thirty (30) minutes prior to the Courtroom session to be recorded. The Trial Judge may waive the advance notice provision for good cause. All applications shall become part of the record of the proceedings. Applications may be obtained from the Clerk of Courts Office.

B: Consistent with Canon 3(A) of the Code of Judicial Conduct, and Superintendence Rule 11, the Trial Judge shall grant the request and record that permission in writing. In the event that a question arises as to whether the requested coverage is consistent with Canon 3(A)(7), interested representatives of the media shall select one of their number to represent them, and shall be granted an opportunity to be heard.

C: All media representatives interested in recording Courtroom proceedings shall do so through the pooling of their respective resources. Media representatives shall select a pool coordinator who shall take responsibility for:

1: placing and operating stationary camera inside the Courtroom;

2: placing and operating all audio equipment;

3: making the technical arrangements necessary for feeding output from the equipment to all participating stations at a location outside the Courtroom.

When possible, the pool coordinator shall consult with the Court in advance about possible camera and/or microphone locations inside the Courtroom.

D: Unless otherwise directed by the Trial Judge, no more than one video camera shall be used in the Courtroom. Each camera shall have one operator. No artificial lighting other than that normally used in the Courtroom shall be used without expressed permission by the Trial Judge. No more than one still photographer, utilizing not more than two still cameras, with not more than two lenses for each camera, shall be permitted. Recording of documents or exhibits are prohibited, except those clearly visible to spectators (i.e., maps, charts, etc.).

Media representatives shall be afforded a clear view of proceedings in the Courtroom, but shall not be permitted to move about in the Courtroom during the Court proceedings, except for reasonable ingress to and egress from the Courtroom. No interview shall be conducted inside the Courtroom during such proceedings.

All equipment needed for the pool shall be located, when possible, outside the Courtroom. Changes of cassettes or film SHALL NOT be made inside the Courtroom during proceedings. No equipment shall be used inside the Courtroom which produces distracting sounds. All equipment in the Courtroom must be set-up fully and be operational before the beginning of the Court proceedings.



E: If the Courtroom has an existing audio system that is technically satisfactory for broadcast purposes, the media pool shall utilize this system. If no such system is available, the pool shall place microphones and wiring as unobtrusively as possible after initial consultation with the Trial Judge. Only one audio system is permitted in each Courtroom. Where time does not permit the set-up of an audio system, the pool may utilize a recording device with built-in microphone, provided the Trial Judge gives permission for this equipment.

F: There shall be NO pick-up of conferences conducted in a Court facility between attorneys and clients, or co-counsel, or of conferences conducted at the bench between counsel and the Judge. The filming, videotaping, recording or taking photographs of victims or witnesses who object thereto shall not be permitted. The filming, videotaping, recording or taking photographs of jurors shall NOT be permitted in any circumstances. Proper Courtroom decorum shall be maintained by all in the Courtroom.

**RULE 12: 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:

On the first	\$10,000.00	.....	6%
On the next	\$10,000.00	.....	4%
On the next	\$10,000.00	.....	2.5%
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 13: FORECLOSURE PROCEEDINGS**

#### Initial Filing -

##### Complaint:

No "John Does" without an address.

Adams County Treasurer must be named a party.

Correct parcel number(s) stated in the caption.

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).

**ALL LEGAL DESCRIPTIONS MUST BE FIRST APPROVED BY THE COUNTY TAX MAP DEPARTMENT, PRIOR TO BEING PLACED IN A NEWSPAPER FOR ADVERTISEMENT FOR SALE.**

##### Praecipe for Service:

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.

##### Preliminary Certificate of Title:

A preliminary certificate of title from an independent, disinterested attorney addressed to the Adams County Court of Common Pleas. 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.

##### Initial Court Costs:

Deposit is to be included at the time of the initial filing.

Duplicate Foreclosures:

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.

Interim Matters:

Case Management:

The case will be administratively dismissed, with no further notification where either of the following applies:

- 1: Service is complete, and defendant is in default for longer than 40 days with no further action taken by plaintiff; or
- 2: 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.

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.

Notice of Appearance/Substitution of Counsel:

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.

Motions:

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

Entries:

**ALL** entries presented to the Court for signature, shall contain the approval of all representatives of parties, the attorney certifying the title, 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. It is **NOT** the responsibility of Clerk of Courts, Foreclosure Facilitator or the Court's staff to obtain signatures of entries.

Order of Sale:

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

**LEGAL DESCRIPTIONS MUST BE APPROVED BY THE COUNTY TAX MAP DEPARTMENT PRIOR TO DESCRIPTIONS BEING PLACED IN THE NEWSPAPER.**

CONTESTED MATTERS -

Bench Trial:

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.

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.

Evidence:

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

Motions for Summary Judgment:

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 approval of the Court therefore.

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

## **RULE 13.2: 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 equal to ten percent (10%) of the amount of such accepted bid. Where the amount is \$3,000.00 or less, the minimum amount of deposit shall be \$300.00. 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. 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 for property situated in this County shall be based on the true value indicated by the Auditor's last tax appraisal of the property as shown by his duplicate, and fees allowable shall be scaled as follows:

Up to \$5,000.00 tax value, each appraiser	\$15.00
\$5,000.00, but less than \$10,000.00	\$17.00
\$10,000.00, but less than \$15,000.00	\$19.00
\$15,000.00, but less than \$20,000.00	\$21.00
\$20,000.00, but less than \$25,000.00	\$23.00
\$25,000.00, but less than \$30,000.00	\$25.00
\$30,000.00, but less than \$35,000.00	\$27.00
\$35,000.00, but less than \$40,000.00	\$29.00
\$40,000.00, but less than \$45,000.00	\$31.00
\$45,000.00, but less than \$50,000.00	\$33.00
\$50,000.00, but less than \$55,000.00	\$35.00
\$55,000.00, but less than \$60,000.00	\$37.00
\$60,000.00, but less than \$65,000.00	\$39.00
\$65,000.00, but less than \$70,000.00	\$41.00
\$70,000.00, but less than \$75,000.00	\$43.00
\$75,000.00, but less than \$80,000.00	\$45.00
\$80,000.00, but less than \$85,000.00	\$47.00
\$85,000.00, but less than \$90,000.00	\$49.00
\$90,000.00, but less than \$95,000.00	\$51.00
\$95,000.00, but less than \$100,000.00	\$55.00

On all appraisals where the tax value exceeds \$100,000.00, each appraiser shall receive \$1.25 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.

### **RULE 13(G): TITLE INSURANCE**

In every action demanding the judicial sale of one to four family residential real estate, the party(ies) seeking such sale shall file, within fourteen (14) days after the filing of the pleadings requesting such relief, a commitment for an owner's policy of title insurance on the currently revised ALTA owner's policy form prepared by a licensed

"title insurance company", as that term is defined in ORC 3953.01.C, showing:

- 1: the name(s) of the owner(s) of the property to be sold;
- 2: a reference to the volume and page of the recording by which said owner(s) acquired title to such real estate;
- 3: a description of all exceptions to said owner(s) fee simple title and liens thereon; and
- 4: a name and address, as shown on the recorded lien, of the lien holder(s).

Such commitment shall have an effective date within fourteen (14) days prior to the filing of the complaint or other pleading requesting judicial sale. Such commitment shall cover each parcel of real estate to be sold, shall be in the “amount of the successful bid at Sheriff’s Sale”, shall show “purchaser at judicial sale” as the proposed insured, and shall not expire until thirty (30) days after the recorded Sheriff’s Deed to the purchaser.

No later than thirty (30) days prior to the date set for such judicial sale, the party(ies) submitting the same shall cause the original commitment to be updated by the issuer thereof, to a date subsequent to the date of judgment, to ensure that all necessary parties are properly before the Court in the pending action. Where the evidence of title indicates that any necessary party(ies) have not been made defendants, the attorney for the party procuring the issuance of the order of sale shall proceed without delay to cause such new party(ies) to be added, and served with summons and a copy of the complaint, in accordance with Ohio Rules of Civil Procedure, procuring an order canceling the judicial sale if the requirements of this paragraph cannot be met before the date set for the judicial sale.

Once the Sheriff has received the order of sale, he shall include in the Notice of Sheriff’s Sale of the real estate to be published by him the following language . . . .  
**“A title commitment showing the state of title to this real estate is available for viewing by anyone in the file of this case, located in the office of the Clerk of Courts of Adams County”.**

After the Sheriff’s return of the Order of Sale, and prior to the confirmation of sale, the party(ies) requesting the Order of Sale shall cause an invoice for the total cost of an owner(s) title insurance policy, commitment, title examination and related expenses and cancellation fee, if any, to be filed with the Clerk of this Court.

The purchaser at the judicial sale may, at his option, obtain the issuance of title insurance in his name, and in the amount of his purchase price in accordance with the commitment.

The party(ies) requesting the Order of Sale shall prepare a confirmation and distribution entry ordering payment from the sale proceeds of, among other things, all Court costs, including the aforesaid title expenses, which shall have been taxed as costs in this case.

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

## **RULE 14: PROCEDURE ON EXECUTIONS**

A & B: 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 2329.09.1. (B).

C: The notice of the proceeding required by division A of this Rule, and the request for hearing form required by 2329.09.1.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.

D: 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.

E: 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.

F: If a defendant requests a hearing as set forth in division E 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 form 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.

G: 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 15: DOMESTIC RELATIONS PRACTICE**

A: EX-PARTE ORDERS - Ex-parte orders for temporary custody, support, alimony or for restraining orders **SHALL NOT BE GRANTED** by the Court, except on the showing by affidavit of extreme emergency.

Such affidavit shall describe the emergency 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.

A.2: EMERGENCY HEARINGS - On rare occasion, and under extreme circumstances a request for an emergency hearing may be requested. A motion must be filed, accompanied by an affidavit stating with specificity the allegations 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.

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 and/or other temporary relief.

B: TEMPORARY ORDERS - 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 A – above)

In any case involving a minor child(ren), 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.

All entries granting temporary child support shall include the date which the first payment is due.

C: PRETRIAL PROCEDURE - Either party, on the filing of written request, shall have the right to have a pretrial of any domestic relations case.

A request for pretrial may be filed at any time after the case is at issue, and may be filed until the case is assigned for Trial. After the case is assigned for Trial, a pretrial shall be set only at the discretion of the Trial Judge.

The time and date for the pretrial shall be determined by the Assignment Commissioner, and set to accommodate the docket of the Court, and to the best of the Court's ability the calendars of counsel. Notice shall be given to opposing counsel as is required by the Rules of Civil Procedure for service of pleadings other than the original complaint.

Counsel for both parties shall be required to be present with their clients, unless excused by the Court, and shall be prepared and have authority to discuss and settle, if possible, all issues involved in the case.

The preparation of a sworn itemized list of property, with a notation as to the status of each item of property (marital/non-marital) and financial statement shall be ready to be filed with the Court in ALL contested cases, **at the time of the pretrial conference.** If the case is not settled as a result of the Pretrial, the property statement need not be filed in the case. If the case is not settled within fourteen (14) days of the pretrial conference, the property statement shall be filed with the Court. **IN NO CASE SHALL THE PROPERTY STATEMENT BE FILED LESS THAN 30 DAYS PRIOR TO TRIAL.**

Failure of attorney and client to appear with the property/financial statement prepared to negotiate all issues involved in the case may result in dismissal of the pleadings of the defaulting party, or the Court may take other action to enforce compliance, or may modify existing temporary orders as the Court deems appropriate.

**Any agreement reached at pretrial shall be recited into the Court's RECORD by counsel,** and shall be immediately reduced to writing, signed by both parties and their counsel. The agreement shall be approved by the Court, and filed, and shall be binding on all parties in any subsequent hearing in the case.

D: INVESTIGATIONS -

1: An 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. 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 alimony, 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.

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.

#### E: MOTIONS –

1: At the time of filing any motion, the attorney filing such motion shall request and coordinate a hearing date with the Assignment Commissioner, and shall clear the date with opposing counsel. A judgment entry and/or notice of hearing, with blanks for a hearing date to be filled in, MUST be provided at the time the motion is filed by counsel.

2: In all motions where an arrearage on child support or alimony will be an issue, the attorney filing the motion shall first verify the amount of the current arrearage with the Adams County Child Support Enforcement Agency, and shall indicate in the motion the amount of such arrearage as determined by the Agency, together with the date such arrearage was determined.

#### F: CHILD SUPPORT MATTERS –

In all matters in which child support is to be determined, counsel for the parties shall provide to the Court, child support calculation forms completed as fully as counsel can complete, with the information available to him/her.

#### G: MAGISTRATE –

The following Domestic Relations matter shall be assigned to the Magistrate, unless otherwise ordered by the Court:

- 1: Divorce, Dissolution
- 2: Child Support
- 3: Visitation (parenting time)
- 4: Alimony
- 5: Post-decree issues
- 6: Such other matters specifically assigned to the Magistrate by the Court.

#### H: GUARDIAN AD LITEM –

A Guardian Ad Litem is a qualified person appointed by the Court to represent the best interests of a minor, or incompetent person in a legal proceeding before the Court. The legal proceeding may be, but is not limited to, a divorce, custody, visitation (parenting-time) proceeding.

A Guardian Ad Litem appointed by the Court shall be an individual that has met the required qualifications for such appointment, and who the Court feels is qualified to represent the best interest of a minor or incompetent person. The Court may appoint an attorney to act as the Guardian Ad Litem for such minor or incompetent person.

In actions for divorce, dissolution, alimony, modification of custody or visitation (parenting-time), if the Court appoints a Guardian Ad Litem, the fee for such appointment **MUST BE PRE-PAID PRIOR TO THE APPOINTMENT OF THE GUARDIAN AD LITEM TAKING EFFECT.**

1: If the Guardian Ad Litem is requested by either party in a contested matter before the Court, the moving party shall deposit with the Clerk the fee for the appointment as outlined in Rule 3 herein;

**THE APPOINTMENT OF THE GUARDIAN AD LITEM DOES NOT TAKE EFFECT, OR BIND THE GUARDIAN TO ANY DUTY OR LEGAL OBLIGATION UNTIL SUCH TIME AS THE FEE HAS BEEN DEPOSITED WITH THE CLERK.**

2: If a Guardian Ad Litem is requested by an indigent party who has filed a proper poverty affidavit, the Guardian Ad Litem fee will be assessed at the conclusion of the case, and shall be ordered paid pursuant to order of the Court in it's final entry. In such case, that both parties are indigent and have filed proper poverty affidavits, said Guardian Ad Litem position shall be filled by an attorney appointed by the Court.

3: If a Guardian Ad Litem is appointed by the Court on it's own initiative, or if said appointment is deemed a requirement of law, the fee, as set by the

Court, shall be paid by the party or parties the Court so designates in the appointment entry by a date specified therein. The Guardian Ad Litem is not bound to any legal duty or obligation until such fee is posted as specified in the entry, unless both parties qualified as indigent, pursuant to poverty affidavits filed with the Clerk, at which time the position shall be filled by an attorney appointed by the Court.

Prior to any final adjudication of the matter on which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit an affidavit of fees to the Court for approval. If approved by the Court, said fees shall be made a part of the final entry, to be paid before journalization of the entry. However, nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of the Supreme Court as to Civil Procedure and Superintendence.

**DUE TO THE DIFFICULTY IN THE COLLECTION OF COURT COSTS, AND IN RESPECT TO THE AMOUNT OF WORK, TIME AND EFFORT OF THE GUARDIAN AD LITEM, FEES FOR THE SERVICES OF A G.A.L. SHALL NOT BE TAXED AS COURT COSTS, AND MUST BE PAID BY THE INDIVIDUAL PARTIES TO THE ACTION, AS ORDERED BY THE COURT.**

**IN COMPLICATED AND TIME CONSUMING CASES, THE G.A.L. MAY PETITION THE COURT FOR THE PAYMENT OF EXTRAORDINARY FEES ABOVE THE STANDARD PAYMENT FOR G.A.L. SERVICES.**

**REPEATED REQUEST FOR CONTINUANCES, DUE TO FAILURE OF A PARTY TO MAKE A TIMELY DEPOSIT OF THE G.A.L. FEES, OR FAILURE TO MAKE AN APPOINTMENT TO MEET WITH THE G.A.L., MAY RESULT IN A DENIAL OF THE CONTINUANCE.**

## **COURT RULE 16: STANDARD PARENTING SCHEDULE**

### **1: PREFACE**

Children require the continued and regular involvement of BOTH parents, despite the termination of the relationship of the parents. No Standard Parenting Time Schedule can possibly meet the needs of every parent-child relationship, and therefore, the Court encourages parties to work together towards an agreement which best fits the needs of their children, and will meet their specific circumstances.

During and after the termination of a family relationship, there is often a crisis period during which families are under a great stress, due to loss, conflict and change. Unfortunately, whether intentional or otherwise, children tend to become pawns in a struggle between the parents. Most studies indicate, and psychologist uniformly agree, that the children who “do best” following divorces are those children in which the family maintains lower levels of conflict. The absence of conflict is just as important as the amount of time either parent spends with the child.

Although the Court has established this Standard Parenting Time Schedule, it is with hope that it is unnecessary. It is only when parents cannot agree, that the Court will require the provision of this Standard Parenting Time Schedule to be utilized. In such case where the parents cannot agree to Parenting Time, this Schedule will be ordered by the Court, and considered controlling over Parenting Time issues. The Court encourages the parents to minimize conflicts as much as possible. Specific items in the Final Order (Judgment Entry) of the Court take precedence over this Schedule. This Schedule in no way affects child support obligations or payments.

When an Entry or Divorce Decree refers to “the right of reasonable Parenting Time” granted to the non-residential parent, this RULE shall be considered incorporated by reference, attached to and made a part of the Entry or Decree. Attorneys SHALL provide copies of this Schedule to clients involved in any child custody/parenting time litigation.

## 2: MANDATORY DOMESTIC RELATIONS SEMINAR

All parents in divorce, legal separation, dissolution or post-decree custody/visitation motions in which there are minor children, **SHALL** attend an educational seminar for separating parents. (See Rule 16.2)

## 3: COURT ORDERED MEDIATION

In the event parties have a conflict primarily involving visitation issues, the Court may elect to refer the matter to the Court’s in-house mediation program. (See Rule 17)

## 4: GENERAL PROVISION OF PARENTING-TIME

### 4-a Cancellation of Parenting Time:

The non-residential parent should give 24 hour notice to the other party, if he/she will not be available for scheduled Parenting Time. Any cancellation by the non-residential parent is considered forfeited. If an emergency arises which causes the cancellation, the non-residential parent shall notify the residential parent as soon as possible.

### 4-b Illness:

If a child(ren) is ill, the residential parent should give 24 hour notice, if possible, in order that appropriate plans can be made. However, if more than one day of any Parenting Time period is missed due to a non-emergency and/or non-critical illness, then any missed Parenting Time shall be made up as soon as practicable.

### 4-c Current Address and Phone Number:

Each parent must keep the other informed of his/her current address and telephone number at all times. Any change of address or phone number is to be reported to the other party within 48 hours.

#### 4-d Extra-curricular Activities:

Regardless of where the child(ren) are living, their continued participation in extra-curricular activities, school related, or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom the children are physically with, at the time of the activity, to provide physical and economic cost of transportation to the activities. The residential parent/legal custodian shall provide the non-residential parent, **well in advance**, with notice of all extra-curricular activities, school related or otherwise, in which the child(ren) participate. A written schedule of all extra-curricular activities, and the name of the activity leader (including address and phone number, if reasonably available), shall be provided to the non-residential parent, by the other party as soon as the schedule is established, and the date and time of the activity is learned. The rule is to be applied with a standard of reasonableness.

#### 4-e Access to Records:

Both parents shall have access to all medical, dental, optometric, psychiatric and psychological records of the minor child(ren), and may consult with any treating physician, or health care provider of the child(ren). Both parents shall execute any authorizations or releases necessary to release these records and documents to the other. Both parents shall retain the authority to consent to any necessary emergency medical treatment for the child(ren). Each parent shall promptly notify the other of any health problems of the child(ren).

Both parents shall have access to the child(ren)'s school records. Both parents shall have the right to participate in parent-teacher conferences, school trips, programs or other school activities and events in which parents are invited to participate. The parent receiving the grade card shall be responsible for making a copy and providing the same to the other parent within 5 days of receipt.

Both parents shall have access to babysitting, day-care, nursery school and/or other latchkey records of the child(ren). Both parents shall be entitled to communicate with all physical care providers for the child(ren). Either parent shall execute any authorizations or releases necessary to release the records to the other party. Both parents shall have access to all religious records of the child(ren). Both parents shall have the right to participate and attend all religious activities of the child(ren).

#### 4-f Transportation:

The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if not available for pickup or delivery of the

child(ren) must use an adult, well known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers may transport the child(ren). Both parties shall be diligent in having the child(ren) ready and available at the appointed times, and the transporting party shall be prompt in picking up and delivering the child(ren). However, the transporting parent for visitations shall have a grace period of 15 minutes for pickup and delivery, if both parties live within a distance of 30 miles from each other. If the one-way distance to be traveled is in excess of 30 miles, the grace period is 30 minutes. In the event the visiting parent exceeds the grace period, the visitation for that weekend is forfeited, unless prior notification and arrangements have been made, **AND** in cases where the visiting parent lives in excess of 30 miles away and suffers unavoidable breakdown or delay enroute, and the visiting parent promptly notifies the residential parent by phone of the delay. Repeat violations by either parent shall be cause for granting a modification of the custody order either by changing custody or curtailing visitation, as the case may be.

The parent who becomes the residential/custodial parent as the result of post decree judgment entry, and moves from **WITH THE COURT'S PERMISSION**, or does not reside in Adams County, Ohio, shall be the parent responsible for the transportation of the child(ren) for visitation purposes, unless the Court otherwise provides in an Order establishing such custody and visitation.

The residential parent **shall be responsible** for sending with the child(ren) on visitation sufficient clothing and outerwear appropriate to the season to last the period of visitation. (For a weekend visitation, this shall consist of a minimum of two extra sets of play clothes, and one dress outfit, in addition to the clothes that the child(ren) are wearing at the start of the visitation period).

In the case of infants, the residential parent shall send with the child sufficient bottles, formula and diapers to last the visitation period. Likewise, the non-residential parent shall return all clothes, bottles, unused formula and diapers to the residential parent upon returning the child(ren). Continued violation of this requirement shall be deemed sufficient cause for a change in custody and/or visitation.

#### 4-g Moving:

The residential parent shall **NOT** remove the child(ren) from Adams County, or in the event the child(ren) are not presently in Adams County, to a situs more distance from Adams County than their present situs, **WITHOUT FIRST OBTAINING PERMISSION FROM THE COURT BY ENTRY, OR BY WRITTEN AGREEMENT OF THE OTHER PARTY, WHICH MUST BE REDUCED TO WRITING AND APPROVED BY THE COURT.**

If the residential parent, **with the Court's permission**, moves to a residence more than 150 miles from the non-residential parent, the non-residential parent may elect to have the child(ren) from the close of school for the summer break, until the beginning of the next school term each summer vacation, each school vacation,



including Thanksgiving, Christmas and Spring Break, in lieu of having regular weekend visitation, due to the now distance between the parties.

**IN THE EVENT THE NON-RESIDENTIAL PARENT INTENDS TO EXERCISE THIS OPTION, IT IS THE REQUIREMENT OF THIS COURT THAT SAID PARENT GIVE ADVANCE WRITTEN NOTICE THEREOF TO THE CUSTODIAL PARENT. THIS NOTICE MUST BE DELIVERED TO THE CUSTODIAL PARENT A MINIMUM OF 120 DAYS PRIOR TO SAID EXTENDED VISITATION. FURTHER A COPY OF THE NOTICE MUST BE DELIVERED TO THE CLERK OF COURTS TO BE FILED IN THE CASE INVOLVING SAID PARTIES.**

#### 4-h Telephone and Other Communications

The residential parent shall encourage free communications between the child(ren) and the non-residential parent, and shall not do anything to impeded or restrict communication by phone or mail between the child(ren) and the non-residential parent, whether the communication is initiated by the child(ren) or the parent. The mail between a child and the parent SHALL be strictly confidential between the two, and **shall not** be opened or read by the other parent. This Rule applies equally to the non-residential parent, when the child(ren) are on a extended visitation with the non-residential parent.

The non-residential parent shall be entitled to speak with **each** child, via telephone, twice each week, not to exceed a 15 minute conversation with each child (if there is more than one child). If there is only one child, the time period is 20 minutes.

#### 4-1 Interview of the Child by the Court:

A: Any interview of a minor child shall be conducted pursuant to ORC 3109.04, with the best interest of the child(ren) in mind.

B: All interviews of minor children conducted by the Court shall be scheduled according to the Court's docket, at a separate time other than the time the pertinent issue is scheduled for hearing, unless the Court's docket will allow the interview to be conducted at the conclusion of said hearing.

C: A separate motion for an in-camera interview of a minor child shall be filed in order to facilitate the scheduling of the interview. Interviews of minor children shall not be scheduled without a proper motion being submitted to the Court, unless the Court decides on it's own that it would be in the best interest of the child to speak with the Court.

D: Parties to custody and/or parenting time/visitation litigation are **strongly urged NOT** to bring minor children to hearings, unless the child is called as a witness, or ordered by the Court to attend the hearing.

## GENERAL VISITATION SCHEDULE

### VISITATION – NEWBORN TO ONE (1) YEAR

#### Birth to 4 months:

Non-residential parent shall have parenting time only in the home of the residential parent as follows:

SATURDAY from 12:00 noon until 3:30 P.M.

WEDNESDAY from 5:30 P.M. until 8:30 P.M.

#### 4 months to 8 months:

Non-residential parent shall have parenting time outside the home of the residential parent as follows:

SATURDAY from 12:00 noon until 6:00 P.M.

WEDNESDAY from 5:30 P.M. until 8:30 P.M.

#### 8 months to one (1) year:

Non-residential parent shall have parenting time outside the home of the residential parent as follows:

SATURDAY from 8:00 A.M. until 8:30 P.M.

WEDNESDAY from 5:30 P.M. until 8:30 P.M.

### HOLIDAY VISITATION – BIRTH TO 8 MONTHS

EASTER Non-residential parent shall have parenting time from 3:00 P.M. until 6:00 P.M. outside the home of the residential parent.

MOTHER'S DAY If non-residential parent is mother  
Or

FATHER'S DAY If non-residential parent is father

Outside the home of the residential parent from 3:00 P.M. until 6:00 P.M.

THANKSGIVING Outside the home of the residential parent from 3:00 P.M. until 6:00 P.M.

CHRISTMAS            Outside the home of the residential parent from 3:00 P.M.  
                                 until 6:00 P.M.

**VISITATION – 1 YEAR TO 1 ½ YEARS (18 MONTHS)**

The non-residential parent shall have parenting time as follows:

First, Third and Fourth weekend of January – alternating with  
First, and Third weekend of the following month (February),  
and continuing to alternate odd and even months thereafter

Visitation hours shall commence on Saturday at 8:00 A.M.  
until Sunday at 6:00 P.M.

PLUS: Every Wednesday from 5:30 P.M. until 8:30 P.M.

**SUMMER VISITATION:**

Under age 1 ½ (18 months) – there shall be no extended parenting time for the  
summer.

**HOLIDAY VISITATION – 8 MONTHS TO 1 ½ YEARS (18 MONTHS)**

EASTER                Non-residential parent shall have parenting time from  
2:00 P.M. until 6:00 P.M. – outside the home of the residential  
parent

MOTHER'S DAY      If non-residential parent is mother  
Or

FATHER'S DAY        If non-residential parent is father

Outside of the home of the residential parent from 2:00 P.M. until  
6:00 P.M..

THANKSGIVING      Outside home of residential parent from 2:00 P.M. until 6:00 P.M.

CHRISTMAS            Outside home of residential parent from 2:00 P.M. until 6:00 P.M.

**REGULAR STANDARD VISITATION - AFTER AGE 1 ½ YEARS (18 MONTHS)**

The non-residential parent shall have parenting time as follows:

First, Third and Fourth weekend of January, alternating the  
First and Third weekends of the following month (February)  
continuing to alternate odd and even months thereafter

Visitation hours shall commence on Friday at 6:00 P.M. until  
Sunday at 6:00 P.M.

PLUS: Every Wednesday from 5:30 P.M. to 8:30 P.M.

## **SUMMER VISITATION –**

The non-residential parent shall enjoy six weeks of summer parenting time as follows:

The last three weeks of JUNE

The last week of JULY

The first two weeks of AUGUST

During the summer visitation, the parent that does not have physical custody of the child(ren) shall have the same weekend and weekday visitation as afforded the non-residential parent during the rest of the year.

**EXCEPT THAT:** Each parent may arrange a two week period of un-interrupted parenting time for a vacation with the child(ren). The parent shall schedule this during the period of time that he/she already have the child(ren) for parenting time (visitation).

Each party shall provide written notice to the other party of the dates of the intended un-interrupted parenting time, and if the parties plan to be traveling during this time, he/she shall provide to the other party information as to the destination, etc.. The written notice of the dates that the party intends to exercise the un-interrupted parenting time should be provided to the other party at least 30 days prior thereto, and sooner, if the party knows of the same. The information concerning travel and destination should be provided at least one to two weeks prior to leaving on said vacation.

An adequate amount of clothing shall be provided BY THE non-residential parent during the summer parenting time. Any items provided by the residential parent are to be returned at the conclusion of the visitation, in clean condition.

## **EXTENDED PERIOD OF PARENTING TIME –**

Under age of two, there will be no extended period of parenting time.

When a child reaches age two (2), the non-residential parent shall be entitled to one week of additional time each year herein designed as “extended period of parenting time”. This extended period of parenting time may be exercised during the child’s spring break from school (every other year), or at any other appropriate time during the year, except Christmas Break or Summer Visitation.

## **HOLIDAY VISITATION – AGE 1 ½ YEARS (18 MONTHS) AND OLDER**

### **ODD YEARS**

In odd years, the non-residential parent shall have the child(ren) as follows:

MOTHER'S DAY	If non-residential parent is mother Or
FATHER'S DAY	If non-residential parent is father From 9:00 A.M. until 6:00 P.M.
MEMORIAL DAY	Friday before the holiday at 6:00 P.M. Until Monday at 6:00 P.M.
CHRISTMAS	December 25 <sup>th</sup> at 2:00 P.M. until January 1 <sup>st</sup> at 6:00 P.M.

EVEN YEARS

In even years, the non-residential parent shall have the children as follows:

EASTER	Friday before Easter at 6:00 P.M. until Easter Sunday at 6:00 P.M.
MOTHER'S DAY	If the non-residential parent is mother Or
FATHER'S DAY	If the non-residential parent is father From 9:00 A.M. until 6:00 P.M.
JULY 4 <sup>TH</sup>	From 9:00 A.M. until 10:30 P.M.
Halloween (Beggar's Night)	Halloween Day 5:00 P.M. until 9:00 P.M. If Beggar's Night occurs on different nights in each parent's neighborhood, the child(ren) may participate in Beggar's Night in each parent's neighborhood
THANKSGIVING	From Wednesday prior to Thanksgiving at 6:00 P.M. Until Sunday after Thanksgiving at 6:00 P.M.
CHRISTMAS	From the last day of school for Christmas Break or December 20 <sup>th</sup> for non-school age child(ren) at 6:00 P.M. until December 25 <sup>th</sup> at 2:00 P.M.

**HOLIDAY VISITATION SHALL HAVE PRECEDENCE OVER THE REGULAR VISITATION SCHEDULED, BUT SHALL NOT OTHERWISE MODIFY IT.**

## RULE 16-2: DOMESTIC RELATIONS AND JUVENILE PARENTING SEMINAR

Effective January 2, 2006, ALL parties to divorce, dissolution or parties coming back into Court on motion filed post-decree, with minor children involving visitation or custody issued filed on or after that effective date **shall** register for, attend and successfully complete the 'HELPING CHILDREN COPE WITH FAMILY SEPARATION" Program which the Domestic Relations Division of this Court has adopted.

This seminar must also be attended on matters filed in the Juvenile Division of this Court for visitation and custody.

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.

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.

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.

This requirement may be waived by the Court for good cause.

This Rule does not apply to contempt proceedings or support enforcement actions initiated by the CSEA.

The Court will also accept attendance of the program through an appropriate on-line agency.

**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).**

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, SHALL submit a completed NOTICE OF SEMINAR FOR SEPARATING PARENTS form for each parent involved in the action, and shall cause a Registration Form to be served upon the non-filing party, together with the summons, (copy of registration form attached & incorporated therein). This registration form may be amended from time to time by the Court, or by Lifespan Solutions, the Program Administrator, or any successor administrator. The Clerk of Courts shall note delivery/service of these forms to the party in the Case Docket. The Clerk shall not accept for filing any case that does not have the Notice Including with the pleadings.

The Clerk of Courts shall forward a copy of the Notice to the Family Divorce Services, who shall schedule a seminar attendance and issue notice of the date and time to the parties.

IT IS THE responsibility of each party, not the Court or the Administrator, to arrange scheduling and to satisfactorily complete the program session.

Should either party fail to attend the seminar within forty-five (45) 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 Family Divorce Services.

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.

Failure by any party to comply with this Rule of Court prior to the scheduled final hearing may result in the imposition of appropriate sanctions.

COURT OF COMMON PLEAS  
\_\_\_\_\_  
DIVISION  
ADAMS COUNTY, OHIO

**NOTICE OF SEMINAR FOR SEPARATING PARENTS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Case No.: \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF/PETITIONER

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

VS

\_\_\_\_\_  
DEFENDANT/PETITIONER

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

In compliance with the Rules of this Court, you are hereby required to attend a SEMINAR FOR SEPARATING PARENTS on \_\_\_\_\_ at \_\_\_\_\_ .M..

This seminar is to be held at: \_\_\_\_\_

The duration of the seminar is approximately: \_\_\_\_\_

**Children, significant others, relatives and friends are NOT to attend the seminar.**

Special assistance is available for disabled individuals. Please notify Family Divorce Services of any special needs. For those individuals not conversant in English, please notify in advance for special instructions.

If you have any further questions, please call: FAMILY DIVORCE SERVICES at 513-324-3999 Monday through Friday between 8:00 A.M. and 4:00 P.M.

**YOU MUST BRING THIS NOTICE TO THE SEMINAR.**

## RULE 17: MEDIATION

### Referral -

Any civil, domestic and some juvenile cases may be referred to mediation at any time after service of summons in civil actions, action for divorce, legal separation, annulment, or at any time after filing a post-decree motion. Any case may be referred to mediation pursuant to a party's motion, by agreement of the parties, or on the Court's own motion.

### Case Management -

A: Issues regarding the allocation of parental rights and responsibilities and family related issues involving minor children may be mediated, subject to the best interests of the children. Other cases that involve financial matters may also be referred to mediation.

B: In domestic relations cases, at the time the Court orders the parties to participate in mediation, it shall issue an order staying all proceedings involving the children, except for matters involving temporary or permanent support.

Mediation shall commence within 14 days of the order referring the parties, **OR** as quickly as it can be placed on the mediator's docket.

Within 60 days of the date of the order referring the parties to mediation or upon termination of mediation, whichever is sooner, the parties and the mediator shall jointly file a mediation report pursuant to RC 3109.051B. Any agreement reached during mediation shall not be binding upon the parties until approved by the Court, which shall consider the best interest of the children when allocating parental rights and responsibilities and/or establishing a possessory schedule.

C: There is no cost for mediation, if the parties use the Court's mediator. Outside mediators may charge a fee for mediation, and the expenses thereof shall be divided between the parties, or as agreed.

D: Statements made during the course of mediation assessment or the mediation sessions shall not be admissible as evidence in any subsequent proceedings in this Court. This Rule does not require the exclusion of any evidence which is otherwise discoverable merely because it was presented through the course of mediation. Further, this Rule shall not preclude the mediator from testifying as to a crime committed in his/her presence or from complying with any law requiring the reporting of child abuse.



## **RULE 18: MEDICAL MALPRACTICE ARBITRATION**

A) Cases for Arbitration shall be those cases defined as Medical Malpractice Cases as set forth in 2305.11 of the Ohio Revised Code.

B) Selection of Arbitrators and Manner of Appointment:

1) Pursuant to provision 2711.21 of the Ohio Revised Code, the three members of the panel shall be appointed by the Judge as follows:

a) The Judge shall designate, within 45 days after the filing of the complaint, the arbitration panel chairman. The plaintiff(s) or defendant(s) shall have the right to object to the designated chairman, upon motion, within 10 days after the receipt of the designation herein provided.

b) The names of the remaining two members of the panel to be appointed by plaintiff(s) and defendant(s) respectively, shall be submitted to the assigned Judge within 10 days after receipt of the designation provided for above.

2) If there is a failure of one or more parties to appoint one or more arbitrators as in above, the Judge shall, upon motion, appoint an arbitrator or arbitrators for the party or parties failing to comply. Such appointment shall be made within 5 days of the filing of such motion.

3) The Court may require the Assignment Commissioner to maintain a list of medical malpractice arbitration panel chairmen who have been approved by the Court, after consent to serve.

4) No party appointed as an arbitrator shall have any interest in the case being heard.

5) No disclosure shall be made to the arbitrator prior to the filing of the report, and award referred to in paragraph M of this Rule, *infra*, of any offers of settlement made by any party. Prior to the delivery of the Court file to the chairman of the board of arbitrators, the Judge shall remove from the file and retain all papers or notations referring to demands, or offers for settlement. Such file shall be forwarded to the chairman at the time of the assignment of the case.

C) DISCOVERY - The assignment of a case to an arbitration board shall not limit the right of parties to continue discovery, pursuant to the Rules of Civil Procedure.

D) HEARINGS – When and Where Held, Notice:

1) Hearings shall be held at a place scheduled by the Court's Assignment Commissioner. This provision shall not, however, limit the right of the arbitration panel to hold hearings in an appropriate place of their own choosing. A hearing shall be scheduled not more than 45 days after the appointment of the board of arbitration, and the Assignment Commissioner shall notify the arbitrators, parties or their counsel, in writing, at least 15 days before the hearing of the time and place of the hearing. No hearing shall be fixed for Saturdays, Sundays, legal Holidays, or evenings, except upon written agreement of all parties and the arbitrators.

2) Since sufficient time is available to the parties prior to the hearing date to settle or compromise a dispute, once a hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of the controversy prior to the commencement of the hearing.

E) INABILITY TO PARTY TO PROCEED – In the event that a party is unable to proceed with the case as scheduled, and such date is agreed to by all parties, the Assignment Commissioner may mark the case continued, and may assess a \$25.00 continuance fee against such party.

F) OATH OF ARBITRATOR - When all the arbitrators are assembled, they shall be sworn or affirmed justly, and equitably to try all matters properly at issue submitted to them. Such oath or affirmation may be administered to them by any person having authority to administer oaths.

G) DEFAULT BY PARTY – The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the default of the party. The panel shall require the other party to submit evidence as they may require for making of an award.

H) CONDUCTING HEARING – GENERAL POWERS:

1) The three members of the panel shall be the judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrators, all parties, except where any of the parties are absent, in default or has waived the right to be present. In addition to oral testimony, the panel may receive the evidence of witnesses by affidavit, deposition, video-taped deposition, interrogatories, or written report, and shall give it such weight as the panel deems is justified after consideration of any objections which may be made to such evidence. In the instance of affidavits and written reports, copies shall be furnished to counsel for all parties not less than one week in advance of the hearing.

2) Counsel shall request and whenever possible, produce a party or witness at the hearing without the necessity of subpoena.

I) SPECIFIC POWERS – The panel shall have the general powers of a Court, including but not limited to:

1) Subpoena: To cause the issuance of subpoenas for witnesses to appear before the board, and to request the issuance of an attachment according to the practice of the Court's for failure to comply therewith. Issuance of subpoenas will be done in the same manner as is used in other type of cases.

2) Production of Documents: To compel the production of all books, papers and documents which are deemed material to the case.

3) Administering Oaths – Assembly of Evidence: To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law, and the facts of the case submitted to the panel.

J) SUPERVISORY POWERS OF THE COURT – The Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings, and in application of these rules.

K) WITNESS FEES – Witness fees shall be in the same amount as now or hereafter provided for witnesses in trials in the Court of Common Pleas of Adams County, which shall be taxed as costs.

L) TRANSCRIPT OF TESTIMONY – The Court shall provide, at the request of any party, an official Court Reporter for each medical malpractice arbitration hearing. The costs shall be assessed pursuant to 2301.21 of the Ohio Revised Code.

M) REPORT AND AWARD – Within 30 days after the hearing, the chairman of the panel shall file a written report and award with the Clerk of the Common Pleas Court, with a copy to the Judge, and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel.

In the event that all three members do not agree on the finding and award, the dissenting member shall submit a written dissenting opinion to be filed with the majority report.

N) LEGAL EFFECT OF REPORT AND AWARD, ENTRY OF JUDGMENT - The report and award, unless rejected pursuant to law, shall be final. If no rejection is made within the manner specified by statute, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments. Subsequent to the time for rejection, the judgment entry and submission to the Judge shall be in accordance with Rules of this Court regarding judgment entries.

O) COMPENSATION TO ARBITRATORS –

1) Each member of a panel who has signed an award or filed a dissenting opinion, unless he waived in writing his right to compensation prior to the hearing, shall receive as compensation for his services in each case a fee of \$300.00 for the first day, plus \$150.00 for each fractional half-day thereafter. When more than one case arising out of the same transaction is heard at the same hearing, or hearings, it shall be considered as one case insofar as compensation of the arbitrators is concerned. The members of the board shall not be entitled to receive their fees until after the filing of the report and award with the Clerk of Courts. Fees paid to the arbitrators shall be assessed pursuant to ORC 2711.21, and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s).

In addition to the deposit required for Civil Actions by Rule 3 of these Rules, plaintiff(s), at the time of the filing of the complaint in a medical malpractice action shall deposit \$450.00 to guarantee the fees of the arbitrators, and within 40 days of the filing of the complaint the defendant(s) shall deposit \$450.00 as a like guarantee. But in no event shall the full deposit guarantee be deposited later than five days before the date of the arbitration hearing. If there are multiple defendants, and they cannot agree as to their proportionate share of the deposit, upon proper motion, the Judge to whom the case is assigned shall order the apportionment. When it appears proper, the Court may order additional deposits.

2) In cases which require additional deposits for payment to the arbitrators due to the arbitration hearing lasting more than one day, the deposit to cover the additional costs shall be made not later than five days after the completion of the arbitration.

3) The chairman of the arbitration panel shall determine not less than four days prior to, and not more than five days following completion of the arbitration hearing, that the proper deposit was made. If no deposit has been made by one or both sides, the chairman shall, through the Assignment Commissioner, schedule a show cause hearing before the Judge to determine why the plaintiff(s) and/or defendant(s) should not be held in contempt for failure to file the required deposit.

4) Payment of fees shall be authorized by the Judge by Entry.

5) In all cases in which the plaintiff(s) have filed a poverty affidavit, or in which an insufficient deposit has been made to pay the plaintiff(s) portion of the compensation due to the arbitrators, and in which an award, settlement or judgment has been made in favor of the plaintiff(s), defendant(s) shall first pay the Clerk of Court out of such award, settlement or judgment, and before making any payment to plaintiff(s), an amount equal to the undeposited plaintiff(s) portion of the compensation due the arbitrators. Otherwise, all compensation for arbitrators not paid from costs shall be paid upon proper warrant from the funds of Adams County, Ohio.

6) In all cases in which settlement is reached or arbitration is waived fewer than 60 days prior to the scheduled arbitration hearing, the panel members shall be paid \$100.00 each from the deposit hereto fore required.

F) TIME LIMIT TO AMEND PLEADINGS – If the decision of the arbitrators is rejected pursuant to ORC 2911.12, pleadings shall be amended and filed with the Clerk of Courts within 30 days. The parties making such pleading amendments shall serve other parties pursuant to the Ohio Rules of Civil Procedure.

### **RULE 19: 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, pursuant to 2941.52 of the Ohio Revised Code.

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 defendants and their 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: A condition of bond is that defendants shall not have a change of address, without prior written consent of the Court. Failure to do so may result in a revocation of the defendant's 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.

**RULE 20: JUDGMENTS UPON WARRANT OF ATTORNEYS TO CONFESS**

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 21: 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 Judge's docket. This Rule will establish a general framework for management of cases, leaving to the discretion of the individual Judge the use of additional procedures to accomplish the goal of this Rule.

### **B: SCHEDULING ORDER –**

1: At any time after service of the complaint, the Judge assigned to the case may make a scheduling order. The Judge shall make the order only after consulting with all counsel of record at a scheduling conference, which may be conducted in person or by phone, or at an informal Pretrial conference under Local Rule 9.

2: The scheduling order shall limit the time:

- a: To join new parties & amend pleadings
- b: To file and the hearing of motions
- c: To complete discovery

It may also include:

d: 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 9

e: Any other matters appropriate to the particular case

THE DEADLINES AND SCHEDULE SO ESTABLISHED, AND ORDERED SHALL NOT BE MODIFIED, EXCEPT BY ORDER OF THE COURT.

### **C: MOTIONS –**

1: Summary Judgment

a: 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: To assure compliance with 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.

2: Ex parte (Domestic Relations. & Juvenile)

a: Ex parte orders for temporary custody, temporary support, temporary alimony or for dispossessing a spouse, **SHALL NOT** be granted by the Court, except on the showing by affidavit of an **extreme emergency**. Such affidavit shall describe the emergency with specificity and the movant shall be available to the Court for examination, under oath, should the Court deem necessary, on the record, regarding such emergency. Counsel for the movant should contact the Assignment Commissioner prior to the filing of such pleadings, in order to arrange such examination by the Court.

In the event the Court finds such an emergency exists, all such orders shall be scheduled for review hearing within 72 hours, or the next available Court date as close to the 72 hours as is possible. Pleadings should include a Notice of Hearing, which shall be served upon necessary parties. Counsel requesting an ex parte order shall adjust their calendars in order to accommodate the required hearing.

D: CONTINUANCES –

1: Requests for continuances SHALL BE SUBMITTED AT LEAST 14 DAYS PRIOR TO TRIAL OR HEARING, except for emergency or other cause deemed sufficient by the Court. Requests for continuances shall be by motion, and proposed Journal Entry, which SHALL include:

a: The reason for the request. If the reason is another case, scheduled on the same date, in another Court, the motion **shall** include the name of the Court, the assigned Judge, 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;**

b: The date and time of the current assignment; and

c: Movant shall obtain a new date from the Assignment Commissioner, and shall be responsible for checking the calendar of opposing counsel, in order that a **clear and firm date** may be established to reschedule the hearing, in the event the Court grants the motion to continue.

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.



**MOTIONS MUST FIRST BE FILED WITH THE CLERK, AND GIVEN TO THE ASSIGNMENT COMMISSIONER, ALONG WITH A PROPOSED ENTRY. THEY ARE NOT TO BE TAKEN DIRECTLY TO THE JUDGE OR MAGISTRATE FOR APPROVAL WITHOUT FIRST BEING FILED WITH THE CLERK.**

2: 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 should be supplied to the Court within ten days.

**IT IS THIS COURT'S INTENTION TO GRANT ONE CONTINUANCE IN EACH CASE, UNLESS THERE ARE EXTREME CIRCUMSTANCES WHICH WARRANT OTHER CONTINUANCES BEING GRANTED.**

#### 4: ALL OTHER MOTIONS –

All other motions will be decided without oral hearing, unless oral argument is requested in writing, **at the time the motion is filed**, or as may be determined necessary by the Court. The moving party shall file with the motion, a brief with supporting memorandum containing the authorities relied upon, and any affidavits or other supporting documents required, or appropriate to file with the motion.

Memorandum in opposition of the motion must be filed within 14 days after receipt of the motion.

Reply briefs or memorandum shall be submitted within 7 days after opposing memorandum are filed.

See Local Rule 5 – Exceptions to this procedure may be motions filed less than 14 days prior to Trial.

#### E: CRIMINAL CASES –

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.. 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.

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.

**IT IS THE RESPONSIBILITY OF COUNSEL TO ADVISE THE ASSIGNMENT COMMISSIONER IF A TRIAL WILL TAKE MORE THAN TWO DAYS**

7: 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 it's 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).

**RULE 22: WITHDRAWAL OF COUNSEL**

When counsel seeks to withdraw, for whatever reason, a copy of the motion and memorandum with reason(s) for withdrawal, shall be supplied per the Civil Rules

to his/her client, unless there is an agreed substitution of counsel by proposed entry. Upon the filing of the motion to withdraw, counsel shall also submit a proposed entry setting the matter for hearing, notifying his/her client to be present, and shall be present for such hearing. At the hearing, the issue of withdrawal for good reasons shown, shall be decided.

### **RULE 23: 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 computer printout 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 15<sup>th</sup> 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 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

EXEMPTIONS ARE AS FOLLOWS:

Military service, full-time college student;  
Relocated residence outside county;  
Doctor certificate for illness

Prospective jurors are to be rescheduled for the following reasons

Vacation  
Employment hardship  
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

c: Jurors may not be questioned concerning anticipated instructions

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

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

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

2: A summons should clearly explain how and when the individual must respond, and the consequences of a failure to respond.

3: 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

4: Policies and procedures should be established for monitoring failure to respond to summons and for enforcing a summons to report for jury service.

5: 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 of 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 – 2313.18

#### 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

f: Before dismissing a jury at the conclusion of a case, the Trial Judge should –

1: Release the jurors from their duty of confidentiality



2: Explain their rights regarding inquiry from counsel or the press

3: Either advise them that they are discharged from service, or specify where they are to report

4: Express appreciation to the jurors for their service, but not express approval or disapproval of the result of deliberation

#### Q: JURY SIZE AND UNANIMITY OF VERDICT

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
  - b: Minimize the inconvenience and discomfort of the sequestered jurors
- 5: Training shall be provided to personnel who escort and assist jurors during sequestration.

#### T: ADOPTION OF THESE RULES BY THE ADAMS COUNTY COURT

The Adams County Court is hereby permitted to adopt and incorporate this Jury Uses and Management Plan of the Adams County Court of Common Pleas into their Rules of Court, as they use the venues of the Adams County Common Pleas Court in their jury Trials, and in the interest of cost-effectiveness and simplification.

#### **RULE 24: CIVIL PROTECTION ORDERS**

In response to ORC 2903.214, which provides for Civil Protection Orders, and regarding Domestic Violence Civil Protection Orders (ORC 3113.31), the Adams County Common Pleas Court adopts the following Rule:

##### A: REFERRAL TO MAGISTRATE/ ASSIGNMENT TO JUDGE

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 Common Pleas Magistrate. The Victim Advocate SHALL be present in the Courtroom with the petitioner at all hearings.

##### B: EX PARTE HEARINGS

1: If the Petitioner requests an ex parte order, the Magistrate shall hold an ex parte hearing 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.

2: The Magistrate may issue ex parte ordered under Ohio Civil Rule 53, without judicial approval with or without bond, for the safety and protection of the petitioner (person to be protected by the order).

3: All ex parte orders shall be in full force and effect until the final hearing on the matter or until further order of the Court, and are not subject to Local Rule 16 (A).

## C: 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. Continuances shall be granted as necessary pursuant to the statute.

2: If the petitioner fails to appear, the Court will dismiss the petition. If the petitioner appears at the full hearing, and requests a dismissal, the Court MAY dismiss the petition.

3: Following the full hearing, the Magistrate shall issue a Magistrate's Decision, which upon consideration by the Court shall be adopted as an interim order pursuant to Civil Rule 53. Upon the expiration of the fourteen days, this interim order shall become the final appealable order of the Court.

4: Final orders shall be valid until a date certain, but not later than five (5) years from the date of its issuance.

5: Copies of the order shall be served, pursuant to statute.

6: The costs incurred in all Civil Protection/Domestic Violence proceedings shall be imposed following the final disposition of the petition

IN ACCORDANCE WITH ORC 3113.31(J) -

The Court. . . "shall not charge a fee for the filing of the petition." The Court is prohibited from the collection of any charge, cost, fee, deposit or expense at the time the petition is first submitted to the Clerks of Courts for filing.

## **RULE 25: COURT SECURITY**

IN COMPLIANCE WITH RULE 9 OF THE RULES OF SUPERINTENDENCE FOR ALL DIVISIONS OF THE COURT OF COMMON PLEAS, THE FOLLOWING PROVISIONS ARE HEREBY ADOPTED:

A: Security provisions shall be provided by the Office of the Adams County Sheriff's Department.

B: Prisoners shall be transported within the Court facilities by a sheriff deputy (jailer). In instances when prisoners are deemed "dangerous" the least congested path shall be taken. ALL prisoners shall be handcuffed and, when appropriate, in leg restraints.

C: No weapons shall be permitted in the Courthouse, except those carried by Court Security Officers, and law enforcement officers acting within the scope of their employment as a witness or on official business.

D: All Courtrooms, hearing rooms, probation offices and Clerks offices shall be equipped with a duress alarm connected to a central security location for highest response time from the Adams County Sheriff. Duress alarms shall be located on the Judge's bench, bailiff's desk, and any other "at risk" areas. Testing of duress alarms shall be done regularly by the Adams County Sheriff.

E: Closed circuit video surveillance shall be allocated to the hallways, Courtrooms, and entrances in to the Courthouse.

F: The general public shall not be permitted, unless otherwise invited, into secured areas. Court staff areas, and the Judge's areas, Courtrooms, and Clerks offices shall be accessed through an electronically controlled door.

G: A gated magnetometer entrance shall be utilized by Court personnel, as well as hand-held units, whenever deemed necessary by the Court.

H: Violations of law occurring within the Court facility shall be reported to the law enforcement agency having jurisdiction.

I: Every violation of law that occurs within the Courthouse shall be reported to the Adams County Sheriff. All security incidents shall be reported, as well to the Court's bailiff, who shall file the report on the appropriate form with the Court Administrator.

J: Use of cell phones are prohibited in the Courtrooms, and should be TURNED OFF prior to reaching the top floor of the Courthouse.

## **RULES OF PROBATE COURT**

### **RULE 26: HOURS**

The Probate Court shall be open for the transaction of business from 8:00 A. M. until 4:00 P.M., Monday through Friday, except for legal holidays, and other occasions as may be deemed by the Court.

### **RULE 27: RECORD OF PROCEEDINGS**

The Court will make an audio-electronic recording of the proceedings as the record of Court. Any party who desires to have a transcription of the record, shall file an application and arrange with the Court Reporter for the transcription, which shall be at the parties' expense.

Arrangements must be made with the Court for an audio record which shall cost \$10.00 per C.D.. For any matter in which the Court has recorded the proceedings the original C.D. of the audio-electronic recording shall be maintained for a period of 60 days. Only transcripts prepared by the Court Reporter may be used in hearings or appeals.

### **RULE 28: COURT SECURITY**

As required by Rule 9 of the Rules of Superintendence for Courts of Common Pleas, the Probate Division has adopted and implemented a local Security Rule as outlined in Rule 24.

### **RULE 29: CASE MANAGEMENT IN DECEDENTS ESTATES, GUARDIANSHIPS & TRUSTS**

A: Each fiduciary shall adhere to ORC 2109.30.1, or the Court ordered time period for filing the inventory, account, and if applicable, guardian's report. The citation process set forth in Section 2109.31 of the Revised Code shall be utilized to ensure compliance. The attorney of record, and the fiduciary shall be subject to the citation process. The Court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods.

B: A continuance to extend the time for filing an inventory, account or guardian's report shall not be granted unless the fiduciary has signed the application for the continuance.

C: The fiduciary and the attorney shall prepare, sign and file a written status report with the Court in all decedent's estates that remain open after a period of one year from the date of the appointment of fiduciary. At the Court's discretion, the fiduciary and the attorney shall appear for a status review.

D: The Court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceedings before the Court or serving as attorney of record in any new estate, guardianship or trust until all of the delinquent pleadings are filed.

E: Upon filing of the exceptions to an inventory, or to an account, the exceptor shall cause the exceptions to be set for Pretrial within 30 days. The attorneys and their clients, or individuals, if represented by counsel, shall appear at the Pretrial. The Trial, if needed, shall be set as soon as practical after the Pretrial.

F: Applications for Indigent Guardianships shall be reviewed by the Deputy Probate Clerk for eligibility. Those found to be outside the current eligibility guidelines shall be referred to the Probate Judge for final determination of eligibility.

G: CERTIFICATES OF TRANSFER - Prior to being presented to the Probate Court, all Certificates of Transfer **MUST** be presented to the Adams County Tax Map Department and marked 'APPROVED FOR TRANSFER" by that department.

**RULE 30: DEPOSITS FOR COSTS**

Deposits shall be required upon the initial filing of any action or proceeding. The deposit may be applied as filings occur. Additional deposits may be required.

ESTATES – Full Administration . . . . .	\$125.00
ESTATES – Release from Administration	
With or without a Will . . . . .	\$125.00
Will probated, tax. . . . .	\$ 28.00
Tax only . . . . .	\$ 28.00
Short form Release	
Without Will . . . . .	\$ 60.00
With Will. . . . .	\$ 60.00
Claims against Estate . . . . .	\$ 10.00
GUARDIANSHIPS –	
Person & Estate . . . . .	\$125.00
Estate only. . . . .	\$125.00
Person only . . . . .	\$125.00
No charge for additional child(ren), if siblings)	
EMERGENCY GUARDIANSHIPS . . . . .	\$125.00

MINOR SETTLEMENT –	
Over \$10,000.00 requires guardianship. . . . .	\$125.00
Without Guardianship . . . . .	\$ 60.00

CIVIL ACTIONS –	
All Complaints . . . . .	\$ 25.00
Subpoenas. . . . .	\$ 2.00

Application to correct birth record . . . . . \$ 10.00

Change of Name . . . . . \$105.00

Copies of Court Record. . . . . \$ 10.00

Deposit of Wills . . . . . \$ 1.00

Marriage License . . . . . \$ 50.00

Certified Copy of marriage record . . . . . \$ 2.00

Motion & Entry to re-open Estate. . . . . \$ 5.00

Plus costs of additional paperwork

Adoptions. . . . . \$350.00

No charge for additional child(ren), if siblings

To be paid by private party at time of filing

A deposit of \$150.00 is required if party is a public agency

**PUBLICATION –**

Any probate action which requires publication shall require a

Deposit of \$250.00 to be paid prior to the publication being

Placed in the newspaper.

**RULE 30 (B): NOTARY PUBLIC**

Application fee. . . . . \$ 2.00

Examination fee. . . . . \$ 3.00

**RULE 31: COUNSEL FEES**

A: Attorney fees in all matters shall be governed by DR 2-106 of the Code of Professional Responsibility. The Court has the ultimate authority to set fees in any matter.

B: Attorney fees for the administration of estates shall **NOT** be paid until the final account is prepared for filing, unless otherwise approved by the Court, upon written application and good cause shown.

C: Attorney fees may be allowed if there is a written application that sets forth the amount requested, and will be awarded only after notice of all parties affected and a proper hearing is held.

D: An application shall be filed for the allowance of counsel fees for services rendered to a guardian, trustee or other fiduciary. The application may be filed by the fiduciary or attorney. The application shall set forth a statement of the services rendered and the amount claimed in conformity with division A of this Rule.

E: Counsel fees for the administration of an estate as set forth below may serve as a guide in determining fees and in compliance with Revised Code Section 2113.35.

- |  |    |
|--|----|
| 1: For the first \$100,000.00 at the rate of                             | 4% |
| 2: All above \$100,000.00, and not exceeding \$400,000.00 at the rate of | 3% |
| 3: All above \$400,000.00 at the rate of                                 | 2% |
| 4: On real estate not sold, at rate of                                   | 1% |

### **RULE 32: GUARDIAN'S COMPENSATION**

Counsel fees for the administration of a guardianship shall be those reasonable and beneficial to the guardianship. The application for fees shall be in writing, setting forth the details supporting the calculations on which the fees are based.

- |   |    |
|---|----|
| A: For income and disbursements at the rate of                            | 4% |
| B: For Veteran's guardianships,<br>Pursuant to RC 5905.14, at the rate of | 5% |

### **RULE 33: TRUSTEE'S COMPENSATION**

Except where the instrument creating the Trust makes provision for compensation, trustees subject to this Court's jurisdiction may, upon application and entry, be allowed to compensation annually for ordinary services in connection with the administration of each separate trust at the following rate.

- |   |
|---|
| A: A fee of 4% of the total income for the accounting period              |
| B: A fee of \$2.00 per thousand of the market value of the principle held |



by Trustee

C: A fee of 1% of the principle distributed during the accounting period  
Additional compensation for extraordinary services or allowance for expenses may be granted upon application, with written proof of the services, and entry, which shall be set for hearing, unless waived by the Court.

#### **RULE 34: COURT APPOINTMENTS**

The Probate Court may request practicing attorneys with law offices in Adams County 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.

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

Compensation for Court appointed counsel shall be paid at the rate of \$50.00 per hour out-of-Court, and \$60.00 per hour in-Court, 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 35: DEPOSIT OF WILLS**

The guardian must deposit with the Court any and all Wills of the ward for safekeeping, pursuant to RC 2107.07. Notice of an admission of a Will to probate shall comply with RC 2107.19.

#### **RULE 36: 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.

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: All household goods and furnishings shall be appraised, but not necessarily individually listed.

#### **RULE 37: 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 38: ADOPTIONS**

At the time of filing a petition for Adoption by a private party, a deposit of \$350.00 shall be required, of which \$200.00 shall be paid to the assessor for the home study and report, pursuant to ORC 3107.031.

If such petition is filed by a public agency, such as the Department of Child and Family Services, the deposit shall be \$150.00, with no assessor fee required.

If the petition contains more than one child, no additional deposit is required.

#### **ADOPTION PROCEDURE:**

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. No adoption petition will be filed without the appropriate checklist being properly executed and attached. (A copy of the checklist is attached and made a part of these Rules).

Prior to filing any adoption petition with the Probate Court, petitioner(s) shall contact the Adoption Assessor to schedule and complete the required 36 hour pre-service training, and receive adoption approval by the Adams County Children's Services Agency.

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.

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.

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.

## ADAMS COUNTY PROBATE COURT CHECKLIST FOR STEP-PARENT ADOPTIONS

Below is a checklist which outlines the procedures required by the Adams County Probate Court, when filing an Adoption Petition, when the petitioner is a step-parent. This checklist is to be used **only** in step-parent adoptions.

- \_\_\_ Contact the Adoption Assessor, Adams County Children Services (937) 544-2511, who will send information to the petitioners regarding how to complete the Local, State and Federal Criminal Background Checks and Bureau of Motor Vehicle Checks. Petitioners will also need to provide names, addresses and phone numbers of five references, of which no more than one may be a relative of either party. The petitioners or attorney will provide the Assessor with complete information regarding the petitioner(s) names and child(ren) to be adopted, along with the birthparent of the child, and contact information. This information will be sent to the petitioner(s) within seven days of their request, or the request of the attorney.
  
- \_\_\_ Upon completion, by the petitioner(s), of the criminal background checks, BMV checks, and a list of names, addresses and phone numbers of five personal references, the petitioner(s) will return all information to the Assessor at Adams County Children Services, 300 North Wilson Drive, West Union, Ohio.
  
- \_\_\_ The Assessor will send a letter to the references listed by the parties.
  
- \_\_\_ The Assessor will send letter to the child(ren)'s birthparent in reference to birthparent counseling (after the petition is filed), which is to be completed prior to a birthparent signing a consent to adopt. This letter will be sent via certified mail and regular mail. If the birthparent of the child(ren) resides outside the State of Ohio, or is incarcerated, a letter will be sent by the Assessor to the birthparent requesting them to complete the ODJFS 01616 "Social and Medical History" form for the child. The agency fee for birthparent counseling is \$50.00, which is to be paid by the petitioner, or the birthparent prior to the counseling being scheduled or completed.
  
- \_\_\_ Upon completion of birthparent counseling with the Assessor (which usually takes 2 to 3 hours), the Assessor will send a letter to petitioner(s) attorney, and to the Clerk of Probate Court, 110 W. Main Street, West Union, Ohio 45693, advising the date of completion. The Probate Clerk and petitioner(s) attorney will also be advised, in writing, if a birthparent does not make contact with the Assessor.
  
- \_\_\_ The Probate Clerk will contact the Assignment Commissioner, who will schedule a hearing for the permanent surrender/signing of consent to adopt in front of the Judge. This procedure will take place at least 72 hours AFTER the completion of the birthparent counseling.
  
- \_\_\_ The Assessor will also notify the Probate Clerk, and petitioner(s) attorney, in writing, that the criminal background checks have been complete, and whether or not there is a criminal history of the petitioner. The attorney will be notified to file the Adoption Petition at this time.

The Judge has advised that Adoption Petitions for those individuals who would not be approved for adoption by the agency, due to criminal histories

and/or child abuse/neglect histories, will not be filed in Probate Court.

- \_\_\_ Attorney will file the Petition for Adoption, and pay the \$350.00 filing fee.
- \_\_\_ Probate Clerk will complete the Petition for Adoption paperwork, have the matter scheduled for hearing, and send notice to the petitioner, attorney, birthparent, and an order for the Assessor to the Adams County CSB for completion of form #01698 "Step-parent Adoption Homestudy Report."
- \_\_\_ Upon notice of the hearing, the Assessor will make contact with the family to complete the home assessment, and meet with all household members. The ODJFS form 02698 report will be filed 10 days prior to the scheduled Adoption hearing.
- \_\_\_ The Court requires the attorney, petitioner(s), child/children appear before the Court for the final hearing, unless the attorney filed a written notice showing "good cause" for the child/children to be excused from such attendance.
- \_\_\_ A copy of this checklist must be signed by the attorney responsible for the adoption, and filed with the Petition for Adoption. No adoption petition will be filed without this checklist attached and signed by counsel.

Reviewed as complete by:

\_\_\_\_\_  
Attorney for Petitioner(s)                      Date

\_\_\_\_\_  
Probate Clerk                                      Date  
Adams County Probate Court

\_\_\_\_\_  
JUDGE    Date  
Adams County Court of Common Pleas

**ADAMS COUNTY PROBATE COURT  
CHECKLIST FOR RELATIVE/NON-RELATIVE ADOPTIONS**

Below is a checklist outlining the procedures required by the Adams County Probate Court when filing an Adoption Petition for grandparents, aunts, uncles, cousins, sisters, brothers, etc., as well as those individuals not related to the child(ren) they are seeking to adopt. This checklist is **not** to be complete for step-parent adoptions.

\_\_\_ All relative/non-relative adoption petitioner(s) will be required to complete the 36 hour Adoption Pre-service Training, and receive adoption approval by the Adams County Children Services Agency (ACCSA), through completion of ODJFS #01673 "Assessment for Child Placement" – (homestudy).

\_\_\_ The attorney or petitioner is asked to contact the Adoption Assessor at the Children Service's office (397) 544-2511, who will send information packets to petitioner(s) regarding the adoption, along with an adoption pre-service training schedule. Petitioners will specify that they are attending the pre-service training to adopt a specified child. Pre-service training is provided by the ACCSA in spring, summer and fall. These classes are free of charge and are paid for by the Southwest Ohio Regional Training Center. If petitioners are unable to attend classes which are offered in Adams County, the Assessor will provide them with a schedule of pre-service training classes offered in Brown, Clermont, Hamilton, Highland and Warren Counties. Petitioners are responsible for completing the paperwork provided to them by ACCSA for the adoption approval process during the course of their pre-service training. They are also required to submit training certificates to the Assessor upon completion of the 36 hour pre-service training classes. Information will be provided to petitioner during the training regarding the process for completing the Local, State and Federal Criminal Background checks, and the Bureau of Motor Vehicle checks.

On the Adoption application, the petitioner will provide the names, addresses and phone numbers of five personal references. Only one of the referenced individuals may be a relative. Petitioner(s) will also have to submit required paperwork to ACCSA for approval process and will be required to submit to a site and safety audit by the Assessor, complete a Fire Marshall Inspection (\$25.00 fee), and have medical statements complete on ALL household members by their family physician. The petitioner(s), or petitioner's attorney will provide the Assessor with complete information regarding the petitioner(s) name, and the name of the child(ren) to be adopted, along with the birthparent of the child, and contact information. This information will be sent to the petitioner(s) within seven (7) days of their request or the request by their attorney.

\_\_\_ Upon completion by the petitioner(s) of the pre-service training, homestudy process and all requirements therein, including criminal background checks,

BMV checks, personal references, site and safety audit, fire marshal inspection, medical statements, etc., the Assessor will submit a written letter to the attorney, and to the Clerk of Probate Court.

— The Assessor will send a letter to the birthparent in reference to birthparent counseling, which is to be complete prior to a birthparent signing the Consent to Adopt. This letter will be sent via certified and regular mail. If the birthparent resides outside the State of Ohio, or is incarcerated, a letter will be sent by the Assessor to the birthparent, requesting them to complete the ODJFS #01616 "Social and Medical History" form for the child. The agency fee for birthparent counseling is \$50.00, which is to be paid by the petitioner or the birthparent prior to the counseling being scheduled or complete.

— Upon completion of the birthparent counseling (which takes 2 to 3 hours), the Assessor will send a letter to petitioner(s) attorney, and to the Clerk of Probate Court at 110 W. Main Street, West Union, Ohio 45693, advising parties of the date of completion. The Probate Clerk and petitioner(s) counsel will also be advising, in writing, if a birthparent does not make contact with the Assessor.

— The Probate Clerk will contact the Assignment Commissioner, who will schedule a hearing for the permanent surrender/signing of consent to adopt in front of the Judge, at least 72 hours after the completion of the birthparent counseling.

— The Assessor will notify the Probate Clerk, and counsel, in writing, that all the above requirements have been completed, and whether or not there is a criminal history of the petitioner. Counsel will be notified to file the Adoption petition at that time.

The Judge has advised that Adoption Petitioner for those individuals who would not be approved for adoption by the agency, due to criminal histories and/or child abuse/neglect histories, will not be filed in Probate Court.

— Attorney will file the Petition for Adoption, and pay the \$350.00 filing fee.

— Attorney will provide a certified copy of proof of placement/custody of the child. The Probate Clerk will complete the Petition for Adoption paperwork, have the matter scheduled for hearing, and send notice to the petitioner, attorney, birthparent, and an order for the Assessor to the ACCSA for completion of form #01699 "Prefinalization Adoption Assessment Report."

— Upon notice of the hearing, the Assessor will make contact with the family to complete the home assessment, and meet with all household members. The ODJFS form # 02698 report will be filed 10 days prior to the scheduled Adoption hearing.

— The Court requires the Attorney, petitioner(s) and child/children to appear



before the Court for the final hearing, unless the attorney filed a written notice showing “good cause” for the child/children to be excused from attendance.

— A copy of this checklist must be signed by the attorney responsible for the Adoption, and filed with the Petition for Adoption. No Adoption petition will be filed without this checklist attached, and signed by counsel.

Reviewed as complete by:

\_\_\_\_\_  
Attorney for petitioner(s)                      Date

\_\_\_\_\_  
Probate Clerk                                      Date

\_\_\_\_\_  
JUDGE    Date  
Adams County Court of Common Pleas

## JUVENILE COURT

### RULE 39: HOURS

The Juvenile Court will be open for the transaction of business from 8:00 A.M. until 4:00 P.M., Monday through Friday, except for legal holidays and other occasions as may be deemed by the Court.

### RULE 40: COURT COSTS

Effective January 1, 2011, the following will be the amended and adopted court Costs for the Adams County Juvenile Court, pursuant to Sections 2151.54, 2301.21, 2303.20 and 2151.54.1 of the Revised Code.

#### FEE SCHEDULE – JUVENILE COURT:

Delinquent	\$127.00
Delinquent Felony	\$158.00
Unruly	\$ 98.00
Sealing/Expungement Application	\$ 25.00
Traffic Moving	\$ 93.00
Traffic Non-moving	\$ 62.00
Seat Belt Driver	\$ 62.00
Seat Belt Passenger	\$ 62.00
Driving Privileges	\$ 25.00
Deposit for Support	\$125.00
Support Modification	\$ 50.00
Support Review	\$ 50.00
Adult Cases	\$ 90.00
Custody New/Reopen	\$125.00
Paternity New/Reopen	\$125.00
Deposit for motion to reopen case	\$ 50.00
Jury Fee (to call)	\$ 25.00
Issuing Summons, subpoena, entering attendance and certifying fees, each name	\$ 6.00
Copies	\$ 0.25 per page
Certified Copies	\$ 2.00
Entering on Journal, indexing, and posting	\$ 2.00
Certificate of fact under seal of Court	\$ 2.00

The following fees may vary:

Certified mail or regular mailing

Court Appointed Counsel Fees

Witness Fees

Sheriff's Fees

Foreign Sheriff's Fees

Fines