

RULES OF COURT

RULE 29. GENERAL.

29.01 The Domestic Relations and Juvenile Courts may be severally identified as the Court of Common Pleas of Trumbull County, Ohio, adding thereto the following as applicable:

- A. Division of Domestic Relations;
- B. Juvenile Division; or
- C. Division of Domestic Relations and Juvenile Department.

These rules shall apply in said Courts in all proceedings, both domestic and juvenile.

29.02 The Ohio Rules of Civil Procedure, and other rules of Court, as may be applicable, or as promulgated by the Ohio Supreme Court, shall apply in all proceedings before the Court. In the event of conflict between the Trumbull County Local Rules and the aforesaid rules of the Supreme Court, those rules promulgated by the Ohio Supreme Court shall control and govern.

29.03 The rules of the General Division of the Court of Common Pleas of Trumbull County, Ohio, shall apply to all proceedings before this Court, except **TO THE EXTENT THAT THOSE GENERAL DIVISION RULES ARE IN CONFLICT WITH RULES 29 THROUGH 41, OR TO THE EXTENT THAT THE GENERAL DIVISION RULES ARE INAPPLICABLE.**

RULE 30. COURT COSTS.

30.01 The deposit to secure Court Costs in Domestic Relations cases is as follows:

Complaints	200.00
Petitions for Dissolution of Marriage.	200.00
Answers and Counterclaims with service of summons requested.	60.00
Answers Only.	No Charge
Counterclaims with no service requested (ie certification to counsel)	60.00
Any post-divorce motion (with or without service of summons)	75.00
Praecepto to the Clerk to Issue	
Rule 58 Notice by Certified Mail	20.00
Release of Lien	5.00

Any Motion for Continuance 10.00
 Except For Domestic Violence
 Motion to Reinstate 35.00

30.02 The Court may, for good cause shown, waive the deposit of court costs **UPON THE FILING WITH THE CLERK** a satisfactory affidavit identifying the assets and earnings of the party who wishes the Court to waive the deposit; **TOGETHER WITH A STATEMENT BY COUNSEL** who represents said party stating that counsel has received no fees for representation in the matter now before the court.

In the alternative, counsel may submit, in lieu of the aforementioned statement, a letter from a duly authorized legal aid corporation indicating that the party who wishes the court cost deposit to be waived is entitled to legal aid with counsel on a contractual basis with a partial fee to be paid to said counsel.

In either such event, regardless of whether the affidavit by the party is submitted with a statement by counsel or with a letter from the legal aid corporation, the party shall deposit the court costs **PRIOR** to the hearing on the merits **UNLESS** prior to the request for assignment for trial the Court shall have waived the costs by appropriate order.

30.03 The deposit to secure Court Costs in Juvenile actions shall be as follows:

Complaints. 118.00
 Motions. 75.00
 Criminal/Delinquency/Unruly Complaints. 56.00

RULE 31. SERVICE.

31.01 In any cause for relief in the Court, service of summons shall be as per the Ohio Civil Rules, and service shall be deemed complete as specified by said Rules. In post divorce motions, certification upon counsel shall not be sufficient service. Service shall be made per Ohio Rules of Civil Procedure.

The Movant shall direct the Assignment Officer as to those persons to receive Notice of Hearing. Said direction shall be by written instruction, and contain the names and current addresses of all persons who are to be notified.

31.02 Pursuant to Ohio Civil Rule 4.4 (A) (2), service of summons may be completed by posting and mail, and the following procedure shall be observed:

- A. Counsel, or the party acting pro se, shall file all necessary documents as required in Ohio Civil Rule 4.4 (A), and follow all procedures designated therein.
- B. Where authorized, posting shall be in the following locations for all cases:

- i. The Clerk's Office - Family Court Building at 220 S. Main Street, Warren, Ohio or at such other conspicuous place at said Courthouse as the Clerk shall direct; or
- ii. The Clerk's Office - General Division, main Trumbull County Courthouse at High Street, Warren, Ohio or at such other conspicuous place at said main Courthouse as the Clerk shall direct.

C. In addition, counsel or the party acting pro se, will select two (2) additional sites from the following list:

Warren Municipal Court; Niles Municipal Court; Girard Municipal Court; Newton Falls Municipal Court; Central District Court in Cortland; Eastern District Court in Brookfield.

In selecting the sites for posting, counsel or the movant shall select a site reasonably associated with the person intended to be served.

31.03 When a party is cited for contempt, and punishment for contempt is requested by the movant, statutory warnings of the potential punishment by the Court shall be attached to the motion, as per Ohio Revised Code 2705.031 and/or 2705.05.

31.04. PRIVATE PROCESS SERVERS.

A. **Appointment of special process server.** Pursuant to Ohio Civil Rule 4.1 a party may request the appointment of a special process server. The Court will not appoint a single individual to serve more than three (3) such cases in any calendar month. The Court directs that any individual who wishes to serve more than three (3) cases in any one calendar month request a continuing appointment pursuant to subsection B set forth below.

B. **Continuing appointment.** A person may apply to be designated a "Standing Special Process Server" for cases filed in this Court by filing an application supported by an affidavit setting forth the following information:

- i. The name, address and telephone number of the applicant
- ii. That the applicant is eighteen (18) years of age or older;
- iii. That the applicant agrees not to attempt service of process in any case in which the applicant is a party or counsel for a party; and
- iv. That the applicant agrees to follow the requirements of Civil Rules 4

through 4.6 of the Ohio Rules of Civil Procedure, and any applicable local rules, and specific instructions for service of process as ordered by the Court in individual cases.

The applicant requesting designation shall also submit an order captioned: “In Re: The appointment of (name of applicant) As Standing Special Process Server”, and further stating as follows: “It appearing to the Court that the following applicant has complied with the provisions of Local Rule 4.14 (Name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases in this Court.” The Clerk shall record such appointment on the Court’s general docket and shall retain the original applications and entries. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such an order as satisfying the requirements of Civil Rule 4.1(B) for designation by the Court of a person to make service of process.

RULE 32. CONDUCT OF HEARINGS & TRIALS, JUDGMENT ORDERS & JOURNALS.

32.01 All trials and hearings, of every kind and description (including without limitation the following: hearings pendente lite; final hearings for divorce, dissolution, annulment and legal separation; injunction hearings or for purposes of vacating a restraining order; trials on all ancillary matters; hearings for child custody and child support; hearings for spousal support; hearings on division of property; hearings regarding dependent, neglected and abused children; domestic violence; hearings on delinquent and unruly children; hearings involving any domestic or juvenile proceeding) will be heard by a Judge of the Division, by one of the Judges of the General Division, by a visiting Judge, or by any Magistrate appointed by this Court as determined by the Judge to be the Judicial Officer to whom the matter is assigned for docket control purposes and as scheduled by the Assignment Officer. A special order of reference is not required. The Magistrate shall perform such tasks and execute orders as directed by the Judges.

32.02 MAGISTRATE’S POWERS. Except as specifically limited by court order, all Magistrates appointed by the Judges shall exercise such powers, by way of a Magistrate’s Order or Magistrate’s Decision, as conferred upon them by statute or the Ohio Civil Rules in order to discharge their duties. The Magistrates are empowered without limitation to issue the following such orders or decisions, which shall be filed with the Clerk:

- A. Compel the attendance of witnesses;
- B. Issue subpoenas;
- C. Rule on the admissibility of evidence;

- D. Place witnesses under oath and examine them;
- E. Punish for direct contempt of Court;
- F. Set bail;
- G. Set civil and criminal penalties as provided by law; and
- H. Generally proceed and be regulated as any Judicial Officer.

Without limiting the foregoing, the Magistrate may issue all Orders as permitted under Ohio Civil Rule 53(C)(3) and Juvenile Rule 40 (C) (3).

All hearings before a Magistrate shall be pursuant to Civil Rule 53 or Juvenile Rule 40. If the parties agree they may waive in writing the requirements of a Magistrate's Order or Decision and agree to the issuance of an immediate Judge's Order. If the parties do not waive a Magistrate's Order or Decision, the Magistrate shall proceed as required by law.

A Magistrate's Order shall become effective when filed with the Clerk of Courts. A Magistrate's Decision shall become effective when approved by the Judge.

32.03 APPEAL FROM MAGISTRATE'S ORDERS. An Order of a Magistrate may be appealed to the Judge following the procedures set forth in Civil Rule 53(C)(3)(b) and/or Juvenile Rule 40 (C)(3)(b) and stating with particularity the parties' objections, and attaching a copy of the Magistrate's Order to the Motion. The appeal shall be captioned MOTION TO SET ASIDE. The filing of a MOTION TO SET ASIDE shall not automatically stay the Magistrate's Order. A separate MOTION TO STAY with a proposed Judgement Entry may be filed, and may be approved or modified by either the reviewing Judge or the Magistrate who issued the Order. A bond or other form of surety may be required for the issuance of the Stay Order. For good cause shown, the time for filing a MOTION TO SET ASIDE may be extended by the Court, and shall be treated as a Motion for Relief from Judgment. Upon review of the MOTION TO SET ASIDE, the Court will determine if a hearing before the Court is necessary, and if so will schedule a time and date for the hearing. The Clerk is directed to accept the MOTION TO SET ASIDE without a Notice of Hearing or hearing date.

32.04 OBJECTION TO MAGISTRATE'S DECISION. A Decision of a Magistrate may be appealed to the Judge following the procedures set forth in Civil Rule 53 (D) (3) and/or Juvenile Rule 40 (D)(3) and stating with particularity the parties' objections, and attaching a copy of the Magistrate's Decision to the Objection. The appeal shall be captioned OBJECTIONS TO THE MAGISTRATE'S DECISION. The filing of an Objection shall automatically stay the Magistrate's Decision, unless the Judge issues a

final or interim Order. A bond or other form of surety may be required for the issuance of a final or interim Order. For good cause shown the time for filing an Objection may be extended by the Court, and shall be treated as a Motion for Relief from Judgement. Upon review of the Objections to the Magistrate's Decision, the Court will determine if a hearing before the Court is necessary, and if so, will schedule a time and date for the hearing. The Clerk is directed to accept the Objections to the Magistrate's Decision without a Notice of Hearing or hearing date.

32.05 RECORD OF PROCEEDINGS. In hearings before the Court, the record shall be by mechanical, video, or audio recording, or as otherwise specified by the COURT. Such records shall be preserved as required by law. A request for a copy of a tape or a transcript shall be made by completion of the designated form and payment of the fee presented to the designated person for the purpose of preparing said transcript. The Court or party may waive the making of a record.

32.06 TEMPORARY RESTRAINING ORDERS (TRO). In the Domestic Relations Court, in order to avoid possible inconsistent temporary restraining orders, counsel for the Plaintiff is directed to attach to Plaintiff's original complaint, and to all pleadings for service, the Order and Notice ("Notice"), a copy of which is attached hereto as Appendix I. Said Notice satisfies the need for a general restraining order. It is not effective unless signed by Plaintiff and served upon the Defendant. The Notice equally binds the Plaintiff and Defendant, and is a Court Order subjecting the parties to punishment for contempt. Counsel for Plaintiff shall inform Plaintiff of this rule and its effect prior to the filing of any action for divorce, legal separation or other action that utilizes the Notice.

32.07 PRE-TRIAL FORMS. Pre-trials are not intended to be a time of presenting evidence and testimony. Pre-trials are intended to put the Court on notice as to what issues remain in dispute so that the appropriate time can be set aside for the final trial. The Pre-Trial Form, attached hereto as Appendix II, shall be completed prior to the pre-trial and updated for the final hearing. This Pre-Trial Form shall be photocopied by counsel prior to said pre-trial in sufficient quantities to be distributed to each party and counsel, as well as one copy for the Court. At the pre-trial the following items, (if applicable or in dispute) shall be submitted:

- A. If the value of real estate is in dispute, a written appraisal of the land and building(s) thereon;
- B. If the division of personalty is in dispute, a list of the personalty (item by item), when purchase/received, where now located, the original purchase price, and present value thereof. The values of the personalty shall be verified by a qualified appraiser, if not agreed on by the parties.
- C. If pensions or qualified retirement benefits are involved, a present value

computation by a qualified pension evaluator; and/or

- D. If non-marital or premarital property is involved, documentation to substantiate the claim. Each Pre-Trial Form shall be signed by the party submitting it and sworn to according to law. Failure to disclose an asset will be considered a fraud upon the Court, and appropriate sanctions or actions will be taken.

32.08 JUDGMENT ENTRIES. At the commencement of a dissolution, uncontested divorce, or other final hearing the Judicial Officer shall be given the proposed final judgment entry or separation agreement. If minor children are involved, the Dependent Health Care Orders (DHCO), ORC Child Support Computation Worksheet, Child/Spousal Support Information Sheet and the Form IV-D shall be submitted with the proposed final decree or judgment entry. If a pension or qualified retirement benefit is involved, and a Qualified Domestic Relations Order (QDRO) is required, the QDRO shall be prepared as instructed in the Court's Order, or if said Order is silent, by the Alternate Payee. All final judgment entries of divorce ordering a QDRO shall include a provision reserving the jurisdiction of this Court to enforce pension rights by issuing amended QDROs, or for other equitable relief. For all other hearings, the person so designated by the Court, shall prepare the final judgment entry, as follows:

- A. Unless extended by the Court, final decrees and final judgments whether for divorce, dissolution, legal separation or annulment, and all judgments on motions before the Court, or to Objections to the Decision of the Magistrate, shall be filed on or before the fourteenth (14th) day after any of the following as appropriate: (i) the hearing date; or (ii) the written decision of the Court.
- B. When so directed by the Court, such party or counsel shall, within fifteen (15) days thereafter unless the time is extended by the Court, prepare a proper Judgment Entry and submit same to the opposing party, or to the party's counsel. The opposing counsel or party shall have ten (10) days in which to approve or reject same. The party or counsel who has prepared the order shall sign the Judgment Entry and approve it as to form. If a transcript of proceedings is required, then the specific objections are due seven (7) days after receipt of the transcript. A reasonable deposit for the transcript shall be deposited within five(5)days of request.
- C. Failure of the opposing party or counsel to approve or reject any submitted Judgment Entry as provided above, will permit the preparer of the Judgment Entry to unilaterally present said Judgment Entry for journalization by certifying thereon that the provision requiring submission to opposing counsel or party has been completed and stating the date the proposed Judgment Entry was delivered (not mailed) to the opposing party or counsel.
- D. The opposing counsel or party will have three (3) full days to review the proposed

Judgment Entry and it is the obligation of the preparer of the order to see that the proposed Judgment Entry is, in fact, delivered to opposing counsel or party.

- E. Failure to comply with this rule will result in the Court acting in any one or more of the following manners: (i) issuance of a citation of contempt to the counsel of record; (ii) granting of attorney fees and court costs; (iii) dismissal of the action; and/or (iv) the Court placing its own Judgment Entry of record.
- F. All judgment entries are to include a waiver of Civil Rule 58 Notice to the parties, or a waiver of service of the Magistrate's Order, or Decision as required by Civil Rule 53 and Juvenile Rule 40. If not waived, the preparer of the Order shall provide the Clerk with the address and manner of service pursuant to Civil Rules 53 and 58, and Juvenile Rule 40 Notices. Unless costs are deposited and praecipe instructions given, Rule 58 Notice is to be given by the Clerk using United States first-class mail, prepaid.

All Judgment Entries/Orders must comply with requirements of Civil Rule 58, and counsel shall either instruct the Clerk to issue Rule 58 Notice (in the manner of the issuance of the notice by way of praecipe), or have Rule 58 Notice waived by all parties of record.

When an Order or Decision modifies, deletes or creates an obligation of child support, that Order or Decision shall have attached to it a completed Child Support Computation Worksheet. It shall be the responsibility of the payee or payee's counsel to see that a completed Trumbull County Child Support Enforcement Agency (TCCSEA) Child/Spousal Information Sheet and the Form IV-D are completed in full, and filed with the person so designated by the Court to receive same. Similarly, the payee or payee's counsel shall prepare in full and file with the Clerk of Courts (Either Domestic or Juvenile as applicable), a completed Dependent Health Care Order (DHCO).

- 32.09 HEARINGS & PRE-TRIALS.** It is the responsibility of the movant to schedule sufficient time with the Court for purposes of hearing the matters to be presented before the Court pursuant to the motion as filed. Unless otherwise arranged and reserved, hearings before the Magistrate are set for one-half (½) hour, and contested divorces are set for one-half day. A party wishing to present a counter-motion or motion on their own behalf must contact the Court Assignment Officer to ensure that there is sufficient time on the schedule for the opposing motion(s), or to obtain another date and time for the hearing of their motion.

The Movant shall direct the Assignment Officer who is to receive Notice of Hearing. Said direction shall be by written instruction, and contain the names and current addresses of all persons who are to be notified.

32.10 CONTINUANCES AND ADVANCEMENTS. Requests for continuances or advancements shall be made in accordance with Supreme Court of Ohio Rules of Superintendence Rule 41 and Ohio Rules of Juvenile Procedure Rules 19 and 23. All applications for continuances or advancements shall be made as far in advance of the scheduled hearing date(s) as practicable. Requests will be considered only after notice to all parties involved and no case will be continued on the day of the scheduled hearing except for good cause shown.

All requests for continuances or advancements must: *be in writing; state the reason for the request; contain a space for insertion of the new date for the rescheduled hearing; contain the filing date of the present case; if the request for continuance is being made due to a conflict with another case, contain the other case's caption, type of case (civil or criminal), the Judge and County name where said case is to be heard, and when the conflicting case was assigned for trial; contain an affirmation that opposing counsel was contacted and does/does not have an objection to the continuance; and contain specific language as to the type of proceeding being continued, i.e., final divorce, motion for temporary orders, etc.*

32.11 WITHDRAWAL OF LEGAL COUNSEL. An attorney requesting to withdraw from representation of a client shall file a motion to withdraw stating the reason(s) for withdrawal. The motion shall include the last current address of the client and certification that the following has occurred:

- A. Notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client; and
- B. Notice has been given to all counsel of record, or if unrepresented, to the parties.

The attorney seeking to withdraw shall serve the motion to withdraw from representation on the client and all parties or their counsel.

No attorney shall be permitted to withdraw from a case later than twenty (20) days prior to hearing except for extraordinary circumstances, subject to the Court's discretion. If a case is scheduled for hearing before a Magistrate, the request to withdraw should be approved by the assigned Magistrate prior to being submitted to the assigned Judge.

RULE 33. ASSIGNMENT FOR TRIAL.

33.01 UNCONTESTED CASES. When a case is no longer in dispute, or if a Defendant is in default for lack of filing a responsive pleading, or failing to make a court appearance, either party may file a written "Request for Assignment" or orally notify the Assignment Officer to set the case for an uncontested hearing. By making such a request counsel, or the parties if pro se, represent that all conditions precedent to trial have been completed, to include, but not be limited to, that deposits for costs have been paid and proper service

of summons has been completed. Upon such request, the matter will be set for a final hearing as soon as is practicable. In the event the matter was already set for a contested trial, an earlier date may be given and the date set for contested trial will not be changed or continued but used in the event the uncontested hearing does not go forward. Failure of Plaintiff or counsel to appear may result in a dismissal of the action. Failure of Defendant to appear, may result in the Court permitting Plaintiff to proceed and a determination of all matters with the Court to issue an appropriate Order.

33.02 CONTESTED CASES. Unless the Assignment Officer receives communication to set a matter uncontested, the matter will be scheduled for pre-trial(s) and a contested trial. Failure of a party to attend either the pre-trial or trial, or to submit the Pre-Trial Form(s) duly completed as required under the Rules will cause the Court to impose appropriate sanctions, including, without limitation, attorney fees, dismissal, contempt, or in the Court's discretion to proceed to trial without further notice. Pre-Trial Forms are to be prepared in advance of the pre-trial hearing and exchanged pursuant to these Rules of Court. Counsel and/or the parties are to come to the pre-trial with their calendars and prepared to set the final trial date(s). Following the pre-trial, counsel and /or the parties, if pro-se, are to go to the Assignment Officer and schedule the matter for trial. Upon scheduling the matter, no continuance will be granted for another scheduling conflict except for good cause and only upon written request pursuant to Rule 32.10 of these Rules. All matters are to be heard within the time guidelines as set by the Ohio Supreme Court.

33.03 ATTENDANCE AT STATUS OR PRE-TRIAL CONFERENCES. All counsel of record, including the Guardian ad Litem, and all parties, except minor children, if subject to the jurisdiction of the Court, shall be present at any status or pre-trial conference, unless excused in advance by the Judge or Magistrate. If a party has been excused by the Court, that party shall provide his/her attorney with the telephone number(s) at which she/he may be reached during the conference. Counsel attending the conference must have complete authority to discuss and settle all issues involved in the case, and to enter into stipulations regarding resolved issues.

Failure of an attorney to be prepared for a status or pre-trial conference, and failure of a party or attorney to appear, or to cooperate in good faith in the conduct of said conference, may result in dismissal of the pleadings of the defaulting party and may subject said attorney or party to any sanctions provided in Ohio Rule of Civil Procedure 37 (D), including, but not limited to, an award of expenses and/or attorney fees to any party prejudiced by such conduct.

Any agreement reached shall be immediately reduced to writing, or placed on the record and signed by both parties and their counsel or placed on the record and shall be filed with the Court and shall be binding on all parties in any subsequent hearing on the case.

33.04 CASE MANAGEMENT PLAN. The Court hereby establishes the following plan for

the filing, processing and hearing of matters. The following case plan is to be followed as closely as practical, with the understanding that each case is unique, and variations will be permitted for good cause shown and for the purposes of promoting justice, fairness, equity and/or in the best interest of the minor child(ren). The types of case, and the schedule for the management of same is as follows:

DOMESTIC COMPLAINTS

DAYS EVENTS

- 1-14 **COMPLAINT RECEIVED:** Clerk processes complaint, prepares folder and issues service of summons. If ex-parte orders are requested, clerk to provide the Court with the motion and proposed orders. If ex-parte follow-up hearing needed, Assignment Officer to set as required.
- 14-60 **PENDENTE LITE PHASE:** If orders pendente lite are requested, the movant will schedule a hearing through the Assignment Officer, to be heard not less than seven (7) days after the filing date of the motion and not more than sixty (60) days after said filing. The movant shall direct the Assignment Officer as to how much time is needed for completion of service, notice, and to conduct the pendente lite hearing.
- 30-90 **CASE COMPLIANCE PHASE:** Within ninety (90) days of the service of process in a divorce case, the Court may set a case compliance hearing to ascertain the degree of compliance with the Case Compliance Order on Discovery, a copy of which is set forth herein as Appendix III of these Rules. Pursuant to the Compliance Order on Discovery the Court expects the parties and/or counsel to appear at said compliance hearing and to have exchanged or disclosed to the other party the documents and/or information as set forth in the Compliance Order on Discovery. The parties and/or counsel are on notice that attendance at the case compliance hearing is mandatory, unless a notice of compliance has been prepared and filed with the Court prior to the scheduled hearing.
- 90-120 **PRE-TRIALS:** The Assignment Officer will review each case for scheduling the pre-trial hearings. Each case will be pre-tried approximately six (6) months after the filing of the complaint. If agreement can be reached, the matter will be set for an uncontested hearing. If contested, Counsel and the Judicial Officer will approximate the time needed for trial. The docket sheet will be so marked and forwarded to the Assignment Officer for appropriate scheduling.
- 30-360 **FINAL HEARING:** All cases will be heard within the time limits set by

the Rules of Superintendence as promulgated by the Ohio Supreme Court. The Assignment Officer will review the pending cases and schedule the matters within the appropriate time frame.

DISSOLUTIONS

DAYS

EVENTS

30-90 At the time of filing a dissolution action, the Assignment Officer shall set a date of hearing within the time limitations and restrictions as set forth in the Ohio Revised Code and the Ohio Civil Rules. It will be the duty of the attorney or party filing the Petition to obtain the hearing date.

MOTIONS - DOMESTIC AND JUVENILE COURT

DAYS

EVENTS

7-90 All motions will be filed with the Clerk of the appropriate Court. Said motions to be set for hearing within ninety (90) days of filing, or sooner if required by law. The movant will notify the parties of the hearing date.

S.B. 89, CSB AND OTHER JUVENILE CUSTODY CASES

DAYS

EVENTS

1 Custody complaint is filed and the Clerk to issue summons. If ex-parte or shelter care hearing needed, said hearing is to be set immediately for the same day, or the next business day if CSB custody at issue. Otherwise, the hearing will be held within fourteen (14) days of the filing.

2 Shelter Care or ex-parte follow-up hearing to be held, if CSB case.

2-14 If non-state movant, shelter care or ex-parte follow-up hearing to be held.

30-60 Assignment Officer to schedule case for adjudicatory hearing .

30-90 Assignment Officer to set dispositional review hearing.

90-180 Custodian, if CSB, to set case for dispositional review. Assignment Officer and/or clerk to monitor the case to ensure said case is reviewed within the time limitations of the statute (S.B. 89).

180-360 Second review to be scheduled by CSB Clerk and/or Assignment Officer

to monitor.

- 360 and Semi-Annual Reviews (S.A.R.) and Extensions of Orders: Administrative 540 Reviews will be conducted in accordance with ORC 2151.416 and reviewed by the Court on objections to the administrative process as provided therein. If permanency cannot be achieved at the conclusion of the one year review, the matter is to be set for semi-annual review no later than 540 days after the filing of the original complaint OR the child coming into foster care, whichever date is first. If at the first semi-annual review permanency is not achieved, a second and final semi-annual review is to be set.
- 720 If permanency is not achieved within two years of the filing of the original complaint OR the placing of the child into foster care, whichever date is first, then the matter is to be set within the two year time frame for finalization as follows: either permanent custody; planned permanent living arrangement (PPLA); legal custody; or temporary custody (with or without a protective supervision order, PSO). If legal custody is not granted, then the matter is to be set for annual reviews, no later than one year after the date of the prior hearing.

PARENTAGE MATTERS

DAYS

EVENT

- 1 Complaint filed after administrative remedies are exhausted pursuant to Ohio Revised Code Section 3111.38 AND 3111.381 and the hearing date set by the Assignment Officer for admission/non-admission, summons issued by Clerk.
- 30 - 90 **FIRST HEARING:** If admission made on the record, establish child support order. Custody and parenting time shall be determined by the Court upon proper motion. If non-admission, genetic testing to be ordered, and second hearing may be set. If non-appearance, matter to be set for default hearing.
- 60-180 **SECOND HEARING:** If no appearance at first hearing and no appearance at this hearing, default judgment issued. If defendant appears, genetic test ordered or results reviewed and appropriate orders issued.

JUVENILE COURT (CRIMINAL)

<u>DAYS</u>	<u>EVENT</u>
1-30	<i>FILING OF COMPLAINT:</i> Complaint received and records for juvenile checked. Case referred to Crisis Diversion Bureau for diversion or to Clerk for official processing. Case assigned docket number and Judicial Officer. Case information entered on statistical forms manually. Case folder established and face sheet information entered. Notice of hearing and summons prepared and issued. File placed in pending drawer, alphabetically. If case referred to Crisis Diversion Bureau, disposition to be completed within thirty (30) days.
30-60	<i>ADJUDICATORY HEARING:</i> If juvenile admits the allegations are true, then dispositional hearing held OR reset after evaluation. Evaluation to be completed within thirty (30) days and reset for hearing. If child in detention, a detention hearing to be set within ten (10) days of detention. If child denies the allegations, set for pre-trial hearing within the ninety (90) day time period and for trial. If child is qualified for appointed counsel, appoint counsel.
60-90	<i>UNRULY AND TRAFFIC CASE:</i> Pre-trial and trial to be held. In unruly cases if found true, disposition to be held. In traffic cases, if plea of guilty or no contest, disposition to be held.
90-180	<i>DELINQUENT CASES:</i> Pre-trial and trial to be held. If found true, disposition to be held.

DOMESTIC VIOLENCE

<u>DAYS</u>	<u>EVENT</u>
1-30	Petition and restraining order served. Follow-up hearing to be heard after service.

RULE 34. MOTIONS & OBJECTIONS.

34.01 GENERAL.

- A. All motions and objections to the Magistrate’s Orders or Decisions shall follow both the requirements of Civil Rule 53 or Juvenile Rule 40 and Local Rule 32. With the exception of Motions to Set Aside and/or Objections to the Magistrate’s

Decision, all motions will be duly scheduled by the moving party prior to the filing of the request and contain a Notice of Hearing. There shall not be an automatic right to a hearing on matters appealed from a Magistrate's Order or Decision, and the same, if warranted, will be set by the Court. All motions and objections shall be certified as provided by the Ohio Civil Rules. Said certification shall be to the opposing party and counsel of record. Where counsel of record is the prosecutor's office, certification shall be to both the opposing party and the prosecutor's office. When the objection is a citation by the Trumbull County Child Support Enforcement Agency, the certification shall be to the agency, the opposing party, and to the prosecutor's office.

- B. All hearings for motions and objections shall be set for thirty (30) minutes unless otherwise set by the movant with the Assignment Officer. If the opposing party files a separate motion, whether in response to movant's motion or otherwise, same must be separately scheduled with the Assignment Officer.
- C. If the movant does not appear as scheduled, the matter shall be dismissed or reset at the Court's discretion. If the opposing party fails to attend, and if there is proper service, the matter will proceed as scheduled.

34.02 **CONTEMPT MOTIONS AND DETERMINATION OF ARREARS.** Any Motion alleging contempt of a Court Order shall include an affidavit setting forth the reason for the contempt, and the date and/or place of said contempt. Said motion for contempt must be personally served upon the party, or service may be via certified mail actually signed by the alleged contemnor. Certification on counsel of record shall not be deemed sufficient service for contempt. If there is an alleged arrearage of child support or spousal support, the motion shall comply with Rule 31.03 of these Rules. If the motion is for failure to pay a medical or health care obligation, or failure to pay a creditor, the movant shall provide copies of the bill(s) not paid and the dollar amount alleged owing to opposing party prior to the hearing.

A motion for unpaid medical bills, when filed with the court shall have a summary of the bill(s) not paid and the dollar amount alleged owing, Along with an affidavit signed by the movant verifying that the actual copies of the bills were sent to the opposing party as part of the motion. No actual bills are to be placed in the courts file, but to be submitted as evidence at hearing. If the motion involves personalty, a list of the requested personalty shall be attached to the motion. All motions for contempt shall contain statutory warnings of possible sanctions pursuant to Ohio Revised Code Section 2705.031 and Section 2705.05.

34.03 IN-CAMERA CHILD INTERVIEWS. No statements of any kind will be taken from the minor child(ren) by counsel or the parties. If ordered by the Court, the minor child(ren) will be brought to the hearing by the residential parent/custodian at a time scheduled, and the in-camera hearing will be conducted as required by the Ohio Revised Code.

34.04 ALLOCATION OF PARENTAL RIGHTS PROCEEDINGS.

- A. When required by statute, the movant shall provide and file with the motion seeking an allocation of parental rights a Parenting Affidavit pursuant to Ohio Revised Code Section 3109.27.
- B. If a movant requests shared parenting, the movant shall file the proposed plan of shared parenting with the clerk no later than thirty (30) days prior to the hearing pursuant to Ohio Revised Code Section 3109.04(G), with copies to be served pursuant to law. The proposed plan of shared parenting shall, at a minimum, include and/or address the following areas:
 - i. Where the child(ren) will reside during school days and/or the residential parent for school purposes pursuant to Ohio Revised Code Section 3109.04(K)(7);
 - ii. The allocation of parenting as proposed or agreed to by the parties pursuant to Ohio Revised Code 3109.04(K)(6);
 - iii. The transportation arrangements as agreed to by and between the parties for the implementation of parenting time;
 - iv. The calculation of child support and the percentage of uninsured medical expenses to be paid by the parties for the minor child(ren) as per the Ohio Revised Code; and/or
 - v. Which parent will list the child(ren) for health insurance purposes and/or income tax dependency purposes.
- C. **EMERGENCY, EX-PARTE CUSTODY ORDERS.** All emergency, ex-parte, orders of custody issued after the adoption of this Local Rule shall provide for termination dates in the order itself. If an emergency order issued for custody does not provide for a termination date, the emergency order shall be subject to dismissal for non-prosecution upon service of seven-day notice of hearing and motion for dismissal filed by a parent. It shall be presumed that all emergency, ex-parte orders, are not being prosecuted after ninety (90) days of filing. The sole purpose of the hearing on a motion to dismiss for non-prosecution shall be the reasonableness of the scheduling of the shelter care and legal custody hearing.

- D. **TEMPORARY CUSTODY ORDERS IN JUVENILE COURT.** Upon notice and opportunity to be heard, a temporary custody order shall issue. All temporary orders issued after the adoption of this Local Rule shall provide for a termination date. If a temporary order does not provide for a termination date, the temporary order shall be subject to dismissal for non-prosecution upon a motion, duly served, for dismissal filed by a parent with a minimum of seven days advance notice given to the temporary custodian. It shall be presumed that all temporary orders without termination dates are not being prosecuted after one (1) year after date of filing. Temporary orders renewed after the first year of filing without review dates shall be presumed as not being prosecuted after six (6) months from the last review date. The sole purpose of the hearing to dismiss for non-prosecution shall be the reasonableness of scheduling of the disposition, dispositional review, and final dispositional hearings.
- E. **TEMPORARY CUSTODY ORDERS IN DOMESTIC COURT.** Upon notice and opportunity to be heard, a temporary custody order shall issue. All temporary orders in domestic court shall remain in effect until the domestic case is dismissed, or a final decree of legal separation or divorce is issued. Temporary orders issued post-divorce shall not have a termination date if temporary custody is to a parent, but any such order (regardless of whether granted to a parent or non-parent) after one year from the last hearing shall be subject to motion for dismissal for non-prosecution.
- F. **SCHOOL TUITION.** *PURSUANT TO CIVIL RULE 75(J) the TRUMBULL COUNTY DOMESTIC COURT AND ITS JUVENILE DEPARTMENT SHALL INCLUDE AS PART OF ITS CONTINUING JURISDICTION OVER A CHILD SUBJECT TO ITS CUSTODY ORDERS THE AUTHORITY TO ASSIGN TUITION PAYMENTS PURSUANT TO ORC 3313.64 AS FOLLOWS:*
- i. If custody, temporary or legal, is granted to a non-parent, the order shall provide for the payment of school tuition by the District of Residence (the school district in which the last custodial parent lived at the time of the filing). It shall be the obligation of the movant to provide information as to where the child attended school AND if the child is subject to an IEP (Independent Education Program). The School District of Attendance shall be the school district where the child will attend school as a result of the Court Order. The school District of Residence shall be the school district chargeable with tuition.
 - ii. *If the child does NOT have an IEP and the child resides with a non-parent, the Order shall read: “At the time of the filing, the parent last having custody resides at _____ in the _____ School District. The minor child _____ does not have an IEP. Said School District shall be responsible for the child’s tuition. If the child should later*

have an IEP, then tuition shall be charged in accordance with the Ohio Revised Code. The Trumbull County Domestic Court and its Juvenile Department reserves continuing jurisdiction to assess this tuition.”

- iii. *If the child DOES HAVE an IEP and the child resides with a non-parent, the Order shall read: “At the time of the filing, the parent last having custody resides at _____ in the _____ School District. The minor child _____ has an IEP. Therefore, presently the _____ School District shall bear the cost of the minor child’s tuition, subject to change should said parent’s residence change, as provided in the Ohio Revised Code. The Trumbull County Domestic Court and its Juvenile Department reserves continuing jurisdiction to assess this tuition.”*
- iv. A copy of the school tuition order shall be delivered by the movant to the School District of Attendance, and to the School District of Residence by the School District of Attendance for tuition reimbursement. The School District of Residence shall have one hundred (100) days after being delivered said order to request a Court Administrative Review before a Magistrate. If notice of tuition charges are received through the State, then the one hundred (100) day period shall commence after notice from the State. If as a result of a change of address of a parent for a child under an IEP, the District of Residence changes, then one hundred (100) days after the district that pays tuition learns of the change, it may request an Administrative Review.
- v. The Tuition Administrative Review shall be conducted without in-court hearing, and both school districts (District of Attendance and District of Residence) shall have the opportunity to submit information by letter and documentation by a due date. The Magistrate shall issue a Decision, and said decision shall provide for the granting or denying of charges to the District of Residence based upon the information submitted and requesting the Districts to agree to the decision. If any District refuses to stipulate, the matter will be set for contested hearing with both Districts to appear with counsel and the matter will proceed with a trial on the merits.

34.05 EMERGENCY COURT ORDERS.

- A Emergency Orders, ex-parte, may be issued by a Judge or Magistrate, contemporaneous with the filing of an action for:
 - i. Divorce, legal separation, or motion for post-final hearing pursuant to Civil Rules 75(I)(2) and 75(N)(1) duly served with the original complaint or motion under the continuing jurisdiction of the Court per

Civil Rule 75(J);

- ii. Change of custody from an earlier Juvenile Court Order of custody, or an action for a dependent, neglected, or abused child pursuant to Juvenile Rules 6 and 13, as are applicable to the situation; or
- iii. Domestic violence pursuant to Civil Rule 75(G) and ORC 3113.31(D).

B. Attached to the Motion for Emergency Custody shall be the following:

- i. A Complaint (divorce, legal separation, custody) or Petition (domestic violence) if there is no prior court file (A court file cannot be opened with a Motion);
- ii. If the file in which a request for custody does not show paternity, then requests for custody shall have attached an Administrative Decision, Birth Certificate, or other documentation such as a CSB report that shows paternity or attempts to determine paternity;
- iii. UCCJA Parenting Affidavit, properly completed;
- iv. FAX form to CSB, completed;
- v. An affidavit by the movant in support of the relief requested;
- vi. If the emergency request alleges police action, a police report shall be attached. If the emergency request alleges physical harm, a medical report shall be attached. If the emergency request alleges CSB action and CSB support, a report from CSB shall be attached; and
- vii. Disclosure shall be affirmatively set forth if the child is subject to an Independent Education Program (IEP).

C. Included in the request, either in the Motion or by separate sheet, shall be the following information:

- i. The current address of the mother;
- ii. The current address of the father or punitive father;
- iii. ***If the request for custody is by a non-parent, then the movant must provide for each parent the name and address of the school district that***

they reside (School District of Residence); and

- iv. The current address of the custodian **AND** the school district in which the child attends (School District of Residence).

D. All emergency, ex-parte orders of custody issued after the adoption of this Local Rule shall provide for termination dates in the order itself. If an emergency order for custody is issued after the adoption of this Local Rule which does not provide a termination date, the emergency order shall be subject to dismissal for non-prosecution upon service of seven day notice of hearing and motion for dismissal filed by a parent. It shall be presumed that all emergency, ex-parte orders, are not being prosecuted after ninety days of filing. The sole purpose of the hearing on a motion to dismiss for non-prosecution shall be the reasonableness of the scheduling of the shelter care and legal custody hearing.

E. **Service of Summons:**

- i. Personal service is required on the parent having possession of the child;
- ii. Publication is required on parent(s), alleged parent(s), unknown parent(s) whose names and addresses are unknown;
- iii. All parents must be served according to law and these Local Rules; and
- iv. Service must be completed before an Order of Legal Custody is issued.

34.06 CHILD SUPPORT MOTIONS.

A. The party seeking a modification or establishment of child support shall bring with them to the hearing documents and information to support movant's position, which documents shall include, but not be limited to, the following:

- i. The latest pay stub of movant and/or the opposing party;
- ii. Written summary or proof as to the year-to-date gross income from all sources of movant and/or the opposing party;
- iii. Copies of the federal and/or state income tax returns, with all schedules attached thereto, for at least the prior tax year for the movant and/or the opposing party; and/or
- iv. Any and all other documents or information related to the income of

movant or any other factors to be considered in the preparation of the child support computation worksheet pursuant to Ohio Revised Code Section 3119.

- B. Counsel shall note that corroborating information and income calculation is required for both parties.
- C. Subpoenas must be issued prior to the scheduled hearing with sufficient time for service to be completed and/or for the subpoenaed party to respond to the subpoena pursuant to Civil Rule 45.

34.07 SPOUSAL SUPPORT MOTIONS. The moving party shall provide the Judicial Officer with their financial affidavit, together with proof of, or a listing of all other debts and obligations, and other income of the parties. In addition, the movant for modification or establishment of spousal support shall bring with them the following:

- i. The latest pay stub of movant and/or the opposing party;
 - ii. Written summary or proof as to the year-to-date gross income from all sources of movant and/or the opposing party;
 - iii. Copies of the federal and/or state income tax returns, with all schedules attached thereto, for at least the prior tax year for the movant and/or the opposing party; and/or
 - iv. Any and all other documents or information related to the income of movant or the opposing party or any other factors to be considered pursuant to Ohio Revised Code Section 3105.18.
- B. Subpoenas must be issued prior to the scheduled hearing with sufficient time for service to be completed and/or for the subpoenaed party to respond to the subpoena pursuant to Civil Rule 45.

RULE 35. GUARDIAN AD LITEM.

- A. **WHEN APPOINTED:** Whenever the Court finds that it is necessary to appoint a Guardian ad Litem (hereinafter referred to as GAL), to protect the interest of the child or when the Court is required to do so by statute or rule, it shall appoint a GAL pursuant to these Rules.
- B. **QUALIFICATIONS:** A GAL shall have the following qualifications:

- i. Possession of a law degree;

- ii. Be an attorney licensed to practice in the State of Ohio and be in good standing with the Supreme Court of Ohio;
- iii. Completion of GAL training that concentrates solely on the duties of a GAL, as established by the Ohio Supreme Court;
- iv. Completion of continuing GAL training annually, to begin twelve (12) months immediately following the training required in subparagraph (iii) above, as established by the Ohio Supreme Court; and
- v. Maintenance of appropriate malpractice insurance.

Attorneys who meet these criteria and desire to be placed on the Court's GAL appointment list must submit an application to the Administrative Judge, or the Judge's designee for approval. Proof of attendance at the requisite GAL training and proof of appropriate malpractice insurance must be attached to the application. Once the Court has placed an Attorney on the appointment list, the Attorney need only provide the Court with a statement indicating compliance with all continuing educational and training requirements to remain on the appointment list for the next twelve months. The compliance statement shall include information detailing the date, location, contents, and credit hours of any relevant training or education received by the GAL.

The Court shall notify the Assignment Office of the appointment of a GAL. The Assignment Office shall notify the GAL of all proceedings. It shall be the responsibility of the party or counsel in the case to provide the GAL with a copy of all pleadings, notices of depositions, entries, and any other necessary documents. Any additional expense incurred by the GAL as a result of the party or counsel's failure to notify, including the costs of transcripts, shall be charged to the party/counsel responsible for such failure.

A GAL may be removed from the appointment list established herein for the following reasons:

- i. Refusal of three (3) cases in any twelve-month period without just cause;
- ii. Failure to meet the qualifications and/or responsibilities established herein; and/or
- iii. In the interest of justice and for good cause shown.

C. **COMPENSATION.** A GAL shall be compensated at the rate established by the Ohio Public Defender's Office. A cap on GAL fees for each case shall be

\$1,000.00. Extraordinary fees in excess of \$1,000.00 may be considered by the Court upon the filing of a motion and an affidavit.

At the time of the GAL's appointment, the Court may order one or both of the parties to pay an initial retainer directly to the GAL, and the Court will designate how additional fees incurred by the GAL will be allocated.

Upon motion for payment of GAL fees, the Court shall determine if the fee sought by the GAL is reasonable and necessary and determine the amount each party shall contribute toward the fee.

No later than seven days after the final hearing in the matter on which the GAL has been appointed, the GAL shall submit an affidavit of fees to the Court. If said fees are approved by the Court, the Court will seek to make the payment of the approved fees as a part of the final entry. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of Supreme Court as to Civil Procedure and Superintendence.

To remain on the Court's GAL appointment list, an Attorney must agree to accept one *pro bono* GAL appointment per year.

- D. **CONFLICTS.** When appropriate, the Court may also appoint an attorney to be the child's legal counsel. When the Court makes such an appointment, the attorney shall advocate for the child's best interest and the child's wishes in a vigorous manner conforming to the Code of Professional Responsibility. When an attorney serving in this dual role determines that a conflict exists between the child's best interest and the child's wishes, the attorney shall, at the earliest practical time, request the Court to promptly resolve the conflict by entering appropriate orders. The GAL shall immediately move for permission to withdraw (as legal counsel or GAL). In the event of such withdrawal, the Court may appoint a successor (legal counsel or GAL), from the list of qualified attorneys maintained in accordance with this rule.

A GAL shall maintain objectivity. Any relationship or activity, including, but not limited to, those of employment, business, professional or personal contacts with respect to parties or others involved in the case, which may conflict with the GAL's responsibilities, must be disclosed. Since a conflict of interest may arise at any point in time, the GAL has an ongoing duty to disclose the existence of any actual or potential conflict.

- E. **POWERS.** The power of the GAL shall be wide-ranging, including, but not limited to, the right to file motions and to review all confidential records involving the child by request, subpoena, and/or through deposition. The GAL may subpoena and examine independent witnesses.

All filing fees and court costs are waived as to GALs.

- F. **DUTIES.** When the Court appoints a GAL in any proceeding involving a minor child, the GAL shall act in the best interest of the child and shall perform the following minimum duties unless impracticable or inadvisable to do so:

Out-of-Court Duties:

- i. Interview the child separately and observe the child with each parent, foster parent, guardian, or physical custodian, or state in the report why this is impractical or unnecessary;
- ii. Investigate all significant persons and interview each independently;
- iii. Review pleadings and other relevant court documents and consult with each attorney as to position and issues;
- iv. Conduct home visits (this may be combined with the interview process);
- v. Obtain and review criminal, civil, educational, administrative, medical, psychological, and child protective agency records pertaining to the child;
- vi. Contact school personnel, medical and mental healthcare providers, child protective services workers, and relevant court personnel;
- vii. Evaluate the possible necessity for psychological evaluations, mental health and/or substance abuse assessments, or other intervention, and if necessary, file a motion requesting same;
- viii. Explore the wishes of the child;
- ix. Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child; and
- x. Prepare to make a recommendation to the Court as to the child's best interest.

In-Court Duties:

- i. Actively participate in all Court proceedings;
- ii. Monitor Court orders to ensure compliance;
- iii. File motions, and other pleadings as appropriate under the applicable rules of procedure; and
- iv. Make reports to the Court and be subject to cross- examination as to those reports.

The feasibility of some of the duties will depend upon the age of the child and the specific circumstances of each case. Therefore, it is within the discretion of the GAL to tailor each duty to the facts of the individual case. Such decisions should be discussed in the GAL's report to the Court.

The GAL shall represent the best interests of the child until effectively discharged pursuant to statute or by leave of the Court. At the conclusion of the litigation, the GAL may prepare an entry withdrawing as the GAL. Whenever feasible, the same GAL should be re-appointed in any subsequent filings related to the child's best interest.

G.

REPORTS.

1. **GAL Reports in Proceedings Concerning the Termination of Parental Rights and Concerning Abuse, Neglect and/or Dependency.**

- A. **Termination of Parental Rights.**

- i. **GAL REPORTS.** Reports of the GAL in hearings to terminate parental rights shall conform with the following requirements:
 - a. The written report of the GAL, which must be submitted to the Court in permanent commitment hearings prior to, or at the time of, the court proceeding, pursuant to ORC 2151.414(C), shall describe the investigation conducted by the GAL, including information required under paragraph E of this Rule;
 - b. The report shall list hearings attended, interviews performed, reports and documents reviewed, and consultations with experts;

- c. The report shall be used by the Court to ensure that the GAL is performing those responsibilities required by ORC 2151.281;
- d. The report shall not contain information concerning the permanent custody pleading and shall not be considered by the Court as substantive proof of matters relevant to the motion; and
- e. By stipulation, the report of the GAL may be presented at the conclusion of the permanent custody hearing.

2. **Abuse, Neglect, and Dependency.**

A. **Pre-adjudicatory Reports.** Pre-adjudicatory reports of the GAL in juvenile abuse, neglect, and dependency cases shall conform with the following requirements:

- i. Any written report of the GAL that is requested by the Court prior to adjudication shall be provided to the parties to the case no less than three (3) days before trial;
- ii. The GAL shall provide a copy to the Court at the hearing; and
- iii. The report shall list all hearings attended, interviews performed, reports and documents reviewed, and consultations with experts.

B. **Dispositional Reports.** Dispositional reports of the GAL in juvenile abuse, neglect, and dependency cases shall conform with the following requirements:

- i. A GAL report shall be submitted at disposition on abuse, neglect, and dependency cases as requested by the Court;
- ii. The report, which may be submitted orally or in writing, may contain any reliable information that is relevant to the matters before the Court;

- iii. If a written GAL report is prepared for submission, it shall be provided to the parties prior to the dispositional hearing and shall be filed with the Court; and
- iv. The Court has the discretion to order confidential records attached to or discussed in the report to be sealed. All portions of the report shall be made part of the record for purposes of appeal.

B. **Reports in Proceedings Concerning the Allocation of Parental Rights and Responsibilities.**

1. **Allocation of Parental Rights and Responsibilities.**

- A. **Pre-trial Report.** Pre-trial Reports of the GAL in cases involving the allocation of parental rights and responsibilities shall conform to the following requirements:
 - i. The GAL shall submit as directed by the Court either orally or in writing, a recommendation at the completion of the review hearing to determine the allocation of parental rights and responsibilities;
 - ii. Any written report of the GAL submitted to the Court and parties prior to final trial shall be used solely for pre-trial negotiation and dispute resolution;
 - iii. If the case is not settled prior to trial, the report shall not carry greater weight than any other pleading;
 - iv. The pre-trial report is not admissible at trial and shall not be considered by the Court as substantive proof as to any issue; and
 - v. A report that is submitted as a negotiation document shall be provided to the parties no less than seven (7) days before trial or hearing.

B. **Final Recommendations.** Final recommendations of the GAL in cases involving the allocation of parental rights and responsibilities shall conform with the following requirements:

- i. The recommendation of the GAL shall be submitted as directed by the Court;

- ii. The report shall be subjected to cross examination by the parties; and
 - iii. The report shall not be considered as evidence as to any issue before the Court, except the Court may consider the report for the purposes of making a finding related to the GAL's recommendation under ORC 3109.04 (F).
- C. **Immunity.** Any GAL who makes a recommendation or conducts an investigation concerning the interests of the child in a proceeding in which the GAL is appointed shall be immune from civil or criminal liability as to that investigation or recommendation unless the GAL has acted in bad faith or with malicious purpose. "Even though immunity has been afforded by appellate case law in some districts, such immunity should be expressly enacted by statute."

RULE 36. PARENTAGE CASES.

- A. Effective May 14, 2006, request for an action to determine the existence or non-existence of parent and child relationship under *ORC Sections 3111.01 to 3111.18* shall be pursuant to *ORC Section 311.381*.
- B. If parentage is established by administrative process. Upon the completion of the administrative process to determine the existence or non-existence of a parent and child relationship by the child support enforcement agency, including the entry of an administrative child support order for the minor child. At the time of filing the moving party shall attach to the Complaint a copy of the following:
- i. Proof of administrative determination of the existence of the father child relationship;
 - ii. The administrative order for the payment of child support;
 - iii. The additional order and notice to the parties;
 - iv. The administrative process withholding order an notice to the employer; and
 - v. The child support guideline worksheet prepared by the Child Support Enforcement Agency calculating the amount of the child

support order.

All pleadings must be served on the Child Support Enforcement Agency and the opposing party pursuant to the Ohio Rules of Civil Procedure.

- C. All complaints filed pursuant to Ohio Revised Code Section 3111 shall be governed by the Ohio Civil Rules. When at least twenty-eight (28) days have elapsed since proof of service of the complaint has been filed, upon the request of the plaintiff's attorney, notices of a default hearing shall be mailed to the parties and the plaintiff's attorney by the Assignment Officer.
- D. When an answer is filed, upon the request of any party or their attorney, notices of a pre-trial hearing shall be mailed to the parties and counsel by the Assignment Officer.
- E. If no request for hearing is made within three months of the date of filing or the case is deemed inactive by the Assignment Officer, then the case shall be scheduled for a final hearing and notices shall be mailed to the parties and plaintiff's counsel by the Assignment Officer.
- F. At the pre-trial hearing the Court may set the case for further pre-trial or trial.
- G. The Magistrate may require motions for temporary orders to be submitted and determined without oral hearing upon affidavits in support or opposition.

RULE 37. ABUSE, DEPENDENCY AND NEGLECT.

All cases alleging dependency, neglect and/or abuse of a child shall proceed as follows:

37.01 SHELTER CARE HEARING. If an order of ex-parte custody is granted, a shelter care hearing shall be held the next business day, but no later than seventy-two (72) hours after the removal of the child. Request for appointment of counsel and/or a Guardian ad Litem shall be reviewed by the Judge or Magistrate assigned. A shelter care hearing may be adjourned for the taking of testimony and/or evidence. A hearing so adjourned shall be rescheduled within ten (10) days before the Judge or a Magistrate by the Assignment Officer. Notice of the date, place and time on which the shelter care hearing shall reconvene shall be given to the parent, guardian or custodian at the time of adjournment.

37.02 ADJUDICATORY HEARING. A hearing to adjudicate the issues raised in the complaint shall be scheduled within thirty (30) days after the earlier of the date of filing of the complaint or the date of removal of the child. The adjudicatory hearing may be adjourned for perfection of service or retention of counsel pursuant to statutory provisions. If the parties stipulate to the allegations in the complaint or admit that the child is neglected, dependent, or abused, the Judge or Magistrate shall make a ruling as

required by statute.

- 37.03 DISPOSITIONAL HEARING.** A dispositional hearing shall be scheduled according to law. The parties may request that the adjudicatory hearing and dispositional hearing be separated.
- 37.04 CASE PLANS.** Case plans shall be submitted in accordance with applicable statutes and administrative regulations.
- 37.05 DISPOSITIONAL REVIEWS/ANNUAL REVIEWS.** If the Court issues an order of temporary custody, permanent custody, or protective supervision, the Court will conduct a dispositional review not less than five (5) weeks prior to the statutory time limit for the annual review.
- 37.06 SEMI-ANNUAL REVIEW (SAR).** Trumbull County Children Services Board (“CSB”) will conduct its administrative hearings as required by law, and file said reports with the Court as therein specified. Pursuant to statute, objections to the SAR report may be filed with the Court.
- 37.07 CUSTODY INVESTIGATION.** Prior to each hearing where a child is in the custody of CSB, or in the custody of a parent under protective supervision, or in the temporary custody of a relative, CSB is directed to do a home study of the children’s present and proposed placement to ensure the child’s needs are being met and that the placement is safe and appropriate.
- 37.08 PREPARATION OF ENTRY.** Unless otherwise specified by the Court, the prevailing party shall prepare the entries for the Judge and/or Magistrate.

RULE 38. DOMESTIC VIOLENCE.

- A. **PLEADING:** An action may be initiated by filing a Petition of Domestic Violence. The pleading must set forth all information required to be included by Ohio Revised Code 3113.31 and must be supported by an affidavit of the party seeking relief. Any other case(s) pending or decided, in this Court or another, involving custody, support, companionship, divorce, legal separation, CSB, or criminal disputes involving the parties and family members covered by the requested CPO must be disclosed in the Petition.
- B. **PROCEDURE:**
- i. If an ex-parte temporary civil protection order (CPO) is being sought, the Petition must first be filed with the Clerk of Courts. A time-stamped copy of the Petition and a proposed journal entry

granting the relief requested under the Petition must be presented to the Court for review at the ex-parte hearing.

- ii. If the requested relief is granted, the Court shall set a date and time for a full hearing within seven (7) court days of the ex-parte hearing if the order issued is one described in Ohio Revised Code 3113.31(E)(b)(c). For an order issued under division (E)(1)(a), (d), (e), (f), (g), and (h), a full hearing shall be scheduled within ten (10) days after the ex-parte hearing.
- iii. After a date and time for the full hearing have been assigned, by the Assignment Officer, the temporary protective order shall be presented for journalization with the Clerk of Courts. The aforesaid temporary protective order being in the nature of a civil protection order, the same shall be stamped C.P.O. and enforced as such by area law enforcement.
- iv. Once the temporary protective order is granted, a copy of the petition shall be served on the Respondent. A copy of any protective order issued (whether it results from an ex-parte or full hearing) shall also be served on Respondent and on any appropriate local law enforcement agency pursuant to Ohio Revised Code 3113.31(F)(1).
- v. Upon hearing duly had, the Judicial Officer will issue any appropriate order under the domestic violence section of the Ohio Revised Code. If there are any orders dealing with restraining conduct or exclusive occupancy of a residence, or custody of minor children, said order shall be filed as a civil protection order and stamped CPO and enforced as such by area law enforcement.

C. DURATION OF CIVIL PROTECTION ORDERS (CPO): Any order issued subsequent to a full hearing on the petition shall be effective for:

- i. The maximum period of time permitted by statute; or
- ii. A lesser period as set by the Court.

Unless otherwise modified by court order or statute, any portion of a domestic violence or civil protection order (CPO) pertaining to custody, visitation or support shall terminate after the filing of an action for divorce, dissolution or legal separation and the issuance of an order in said domestic relations case. However, the portion of the protective order dealing with conduct, exclusive occupancy of the residence and harassment shall remain in full force and effect

until vacated by court order. A CPO shall remain in effect and continue to be enforced by law enforcement until clearly vacated by another court order or the order expires under law.

RULE 39. FULL FAITH AND CREDIT.

39.01 JURISDICTION WITH COURTS OUTSIDE OHIO. If any custody or companionship order has been entered by any court outside this State, an order modifying or regarding such issue(s) will be entered by this Court only upon a showing that jurisdiction properly lies with this Court pursuant to the Uniform Child Custody Jurisdiction Act (UCCJA) and the Federal Parental Kidnapping Protection Act (PKPA).

39.02 PETITION TO REGISTER A FOREIGN DECREE FOR ENFORCEMENT OR MODIFICATION OF CUSTODY AND COMPANIONSHIP UNDER THE UNIFORM CHILD CUSTODY JURISDICTION ACT (UCCJA).

- A. When applicable, a foreign decree may be registered with this Court pursuant to Ohio Revised Code 3109.32 for the purpose of enforcing or modifying any provision therein pertaining to custody or companionship. The registering of a decree pursuant to this Rule does not vest this Court with jurisdiction to act with regard to any provision pertaining to child support, spousal support or property division. If a party is seeking determination or modification of a custody or companionship provision, this Court must be able to exercise jurisdiction in accordance with the conditions of Ohio Revised Code 3109.22, and the federal PKPA.
- B. The party seeking to register the foreign decree for enforcement or modification of custody and/or companionship under the UCCJA shall file and serve on the opposing party a petition requesting such registration. The petition shall set forth with specificity the reasons why this Court should assume jurisdiction. A certified copy of the foreign decree shall be attached to the petition. The petition, with the certified copy of the foreign decree attached, shall be taken to the Clerk's office where it shall be entered and assigned a case number. The decree shall then be filed with the Clerk along with a parenting affidavit, at which time it shall be set up as a new domestic relations court case. Once this is done and the Court has determined that it is able to exercise jurisdiction in accordance with the conditions of Ohio Revised Code 3109.22, and the federal PKPA the decree may be acted upon as if it were a decree of this Court. No petition for registration of a foreign decree will be accepted without an accompanying motion for relief.
- C. Any motion(s) to be filed on the foreign decree, may be filed at the same time the decree is registered and filed. The motion must be served on the opposing party.

The matter shall then be set for a hearing by the Assignment Officer.

39.03 PETITION TO ADOPT A FOREIGN DECREE FOR ENFORCEMENT OR MODIFICATION OF SUPPORT OR PROPERTY DIVISION.

- A. A petition to adopt a foreign decree may be filed for purposes of enforcing the provisions of the decree pertaining to support or property division. The responding party to the petition must be a resident of Ohio, unless there is property in the Court's jurisdiction out of which a judgment can be satisfied.
- B. A petition to adopt a foreign decree may be filed for purposes of modifying the provisions of the decree pertaining to support only if the State rendering said decree has relinquished jurisdiction and the responding party is an Ohio resident. Proof that the State rendering the decree has relinquished jurisdiction shall accompany any motion to modify.
- C. The party seeking adoption of a foreign decree shall file and serve on the opposing party a petition requesting such adoption. The petition shall set forth with specificity the reasons why this Court should assume jurisdiction. A certified copy of the foreign decree shall be attached to the petition. The petition shall also be supported by an affidavit of the party seeking the adoption stating the facts on which the petition is based.
- D. Any motion to be filed on the foreign decree may be filed at the same time as the petition. The motion must also be served on the opposing party.
- E. The petition shall be set for a hearing at which time the Court shall determine if it should adopt the foreign decree. Any motion filed simultaneously with the Petition shall be set for hearing along with the Petition. If the Petition is granted, or the Court shall proceed to entertain the motion so long as there is jurisdiction as to both the subject matter and the parties, and the same is not in violation of due process.

RULE 40. TRUMBULL COUNTY JUVENILE COURT SPECIAL RULES OF PRACTICE FOR DELINQUENCY/UNRULY HEARINGS AND ADULT CONTRIBUTING HEARINGS.

- 40.01 COURT RECORDS.** Reports and records of the Probation Department and Trumbull County Children Services Board shall be considered confidential information and shall not be made available to the general public. The inspection of Court records by attorneys and other interested parties shall be governed by Rule 32(c) of the Ohio Rules of Juvenile Procedure. Any probation, social history, physical, or mental examination prepared at the direction of the Court shall not be copied by any party without leave of the Court. The

Court may limit or deny the inspection of said documents for good cause pursuant to Rule 32(c).

Family history files shall be considered confidential information and shall not be made public. Inspection by attorneys or any interested parties may be allowed by leave of the Court.

Record checks by counsel, law enforcement, and other agencies shall be directed to the Intake/Delinquency Department of this Court, which shall provide reasonable access to public records.

41.02. CONTINUANCES AND ADVANCEMENT. Requests for continuances shall be made in accordance with Supreme Court of Ohio Rules of Superintendence Rule 41 and Ohio Rules of Juvenile Procedure 19 and 23, and Local Rule 32.10.

No case will be continued on the day of the hearing except for good cause shown. Attorneys shall make reasonable efforts to have a contested request for continuance heard prior to the hearing date. If the Motion for Continuance is not granted, the case shall proceed to hearing as originally scheduled. Ruling on a continuance request may be reserved by the Court until the scheduled hearing date where continuances on the record are necessary to preserve service on the parties.

40.03 APPOINTMENT OF COUNSEL. The Court shall maintain a file with the names of attorneys who have requested or volunteered to accept appointments. The Court shall provide the name and telephone number of the appointed counsel to the party for whom counsel is appointed. The Court shall also provide notice of all future hearings to the appointed counsel.

Rates of compensation shall be determined by the Supreme Court or the Public Defender's office. In addition, reasonable and necessary expenses may be allowed, upon prior approval of the trial Judge or Magistrate. These expenses may include, but not be limited to, expert witness fees, polygraph costs, long distance telephone charges, photocopying, certain travel expenses, and other necessary items previously approved by the Court. The trial Judge and/or Magistrate may not allow reimbursement for fixed overhead expenses, court transcripts or depositions except as required by law.

Requests for extraordinary fees must be made by written motion and should be submitted with supporting information, including, but not limited to, all regular billing documents, to the assigned Judge or Magistrate.

All applications for fees and/or expenses are to be submitted on the forms approved and provided by the Court, within thirty (30) days of counsel's last activity on the case. It also is the responsibility of counsel to have an affidavit of indigency filed with the application for payment of fees. Any interim bills must be approved by the Judge.

40.04 DETENTION/SHELTER CARE HEARINGS. All juveniles received into detention or shelter care shall be brought before a Magistrate or Judge for a Detention/Shelter Care Hearing within twenty-four (24) hours except on weekends and holiday admissions, and then within seventy-two (72) hours.

An objection to detention may be filed in writing requesting a review by a Judge. The Judge shall set the matter as soon as possible.

Request for Detention/Shelter Care Hearings based upon new information shall be in writing and will be heard on the next court date, or as soon as practicable.

40.05 OBJECTIONS TO RECOMMENDATIONS OF MAGISTRATE. A recommendation of a Magistrate may be reviewed by the Judge of this Court by filing an Objection in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure.

The Objection shall be accompanied by a supporting memorandum. If a finding of fact or weight of the evidence is part or all of the basis for the Objection, a transcript of the testimony is necessary to support the Objection to the Magistrate's Report and must be filed with the Court by the moving party within fifteen (15) days after the filing of the Objection, unless the Judge, in writing, extends the time period. Partial transcripts may be permitted upon leave of the Court. Failure to file a transcript when one is required by this Rule is a basis for dismissal of the Objection.

Memorandum Contra to said Objections may be filed by any party within seven (7) days of the filing of said Objections, unless additional time is granted by the Court.

40.06 PHOTOGRAPHING AND BROADCASTING OF COURT PROCEEDINGS. The taking of photographs in the courtroom and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court. Court authorizations shall be governed by Canon 3 of the Code of Judicial Conduct, Superintendence Rule 12 and Ohio Revised Code Section 2151.35.

- A. Requests for permission to broadcast, televise, record or photograph in the courtroom shall be made in writing to the assigned Judge as far in advanced as reasonably practicable, but in no event, later than twenty four (24) hours prior to the courtroom session to be broadcast, recorded or photographed, unless otherwise permitted by the assigned Judge for good cause shown.
- B. The Court shall immediately attempt to inform counsel for all parties in the case of the media request. If time does not permit notification by mail, then notice by telephone or notification in person must be attempted. The intent of this Rule is to allow counsel for all parties an opportunity to be heard prior to the assigned Judge deciding the media request.

- C. In the event the assigned Judge approves the media request, the Judge shall prepare and sign a journal entry setting forth the conditions of the media broadcasting, televising, recording or photographing. This entry shall be made a part of the record of the case.
- D. Not more than one portable camera (television, videotape, digital or movie) per network will be permitted in the courtroom and same shall not be operated by more than one person, without authorization of the assigned Judge.
- E. Not more than one still photographer per each newsprint media, utilizing not more than two still cameras of professional quality with no more than two lenses per camera, shall be permitted in the courtroom without authorization of the assigned Judge.
- F. No portable recording devices may be used by the news media without the permission of the assigned Judge.
- G. Only professional video, photographic, and audio equipment which does not produce distracting sound or light shall be used to cover courtroom sessions. No artificial lighting device, other than that normally used in the courtroom shall be employed. No motor driven cameras shall be permitted.
- H. Audio pick-up by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located on the Judge's bench, witness stand, and jury rail. All microphones shall be visible, secured and unobtrusive.
- I. The television broadcast and still camera operators shall position themselves in a location in the courtroom, either standing or sitting, and shall assume a fixed position within that area. Once established in a shooting position, they shall not act as to bring attention to themselves through further movement. Operators shall not be permitted to move about the courtroom to obtain photographs or video.
- J. Television cameras, microphones and recording equipment shall not be placed in, moved during, or removed from the courtroom except prior to the commencement or after the adjournment of the session or during a recess. Neither television film, rolls, still camera film nor audio portable tape cassettes shall be changed within the courtroom except during a recess.
- K. Public courtroom decorum shall be maintained by all media participants, including, but not limited to, proper attire.
- L. There shall be no audio pick-up or broadcast of conferences conducted in the courtroom between counsel and clients, co-counsel or the Judge and counsel.

- M. Photographing, videotaping, or televising by any means the victim(s) of sexual assaults, or undercover police officers is strictly prohibited. The assigned Judge shall retain discretion to limit or prohibit photographing, videotaping or televising any juror, victim, witness, defendant, or counsel.
- N. No juvenile shall be photographed, videotaped or televised from the front or the side. All juveniles shall be photographed, videotaped, or televised only from behind.
- O. Upon the failure of any of the media representative(s) to comply with the conditions prescribed by the assigned Judge, the Rules of Superintendence of the Ohio Supreme Court, or this Rule, the Judge may revoke permission to broadcast, photograph or record the trial or hearing.

40.07 MOTIONS. All motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court. A motion shall be supported by a memorandum containing citations of authority and may also be supported by affidavit. All pretrial motions shall be set for oral hearing by the moving party and shall be scheduled with the Assignment Officer at the time of filing. Notice shall be made by the moving party on all other parties, including the Guardian ad Litem, if applicable. Oral hearing may be waived by agreement of the parties and the Judge or Magistrate.

Motions for contempt may contain additional requests for attorneys fees and reducing the arrearage to judgment. All other motions shall contain a single request for relief and shall not contain multiple or alternative requests for relief.

40.08 TRANSCRIPTS/RECORDING OF PROCEEDINGS. Pursuant to Rule 37 of the Ohio Rules of Juvenile Procedure, a complete record of all testimony or other oral proceedings shall be taken in shorthand, stenotype, or by any other adequate mechanical or electronic recording device.

No public use shall be made by any person, including a party, of any record or transcript thereof except in the course of the proceeding, an appeal, or as authorized by the Court.

The request for making of transcripts shall be filed with the Clerk of Courts pending the filing of a Notice of Appeal. The cost of same shall be as the Court determines at a per page amount, or an amount per tape. At the time of ordering the transcript, the ordering counsel or party shall arrange payment.

Requests for transcripts for the benefit for indigent parties shall be submitted to the Court and supported by an Order of the Court directing the transcript be prepared at public

expense. This Order shall serve in lieu of the deposit otherwise required.

40.09 DETAINERS. A detainer for a juvenile will be issued only upon the authorization of a Judge or Magistrate.

40.10 TRAFFIC OFFENDERS/MISDEMEANOR CITATIONS.

A. Traffic matters shall be heard by a court Magistrate, unless a hearing before a Judge is requested in writing, and the request is approved by the assigned Judge.

B. The following offenses require an appearance before the Court for adjudication:

- i. Minor misdemeanors filed on citations;
- ii. Second and subsequent moving violations within one year of the first citation and all third moving violations;
- iii. Reckless operation of a motor vehicle;
- iv. Leaving the scene of an accident;
- v. Fleeing a police officer;
- vi. Operating a motor vehicle while under the influence of drugs and/or alcohol.
- vii. Passing a loading or unloading school bus;
- viii. Operating a motor vehicle without a valid driver's license;
- ix. Operating a vehicle while under suspension or revocation;
- x. Offense involving serious injury or property damage;
- xi. Speeding in excess of fourteen (14) m.p.h. over the posted speed limit;
- xii. Drag racing;
- xiii. Riding/transporting outside the vehicle; and
- xiv. The Court reserves the right to set a hearing on any matter before a Judge or Magistrate.

C. Upon determination of the Juvenile Clerk's office that a mandatory appearance is

not required, a juvenile traffic offender may elect to proceed without a court appearance upon the following conditions:

- i. That a parent, guardian or attorney must be present with the offender, and a waiver must be executed. Said waiver shall constitute an admission to the facts as alleged in the complaint and to the traffic violation. It further will constitute a waiver of the right to trial, the right to confront and cross-examine witnesses against the offender, the right to remain silent, and the right to counsel. Upon said admission and waiver, a fine shall be assessed by the Court in accordance with the schedules established by the Court.

40.11 EXPUNGEMENTS. All expungements shall be made in accordance with Section 2151.358 of the Ohio Revised Code. Any person seeking expungement of juvenile matters shall file a Motion of Expungement with the Clerk of Courts. After notice to the Prosecutor's office, the Court shall conduct a hearing to determine whether the expungement should be granted. If the Motion for Expungement is granted, the Clerk of Courts shall notify all appropriate court departments and law enforcement agencies.

40.12 MAGISTRATE HEARINGS. Magistrates shall conduct arraignments in adult criminal proceedings under criminal Rules 10 and 19, and shall conduct hearings in complaints initiated in the Juvenile Branch for custody, delinquency, unruliness, parentage, juvenile traffic offenses, and for abuse, neglect and dependency. In addition to the above duties, Magistrates shall hear the following matters:

- A. All Motions, except probable cause and amenability hearings conducted in proceedings to transfer jurisdiction for purposes of criminal prosecution pursuant to Juvenile Rule 30 and Ohio Revised Code 2151.26;
- B. Contempt citations, unless assigned before the Judge
- C. All hearings under 3113.21 of the Ohio Revised Code, including objections to CSEA administrative determination;
- D. Motions for relief from judgment which were journalized by the Court without hearing following a CSEA administrative hearing;
- E. Objections to administrative parentage determinations filed pursuant to 3111.22(D) of the Ohio Revised Code;
- F. Applications to expunge or seal a juvenile record; and/or
- G. Any other hearing the Judge deems appropriate and is allowed by law.

40.13 ASSIGNMENT OF CASES. Upon the original filing of a case, the case shall be assigned by lot to a specific Judge of the Court. A case that is reactivated by motion or complaint shall be assigned to the original Judge.

In any instance where a previously filed and dismissed case is re-filed, that case shall be reassigned to the original Judge assigned to hear the case, unless good cause is shown, that the Judge is precluded from hearing the case. When a Judge leaves the Court his or her cases will be assigned to his or her successor.

Once assigned a case, the assigned Judge becomes primarily responsible for the determination of every issue and proceeding in the case. All preliminary matters, including, but not limited to, requests for continuances, must be submitted for disposition to the Judge to whom the case is assigned.

None of the above language shall be construed to limit the reference of cases to Magistrates pursuant to Juvenile Rule 40, Civil Rule 53, or Local Rule 40.12.

40.14 JURIES AND JURORS. The Trumbull County Domestic Relations Court, Juvenile Division, will participate in the jury system as established, administered and operated by the Trumbull County Court of Common Pleas.

RULE 41. SECURITY.

Pursuant to Rule 9 of the Rules of Superintendence for Ohio Courts, the Court has implemented a local security policy and procedure plan, which addresses the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17th, 1994.

All persons entering the Court shall pass through a security checkpoint and have all packages large enough to conceal a weapon or dangerous ordinance pass through an x-ray machine. No weapons or other instrument, ordinance or device which may cause bodily harm will be permitted into the Court, except that law enforcement officers acting within the scope of their employment as a witness or on official business shall be allowed to carry their official sidearm. Law enforcement officers appearing on their own case will be not allowed to carry a weapon or dangerous ordinance into the Court.